# 2040 General Plan

## Draft Environmental Impact Report


*prepared by*

**Town of Los Gatos**
Planning Division, Department of Community Development
110 East Main Street
Los Gatos, California 95030
*Contact: Jennifer Armer, Senior Planner*

*prepared with the assistance of*

**Rincon Consultants, Inc.**
449 15th Street, Suite 303
Oakland, California 94612


**July 2021**


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Environmental Scientists | Planners | Engineers
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# Executive Summary

The section summarizes the characteristics of the 2040 General Plan, as well as the 2040 General Plan's environmental impacts and recommended mitigation measures.

## Project Synopsis

### Project Applicant

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### Project Location

Los Gatos is in Santa Clara County, south of the San Francisco Bay. The Town is bounded by Campbell on the north, Saratoga and Monte Sereno on the west, San Jose on the east, and unincorporated land on the south. There are several unincorporated islands located throughout the Town. The Town's incorporated area covers 11.46 square miles. Its Urban Service Area, which includes both incorporated and unincorporated areas, is 11.44 square miles. The Town's SOI is 18.26 square miles. The Planning Area for the 2040 General Plan is all land area within the Town's SOI, and therefore also serves as the "General Plan Area" for the purposes of this EIR.

### Project Description

The 2040 General Plan is a comprehensive update of the Town's 2020 General Plan and establishes the community's vision for future development of the Town over the next 20 years. As part of the general plan process, the 2040 General Plan has been reorganized and reformatted, with updated goals and policies that reflect the community's vision of Los Gatos. The Town's General Plan Land Use Map has also been updated to reflect the community's vision and three themes that thread through the 2040 General Plan: growth management, sustainability and resiliency, and community health and well-being.

State law (Government Code Sections 65300 through 65303.4) sets forth the requirement for each municipality to adopt and periodically update its General Plan, and sets the requirement that a General Plan include the following eight mandatory subject areas, or "elements": Land Use, Circulation, Housing, Open Space, Conservation, Noise, Safety, and Environmental Justice. State law also allows for optional elements that can be organized or combined at the Town's discretion. As described below, the 2040 General Plan has been organized into the following eight updated

elements: Community Design; Environment and Sustainability; Hazards and Safety; Land Use; Mobility; Open Space, Parks, and Recreation; Public Facilities, Services, and Infrastructure; and Racial, Social, and Environmental Justice Element. Together, these elements cover all topics required to be included in a General Plan under State law, as described above. Each element describes the existing conditions and context for its related topic areas, followed by goals, policies, and implementation programs to guide the Town's management and development through 2040.

The 2040 General Plan would emphasize infill and reuse development within the Town limits with a focus on increasing opportunities for housing development in key areas of the Town through increased density and mixed-use projects where appropriate. New development would occur primarily where existing roads, water, and sewer are in place and in a manner that would minimize the impact of development on existing infrastructure and services.

The 2040 General Plan also provides the policy framework to guide future development toward land uses that support walking and biking. The 2040 General Plan places a greater emphasis on reestablishing more complete neighborhood areas that meet the daily needs of residents to be located within a one-mile distance. Focus areas for growth in Los Gatos include Pollard Road, Winchester Boulevard, Lark Avenue, Los Gatos Boulevard, Union Avenue, Harwood Road, North Santa Cruz Avenue, and Downtown.

## Project Objectives

The 2040 General Plan presents a vision for the future of Los Gatos and a set of guiding principles for how the Town will achieve that vision. This vision and guiding principles capture the Town's key values and aspirations for the future. They reflect the collective ideas from community members and Town leaders that provided input to help shape the 2040 General Plan.

The 2040 General Plan vision for the future is as follows:

> *The Town of Los Gatos is a welcoming, family-oriented, and safe community nestled in the beautiful foothills of the Santa Cruz Mountains. The Town is a sustainable community that takes pride in its small-town character and provides a range of housing opportunities, historic neighborhoods, local culture and arts, excellent schools, and a lively and accessible downtown. Los Gatos offers a choice of mobility options, superior public facilities and services, and an open and responsive local government that is fiscally sound. Los Gatos has a dynamic and thriving economy that includes a mix of businesses throughout Town that serves all residents, workers, and visitors.*

The 2040 General Plan sets the guiding principles for the Town. The guiding principles are contained within the 2040 General Plan Introduction and listed below:

- **Community Vitality.** Invigorate downtown Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors. Foster the economic vitality of all Los Gatos business locations. Preserve and enhance the Town's historic resources and character while guiding the community into the future.
- **Diverse Neighborhoods.** Foster appropriate investments to maintain and enhance diverse neighborhoods, housing opportunities, and infrastructure to meet the needs of all current and future residents.
- **Fiscal Stability / Responsibility.** Provide high quality municipal services to the Los Gatos community while sustaining the Town's long term fiscal health.

- **Government Transparency.** Conduct governmental processes in an open manner and encourage public involvement in Town governance.
- **Inclusivity.** Recognize the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.
- **Mobility.** Provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.
- **Promote Public Safety.** Maintain and enhance Los Gatos as a safe community through preparation and planning, education, and community design that is responsive to the full range of potential natural and man-made hazards and safety issues.
- **Protect Natural Resources.** Protect the natural resources and scenic assets that define Los Gatos, including open space preserves, recreational trails, surrounding hillsides, and natural waterways.
- **Sustainability.** Manage, conserve, and preserve Los Gatos' natural environment for present and future generations. Identify and provide opportunities to enhance the Town' s sustainability policies and practices.

## Required Discretionary Approvals

With recommendations from the Town's Planning Commission, the Los Gatos Town Council will need to take the following discretionary actions in conjunction with the proposed project:

- Certification of the Final EIR; and
- Approval of the proposed 2040 General Plan.

Los Gatos adopted its current Housing Element on May 5, 2015, covering the period 2015-2023. This Housing Element was submitted to the California Department of Housing and Community Development (HCD) for review and comment, and the Town received certification of the Housing Element from HCD on May 20, 2015. The 2040 General Plan Update does not make any changes to the Housing Element policies at this time.

## Alternatives

As required by Section 15126(d) of the State CEQA Guidelines, this EIR examines a reasonable range of alternatives to the 2040 General Plan. The alternatives studied in the EIR include the following:

- Alternative 1: Low Growth
- Alternative 2: Medium Growth
- Alternative 3: High Growth
- Alternative 4: No Project

As part of the land use scenarios as originally presented in the 2040 General Plan Land Use Alternatives Report, the alternatives were focused around seven Opportunity Areas (OA) in the Planning Area. The OA's were identified as having the capacity to accommodate additional residential density because of the proximity of commercial services or employment to support additional development. As discussed further in Chapter 2, *Project Description*, these Opportunity Areas are areas focused on major corridors in Los Gatos that may provide for mixed-use or single-use development of a variety of densities and intensities. Each Opportunity Area is centered on a major intersection or corridor and extends generally a quarter mile in all directions. Although there

are opportunities in locations throughout Town, these seven Opportunity Areas have been selected because they have the existing infrastructure necessary to reasonably assume that each can support additional housing units. Due to the complex regulatory structure the OA's would require, the GPAC in consultation with Town staff, the Planning Commission, and Town Council decided to rework the original alternative scenario framework. This alternative approach eliminated the OA's relating to density and instead applied these to specific areas within Town that would have unique urban design and architectural applications.

In addition, the California Environmental Quality Act (CEQA) requires that an environmentally superior alternative be identified among those analyzed. When taking into account every environmental impact area, Alternative 2, Medium Growth, is considered the environmentally superior alternative.

## Residential Buildout Potential

In accordance with CEQA, a program-level EIR is obligated to analyze the maximum potential buildout allowed under the subject plan or program. It has been calculated that the Los Gatos 2040 General Plan accommodates a potential for 3,738 dwelling units by the year 2040, and the EIR has used this figure to calculate and project environmental impacts. The 3,738 dwelling unit number includes six main components:

1. Projects that are currently in the pipeline for development and that have had initial approval by the Town total 475 units;
2. Potential development on vacant land totals 804 units;
3. Potential redevelopment of dwellings in mixed-use formats at select underutilized commercial and industrially designated sites, totals 1,264 units;
4. Potential redevelopment of medium to high density housing on existing sites, totals 611 units;
5. Potential development of missing middle housing in existing neighborhoods, totals 84 units;
6. Potential development of accessory dwelling units within residential districts consistent with State Law throughout the Town, totals 500 units.

It is important to note that there is no guarantee that all of the allowable residential potential in the proposed 2040 General Plan will actually be built because construction is done by private land owners subject to market forces (such as land prices, construction costs, etc.).

## Areas of Known Controversy

The EIR scoping process did not identify any areas of known controversy related to the proposed project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the Town are summarized in Section 1.0, *Introduction*.

## Summary of Impacts and Mitigation Measures

Table ES-1 lists the environmental impacts of the proposed 2040 General Plan, the proposed mitigation measures, and residual impacts or significance after mitigation. Impacts are defined as significant, unavoidable adverse impacts that require a statement of overriding consideration, pursuant to Section 15093 of the *CEQA Guidelines* if the proposed 2040 General Plan is approved; significant, adverse impacts that can be feasibly mitigated to less than significant levels and that require findings to be made under Section 15091 of the *CEQA Guidelines*; adverse impacts that are

less than those allowed by adopted significance thresholds; and no impact.

**Table ES-1 Summary of Environmental Impacts and Mitigation Measures**

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Aesthetics** | | |
| **Impact AES-1**. The 2040 General Plan will facilitate a higher percentage of growth through redevelopment of lands that have development potential opposed to vacant land. Adherence with goals and policies in the 2040 General Plan would ensure visual access to natural features surrounding the Town. With adherence to these policies, impacts on scenic vistas would be less than significant. | None required | Less than significant |
| **Impact AES-2.** There are no designated State scenic highways in Los Gatos. The 2040 General Plan would not facilitate new land uses or growth in areas of the Town adjacent to State Route 9, a designated State scenic highway. Therefore, the 2040 General Plan would have no impact. | None required | No impact |
| **Impact AES-3**. Goals and policies from the 2040 General Plan indicate that development would integrate into the community visually and protect and enhance the neighborhoods in which development occurs. Adherence to the prescribed goals and policies in the Land Use and Community Design Elements of the 2040 General Plan for new construction, parking, gateways, and streetscapes would direct the quality of the Town's visual character such that the changes would achieve 2040 General Plan goals to improve overall visual quality throughout the planning area. Impacts to visual character and quality would be less than significant. | None required | Less than significant |
| **Impact AES-4.** New development facilitated by the 2040 General Plan would result in new sources of light and glare. New development would occur in already urbanized areas of the Town, where lights are glare are already common. Light and glare would also be minimized by the 2040 General Plan policies. Impacts would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Agriculture and Forest Resources** | | |
| **Impact AG-1.** Development proposed in the 2040 General Plan is designed to encourage the continued operation of existing agriculture in and surrounding the Town and would not result in the conversion of active agricultural land. Therefore, impacts would be less than significant. | None required | Less than significant |
| **Air Quality** | | |
| **Impact AQ-1.** The 2040 General Plan would be consistent with BAAQMD's 2017 Clean Air Plan, and the rate of increase for vehicle miles traveled under buildout of the 2040 General Plan would not exceed the rate of service population increase associated with the 2040 General Plan. This impact would be less than significant. | None required | Less than significant |
| **Impact AQ-2**. Development facilitated by the 2040 General Plan would result in the temporary generation of air pollutants during construction, which may contribute to existing air quality violations in the Basin. Therefore, impacts would be less than significant with mitigation. | **AQ-1 Construction Emissions Reduction.** New discretionary projects in the General Plan Area that exceed the construction screening criteria of the Bay Area Air Quality Management District (BAAQMD) shall be conditioned to reduce construction emissions of reactive organic gases, nitrogen oxides, and particulate matter ($PM_{10}$ and $PM_{2.5}$) by implementing the BAAQMD's Basic Construction Mitigation Measures (described below) or equivalent, expanded, or modified measures based on project and site specific conditions.<br>Basic Construction Mitigation Measures:<br>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible.<br>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.<br>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited.<br>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.<br>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.<br>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| | Clear signage shall be provided for construction workers at all access points.<br>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.<br>8. A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. | |
| **Impact AQ-3.** Buildout of the 2040 General Plan may expose sensitive receptors to additional sources of toxic air contaminants. However, implementation of policies from the 2040 General Plan would require new developments to reduce exposure to toxic air contaminants. Impacts would be less than significant. | None required | Less than significant |
| **Impact AQ-4**. The light industrial development allowed in the 2040 General Plan may create objectionable odors that could affect a substantial number of people. Impacts related to odors would be less than significant with mitigation. | **AQ-2 Odor Reduction.** Land Use Element Policy LU-11.5 Industrial Compatibility shall be updated in the 2040 General Plan to read:<br>*Require that industrial projects be designed to limit the impact of truck traffic, air, odor, and noise pollution on adjacent sensitive land uses.* | Less than significant |
| **Biological Resources** | | |
| **Impact BIO-1.** Development facilitated by the 2040 General Plan could result in isolated impacts to habitat for special-status species and impacts to migratory bird nest sites. Impacts would be less than significant. | None required | Less than significant |
| **Impact BIO-2.** The 2040 General Plan would facilitate development that could result in construction within riparian habitat, and direct placement of fill in wetlands. However, compliance with existing regulations, and implementation of 2040 General Plan policies would reduce potential impacts to less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact BIO-3.** Development facilitated by the 2040 General Plan could result in construction within streams and associated riparian zones that serve as wildlife movement corridors. However, implementation of 2040 General Plan policies preserving streams and wildlife movement corridors, as well as open space would reduce impacts to less than significant. | None required | Less than significant |
| **Impact BIO-4.** Development facilitated by the 2040 General Plan would result in removal of trees. However, the 2040 General Plan policies encourage tree preservation and replacement. Development would also be subject to tree protection requirements set for in the Town Code. Impacts would be less than significant. | None required | Less than significant |
| **Impact BIO-5.** There are no Habitat Conservation Plans or Natural Community Conservation Plans applicable to the 2040 General Plan. Therefore the 2040 General Plan would have no impacts. | None required | No impact |
| **Cultural Resources** | | |
| **Impact CUL-1**. Development facilitated by the 2040 General Plan would have the potential to impact historical resources and unique archaeological resources. Impacts would be potentially significant but mitigable. | **CR-1 Cultural Resources Study Implementation Program.** If a project requires activities that have the potential to impact cultural resources, the Town shall require the project applicant or proponent to retain a qualified archaeologist meeting the Secretary of the Interior's (SOI) Professional Qualification Standards (PQS) in archaeology and/or an architectural historian meeting the SOI PQS standards in architectural history to complete a Phase 1 cultural resources inventory of the project site (NPS 1983). A Phase 1 cultural resources inventory shall include a pedestrian survey of the project site and sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research shall include a records search conducted at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search conducted with the Native American Heritage Commission (NAHC). The technical report documenting the Phase 1 cultural resources inventory shall include recommendations to avoid or reduce impacts to cultural resources. These recommendations shall be implemented and incorporated in the project. | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact CUL-2.** Development envisioned in the 2040 General Plan would require ground disturbance that could encounter human remains. Implementation of 2040 General Plan policies and compliance with existing regulations would reduce potential impacts to human remains to less than significant. | None required | Less than significant |
| **Impact CUL-3.** Development envisioned in the 2040 General Plan could involve ground disturbance and excavation, which would have the potential to impact previously unidentified tribal cultural resources. However, with adherence to policies contained in the 2040 General Plan and compliance with existing regulations would, impacts to tribal cultural resources would be less than significant. | None required | Less than significant |
| **Energy** | | |
| **Impact E-1.** The development and population growth facilitated by the 2040 General Plan would result in an increase of overall consumption of energy compared to existing conditions. However, the 2040 General Plan is based on a land use strategy that would promote greater overall energy efficiency in community and municipal operations. 2040 General Plan policies and implementation programs would ensure that development under the 2040 General Plan would comply with existing energy efficiency regulations and would encourage new development to take advantage of voluntary energy efficiency programs. Wasteful, inefficient, or unnecessary consumption of energy would not occur and impacts would be less than significant. | None required | Less than significant |
| **Impact E-2.** Construction and operation of projects facilitated by the 2040 General Plan would comply with relevant provisions of the State's CalGreen and Title 24 of the California Energy Code. Impacts would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Geology and Soils** | | |
| **Impact GEO-1.** Construction and occupancy of new buildings under the 2040 General Plan could result in exposure of people or structures to a risk of loss, injury, or death from seismic events. Adherence to the requirements of the California Building Code and implementation of the goals and policies of the 2040 General Plan would minimize the potential for loss, injury, or death following a seismic event and would reduce this impact to less than significant. | None required | Less than significant |
| **Impact GEO-2.** Construction of new development under the 2040 General Plan would include ground disturbance that would result in loose or exposed soil that could be eroded by wind or during a storm event, resulting in the loss of topsoil. Compliance with applicable regulations, including the Clean Water Act, and implementation of goals and policies of the 2040 General Plan would minimize the potential for erosion and loss of topsoil and would ensure this impact would be less than significant. | None required | Less than significant |
| **Impact GEO-3**. Development facilitated by the 2040 General Plan may result in the construction of structures on expansive soils, which could create a substantial risk to life or property. However, all new development would be required to comply with the standards of the California Building Code, which would ensure that expansive soils are remediated or that foundations and structures are engineered to withstand the forces of expansive soil. Compliance with the requirements of the California Building Code would reduce this impact to less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact GEO-4.** New development facilitated by the General Plan update would occur where existing sewer systems are in place, minimizing the need for development of new wastewater disposal systems. Therefore, the project would not result in a significant impact to soils that are incapable of supporting septic tanks or alternative wastewater disposal systems. | None required | Less than significant |
| **Impact GEO-5.** Development facilitated by the 2040 General Plan has the potential to result in impacts to paleontological resources. Impacts would be less than significant with mitigation incorporated. | **GEO-1 Paleontological Resource Studies**. The Town shall require paleontological resource studies for projects that involve ground disturbance in project areas mapped as high paleontological sensitivity at the surface or subsurface determined through environmental review. Additionally, in the event that a paleontological resource is disclosed, construction activities in the area shall be suspended, a qualified paleontologist shall be retained to examine the site, and protective measures shall be implemented to protect the paleontological resource. | Less than significant |
| **Greenhouse Gas Emissions** | | |
| **Impact GHG-1.** Implementation of 2040 General Plan would generate annual GHG emissions of approximately 323,446 MT of $CO_2e$ per year, or 5.29 MT of $CO_2e$ per service person per year, in 2040. This would exceed the 2040 efficiency threshold of 1.02 MT of $CO_2e$ per service person per year. Even with implementation of mitigation, GHG emissions would not be reduced to below the efficiency threshold. Therefore, impacts would be significant and unavoidable with mitigation. | **GHG-1 Implement Community GHG Emissions Reduction Measures**. The Town shall implement GHG emissions reduction measures by the following sectors: Energy, Transportation, and Waste. Further details regarding measures and their specifics can be found in Section 4.8, *Greenhouse Gas Emissions*, of this EIR. | Even with implementation of Mitigation Measure GHG-1, the 2040 General Plan would result in emissions that exceed GHG efficiency thresholds and, thus, State targets. Therefore, with implementation of the identified mitigation measures, impacts related to generation of GHG emissions under the proposed 2040 General Plan would be significant and unavoidable with mitigation incorporated. |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact GHG-2.** The proposed 2040 General Plan emissions during construction and operation would exceed the State and Town-derived GHG emission targets. Therefore, the proposed 2040 General Plan would conflict with the goals of the CARB 2017 Scoping Plan, SB 32, and EO B-55-18. Therefore, impacts would be significant and unavoidable with mitigation. | **GHG-1 Implement Community GHG Emissions Reduction Measures** require further details regarding measures and their specifics can be found in Section 4.8, *Greenhouse Gas Emissions*, of this EIR. | Even with implementation of Mitigation Measure GHG-1 requiring community GHG reduction measures, the proposed 2040 General Plan would result in GHG emissions that exceed the 2030 and 2040 Los Gatos efficiency thresholds and, thus, State targets. Therefore, with implementation of the identified mitigation, impacts related to the proposed 2040 General Plan consistency with applicable GHG reduction plans would be significant and unavoidable with mitigation incorporated. |
| **Hazards and Hazardous Materials** | | |
| **Impact HAZ-1.** Implementation of the 2040 General Plan could result in an incremental increase in the overall routine transport, use, and disposal of hazardous materials in Los Gatos and increase the risk of hazardous materials releases. Compliance with applicable regulations related to hazardous materials and compliance with General Plan policies would minimize the risk of releases and exposure to these materials. Impacts would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact HAZ-2.** Implementation of the 2040 General Plan could result in hazardous emissions or handling of hazardous or acutely hazardous materials within 0.25 mile of an existing or proposed school, but compliance with existing regulatory requirements would minimize risks to schools and students, resulting in a less than significant impact. | None required | Less than significant |
| **Impact HAZ-3.** Implementation of the 2040 General Plan could facilitate development on hazardous materials sites. Compliance with applicable regulations relating to site cleanup and the 2040 General Plan policies would minimize hazards from development on contaminated sites. Impacts would be less than significant. | None required | Less than significant |
| **Impact HAZ-4.** There are no airports within two miles of Los Gatos and the Town is not in an airport influence area. There would be no impact. | None required | No impact |
| **Impact HAZ-5.** The 2040 General Plan policies for disaster response are guided by local and regional emergency response plans and support effective response to natural and manmade disasters. Therefore, the 2040 General Plan would not interfere with these types of adopted plans and impacts would be less than significant. | None required | Less than significant |
| **Hydrology and Water Quality** | | |
| **Impact HWQ-1.** Development facilitated by the 2040 General Plan would result in an increase in pollutants in stormwater and wastewater, and alter drainage patterns. Compliance with NPDES permit requirements, Los Gatos Municipal Code requirements, and 2040 General Plan goals and policies would prevent substantial erosion and siltation, and discharges of pollutants, including pollution associated with drainage, erosion, and stormwater, and minimize adverse effects on water quality. This impact would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact HWQ-2.** Construction and occupancy of new structures under the 2040 General Plan could result in the depletion of groundwater supplies or the interference with groundwater recharge. Implementation of the goals and policies of the 2040 General Plan would maximize the potential for infiltration and ensure the sustainable use of groundwater, and would reduce this impact to less than significant. | None required | Less than significant |
| **Impact HWQ-3.** Development facilitated by the 2040 General Plan could be subject to flood hazards and could impede or redirect flood flows to adjacent areas. Compliance with applicable provisions of the Los Gatos Municipal Code would require new development to be designed and constructed such that the risk and damage of flooding is not exacerbated by implementation of the 2040 General Plan. Impacts related to flooding and flood hazards would be less than significant. | None required | Less than significant |
| **Impact HWQ-4.** The Town of Los Gatos is not within an area at risk from inundation by seiche or tsunami, and therefore would not be at risk of release of pollutants due to project inundation. There would be no impact. | None required | No impact |
| **Land Use and Planning** | | |
| **Impact LU-1.** Implementation of the proposed General Plan would provide for orderly development in the Town of Los Gatos and would not physically divide an established community. Impacts would be less than significant. | None required | Less than significant |
| **Impact LU-2.** Implementation of the proposed project would be generally consistent with applicable regional land use plans, policies, or regulations such as ABAG/MTC's Plan Bay Area 2040. Impacts would be less than significant. | None required | Less than significant |
| **Impact LU-3.** Implementation of the proposed project would not conflict with existing Specific Plans, Overlay Zones, or Historic Districts. Impacts would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact LU-4.** There are no Habitat Conservation Plans or Natural Community Conservation Plans applicable to the 2040 General Plan. Therefore the 2040 General Plan would have no impacts. | None required | No impact |
| **Noise** | | |
| **Impact N-1.** Construction of individual projects facilitated by the 2040 General Plan would temporarily generate increased noise levels, potentially affecting nearby noise-sensitive land uses. Provisions in the Los Gatos Town Code and 2040 General Plan policies would limit noise disturbance to the extent feasible. Construction noise may still exceed noise standards temporarily, but exceedances would not be substantial. Impacts would be less than significant with mitigation. | **N-1 Construction Noise Reduction**. For projects involving construction equipment that are located within 25 feet of noise-sensitive receptors the following mitigation would be required:<br>▪ **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.<br>▪ **Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.<br>▪ **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.<br>▪ **Additional Noise Attenuation Techniques.** During the clearing, earth moving, grading, and foundation/conditioning phases of construction, temporary sound barriers shall be installed and maintained between the construction site and the sensitive receptors. Temporary sound barriers shall consist of sound blankets affixed to construction fencing or temporary solid walls along all sides of the construction site boundary facing potentially sensitive receptors. | With implementation of 2040 General Plan policies, Los Gatos Town Code requirements, and Mitigation Measure N-1, impacts would be reduced to less than significant. |
| **Impact N-2.** Development facilitated by the 2040 General Plan would introduce new on-site noise sources associated with residential, commercial, and industrial land uses and would contribute to increases in traffic noise. The continued regulation of on-site noise, consistent with the Los Gatos Town Code, and implementation of goals and policies in the 2040 General Plan would minimize disturbance to adjacent land uses. Impacts would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact N-3.** Construction of individual projects facilitated by the 2040 General Plan could temporarily generate groundborne vibration, potentially affecting nearby land uses. Compliance with the Los Gatos Town Code would limit vibration disturbance on residential receptors and hotels where sleeping receptors could be present. Impacts would be potentially significant but mitigable. | **N-2 Construction Vibration Reduction**. The Town shall include the following measures as standard conditions of approval for applicable projects involving construction to minimize exposure to construction vibration:<br>1. Avoid the use of vibratory rollers (i.e., compactors) within 50 feet of buildings that are susceptible to damage from vibration.<br>2. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006).<br>3. Notify neighbors of scheduled construction activities that would generate vibration. | Implementation of Mitigation Measure N-2 would reduce potential impacts to a less than significant level. |
| **Population and Housing** | | |
| **Impact PH-1.** Implementation of General Plan 2040 would facilitate the construction of new housing in Los Gatos that could increase Town's population in excess of ABAG population forecasts. Current growth and development trends in Los Gatos do not predict full buildout and impacts would be less than significant. | None required | Less than significant |
| **Impact PH-2.** Implementation of General Plan 2040 would not result in the displacement of substantial numbers of housing or people. To the contrary, General Plan 2040 would facilitate the development of new housing in accordance with State and local housing requirements, while preserving existing residential neighborhoods. Impacts would be less than significant. | None required | Less than significant |
| **Public Services and Recreation** | | |
| **Impact PSR-1.** Development facilitated by the 2040 General Plan would result in an increase in the Town's population. This would increase demand for fire, police, school, and other Town services and potentially create the need for new police, fire, school, or other service facilities. However, compliance with policies in the 2040 General Plan, payment of Town required public facilities impact fees, and management of future growth would avoid adverse environmental effects associated with the provision of new or physically altered fire, police, | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| school, or other public facilities. This impact would be less than significant. | | |
| **Impact PSR-2.** Development associated with the 2040 General Plan would add population to the Town that would increase use of parks and recreation facilities. However, park facilities have adequate capacity and with compliance with the 2040 General Plan policies, impacts related to construction of park facilities would be less than significant. | None required | Less than significant |
| **Transportation** | | |
| **Impact T-1.** Development and growth envisioned in the 2040 General Plan would increase use and demand of existing transit, roadway, bicycle, and pedestrian facilities in Los Gatos. The 2040 General Plan includes goals and policies that would encourage transit use and bicycling and walking while also encouraging development or expansion of existing facilities to accommodate increased use. Therefore, impacts of the 2040 General Plan would be less than significant. | None required | Less than significant |
| **Impact T-2.** Development and population growth facilitated by the 2040 General Plan would increase VMT in Los Gatos. VMT per service population in 2040 would exceed applicable thresholds specific to the Town. Therefore, the 2040 General Plan would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be significant and unavoidable. | **T-1 VMT Reduction Strategies**. For projects that would generate VMT, one or more VMT reduction strategies included in the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) document shall be required to reduce VMT of the project. Examples of VMT reduction strategies that shall be implement are provided in Section 4.15, *Transportation*. The VMT reduction strategies are organized by their relative scale for implementation (i.e., individual site level, Town-wide level, and regional level). | As described in the impact analysis of Section 4.15, *Transportation*, VMT impacts of the 2040 General Plan would be significant and unavoidable, even after implementation of mitigation. |
| **Impact T-3.** The proposed 2040 General Plan is a program-level plan that does not directly address project-level design features. Roadway improvements and site access measures would be designed and reviewed in accordance with Town standards. This impact would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Impact T-4.** The proposed 2040 General Plan identifies circulation improvements and policies that would support emergency access throughout Los Gatos. This impact would be less than significant. | None required | Less than significant |
| **Utilities and Service Systems** | | |
| **Impact U-1.** Development facilitated by the 2040 General Plan would increase the demand for water supply and water infrastructure. However, the San Jose Water Company projects that Town water supply is sufficient to meet the projected water demand under buildout associated with the 2040 General Plan. This impact would be less that significant. | None required | Less than significant |
| **Impact U-2.** Development facilitated by the 2040 General Plan would increase demand for wastewater collection and treatment. However, goals and policies in the 2040 General Plan would ensure sufficient wastewater treatment capacity. Impacts would be less than significant. | None required | Less than significant |
| **Impact U-3.** Development facilitated by the 2040 General Plan would increase the demand for electric power, natural gas, telecommunications, and stormwater facilities. However, development facilitated by the 2040 General Plan would occur in developed areas of the Town where these facilities exist and relocation, if applicable, would generally occur in previously disturbed or developed areas. This impact would be less that significant. | None required | Less than significant |
| **Impact U-4.** Development facilitated by the 2040 General Plan would increase waste sent to area landfills. However, landfills serving the Town of Los Gatos would have adequate capacity to accept the additional waste. Further, the 2040 General Plan contains policies to increase recycling. Impacts would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure (s) | Residual Impact |
|---|---|---|
| **Wildfire** | | |
| **Impact W-1.** The proposed 2040 General Plan policies address emergency access, response, and preparedness. The policies enforce maintaining an emergency management plan. Therefore, the 2040 General Plan would not impair an emergency response plan or emergency evacuation plan. Impacts would be less than significant. | None required | Less than significant |
| **Impact W-2.** The 2040 General Plan does not facilitate urban development in areas most susceptible to wildfire. Prevailing wind and slopes could potentially spread fire and related pollution towards where urban development is envisioned. Flooding or landslides would be minimized through strategic land use planning. Additionally, the 2040 General Plan includes policies that would reduce the risk wildfire and landslides for development facilitated by the plan. Impacts would be less than significant. | None required | Less than significant |
| **Impact W-3.** The 2040 General Plan facilitates growth primarily as infill and redevelopment within urbanized areas of the Town where infrastructure and roads currently exist. The General Plan policies require maintenance of fire access roads, which could have temporary or ongoing noise impacts and vegetation removal impacts. Impacts would be less than significant. | None required | Less than significant |

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# 1 Introduction

This Environmental Impact Report (EIR) examines the potential environmental effects of the proposed Los Gatos 2040 General Plan update, hereafter referred to as the proposed project or the 2040 General Plan. This section describes the environmental review process and legal basis for preparing an EIR in compliance with the California Environmental Quality Act (CEQA).

## 1.1 Environmental Impact Report Background

The General Plan establishes the community's vision for the future development of the Town of Los Gatos planning area and provides comprehensive polices relating to Community Design; Environment and Sustainability; Hazards and Safety; Land Use; Mobility; Open Space, Parks, and Recreation; Public Facilities, Services, and Infrastructure; and Racial, Social, and Environmental Justice. The 2040 General Plan also provides comprehensive polices for certain discreet areas of Los Gatos, including key infill areas and districts with important existing features that require special attention to preserve and protect.

This section of the EIR:

1. Describes the purpose of and legal authority of the EIR;
2. Describes the intended uses of the EIR;
3. Summarizes the purpose of the program EIR;
4. Lists the EIR content and format;
5. Provides an overview of the 2040 General Plan;
6. Describes the public review and participation process;
7. Summarizes the scope and content of the EIR;
8. Lists lead, responsible, and trustee agencies for the EIR; and
9. Provides a summary of the environmental review process required under CEQA.

The proposed project is described in detail in Section 2, *Project Description*.

## 1.2 Statement of Purpose

This EIR has been prepared in compliance with the CEQA Statutes and Guidelines (see CEQA Guidelines Section 15121(a)). In general, the purpose of an EIR is to:

1. Analyze the environmental effects of the adoption and implementation of the project;
2. Inform decision-makers, responsible and trustee agencies, and members of the public as to the range of the environmental impacts of the project;
3. Recommend a set of measures to mitigate significant adverse impacts; and
4. Analyze a range of reasonable alternatives to the proposed project.

As the lead agency for preparing this EIR, the Town of Los Gatos will rely on the EIR analysis of environmental effects in their review and consideration of the proposed 2040 General Plan prior to taking action on the project.

# 1.3 The Program EIR

This EIR has been prepared in accordance with CEQA and the *State CEQA Guidelines*. In accordance with Section 15121 (a) of the *State CEQA Guidelines* (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

> "Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. "

This EIR is organized as and fulfills the requirements for a Program EIR. Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are by necessity more general and may contain a more wide-ranging discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in Section 15168 of the *State CEQA Guidelines*, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the Town in its role as lead agency with the opportunity to consider broad policy alternatives and program-wide mitigation measures. It also provides the Town with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways. By its nature, a Program EIR considers the broad effects associated with implementing a program (such as a General Plan or Specific Plan) and does not, and is not intended to, examine the specific environmental effects associated with specific projects that may be accommodated by the provisions of General or Specific Plans.

Once a Program EIR has been certified, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. Depending on how detailed the Program EIR addresses the program's effects are analyzed, many subsequent activities may be found to be within the Program EIR scope and additional environmental documentation may not be required or may be minimal (*State CEQA Guidelines* Section 15168(c)). When a lead agency relies on a Program EIR for a subsequent activity, it must incorporate applicable mitigation measures and alternatives developed in the Program EIR into the subsequent activities (*State CEQA Guidelines* Section 15168(c)(3)). If a subsequent activity would have effects not contemplated or not within the scope of the Program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or a project-level EIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. Section 15168(b) of the *State CEQA Guidelines* encourages the use of Program EIRs, citing five advantages:

1. Provision of a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR;
2. Focus on cumulative impacts that might be slighted in a case-by-case analysis;
3. Avoidance of continual reconsideration of recurring policy issues;
4. Consideration of broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them; and
5. Reduction of paperwork by encouraging the reuse of data (through tiering).

As a wide-ranging environmental document, the Program EIR uses expansive thresholds as compared to the project-level thresholds that might be used for an EIR on a specific development project. It should not be assumed that impacts determined not to be significant at a program level would not be significant at a project level. In other words, determination that implementation of the proposed project as a program would not have a significant environmental effect does not necessarily mean that an individual project would not have significant effects based on project-level CEQA thresholds, even if the project is consistent with the 2040 General Plan.

This EIR has been prepared to analyze potentially significant environmental impacts associated with future development resulting from implementation of the 2040 General Plan, and also addresses appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. Additionally, this EIR will provide the primary source of environmental information for Los Gatos, which is the lead agency, to use when considering the proposed project.

This document is also intended to provide decision-makers and the public with information that enables intelligent consideration of the environmental consequences of the proposed project. It identifies significant or potentially significant environmental effects, as well as ways in which those impacts can be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the proposed project. In a practical sense, this document functions as a tool for fact-finding, allowing concerned citizens and Town staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

### 1.3.1 Other Tiering Opportunities

For all other types of projects proposed to be carried out or approved by a lead agency within the region, the lead agency may use this Program EIR for the purposes of other allowed CEQA tiering (Public Resource Code [PRC] Sections 21068. 5, 21093-21094, *CEQA Guidelines* 15152, 15385). Tiering is the process by which general matters and environmental effects in an EIR prepared for a policy, plan, program, or ordinance are relied upon by a narrower second-tier or site-specific EIR (PRC Section 21068. 5). Moreover, by tiering from this EIR (once certified by the Town Council), a later tiered EIR would not be required to examine effects that (1) were mitigated or avoided in this EIR, or (2) were examined at a sufficient level of detail in this Program EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project (PRC Section 21094).

## 1.4 EIR Content and Format

This document includes discussions of environmental impacts related to several issue areas. The analysis of environmental impacts identifies impacts by category: significant and unavoidable, significant but mitigable, less than significant, and no impact or beneficial. It proposes mitigation measures for identified significant environmental impacts to reduce project generated impacts, where feasible. The responsible agency for each mitigation measure is also identified. It is the responsibility of the lead agency implementing specific projects to conduct the necessary environmental review consistent with CEQA and where applicable, incorporate mitigation measures provided herein and developed specifically for the project to minimize environmental impacts and/or reduce impacts to less than significant.

This Program EIR has been organized into seven sections. These include:

1.0 **Introduction.** Provides the project background, description of the type of environmental document and CEQA streamlining opportunities, and information about the EIR content, format, and public review process.

2.0 **Project Description.** Presents and discusses the project objectives, project location, and specific project characteristics.

3.0 **Environmental Setting.** Provides a description of the existing physical setting of the project area and an overview of the progress in project implementation.

4.0 **Analysis of Environmental Issues.** Describes existing conditions found in the project area and assesses potential environmental impacts that may be generated by implementing the proposed project, including cumulative development in the region. These potential project impacts are compared to "thresholds of significance" to determine the nature and severity of the direct and indirect impacts. Mitigation measures, intended to reduce adverse, significant impacts below threshold levels, are proposed where feasible. Impacts that cannot be eliminated or mitigated to less-than-significant levels are also identified.

5.0 **Other CEQA Required Discussions.** Identifies growth inducing impacts that may result from implementation of the proposed project, as well as long-term effects of the project, and significant irreversible environmental changes.

6.0 **Alternatives.** Describes alternatives to the proposed project and compares each alternative's environmental impacts to the proposed project.

7.0 **References/Preparers.** Lists all published materials, federal, state, and local agencies, and other organizations and individuals consulted during the preparation of this Program EIR. It also lists the EIR preparers.

## 1.5 Overview of the Los Gatos 2040 General Plan

State law (Government Code Section 65300) requires that each town, city, and county adopt a comprehensive general plan. The existing Town of Los Gatos 2020 General Plan was adopted by the Town Council on September 20, 2010. The 2040 General Plan is a comprehensive update of the Town's 2020 General Plan and establishes the community's vision and guiding principles for future development of the Town over the next 20 years. As part of the general plan process, the 2040 General Plan has been reorganized and reformatted, with updated goals, policies, and implementation programs that reflect the community's vision of Los Gatos.

The General Plan Housing Element was last updated in May 2015, covering the years of 2015 through 2023, and was subject to a separate environmental review process. The 2040 General Plan incorporates the adopted 2015 Housing Element. No substantive changes are being proposed to the Housing Element as part of its incorporation into the 2040 General Plan. Together Housing Element and the other seven elements discussed above cover all of the topics that are required to be included in a General Plan under State law, which are Land Use, Open Space, Conservation, Housing, Circulation, Safety, Environmental Justice, and Noise.

The 2040 General Plan defines the policy framework by which the Town's physical and economic resources are to be managed and used through the planning horizon year, which is 2040. Town decision-makers will use the 2040 General Plan as a blueprint for:

- Choices about the use of land;
- Protection of environmental resources;
- Conservation and development of housing;
- Provision of supporting infrastructure and public and human services; and
- Protection of people and property from natural and man-made hazards.

The 2040 General Plan clarifies and articulates the Town's intentions with respect to the rights and expectations of various community stakeholders, including residents, property owners, and business owners. Through the General Plan, the Town informs these groups of its goals, policies, and implementation programs, and thereby communicates expectations of the public and private sectors for meeting community objectives.

Because the 2040 General Plan serves as a constitution for future development in Los Gatos, decisions by the Town affecting land use and development must be consistent with the General Plan. This includes development projects that may be proposed in the future. An action, program, or project would be considered consistent with the General Plan if, considering all of its aspects, it will further the objectives and policies of the General Plan or not obstruct their attainment.

The 2040 General Plan contains goals, policies, and implementation programs to implement the Town's overarching objectives. Goals are statements that provide direction and state the desired end condition. Policies establish basic courses of action to achieve these goals, and directly guide the response of elected and appointed officials to development proposals and related community actions. Implementation programs are specific actions, procedures, standards, or techniques that the Town must take to help achieve a specified goal or implement an adopted policy.

## 1.5.1 Geographic Boundaries

The 2040 General Plan includes geographic boundaries to better analyze changes made and Town limits. These include the General Plan Area (planning area), Town Boundary, and Sphere of Influence (SOI). For the purposed of this EIR, the entire General Plan Area is analyzed which includes the Town Boundary and Sphere of Influence. Figure 2-2 in the *Project Description* show these boundaries and they are explained further below:

### *General Plan Area*

The General Plan Area, or planning area, is the land area addressed by a municipality's General Plan. The planning area does not lead to regulatory powers outside of the Town limit. Los Gatos's planning area is the same as its SOI. The unincorporated land within the Town of Los Gatos will remain under the jurisdiction of the County of Santa Clara unless annexed to the Town.

### *Town Boundary*

The Town Boundary, or Town Limits, includes the legal boundaries of the geographical area subject to the jurisdiction of Los Gatos's Town government. For example, development applications for properties located within the town limit are reviewed by the Town.

### *Sphere of Influence (SOI)*

The Sphere of Influence, or SOI, is the term used for the area outside of the Town limit that plans for the probable physical boundaries and service area of a local agency, as determined by the Local Agency Formation Commission (LAFCo).

# 1.6 Public Review and Participation Process

The Town of Los Gatos distributed a Notice of Preparation (NOP) of the Program EIR for a 33-day agency and public review period commencing July 9, 2020 and closing August 10, 2020. In addition, the Town held a virtual Scoping Meeting on July 23, 2020. The meeting, held from 7:00 p.m. to 8:00 p.m., was aimed at providing information about the proposed project to members of public agencies, interested stakeholders, and residents/community members. Due to the COVID-19 pandemic, the virtual meeting was held through the online meeting platform Zoom and included a call-in number. The Town received eight letters from State, regional, and local agencies in response to the NOP during the public review period, as well as comments from two people during the scoping meeting. The NOP and scoping comment letters received are presented in Appendix NOP of this EIR. Table 1-1 summarizes the content of the letters and verbal comments and where the issues raised are addressed in the Program EIR.

**Table 1-1 NOP Comments and EIR Response**

| Commenter | Comment/Request | How and Where It Was Addressed |
|---|---|---|
| **Agency Comments** | | |
| Native American Heritage Commission (NAHC) | The commenter summarizes requirements for tribal consultation per AB 52 and SB 18 and recommends such consultation of California Native American tribes that are traditionally and culturally affiliated with the geographic areas of the proposed project. | See Section 4. 17, *Tribal Cultural Resources*, for details regarding tribal cultural resources. |
| California Department of Fish and Wildlife (CDFW) | The commenter includes a list of special-status species known to occur or that have the potential to occur near the project area.<br>The commenter recommends the inclusion of maps that clearly depict the geographical extent of environmental impacts/land use changes, and that the geographic extent of the environmental impacts be clearly discussed in the EIR, as it is unclear in the NOP project description.<br>The commenter recommends surveys for special-status species with potential to occur and botanical surveys during the blooming period for all sensitive plant species with the potential to occur. The commenter summarizes filing fees and regulatory requirements as well. | See Section 4. 4, *Biological Resources*, and Appendix BIO for details regarding special status species. As mentioned in Section 1. 2, *Type of Environmental Document*, above, this EIR is a programmatic document, and thus presents a regionwide assessment of the impacts of the proposed project. Analysis of site-specific impacts of individual projects is not required in a Program EIR. Many specific projects are not currently defined to the level that would allow for such an analysis. |
| California Department of Transportation (Caltrans) | The commenter states that a transportation analysis is required to determine the project's impact along the State highway system and provides a list of intersections to include in this analysis.<br>The commenter provides resources should the Town wish to apply for official scenic highway designation for the eligible segments of SR-9 and SR-17 | See Section 4. 16, *Transportation and Traffic*, and Appendix TRA for details regarding transportation impacts. |

| Commenter | Comment/Request | How and Where It Was Addressed |
|---|---|---|
| | within the Town limits. The commenter encourages the Town to share any VMT policies and thresholds with Caltrans when available and notes that, as the lead agency, the Town is responsible for all project mitigation. | |
| Midpeninsula Regional Open Space District | The commenter requests analysis of fire risk management, impacts to visual resources, noise, special status species, habitat connectivity, and the regional trail system in the project area. | See Section 4. 1, *Aesthetics*, for details surrounding impacts to visual resources. See Section 4. 4, *Biological Resources*, and Appendix BIO for details regarding special status species and habitat connectivity. See Section 4. 13, *Noise*, for details regarding impacts to noise. And see Section 4. 15, *Public Services and Recreation*, for details surrounding regional trails in the project area. |
| Santa Clara County Department of Planning and Development | The commenter states that the project description should clarify whether the Town of Los Gatos intends to annex lands within the Urban Service Area but outside the Town limits. | See Section2, *Project Description*, for a description of unincorporated areas. |
| Santa Clara County Roads and Airports Department | The commenter provides input on analyzing non-VMT traffic impacts in the General Plan and on calculating VMT.<br>The commenter asks that the General Plan include policies clarifying potential parcel annexations.<br>The commenter asks for coordination with the County prior to adding any proposed bike, trail, multi-use path, or sidewalk facilities to any maps in the draft EIR. | See Section 4. 16, *Transportation and Traffic*, and Appendix TRA for details regarding transportation impacts.<br>These comments are noted and filed with the Community Department. |
| Santa Clara Valley Transportation Authority (VTA) | The commenter asks for clearly stated assumptions regarding the future transportation network and land uses within and outside of the Town limits. The commenter also notes that the Town has not yet adopted a VMT analysis polices and offers coordination in doing so. | See Section 4. 16, *Transportation and Traffic*, and Appendix TRA for details regarding transportation impacts and VMT analysis. |
| Santa Clara Valley Water District | The commenter asks for flood hazards, water supply, and stream protection to be addressed. In addition, the commenter opposes the construction of a trail on the east side of Los Gatos Creek from Lark Avenue to the northern Town boundary. | See Section 4. 10, *Hydrology and Water Quality*; Section 4. 9, *Hazards and Hazardous Materials*; and Section 4. 18, *Utilities and Service Systems*, for details regarding flood hazards and water supply.<br>Section 4. 15, *Public Services and Recreation* trail development. |
| **Comments from the Public Scoping Meeting, July 23, 2020** | | |
| Alice Kaufman, Green Foothills Advocacy Director | The commenter asks to focus development on infill rather than expanding out and up into the hillsides; this is both a sustainability and wildfire issue, as spreading out increases GHG emissions and increases wildfire risk | Comments lean to actual General Plan land use and development policy. For CEQA comments, see Section 4. 8, *Greenhouse Gas Emissions*; Section 4. 17, *Wildfire*. |

| Commenter | Comment/Request | How and Where It Was Addressed |
|---|---|---|
| Maria Ristow | The commenter supports Ms. Kaufman's concerns, and adds that if Los Gatos does expand into the hillsides, it is also an impact to wildlife and increases traffic impacts, requiring people to drive more. | Comments lean to actual General Plan land use and development policy. For CEQA comments, see Section 4. 4, *Biological Resources*, Section 4. 8, *Greenhouse Gas Emissions*; Section 4. 15, Transportation, Section 4. 17, *Wildfire*, |

# 1.7 Scope and Content

An NOP was prepared and circulated (Appendix NOP), and responses received on the NOP were considered when setting the scope and content of the environmental information in this Program EIR. Sections 4.1 through 4.17 address the resource areas outlined in the bullet points below. Section 5, *Other CEQA Required Discussions*, covers topics including growth-inducing effects, irreversible environmental effects, and significant and unavoidable impacts. Environmental topic areas that are addressed in this Program EIR include:

1. Aesthetics
2. Agriculture and Forestry Resources
3. Air Quality
4. Biological Resources
5. Cultural and Tribal Resources
6. Energy
7. Geology and Soils
8. Greenhouse Gas Emissions
9. Hazards and Hazardous Materials
10. Hydrology and Water Quality
11. Land Use and Planning
12. Noise
13. Population and Housing
14. Public Services and Recreation
15. Transportation
16. Utilities and Service Systems
17. Wildfire

In preparing the Program EIR, use was made of pertinent Town policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents. A full reference list is contained in Section 7, *References and Preparers*.

The alternatives section of the Program EIR (Section 6) was prepared in accordance with *CEQA Guidelines* Section 15126.6 and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the "environmentally superior" alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" alternative and two alternative development scenarios for the project area.

## 1.8 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible, and trustee agencies. The Town of Los Gatos is the lead agency for the project because it holds principal responsibility for approving the project.

Section 15381 of the *State CEQA Guidelines* defines responsible agencies as other public agencies that are responsible for carrying out/implementing a specific component of a proposed project or for approving a project that implements the goals and policies of a General Plan. There are no responsible agencies for the proposed project.

Although not responsible agencies under CEQA, several other agencies have review authority over aspects of the proposed project or approval authority over projects that could potentially be implemented in accordance with various objectives and policies included in the 2040 General Plan. These agencies and their roles are listed below.

- The State Geologist is responsible for the review of the Town's program for minimizing exposure to geologic hazards and for regulating surface mining activities.
- The Santa Clara Local Agency Formation Commission (LAFCO) has responsibility for approving any annexations to the Town that might occur over the life of the 2040 General Plan.
- The California Department of Transportation (Caltrans) has responsibility for approving future improvements to the state highway system, including State Route (SR) 9, SR 17, and SR 85.
- The California Department of Fish and Wildlife (CDFW) has responsibility for issuing take permits and streambed alteration agreements for any projects with the potential to affect plant or animal species listed by the State of California as rare, threatened, or endangered or that would disturb waters of the State.
- Santa Clara Valley Water has responsibility for any changes that may affect their property or water facilities.
- Other public agencies which may own land within Town boundaries.

Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. Section 15386 of the *State CEQA Guidelines* designates four agencies as trustee agencies: CDFW with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission, with regard to state-owned "sovereign" lands, such as the beds of navigable waters and State school lands; the California Department of Parks and Recreation, with regard to units of the State park system; and, the University of California, with regard to sites within the Natural Land and Water Reserves System. The CDFW, due to the potential for rare or endangered species, is the only trustee agencies for the 2040 General Plan EIR.

## 1.9 Environmental Review Process

The environmental review process, as required under CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

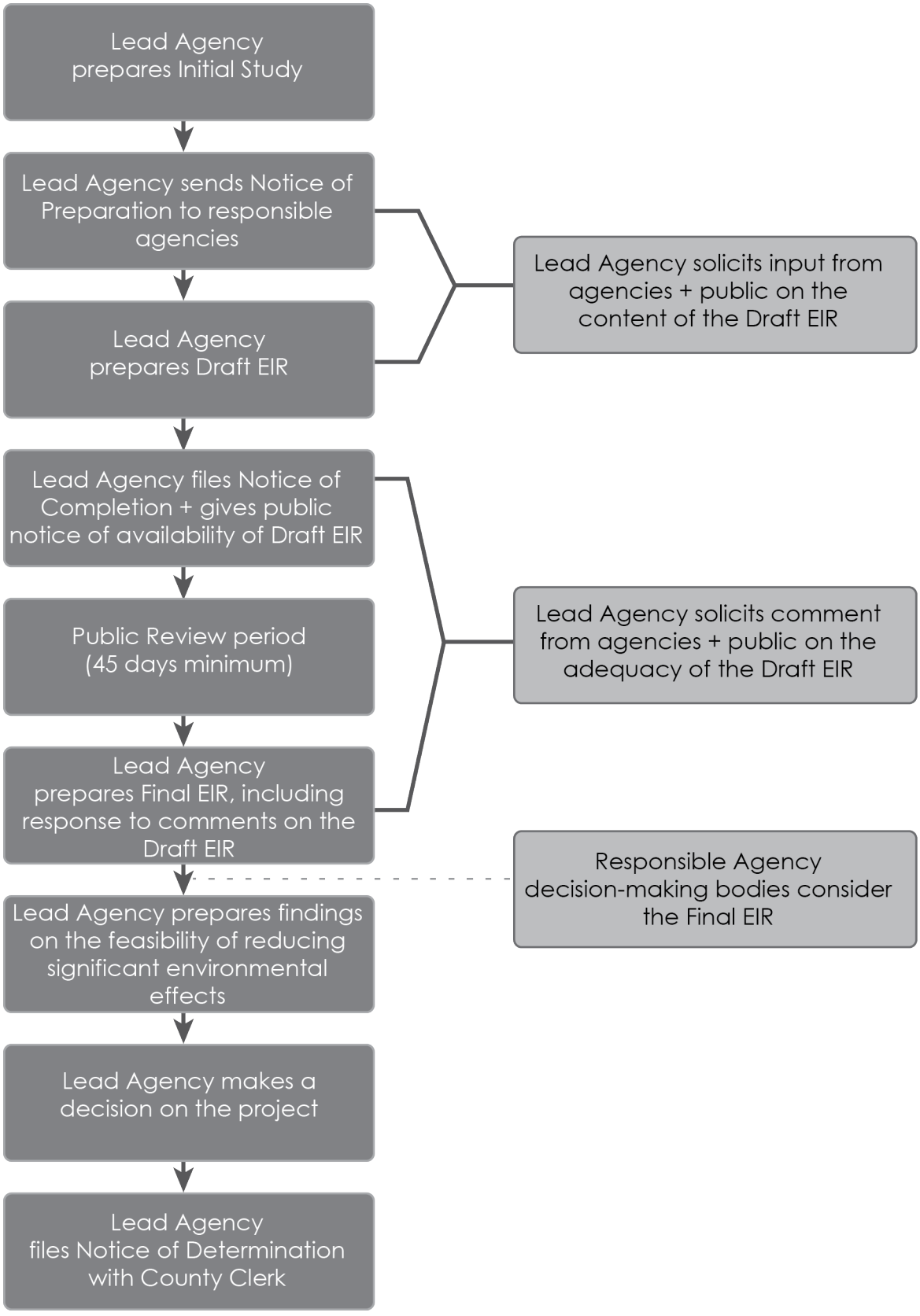
1. **Notice of Preparation (NOP) and Initial Study**. After deciding that an EIR is required, the lead agency (Town of Los Gatos) must file a NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in

writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092. 2). The NOP must be posted in the County Clerk's office for 30 days.

2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing, and unavoidable impacts); f) discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion (NOC).** The lead agency must file a NOC with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the NOC in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the NOC to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the State Clearinghouse approves a shorter period (Public Resources Code 21091).
4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations**. For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must

file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

**Figure 1-1 Environmental Review Process**



# 2 Project Description

The project analyzed in this EIR is the Town of Los Gatos 2040 General Plan Update, hereafter referred to as the 2040 General Plan. This section of the EIR describes the key characteristics of the 2040 General Plan, including the project proponent/lead agency, the geographic extent of the plan, project objectives, required approvals, and types and extent development forecasted under the General Plan Update.

## 2.1 Los Gatos 2040 General Plan

The 2040 General Plan is a comprehensive update to the Town's adopted 2020 General Plan. It establishes the community's vision for future community development of the Town through the planning horizon year of 2040. As part of the general plan update process, the 2040 General Plan has been reorganized and reformatted, with updated goals, policies, and implementation programs that reflect the community's current vision of the Town of Los Gatos. The Town's General Plan Land Use Diagram (Figure 2-2) and Circulation Map (Figure 5-3 of the General Plan) have also been updated to reflect the Town's aspirations for accommodating planned growth through 2040 and changes in State law.

State law (Government Code Sections 65300 through 65303.4) sets forth the requirement for each municipality to adopt and periodically update its General Plan, and sets the requirement that a General Plan include the following eight mandatory subject areas, or "elements": Land Use, Circulation, Housing, Open Space, Conservation, Noise, Safety, and Environmental Justice. State law also allows for optional elements that can be organized or combined at the Town's discretion. As described below, the 2040 General Plan has been organized into the following updated elements: Community Design; Environment and Sustainability; Hazards and Safety; Land Use; Mobility; Open Space, Parks, and Recreation; Public Facilities, Services, and Infrastructure; and Racial, Social, and Environmental Justice Element. Together, these elements cover all topics required to be included in a General Plan under State law. Each element describes the existing conditions and context for its related topic areas, followed by goals, policies, and implementation programs to guide the Town's management and development through 2040.

The draft 2040 General Plan emphasizes infill and adaptive redevelopment within the Town limits. A focus is placed on increasing opportunities for housing development in key areas of the Town through increased density and mixed-use projects. New development would occur primarily where existing roads, water, and sewer are in place and in a manner that would minimize the impact of development on existing infrastructure and services.

The 2040 General Plan also provides the policy framework to guide future development toward land uses that support walking and biking. The 2040 General Plan places a greater emphasis on reestablishing more complete neighborhood areas that meet the daily needs of residents to be located within a one-mile distance.

### 2.1.1 Community Place Districts

Focus areas for growth identified in the 2040 General Plan include Downtown, Los Gatos Boulevard, North Santa Cruz Avenue, Winchester Boulevard, Lark Avenue, Harwood Road, Pollard Road, and

Union Avenue, and are described as "Community Place Districts." These Community Place Districts are described below in detail.

### 2.1.2 Downtown

The Downtown District is defined by the Downtown Central Business District (CBD) land use designation. The core area of the Downtown District is anchored by the Los Gatos Town Plaza Park, the main square at the intersection of Santa Cruz Avenue and Main Street and includes several distinct subareas: the historic residential neighborhoods on the west; North Santa Cruz Avenue corridor in the middle; the Towne Terrace subarea on the east; and the Old Town/Main Street subarea to the south. The Downtown District is composed of an abundant collection of retail shops, boutiques, coffee shops, restaurants, and other hospitality-oriented uses. Being that the Downtown is the original historic center of the Town, it is naturally home to some of the iconic architectural styles that makes Los Gatos unique.

### 2.1.3 Los Gatos Boulevard

The Los Gatos Boulevard District extends from Louise Van Meter Elementary School north to the Town border along Los Gatos Boulevard. Currently, this area is primarily an automobile-oriented corridor with a mixture of stand-alone retail and offices as well commercial centers, such as Blossom Hill Pavilion, King's Court, Cornerstone, El Gato Village, and Los Gatos Village Square. Residential neighborhoods backing the commercial corridor are primarily low-density residential but include some medium-density.

### 2.1.4 North Santa Cruz Avenue

The North Santa Cruz Avenue District extends along North Santa Cruz Avenue between Blossom Hill Road and Los Gatos-Saratoga Road. This area includes a mix of medium- and high-density housing, as well as a strip of commercial uses along North Santa Cruz Avenue. Uses along North Santa Cruz Avenue vary from office and professional, retail, light industrial, and hospitality. Intermingled along North Santa Cruz Avenue, the area includes national retail chains as well as infill high-density residential.

### 2.1.5 Winchester Boulevard

The Winchester Boulevard District is focused on the intersection of Winchester Boulevard and Knowles Drive, bordering the City of Campbell. Unlike other areas in Town, this District also includes designated office and medical uses adjacent to Netflix and El Camino Hospital. Mixed in with these uses are pockets of medium-density and high-density residential.

### 2.1.6 Lark Avenue

The Lark Avenue District extends from Winchester Boulevard, down a segment of University Avenue, east to the Los Gatos Creek Trail. The area includes most of the Town's industrial uses and office complexes, a mix of low- and medium-density residential, as well as primary frontage on Los Gatos Creek.

### 2.1.7 Harwood Road

The Harwood Road District is focused on the intersection of Harwood Road and Blossom Hill Road in Los Gatos. This District includes the Blossom Hill Square Shopping Center which anchors the

intersection. This area borders the City of San Jose. Beyond the commercial center, it primarily includes low-density residential, with a few medium-density residential intermixed.

### 2.1.8 Pollard Road

The Pollard Road District is focused on the intersection of Pollard Road and More Avenue, bordering the City of Campbell. The District includes the Rinconada Shopping Center which anchors the intersection of Pollard Road and More Avenue. The layout of the center, like many commercial centers in Los Gatos, is automobile-oriented with street fronting surface parking with access points on either side of the intersection. The area surrounding the shopping center is low-density and medium-density residential.

### 2.1.9 Union Avenue

The Union Avenue District is focused on the intersection of Union Avenue and Los Gatos-Almaden Road southwest of Blossom Hill Road and Union Avenue in Los Gatos. Similar to the Harwood District, this area borders the City of San Jose. This District includes the Downing Center (commercial shopping center) which anchors the intersection of Union Avenue and Los Gatos-Almaden Road. Other than the shopping center, this area primarily includes low-density and medium-density residential.

### 2.1.10 Additional Town Growth

Future growth is also anticipated through the development of vacant and underutilized lots throughout the Town that would accommodate a variety of land uses including single-family residential, multi-family residential, mixed-use residential, commercial, and industrial as well as intensification of existing shopping centers and business parks.

## 2.2 Project Proponent

The Town of Los Gatos is both the project proponent and the lead agency for the 2040 General Plan. The Town's Community Development Department, located at 110 E. Main Street, Los Gatos, California 95030, directed preparation of this EIR with the assistance of Rincon Consultants, Inc.

## 2.3 Project Location

Los Gatos is in Santa Clara County, south of the San Francisco Bay. The Town is bordered by Campbell on the north, Saratoga and Monte Sereno on the west, San Jose on the east, and unincorporated land on the south. There are several unincorporated islands located throughout the Town. Figure 2-1 shows a regional map of the Town's relationship to nearby cities, communities, and the State highway system.

Primary regional access is provided by State Route (SR) 17 from the north and south and SR 85 from the west and east. The Town can also be accessed from SR 9 from the west. SR 9 is also known as Los Gatos-Saratoga Road within Los Gatos Town limits. SR 17 is a four-lane freeway that bisects Los Gatos on the western side, and is the primary roadway linking the Bay Area to Santa Cruz and the northern Monterey Bay region. SR 85 is a major eight-lane freeway that connects Interstate 280 on the west side of the San Francisco Bay to U.S. Route 101 on the south side of the bay. The Town is

also served by a surface street system ranging from multi-lane arterial roadways to narrow two-lane streets.

Los Gatos has many areas serviced with pedestrian facilities such as sidewalks, crosswalks, and pedestrian safety features, and the Town also has a limited network of designated bicycle facilities including on-street bicycle lanes and recreational trails. Transit services are provided by Santa Clara Valley Transportation Authority (VTA). The nearest airport to Los Gatos is the San Jose International Airport (SJC), located nine miles north of Los Gatos. The San Francisco International Airport is approximately 39 miles northwest of Los Gatos, and the Oakland International Airport is 43 miles northeast of Los Gatos. There are currently no rail services serving the Town.

The estimated population in 2018[1] was approximately 30,250 residents, with the Town growing at a rate of 0.5 percent since 2010. This growth rate is comparatively lower than the 1.2 percent growth rate for Santa Clara County as a whole. Most housing units in Los Gatos were built after 1960, with 30 percent of housing stock being more than 60 years old.

The Town's incorporated area covers 11.46 square miles. Its Urban Service Area, which includes both incorporated and unincorporated areas, is 11.44 square miles. The Town's Sphere of Influence (SOI) measures 18.26 square miles. The Planning Area for the 2040 General Plan encompasses all land area within the Town's SOI, and therefore also serves as the "General Plan Area" (planning area) for the purposes of this EIR. Figure 2-2 illustrates the General Plan Area used for analysis within this EIR.

[1] 2018 data was used as baseline demographic data for this EIR, based on the date of the Notice to Proceed for this document.

**Figure 2-1 Regional Location**

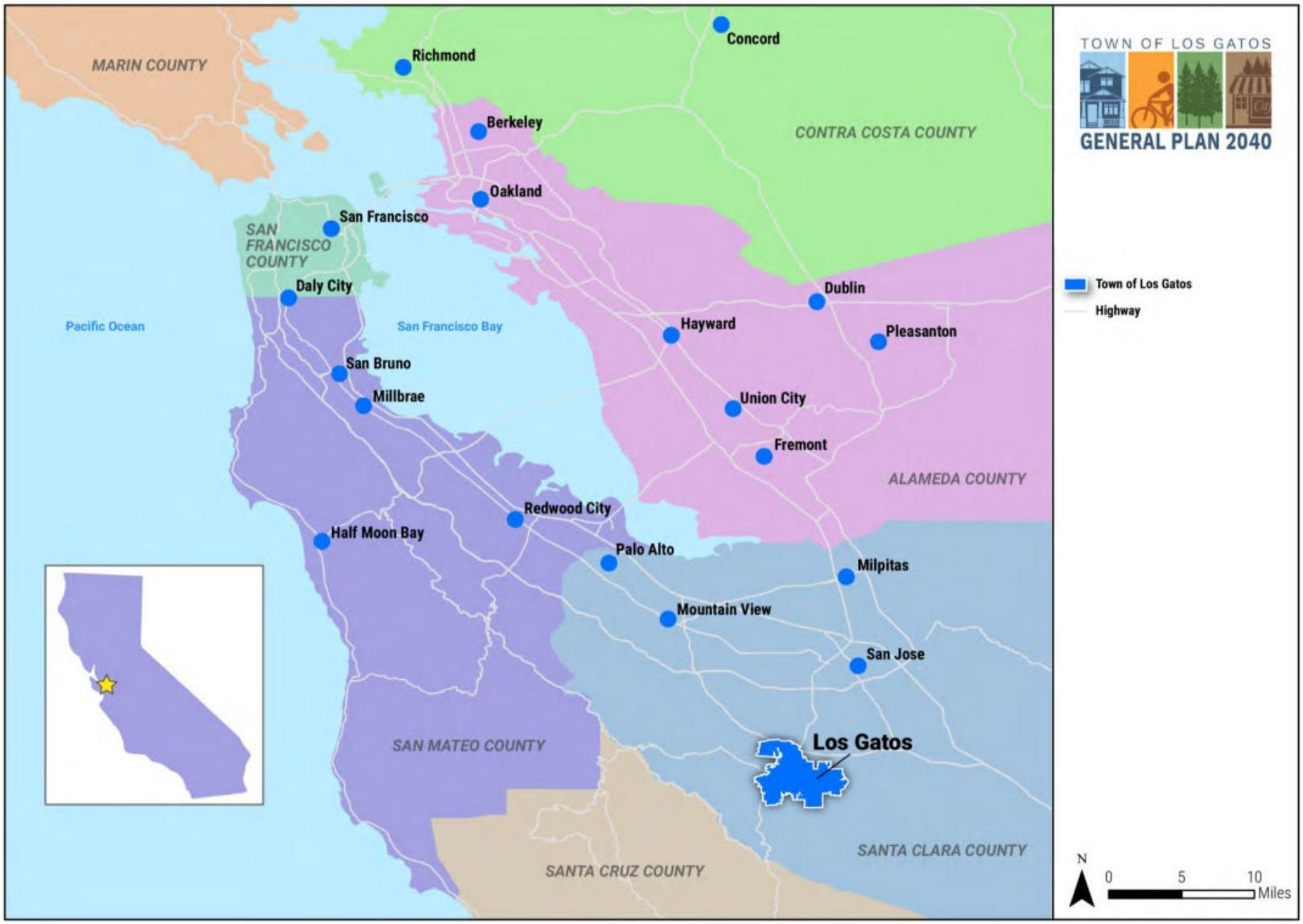
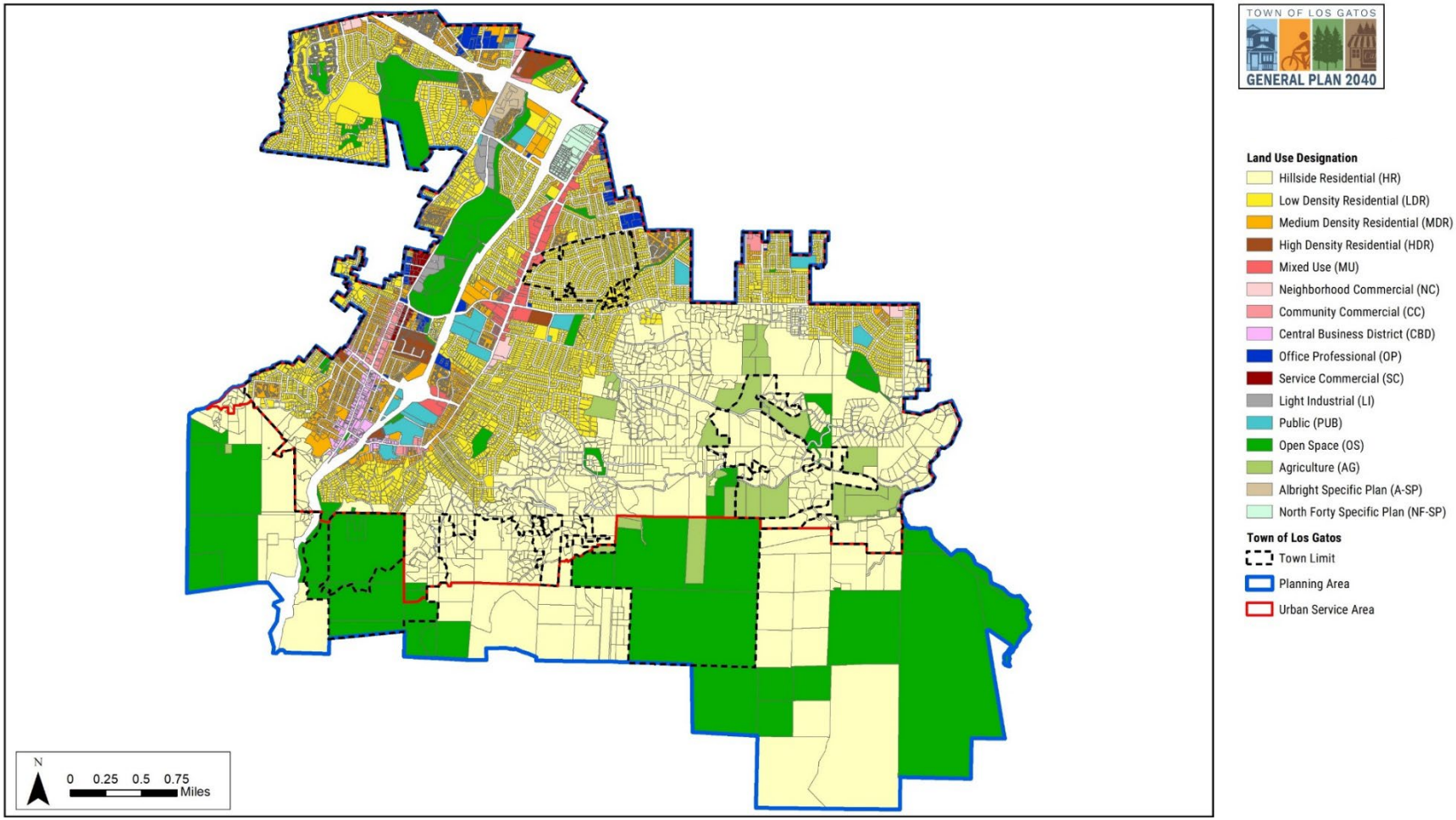


**Figure 2-2 Project Area and General Plan Area**



## 2.4 Land Use and Regulatory Setting

The 2040 General Plan is a comprehensive update of the Town's current 2020 General Plan. The 2020 Land Use Element specifies 16 separate land use designations. These land use designations define the basic categories of land use allowed in the Town, and are implemented through the Town's Zoning Ordinance and Zoning Map, which contain more specific regulations and standards governing development on individual properties. Under State law, a property's zoning is required to be consistent with its General Plan land use designation (Government Code §65860). Section 65860(c) of the Government Code requires that when a General Plan is amended or updated in a way that makes the Zoning Ordinance inconsistent with the General Plan, "the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended" but it does not define a specific time period that would constitute a reasonable time.

The 2040 General Plan Land Use Element describes the general distribution, location, and extent of various land uses. The 16 separate land use designations proposed in the 2040 General Plan provide a mixture of land uses for the Town. Figure 2-2 shows the proposed new land use diagram under the 2040 General Plan. If the 2040 General Plan is adopted, the Town will review its Zoning Ordinance, including its Zoning Map, to ensure its consistency with the 2040 General Plan.

## 2.5 Project Objectives

The 2040 General Plan presents a vision for the future of Los Gatos and a set of guiding principles for how the Town will achieve that vision. This vision and guiding principles capture the Town's key values and aspirations for the future. They reflect the collective ideas from community members and Town leaders that provided input to help shape the 2040 General Plan.

Among the central objectives of the 2040 General Plan are to achieve the Regional Housing Needs Allocation (RHNA) goal of 2,000 dwelling units developed by the Association of Bay Area Governments additional. Accordingly, Los Gatos used the RHNA numbers as a predictor of the housing needed to meet future demands. This focused the Town to reevaluate and plan for a more diverse housing mix for a changing population. Proactively planning for the anticipated land use changes and ensuring growth is sustainable over the next 20 years is a priority of this General Plan and the community.

The 2040 General Plan vision for the future is as follows:

> *The Town of Los Gatos is a welcoming, family-oriented, and safe community nestled in the beautiful foothills of the Santa Cruz Mountains. The Town is a sustainable community that takes pride in its small-town character and provides a range of housing opportunities, historic neighborhoods, local culture and arts, excellent schools, and a lively and accessible downtown. Los Gatos offers a choice of mobility options, superior public facilities and services, and an open and responsive local government that is fiscally sound. Los Gatos has a dynamic and thriving economy that includes a mix of businesses throughout Town that serves all residents, workers, and visitors.*

The 2040 General Plan guiding principles are contained in the 2040 General Plan Introduction and listed below:

- **Community Vitality.** Invigorate downtown Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors. Foster the economic vitality of all Los Gatos business locations. Preserve and enhance the Town's historic resources and character while guiding the community into the future.
- **Diverse Neighborhoods.** Foster appropriate investments to maintain and enhance diverse neighborhoods, housing opportunities, and infrastructure to meet the needs of all current and future residents.
- **Fiscal Stability / Responsibility.** Provide high quality municipal services to the Los Gatos community while sustaining the Town's long-term fiscal health.
- **Government Transparency.** Conduct governmental processes in an open manner and encourage public involvement in Town governance.
- **Inclusivity.** Recognize the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.
- **Mobility.** Provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.
- **Promote Public Safety.** Maintain and enhance Los Gatos as a safe community through preparation and planning, education, and community design that is responsive to the full range of potential natural and man-made hazards and safety issues.
- **Protect Natural Resources.** Protect the natural resources and scenic assets that define Los Gatos, including open space preserves, recreational trails, surrounding hillsides, and natural waterways.
- **Sustainability.** Manage, conserve, and preserve Los Gatos' natural environment for present and future generations. Identify and provide opportunities to enhance the Town' s sustainability policies and practices.

## 2.6 Characteristics of the Proposed 2040 General Plan

The 2040 General Plan provides a blueprint for the Town guiding future growth and development through 2040. The 2040 General Plan's nine elements describe the existing conditions and context for the related topic areas, followed by goals, policies, and implementation programs to guide the Town's management and development into the future. The nine elements included in the 2040 General Plan are further described below.

### 2.6.1 Racial, Social, and Environmental Justice Element

The Racial, Social, and Environmental Justice Element serves as a Town commitment to the responsibility to increase their awareness and understanding of social issues and use their agency to create a more inclusive and equitable society. This Element also emphasizes making Los Gatos a more socially, economically, and racially diverse community. This Element includes goals, policies, and programs that encourage and support local efforts to increase involvement in local governance processes and to improve local awareness of racial, social, and environmental injustice.

### 2.6.2 Land Use Element

The Land Use Element contains the Land Use Diagram as well as the development policies and standards that directly shape land use decisions and the resulting physical form of the Town of Los

Gatos. These include density, lot coverage, and height policies. The Land Use Element serves as the primary means for ensuring that new land uses are logically organized and developed sustainably. With limited opportunities for new development, the Land Use Element promotes and emphasizes infill development and redevelopment of underutilized parcels. This Element includes policies, programs and standards that promote walkable communities and encourage mixed use development where residents can live close to businesses and employment. This Element establishes 16 separate land use designations to provide a useful and comprehensive mix of land uses within the General Plan Area. The specific land use designations in the Land Use Element are described in Table 2-1. Figure 2-2 shows the proposed Land Use Diagram.

**Table 2-1 Description of Land Use Designations**

| Land Use Designation | Description | Standards | Compatible Zoning |
|---|---|---|---|
| **Residential** | | | |
| Hillside Residential (HR) | The purpose of this designation is to provide for very low-density accessory dwelling units and single-family residential on large single lots or as part of a cluster development. This designation allows for development that is compatible with the unique mountainous terrain and rural character of the hillside areas. Mixed-use developments are not permitted in this designation. | Density:<br>0-1 du/acre<br><br>Maximum Height:<br>25 feet | HR |
| Low Density Residential (LDR) | The purpose of this designation is to provide for accessory dwelling units, missing middle housing, and single-family residential properties. It encourages single-family residential development in either the standard development established by standard zoning or by innovative forms obtained through a planned development. Mixed-use developments are not permitted in this designation. | Density:<br>1-12 du/acre<br><br>Lot Coverage:<br>Up to 50%<br><br>Maximum Height:<br>30 feet | R-1 |
| Medium Density Residential (MDR) | The purpose of this designation is to provide for accessory dwelling units, missing middle housing, multi-family residential, duplexes, and/or small lot single-family homes. Mixed-use developments are not permitted in this designation. | Density:<br>14-24 du/acre<br><br>Lot Coverage:<br>Up to 75%<br><br>Maximum Height:<br>35 feet | R-1D<br>R-D<br>R-M |
| High-Density Residential (HDR) | The purpose of this designation is to provide for accessory dwelling units, and more dense multi-family residential development. Its objective is to provide quality housing in proximity to transit and/or commercial and business areas. Mixed-use developments are not permitted in this designation. | Density:<br>30-40 du/acre<br><br>Lot Coverage:<br>Up to 75%<br><br>Maximum Height:<br>45 feet | R-M |

| Land Use Designation | Description | Standards | Compatible Zoning |
|---|---|---|---|
| **Mixed Use** | | | |
| Mixed Use (MU) | The purpose of this designation is to provide a mixture of commercial uses (including retail, office, hotel/lodging) and residential, along with allowing stand-along commercial uses (including retail, office, hotel/lodging, service uses, recreational uses, and restaurants). Residential is only allowed when developed in a mixed-use format with retail, office, or hotel/lodging components on the site. Projects developed under this designation shall maintain a primary orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties | Density:<br>30-40 du/acre<br><br>FAR:<br>Up to 3.0<br><br>Maximum Height:<br>45 feet | CH |
| **Commercial** | | | |
| Neighborhood Commercial (NC) | The purpose of this designation is to provide for necessary day-to-day commercial goods and services required by the residents of the adjacent neighborhoods. This designation encourages concentrated and coordinated commercial development at easily accessible locations. Residential uses, developed using a mixed-use format, are allowed in the designation. | Density:<br>10-20 du/acre<br><br>FAR:<br>Up to 1.0<br><br>Maximum Height:<br>35 feet | C-1 |
| Community Commercial (CC) | The purpose of this designation is to provide for commercial goods and services to support residents, businesses, and visitors, and located to serve the entire community. Residential uses, developed using a mixed-use format, are allowed in the designation. | Density:<br>20-30 du/acre<br><br>FAR:<br>Up to 3.0<br><br>Maximum Height:<br>45 feet | C-1 |
| Central Business District (CBD) | The purpose of this designation is to encourage a mixture of community-orientated commercial goods and services within the Downtown CBD. This designation applies exclusively to the Downtown CBD, with the goal to accommodate and retain local merchants and preserve the Town's character. New development in the CBD shall integrate with existing structures of architectural and historical significance. Residential uses, developed using a mixed-use format, are allowed in the designation. | Density:<br>20-30 du/acre<br><br>FAR:<br>Up to 2.0<br><br>Maximum Height:<br>45 feet | C-2 |
| **Employment Center Designations** | | | |
| Office Professional (OP) | The purpose of this designation is to provide for professional and general business offices, incubator spaces, and innovation centers. This designation applies to various locations throughout the Town, often in proximity to neighborhood- or community-oriented commercial facilities, or as a buffer between | Density:<br>30-40 du/acre<br><br>FAR:<br>Up to 1.0 | O |

| Land Use Designation | Description | Standards | Compatible Zoning |
|---|---|---|---|
| | commercial and residential uses. The intent of this designation is to satisfy the community's need for general business and professional services, and local employment. Residential uses, developed using a mixed-use format, are allowed in the designation. | Maximum Height: 35 feet | |
| Service Commercial (SC) | The purpose of this designation is to provide for service businesses. These businesses include automobile repair, building materials sales, paint suppliers, janitorial services, towing businesses, contractor offices and yards, laundries and dry cleaners, as well as wholesaling and warehousing activities. Residential uses, developed using a mixed-use format, are allowed in the designation. | Density: 20-30 du/acre<br>FAR: Up to 1.0<br>Maximum Height: 35 feet | LM |
| Light Industrial (LI) | The purpose of this designation is to allow for large-scale office developments, well-controlled research and development facilities, innovation centers, industrial parks and service-oriented uses subject to rigid development standards. These uses shall respond to the community and region-wide needs. Residential uses are not permitted in this designation. | Density: None<br>FAR: Up to 1.0<br>Maximum Height: 35 feet | CM |
| **Public and Open Space Designation** | | | |
| Public (PUB) | This designation identifies public and institutional facilities in the Town such as the Civic Center, schools, parking structures, parks, libraries, hospitals, churches, and fire stations. | Density: None<br>FAR: Up to 1.0<br>Maximum Height: 35 feet | All zones |
| Open Space (OS) | This designation identifies the location of public parks, open space preserves, and private preserves. Can also be applied to trails and stream corridors. | Density: None<br>Maximum Height: 30 feet | RC |
| Agriculture (AG) | This designation identifies areas for commercial agricultural crop production and properties under a Williamson Act contract. | Density: 1 du/20 acre<br>Maximum Height: 30 feet | RC |

| Land Use Designation | Description | Standards | Compatible Zoning |
|---|---|---|---|
| **Specific Plan Designations** | | | |
| Albright Specific Plan (A-SP) | The purpose of this designation is to provide land for the Albright Specific Plan, which includes the designation of office/research and development space (including office serving amenities), one parking garage, surface parking areas, new access driveways, landscaping, and open space uses. | As defined in Specific Plan | A-SP |
| North Forty Specific Plan (NF-SP) | The purpose of this designation is to provide land for the North 40 Specific Plan, which includes the designation of mixed-use development (residential and commercial, open space amenities, and space for a hotel). | As defined in Specific Plan | NF-SP |

Notes: du = dwelling units
FAR = Floor Area Ratio
Source: Draft 2040 General Plan

## 2.6.3 Community Design Element

This Community Design Element considers topics related to the Town's small-town charm that dates back to its origins as a railroad town. Tree-lined streets and sidewalks contribute to the Town's pedestrian character, as well as expansive views of the Santa Cruz Mountains.

The Community Design Element looks at the key components of the physical environment and describes the physical features that, together, create Los Gatos' distinct community character. The Element provides a local context and anticipated urban design enhancements over the next 20 years relating to the urban form, architectural styles, landscape, lighting, and pedestrian-oriented environment. In addition, this Element highlights a series of Community Place Districts which each have a vision and specific community design policies. Lastly, the Element covers the overall preservation of historic areas and the surrounding hillsides to ensure these areas are respected over time, even as development proceeds.

## 2.6.4 Mobility Element

The Mobility Element addresses the movement of people and goods in and around Los Gatos. This Element seeks to use a holistic approach to sustainable transportation methods that focus on strategies for reducing vehicle-miles traveled, enhancing a multimodal transportation system, and enhancing infrastructure for bicyclists, pedestrians, and transit riders. The goal of this Element is to reduce the impacts from transportation and promote alternative forms of transportation that will reduce the local and regional effects of climate change. This Element also addresses the typical aspects of a transportation network including roadways, parking, and the movement of goods (i.e., truck traffic).

## 2.6.5 Public Facilities, Services, and Infrastructure Element

The Public Facilities, Services, and Infrastructure Element focuses on the variety of public facilities (i.e., water, wastewater, storm drainage, solid waste, utilities, police and fire protection, schools, and libraries) that are necessary to sustain existing households and businesses and to accommodate future population and employment growth. Major land use and development decisions have important physical, economic, social, and environmental implications that must be considered by

public officials during any planning process. This Element describes the Town's role and responsibilities pertaining to the provision of Town services and assessing needs for resources. This Element seeks to achieve and maintain high levels of social well-being, ensuring that facilities, services, and infrastructure are planned for future changes in population and demand for individuals and families within the Town of Los Gatos.

The goals, policies, and implementation programs in this Element support the provision and maintenance of public facilities, services, and infrastructure in Los Gatos and provide for their timely expansion, if required, to maintain adequate services. The goals and policies indicate where those facilities and services will be most beneficial to meet the needs of the community, residents, and businesses through 2040. This Element also includes policies in coordination with the Hazards and Safety Element, for the provision of facilities and services to ensure the safety and welfare of residents, businesses, and visitors and the protection of property. The Element also includes goals and policies that relate to the Environment and Sustainability Element for water supply and delivery. This Element also addresses the role of the Town for services not directly provided by the Town, which may include resource coordinator; educator; advocate; facilitator; or evaluator.

### 2.6.6 Open Space, Parks, and Recreation Element

The Open Space, Parks, and Recreation Element guides the long-range preservation and conservation of open space as well as the park and recreational facilities. These areas and facilities enhance the character of the Town, helping to create a unique and pleasant atmosphere for Town residents and visitors. Critically, they also contribute to public health and environmental awareness. The Government Code requires that General Plans identify and address six types of open space. This Element addresses open space for outdoor recreation and preservation. Other Elements in the General Plan cover the remaining types of open space.

### 2.6.7 Environment and Sustainability Element

The Environment and Sustainability Element addresses the retention of the Town's charm and character of the community, conservation of natural resources, and waste reduction. This Element also addresses the protection and enhancement of each of these as important aspects of the Town. The Environment and Sustainability Element promotes resource sustainability to protect the Town's built and natural environments for current and future generations.

State law requires that a General Plan include a Conservation Element that includes how the Town will conserve, develop, and use natural resources, including biological resources, water resources, and energy resources. This Element also addresses and references the reduction of greenhouse gasses (GHG) and air quality in the 2012 Sustainability Plan, since clean air is an important natural resource and a vital component of a healthy environment. Water service, wastewater, stormwater, and solid waste and recycling are discussed in the Public Facilities, Services, and Infrastructure Element.

This Element involves preservation of visual resources, the cultivated and natural environment, historical resources and their cultural significance, and energy conservation. The discussion on Historic Districts, historical structures, and how they are persevered, enhanced, and integrated is in the Community Design Element.

### 2.6.8 Hazards and Safety Element

The Hazards and Safety Element addresses natural and urban safety hazards in Los Gatos, both existing and potential. This Element establishes policies and actions to mitigate identified hazards to protect Town residents and visitors. Additionally, this Element guides the Town when participating in resolving safety issues that are regional in character, or otherwise beyond the immediate control of the Town.

All municipal governments are required to prepare for a variety of natural and manmade disasters. The Santa Clara County Operational Area Hazard Mitigation Plan (OAHMP) assesses Countywide risk for natural hazards and establishes mitigation measures, funding, and plan implementation actions for Los Gatos. The Town of Los Gatos has an adopted a comprehensive Emergency Operations Plan (EOP) that identifies the existing hazards within the Town, provides guidance and education on effective and skillful emergency response techniques, and ensures the most effective allocation of resources for protection of people and property in the event of an emergency. The Town also participates in volunteer emergency response training programs and has volunteer coordination plans in place.

### 2.6.9 Housing Element

The Town Council adopted the 2015-2023 Housing Element for the Town of Los Gatos on May 5, 2015. The adopted Housing Element was certified by the California Department of Housing and Community Development on May 20, 2015. The 2015-2023 Housing Element provides a comprehensive assessment of current and projected housing needs for all economic segments in the community.

The next cycle of Housing Element updates for jurisdictions within the Association of Bay Area Governments region would cover the planning period from January 1, 2023 through December 31, 2031. The Town will update the 2015-2023 Housing Element by January 1, 2023, in compliance with State law. Therefore, the Housing Element is not included in this General Plan Update and would be updated consistent with State law.

## 2.7 General Plan Buildout

The potential growth associated with the 2040 General Plan is based on development assumptions and projections for residential and non-residential development, including pending and approved projects, for all land within the General Plan Area through the year 2040. Vacant and underutilized parcels were identified using existing land use data from the County Assessor's Office. Parcels classified by the Assessor as "vacant" were verified through aerial imagery and confirmed by Town staff. The Town compiled a list of planned and approved projects that includes expected non-residential square footage and/or housing units for each project. The anticipated development from these projects is included in the buildout analysis.

In 2018, the Town's estimated population was 30,250 people, number of housing units was 13,299, and number of jobs was 21,171 (Town of Los Gatos 2019). As shown in Table 2-2, based on the full buildout of the 2040 General Plan an estimated 3,738 new dwelling units could be added Los Gatos. Based on a 2040 General Plan full buildout of 3,738 new dwelling units, the Town's population would result in an estimated increase of 8,971.

### 2.7.1 Residential Buildout Potential

In accordance with CEQA, a program-level EIR is obligated to analyze the maximum potential buildout allowed under the subject plan or program. It has been calculated that the Los Gatos 2040 General Plan accommodates a potential for 3,738 dwelling units by the year 2040, and the EIR has used this figure to calculate and project environmental impacts. The 3,738 dwelling unit number includes six main components:

1. Projects that are currently in the pipeline for development and that have had initial approval by the Town total 475 units;
2. Potential development on vacant land totals 804 units;
3. Potential redevelopment of dwellings in mixed-use formats at select underutilized commercial and industrially designated sites, totals 1,264 units;
4. Potential redevelopment of medium to high density housing on existing sites, totals 611 units;
5. Potential development of missing middle housing in existing neighborhoods, totals 84 units;
6. Potential development of accessory dwelling units within residential districts consistent with State Law throughout the Town, totals 500 units.

It is important to note that there is no guarantee that all of the allowable residential potential in the proposed 2040 General Plan will actually be built because construction is done by private land owners subject to market forces (such as land prices, construction costs, etc.).

**Table 2-2 Projected Dwelling Units**

| Unit Type | Existing Units (2020) | Estimated New Units (2020-2040) |
|---|---|---|
| Low Density Residential (LDR) | 88 | 367 |
| Medium Density Residential (MDR) | 240 | 567 |
| High Density Residential (HDR) | 164 | 378 |
| Neighborhood Commercial (NC) | 50 | 117 |
| Community Commercial (CC) | | 156 |
| Mixed Use (MU) | 297 | 731 |
| Central Business District (CBD) | 58 | 134 |
| Office Professional (OP) | | 259 |
| Service Commercial (SC) | | 54 |
| ADUs and Existing Projects | 975 | 975 |
| **Total** | **1,872** | **3,738** |

Notes: ADUs = Accessory Dwelling Units
Source: Mintier Harnish 2020

As shown in Table 2-3, based on the number of new dwelling units projected under buildout of the 2040 General Plan, and an assumed persons per unit rate by unit type, full buildout of the 2040 General Plan would result in an additional estimated 8,971 new residents in Los Gatos. Table 2-3 identifies the assumed persons per unit type rate used in projecting the population growth from buildout of the 2040 General Plan. When combined with the existing 2018 population of 30,250, the total population of Los Gatos in 2040 would be 39,221.

**Table 2-3 Projected Population Growth**

| Assumed Persons Per Dwelling Unit | Estimated New Units (2018-2040) | Estimated Population Growth (2018-2040) |
|---|---|---|
| 2.4 | 3,738 | 8,971 |

Source: Mintier Harnish 2018

Table 2-4 identifies the nonresidential levels of development projected from buildout of the 2040 General Plan based on existing pending and approved projects described in the 2040 General Plan Land Use Element and implementation of land use policies established by the 2040 General Plan. Los Gatos would primarily redevelop lands that have development potential based on proposed land uses in the 2040 General Plan. As shown in Table 2-4, a total of 671,680 square feet of non-residential space could be constructed within Los Gatos under full buildout of the 2040 General Plan.

**Table 2-4 Pending and Approved Projects**

| Land Use Designation | Retail (s.f.) | Service/Institutional (s.f.) | Office (s.f.) | Manufacturing (s.f.) | Total (s.f.) |
|---|---|---|---|---|---|
| Central Business District (CBD) | 4,200 | - | 15,500 | - | 19,700 |
| Service Commercial (SC) | - | - | 1,302 | 1,040 | 2,342 |
| Neighborhood Commercial (NC) | - | - | 3,813 | - | 3,813 |
| CH | 5,824 | - | 38,000 | - | 43,824 |
| NF | 367,000 | - | 35,000 | - | 402,000 |
| Office Professional (OP) | 3,672 | 10,440 | 38,680 | - | 52,792 |
| Mixed Use (MU) | 7,024 | - | 3,813 | - | 10,837 |
| Low Density Residential (LDR) | - | - | - | 156,400 | 156,400 |
| **Subtotal** | | | | | **691,628** |
| Loss of Non-residential (sf) | | | | | 19,860 |
| **Total** | | | | | **671,680** |

# 2.8 Required Discretionary Approvals

With recommendations from the Planning Commission, the Town Council would need to take the following discretionary actions in conjunction with the proposed project:

- Certification of the Final EIR; and
- Adoption of the proposed 2040 Los Gatos General Plan.

The Town adopted its current Housing Element in May 2015, covering the period of May 2015 through May 2023. The Housing Element was submitted to the HCD for review and comment, and the Town received certification of the Housing Element from HCD on May 20, 2015 (Town of Los Gatos 2015). The 2040 General Plan incorporates the adopted 2015 Housing Element. No substantive changes are being proposed to the Housing Element as part of its incorporation into the 2040 General Plan.

# 3 Environmental Setting

This section provides a general overview of the environmental setting for the proposed project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Section 4.0, *Environmental Impact Analysis*.

## 3.1 Regional Setting

The Town of Los Gatos is located within Santa Clara County, south of the San Francisco Bay. The Town is bordered by Campbell on the north, Saratoga and Monte Sereno on the west, San Jose on the east, and unincorporated land on the south. There are several unincorporated islands located throughout the Town. Figure 2-1 in Section 2, *Project Description*, shows a regional map of the Town's relationship to nearby cities, communities, and the State highway system. The foothills of the Santa Cruz Mountains border along the southern portion of Los Gatos.

Elevations within Los Gatos averages roughly 344 feet above sea level. The Mediterranean climate of the region and coastal influence produce moderate temperatures year-round, with rainfall concentrated in the winter months. The region is subject to various natural hazards, including earthquakes, landslides, dam failure, drought, extreme heat, fault rupture, flood, liquefaction, and wildfires.

## 3.2 Physical Setting

### 3.2.1 General Physical Setting

In total, the Town's incorporated area covers 11.46 square miles. Its Urban Service Area, which includes both incorporated and unincorporated areas, is 11.44 square miles. The Town's Sphere of Influence (SOI) measures 18.26 square miles. The Planning Area for the 2040 General Plan encompasses all land area within the Town's SOI, and therefore also serves as the "General Plan Area" (planning area) for the purposes of this EIR.

Primary regional access is provided by State Route (SR) 17 from the north and south and SR 85 from the west and east. The Town can also be accessed from SR 9 from the west. SR 9 is also known as Los Gatos-Saratoga Road within Los Gatos Town limits. SR 17 is a four-lane freeway that bisects Los Gatos on the western side, and is the primary roadway linking the Bay Area to Santa Cruz and the northern Monterey Bay region. SR 85 is a major eight-lane freeway that connects Interstate 280 on the west side of the San Francisco Bay to U.S. Route 101 on the south side of the bay. The Town is also served by a surface street system ranging from multi-lane arterial roadways to narrow two-lane streets.

### 3.2.2 Topography

The Los Gatos Planning Area is an ecologically diverse area that includes a variety of terrain, from flat topography at the Santa Clara Valley edge to wooded hillsides of the Santa Cruz Mountains in the southern and eastern portion of the Town. The area is bisected with creeks and streams stemming from the southerly mountains and bordered by riparian habitats. The planning area also contains the Vasona Reservoir on the northwest side of Town and is very near the northernmost

portion of Lexington Reservoir at the southwest corner of Town. The Town contains approximately 254 acres of parkland, nearly seven miles of multi-use trails and over 65 acres of lawn area.

### 3.2.3 Climate

Los Gatos experiences nearly the same temperatures as San Jose, just slightly warmer and with more rain. Los Gatos has a Mediterranean climate like much of California. Rainfall averages 21.2 inches annually and falls on an average of 59 days annually. Although snow sometimes falls in the nearby Santa Cruz Mountains, it is very rare in Los Gatos.

## 3.3 Demographics

In 2021, Los Gatos had an average household size of 2.4 persons per household, lower than countywide household size of roughly 3.0 persons per household. Los Gatos' housing stock generally comprises more single-family housing than the rest of Santa Clara County as a whole. As discussed in Section 4.14, *Population and Housing*, Los Gatos added nearly 250 new housing units between 2010 and January 2018, an increase of about 0.2 percent annually. In contrast, Santa Clara County added new housing at an annual rate of 0.7 percent, totaling over 36,000 units since 2010.

Los Gatos is primarily a residential community where most of the development consists of one- or two-story buildings and is dominated by low-density residential neighborhoods connected by an automobile-oriented street pattern. Most residents work within the neighboring Silicon Valley but the Town is also host to major tech companies such as Netflix and Roku.

## 3.4 Cumulative Development

CEQA defines cumulative impacts as two or more individual actions that, when considered together, are considerable or will compound other environmental impacts. Cumulative impacts are the changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. For example, traffic impacts of two nearby projects may be insignificant when analyzed separately but could have a significant impact when analyzed together. Cumulative impact analysis allows an EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

Because the proposed project is comprised of a General Plan, cumulative impacts are treated somewhat differently than would be the case for a project-specific development. CEQA Guidelines Section 15130 provides the following direction relative to cumulative impact analysis:

> Impacts should be based on 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 areawide conditions contributing to the cumulative impact.

By its nature, a general plan considers cumulative impacts insofar as it considers cumulative development that could occur within the General Plan Area. Therefore, the analysis of project impacts also constitutes the cumulative analysis. In addition to cumulative development within the General Plan Area, the analysis of traffic and related impacts (such as noise) considers the effects of regional traffic growth occurring outside of the General Plan Area.

# 4 Environmental Impact Analysis

This section discusses the structure of the environmental impact analysis for the Town of Los Gatos 2040 General Plan. Specific issue areas addressed have been identified by the Town, expert consultation, and Notice of Preparation responses. The analysis addresses the issues that have the potential to experience significant effects on the environment as a result of the 2040 General Plan. Significant effect is defined by CEQA Guidelines §15382 as:

> a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant.

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the "significance thresholds," which are those criteria adopted by the Town and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the proposed project, mitigation measures for significant impacts, and the level of significance after mitigation. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable**. An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the CEQA Guidelines.
- **Less than Significant with Mitigation Incorporated**. An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- **Less than Significant**. An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a list of mitigation measures that, if required, have been identified that would eliminate or reduce identified significant environmental impacts. The analysis then discusses the residual or remaining effects and the resulting level of significance remaining after implementation of the mitigation measure or measures. In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is also discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed project in conjunction with other planned and pending developments as identified in Section 3.0, *Environmental Setting*.

Because the proposed project is comprised of a General Plan, cumulative impacts are treated somewhat differently than would be the case for a project-specific development. CEQA Guidelines Section 15130 provides the following direction relative to cumulative impact analysis:

> Impacts should be based on 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 areawide conditions contributing to the cumulative impact.

By its nature, a general plan considers cumulative impacts insofar as it considers cumulative development that could occur within a Town's plan area. Therefore, the analysis of project impacts effectively constitutes the cumulative analysis. In addition to cumulative development within the Town of Los Gatos, the analysis of traffic and related impacts (such as noise) considers the effects of regional traffic growth.

# 4.1 Aesthetics

This section evaluates the proposed 2040 General Plan's potential impacts on aesthetics, including scenic vistas, scenic resources, visual character and quality, and light and glare.

## 4.1.1 Setting

### a. Definitions

Most communities identify scenic resources as important assets that form community identity. Although the perception of what is considered "scenic" may vary based on the environmental setting, scenic resources typically include natural open spaces, unique topographic formations, natural landscapes, and aspects of the built environment such as parks, trails, cultural resources, and architecturally significant buildings.

As addressed in CEQA analysis, aesthetics refers to visual quality concerns. Aesthetics or visual resources analysis is a process to assess the visible change and anticipated viewer response to that change. The Federal Highway Administration (FHWA), Bureau of Land Management (BLM), and U.S. Forest Service (USFS) have developed methodologies for conducting visual analysis that are widely used (FHWA 2015, BLM 1984, USFS 1996). Many of these methods have been adapted for this analysis.

While the conclusions of these assessments may seem entirely subjective, value is measured based on generally accepted measures of quality, viewer sensitivity, and viewer response, supported by consistent levels of agreement in research on visual quality evaluation (BLM 1984, FHWA 2015). Modifications in a landscape that repeat basic elements found in that landscape are said to be in harmony with their surroundings; changes that do not harmonize often look out of place and can be found to form an unpleasant contrast when their effects are not evaluated adequately. An aesthetics impacts assessment uses data from three steps, as follows:

- Identify **visual features** or resources in the landscape from key viewpoints;
- Assess the **visual character** and **quality** of those resources relative to the overall regional visual character; and
- Evaluate potential **significance** of features in the landscape to people who view them and determine their potential **viewer sensitivity** to the changes proposed by the project.

Scenic quality can be described best as the overall impression a viewer retains after driving through, walking through, or flying over an area (BLM 1984). Viewer response is a function of the number of viewers, number of views seen, distance of the viewers from the key viewpoints, and the viewing duration. Viewer sensitivity reflects the extent of public concern for a particular viewshed. A brief description of these terms and criteria follows.

### Viewshed

A viewshed is an area of the landscape visible from a particular location or series of points (e.g., an overlook or a trail, respectively) (FHWA 2015). A viewshed is commonly subdivide into categories of foreground, middle ground, and background. Usually, the closer a resource is to the viewer, the more dominant it appears visually, and thus it has greater important to the viewer than something farther away. A common set of criteria identifies the foreground as 0.25 to 0.5 mile from the

viewer; the middle ground is three to five miles away; and the background extends away to the horizon.

### Visual Character

Natural and human-built landscape features contribute to the visual character of an area or view. Features include geology, water features, plants, wildlife, trails and parks, and architecture and transportation elements (e.g., bridges or city skylines). The way visual character is perceived can vary based on the season, the time of day, the light, and other elements that influence what is visible in a landscape. The basic components used to describe visual character are form, line, color, and texture of landscape features (USFS 1996, FHWA 2015).

### Visual Quality

Visual quality is a term that indicates the uniqueness or desirability of a visual resource, within a frame of reference that accounts for the uniqueness and "apparent concern for appearance" by concerned viewers (e.g., residents, visitors, jurisdictions) (USDA 1978). A well-established approach to visual analysis is used to evaluate visual quality, using the concepts of vividness, intactness, and unity (FHWA 2015).

- Vividness describes the memorability of landscape components as they combine in striking patterns.
- Intactness refers to the visual integrity of the natural and human-built.
- Unity indicates the visual coherence and compositional harmony of the landscape as a whole.

### Visual Exposure and Sensitivity

Viewer sensitivity is determined based on the visibility of resources in the landscape, the proximity of viewers to the visual resource, the height from which viewers see the resource, and the types of viewers with their associated expectations. Visual sensitivity also depends on the number and type of viewers, along with the frequency and duration of views experienced by these viewers.

Once an adequate description of the visual resource and its quality is developed, including the number and types of views for common uses (e.g., recreational, agriculture), an evaluation can be made as to the impact of the project upon the aesthetic and visual resources in the landscape.

## b. Existing Visual Conditions

Los Gatos is nestled at the base of the Santa Cruz Mountains at the southern edge of metropolitan San Jose, with a significant portion of the community situated adjacent to natural areas. Most neighborhoods enjoying the canopy provided by a dense urban forest as well. The Town's built environment reflects its history as a logging community in the late 1800s and includes several historic buildings and a human-scaled design in the commercial core. The Town is designated a Tree City USA by the Arbor Day Foundation, maintaining a commitment to tree preservation and urban forestry.

### Natural Environment

Today, Los Gatos also serves as a hillside residential community nestled in the eastern foothills of the Santa Cruz Mountains. The wooded landscape that makes the mountains an important natural resource also forms a key component of the visual quality of the Town. Abundant mature trees and

other landscaping unify the modern suburban townscape of Los Gatos with the heavily wooded, rugged mountainsides, creating an aesthetic environment that is vivid and intact. The many decades of attention to building design, landscaping, and public improvements ensure that unity with the natural environment key to the small-town character despite the Town's situation in the major metropolitan region of the greater Bay Area.

## Built Environment

### *Residential*

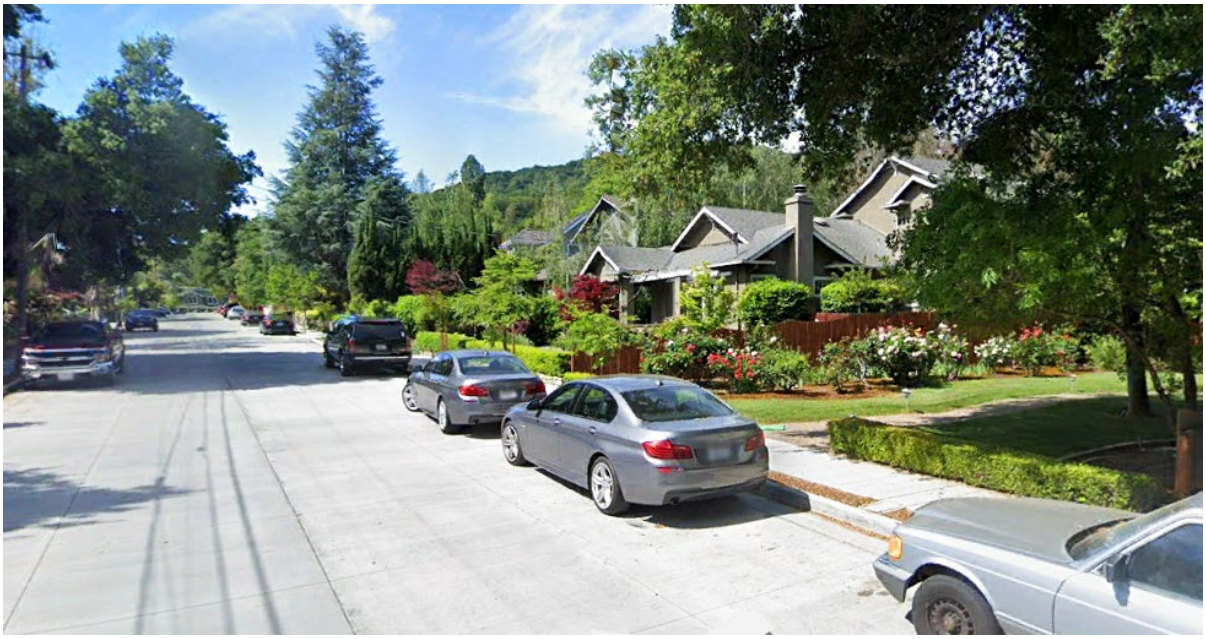
Most of the residential development in Los Gatos consists of single-family homes, with decreasing densities and larger lots spreading into the hillsides in the southern areas. Homes are notably well-maintained and reflect a variety of architectural styles, including Victorian, Ranch, Craftsman, and Spanish Colonial Revival. Commonly, the residential areas feature dense, mature tree coverage and other landscaping features and are organized around community amenities such as schools or parks. Modified gridded street layouts are the most common structure for neighborhoods in the valley portions of the Town. Residences in the hills are spaced further apart and set back from curvilinear roads.

Four of the five designated historic districts are in residential areas and strongly contribute to the Town's visual character. They are described below and illustrated in the figures that follow, as indicated.

- **Almond Grove Historic District**. The Almond Grove Historic District was the first established historic district in Los Gatos and, as the name suggests, is situated on a 40-acre former almond grove. Established as an historic district in 1980, the community features wide streets planted with mature trees. Bungalow-style homes are set close to the street and many feature front porches and gracious landscaping (Figure 4.1-1). Close to downtown, the neighborhood is pedestrian friendly and contributes to the small-town feel and unified visual character.
- **Broadway Historic District**. Broadway was the first residential street in Los Gatos and the Broadway Historic District was the first residential subdivision. Its gridded street plan set the tone for the formal layout of the Town. The Broadway Historic District is approximately 100 acres and, like Almond Grove, it features a mix of nineteenth and twentieth century residential architecture, tree lined streets, and wide boulevards that give way to the commercial areas along South Santa Cruz Avenue (Figure 4.1-2). The intact, unified visual character that segues easily from historic residential to historic commercial district contributes importantly to the Town's sense of place.
- **Fairview Plaza Historic District**. The Fairview Plaza Historic District is home to Victorian and Craftsman homes, unique in their compact scale and proximity to one another. A hillside neighborhood, the Fairview Plaza district is built around a landscaped island in a hilly topography, views beyond the residences are visible on the horizon (Figure 4.1-3).
- **University/Edelen Historic District**. The University/Edelen Historic District consists of five subdivisions that predate 1900 and contains many residential and commercial structures in a mix of architectural styles. This area parallels SR 17 with University Avenue forming the major roadway. The mix of residential and commercial development, particularly along tree-lined University Avenue, clearly mark a transition from the more contemporary urban development north of Los Gatos-Saratoga Road (Figure 4.1-4).

Visual quality is high throughout these historic and adjacent neighborhoods, as design and scale are unified and the built environment integrates well with the natural environment. Viewer sensitivity would be high through all these districts and adjacent neighborhoods, for commuters and visitors alike. Similarly, neighborhoods situated in the hillsides feature densely landscaped frontages, views of the nearby ridgelines, and curving roads that create privacy and integrate development into the shape of the hillsides on which they are built (Figure 4.1-5). These communities are strongly associated with the Town's visual character and the perception of the Town. Elsewhere, multi-family development along University Avenue, for example, can include detached bungalows or two-story attached units facing an internal, landscaped courtyard. They are unified with adjacent single-family residences and include similarly dense landscaped areas (Figure 4.1-6). All retain a high visual quality, although viewer sensitivity would be moderate to moderately high in the areas closer to the major transportation corridors at the northern edges of the Town.

**Figure 4.1-1 Almond Grove District**

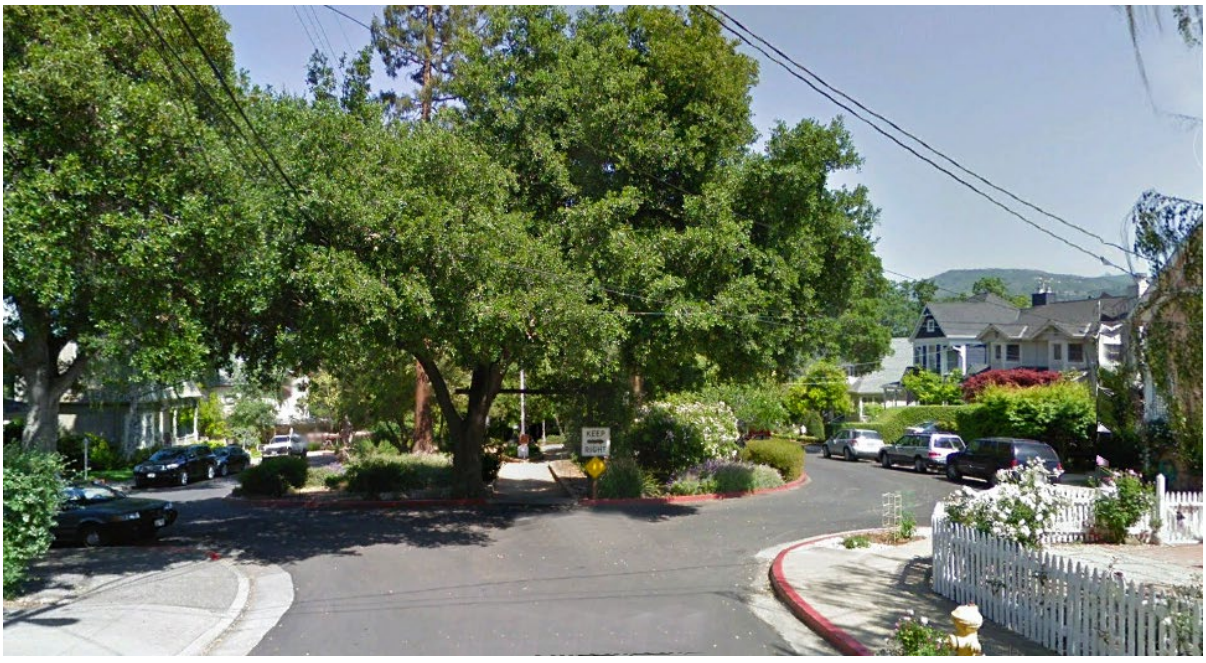


Source: Google Earth 2020

**Figure 4.1-2 Broadway District**

Source: Google Earth 2020

**Figure 4.1-3 Fairview District**



Source: Google Earth 2020

**Figure 4.1-4 University Avenue looking west toward Downtown**

Source: Google Earth 2020

**Figure 4.1-5 Hillside Neighborhood**

Source: Google Earth 2020

**Figure 4.1-6 Multi-family Residential Uses on University Avenue**

Source: Google Earth 2020

### *Non-Residential*

Non-residential areas in Los Gatos consist of commercial uses and limited areas of light industry and office buildings. Santa Cruz Avenue is a pedestrian-oriented commercial corridor with shopping and retail in both historic and new buildings designed in the spirit of the historic districts described above (Figure 4.1-7). Even with the newer commercial development, parking is limited, and the buildings occur close to the roadways, which are lined with mature shade trees. Southerly views include the Santa Cruz Mountain foothills and ridgelines in the near distance, and the tree-lined boulevard stretching away to the northwest.

Los Gatos Boulevard forms a major commercial corridor for the Town with shopping centers and office buildings that feature large parking lots in front, and some early twentieth century residential development in between, some of which has been converted to other uses (Figure 4.1-8). While not as densely landscaped as Santa Cruz Avenue or some other roadways, Los Gatos Boulevard nevertheless maintains a high-quality appearance that transitions from the more human-scale development in the downtown commercial area to the more automotive-scaled areas along Lark Avenue, Blossom Hill Road, and Los Gatos-Almaden Road. On these and other major transportation corridors in the Town, light industrial, and other service uses (e.g., health clubs) are large and set far back from the roadway, with parking lots situated at the front and well-landscaped frontages and edges (Figure 4.1-9). These wide arterial roadways are dominated by traffic infrastructure, but the mature trees, neutral exterior finishes, and ability to see the distant horizon line helps these areas retain a moderately high visual quality.

These commercial/office districts described above are characterized by high visual quality, with well-maintained buildings, densely landscaped properties, and low-profile signage (Figure 4.1-8 and Figure 4.1-9). Similarly, light industrial complexes are low-rise structures, generously landscaped, with discrete, maintained signage and frontages, retaining unity with adjacent and surrounding

development that coheres with the human-scale, intimate development of the rest of the community (Figure 4.1-10) and upholds the generally high visual quality of the Town as a whole.

### *Downtown Los Gatos*

The Downtown is the historic heart of Los Gatos. It encompasses the southwest section of Town and is generally bounded by Blossom Hill Road and Pine Avenue to the north; Glen Ridge Avenue to the west; Wood Road, College Avenue, and Cleland Avenue to the south; and East Main Street to the east. Main Street includes a bridge that accommodates pedestrians and cars and connects West Main Street with East Main Street. Buildings along West Main Street, near North Santa Cruz and University Avenues, present a range of architectural styles that fit with the nearby Queen Anne Victorian, Mission Revival, and Art Deco residential uses. These buildings contribute to the National Register of Historic Places and the Town-designated Historic Commercial District. The distinctive and representative architecture solidifies a distinguishing sense of place for residents and visitors. The human-scale, pedestrian-friendly avenues give way to longer range views of dense urban forestation in the middle ground and ridgelines of the Santa Cruz Mountains in the distance (Figure 4.1-11). Newer and historic architecture is consistent in scale, design, and appearance, and is unified within the nearby natural environment that prominently includes the Santa Cruz Mountains. The visual quality is high through this area. Town Plaza Park is a town-block in size and features shady areas to sit and interact with neighbors. The mature trees, park benches, and situation in downtown contribute to the visual quality of the downtown area, reflecting the nineteenth century planning trend to focus commercial and government facilities around a centralized parkway and further contributes to the human-scale and neighborhood orientation of the Town core (Figure 4.1-12).

**Figure 4.1-7 Commercial District along North Santa Cruz Avenue, looking northwest**

Source: Google Earth 2020

**Figure 4.1-8 Commercial Development along Los Gatos Boulevard**

Source: Google Earth 2020

**Figure 4.1-9 Office and Indoor Recreational Uses on Winchester Boulevard**


Source: Google Earth 2020

**Figure 4.1-10 Light Industrial Development on University Avenue**

**Figure 4.1-11 Downtown Los Gatos, looking south**


Source: Google Earth 2020

**Figure 4.1-12 Town Plaza Park**

Source: Google Earth 2020

## Scenic Vistas and Highways

### *Scenic Vistas and Corridors*

A scenic vista is a view from a public place (roadway, designated scenic viewing spot, etc. ) that is expansive and considered locally important. It can be obtained from an elevated position (such as from the top of a hillside) or it can be seen from a roadway with a longer-range view of the landscape. An adverse effect would occur if a proposed project would block or otherwise damage the scenic vista upon implementation. A scenic corridor is usually described as an area where outstanding views of natural landscapes and visually attractive built environments are visible from public roadways.

Los Gatos is located at the base of the Santa Cruz Mountains and many southbound streets offer striking views of the slopes, ridgelines, and wooded areas in those mountains. Examples can be seen in the images provided in Built Environment discussion, above. These views are defining attributes of the Town and shape the visual experience for visitors and residents who would have a high sensitivity to those views. Areas in hillside neighborhoods offer views of the Town and larger metropolitan San Jose to the north and east. Views from the foothills orient residents and visitors to Los Gatos relative to the larger south Bay Area and form an important part of Los Gatos' visual identity.

The overall community design integrates views of the mountains and the urban forestation forms a continuation of the natural landscape into the Town with the resulting vividness and intactness that contributes to the high visual quality. Far reaching scenic vistas are limited to hillside neighborhoods or public trails in the nearby parks.

### *Scenic Highways*

State Route 9 is an officially designated State Scenic Highway near Los Gatos, at the northeastern limits of the Town, where it is also called Los Gatos-Saratoga Road. Its intersection with State Route 17 in Los Gatos is eligible for designation. Similarly, the portion of SR 17 between the SR 9 interchange and Highway 1 in Santa Cruz is eligible for designation (Caltrans 2019).

### *Light and Glare*

Light pollution is generated when flare, light trespass, sky glow, and over-lighting from development create a situation where unwanted light affects views of the night sky. For a residential, hillside community like Los Gatos, night sky views can be an important part of the natural, visual environment. Excessive light can affect humans and nocturnal animal species and detract from the small-town character so important to Los Gatos' visual environment. Glare occurs when the sun shines unimpeded on building windows and car windshields. Headlights from cars driving at night can also generate glare. Due to its residential, wooded character, Los Gatos experiences limited light pollution. The mature trees along streets and in parking areas also help shield car windows and prevent glare. Downtown and commercial corridors are the main sources of night-time light, along with streetlighting.

## 4.1.2 Regulatory Setting

### a. Federal Regulations

No federal regulations pertain to the visual resources in the Los Gatos planning area.

### b. State Regulations

#### *California Scenic Highway Program*

Caltrans maintains the California Scenic Highway Program to protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to those highways. The California Department of Transportation (Caltrans) Scenic Highway program allows local jurisdictions to officially designate a scenic highway to ensure protection of the visual resources along its corridor. Caltrans identifies highways as eligible for the program, and the local jurisdiction submits an application to be officially designated. The status of a proposed state scenic highway changes from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway (Caltrans 2012). Protection of visual resources for the designated corridor include regulating land use and development, outdoor advertising, landscaping, and building design.

### c. Local Regulations

#### *Town of Los Gatos Municipal Code*

The Los Gatos Town Code is the primary implementing tool for the General Plan and contains standards and regulations that help shape the form and character of the Town, as standards and regulations in the Town Code are used to implement and enforce the goals and policies of the General Plan. The following Code Chapters contain regulations to maintain the aesthetic quality of the Town:

- Chapter 6, Article IX – Historical Building Code
- Chapter 24 – Subdivision Regulations
- Chapter 26 – Trees and Shrubs
- Chapter 29 – Zoning Regulations
- Chapter 30 – Neighborhood Preservation

### *Zoning Regulations*

The Zoning Regulations are found in Chapter 29 of the Town Code and provide specific requirements for development in the Town that will achieve the general arrangement of land uses the General Plan Land Use Element identifies. The primary objectives of the zoning standards are to regulate uses, building form, placement, and density, and to provide adequate parking and open spaces with new development projects.

### *Subdivision Regulations*

Chapter 24 of the Town Code provides regulations that govern orderly development of subdivisions on land partly or entirely in the Town Sphere of Influence. The ordinance includes standards for survey, design, and construction of projects, along with installation of supporting infrastructure such as sewer, roads, and stormwater systems.

### *Historic Buildings Code*

The Town of Los Gatos Historic Buildings Code (Article IX, Chapter 6) amends the 2007 State Code (Title 27, Part 8) and is dedicated to preserving historic and architectural resources in the Town. The Code establishes the Historic Preservation Committee and a program with a comprehensive set of standards and guidelines concerning preservation and demolition of historic structures, design guidelines for rehabilitation and new construction, and guidance in how to apply the historic preservation standards.

### *Residential Design Guidelines*

The Los Gatos Single- and Two-Family Residential Design Guidelines establish community expectations for residential development that also respect neighborhood "scale, texture, and character…[along with the] unique natural setting" (Town of Los Gatos 2008). The guidelines facilitate high-level project review and help Town staff, the Development Review Committee, Historic Preservation Committee, Planning Commission, and Town Council evaluate new construction and changes to existing buildings. The Guidelines apply to all residential development in the Town that requires discretionary approval or a building permit, except for parcels subject to development standards established in the Hillside Specific Plan and Hillside Development Standards and Guidelines.

### *Hillside Specific Plan*

The Town Council adopted the Hillside Specific Plan in 1978 to establish development standards for the Hillside Study Area, a mountainous area in the southeastern part of the Town designated for Hillside Residential development. The Hillside Specific Plan expresses two main goals: 1) preserve the irreplaceable natural environment of the mountains, and 2) address the differences in land use policies, regulations, and standards between the Town and Santa Clara County. The Hillside Specific Plan limits land uses in the Hillside Study Area to agriculture and clustered, single-family detached

uses with conditional exceptions. It establishes a series of standards related to land use, facilities, services, circulation, fire protection, safety, and open space. The Hillside Specific Plan also established the need for the 2004 Hillside Development Standards and Guidelines to be used in the review of hillside development applications.

### *Hillside Development Standards and Guidelines*

The Hillside Development Standards and Guidelines (HDS&G) were approved in 2004 to work alongside the Hillside Specific Plan. The HDS&G specifically regulate site selection, planning, and elements; development intensity; and architectural and landscape design. The HDS&G include retaining the existing landform and natural contours of a site, encouraging use of compatible materials and colors, and limiting height and massing to prevent blockage of significant views. Specifically, the HDS&G require buildings to be situated in the "Least Restrictive Development Area," which accounts for existing site constraints including topography, vegetation, habitat, drainage, fire safety, septic systems, geology, and visibility.

The HDS&G require a visibility analysis that accounts for the impact of development on visible hillsides and significant ridgelines. Overall, the HDS&G help reduce visual impacts related to highly visible hillsides and preserve the existing visual character of the hillsides.

### *Commercial Design Guidelines*

The Los Gatos Town Council adopted the Town's Commercial Design Guidelines in 2005. These guidelines contain a clear statement of community expectations to assist property and business owners in understanding the Town and commercial development features that assist in defining the overall ambience and sense of place that contribute strongly to the livability and economic vitality of Los Gatos. The Town staff, the Development Review Committee, Planning Commission, and the Town Council use the guidelines to evaluate changes to existing properties and to consider the effects of new construction. The guidelines are organized around specific physical districts within the community and apply as well to commercial properties outside those specific district boundaries. The guidelines address requirements for everything from architectural design to signage, window treatments, and streetscaping.

## 4.1.3 Impact Analysis

### a. Methodology and Significance Thresholds

The assessment of aesthetic impacts involves qualitative analysis that is inherently subjective in nature. Reactions to the same aesthetic conditions vary based on the viewer. This section evaluates the anticipated changes in the Town's visual environment from existing conditions to buildout of the proposed 2040 General Plan. It is important to underscore that the proposed project is a general plan and does not contain specific development proposals. This analysis therefore focuses on land use and infrastructure changes envisioned under the proposed 2040 General Plan, and their aesthetic impacts on the community in terms of arrangement of development to open space, and density and intensity of development according to the thresholds of significance discussed below. Individual projects would be subject to design review and potential environmental impact evaluation when proposed.

Based on Appendix G of the *CEQA Guidelines*, the proposed 2040 General Plan would have a significant impact if it would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
3. Substantially degrade the existing visual character or quality of public views of the site and its surroundings in non-urbanized areas. Or, if the project is in an urbanized area, would conflict with applicable zoning and other regulations governing scenic quality; or
4. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

See Section 4.18, *Effects Found Not to be Significant*, for discussion of threshold two, as there are no state scenic highways in the Town. In addition to the checklist questions above, this section also addresses potential land use conflicts between urban and agricultural uses.

## b. Project Impacts and Mitigation Measures

| **Threshold 1:** | Would the General Plan have a substantial adverse effect on a scenic vista? |
|---|---|

### Impact AES-1 THE 2040 GENERAL PLAN WILL FACILITATE A HIGHER PERCENTAGE OF GROWTH THROUGH REDEVELOPMENT OF LANDS THAT HAVE DEVELOPMENT POTENTIAL OPPOSED TO VACANT LAND. ADHERENCE WITH GOALS AND POLICIES IN THE 2040 GENERAL PLAN WOULD ENSURE VISUAL ACCESS TO NATURAL FEATURES SURROUNDING THE TOWN. WITH ADHERENCE TO THESE POLICIES, IMPACTS ON SCENIC VISTAS WOULD BE LESS THAN SIGNIFICANT.

Scenic vistas in Los Gatos include the hillside area of the Santa Cruz Mountains and open space areas on the edges of the Town. The 2040 General Plan maintains the open space designations in the existing 2020 General Plan, and would not facilitate new development in these areas, including hillside area. Development facilitated in the Town would be in the existing urbanized area, and generally would not affect views of the hillside areas or other scenic vistas. However, new structures could be oriented or scaled in such a way that views of the hillside area are blocked from isolated locations in the Town. New development in the urbanized area may also be visible from the ridges in the hillside area or from isolated locations in other open space areas of Los Gatos, but would appear similar, in general, to existing surrounding urban development.

The 2040 General Plan Community Design Element contains goals and policies to minimize potential visual impacts on scenic vistas from future development. Goal CD-1 and associated policies, listed below, would reduce potential impacts to views of scenic open space in the Town.

**Goal CD-1.** Maintain a Town of diverse and well-structured neighborhoods that meet the community's needs for interconnected, high-quality, and inclusive living environments.

> **Policy CD-1.1. Building Element Proportion.** Require building elements to be in proportion, including building massing and height, with existing development in the neighborhood.
>
> **Policy CD-1.2. Gated Communities.** Prohibit the creation of gated communities in an effort to promote social cohesiveness and inclusivity and maintain street network efficiency, adequate emergency response times, and convenient travel routes for all street users.
>
> **Policy CD-1.3. Enhance Neighborhood Character.** Enhance established neighborhoods by requiring new development to respect and respond to those existing physical characteristics of buildings, streetscapes, open spaces, and urban form that contribute to the overall age-friendly aspects and character of the neighborhood.

**Policy CD-1.4. Memorable Places Through Infill Development.** Promote infill development projects that create memorable places throughout the Town through high-quality architecture, pedestrian oriented streetscapes, and age-friendly designed public spaces.

In addition, Goal CD-2 describes the community form of Los Gatos, including the visual, contextual, and architectural design. It encourages all development in Town to be designed holistically, eco-friendly, and sustainable to create welcoming and human-scaled neighborhood communities. Goal CD-2 contains 42 associated policies that help guide the future community form and urban design characteristics that will shape Los Gatos over the next 20 years. The Open Space and Recreation Element of the 2040 General Plan also contains goals and policies related to the preservation of open spaces and scenic vistas in Los Gatos and its SOI. Goal OSP-2 and associated policies, listed below, would preserve hillside areas as open space.

**Goal OSP-2.** Preserve hillside areas as natural open space.

**Policy OSP-2.1. Hillside Natural Open Space Character.** Preserve the natural open space character of hillside lands, including natural topography, natural vegetation, wildlife habitats and migration corridors, and viewsheds.

**Policy OSP-2.2. Hillside Open Space Provision.** The provision of open space areas should not detract from the existing character of the Town's hillsides.

**Policy OSP-2.5. Hillside Open Space and Scenic Vista Preservation.** Maximize preservation of open space and scenic vistas in the hillside area by requiring dedications in fee (preferred) or easements and by restricting buildable areas on lots. Where buildable areas are restricted through clustering, planned developments, or other means, these means shall not allow higher overall density on the parcel than would otherwise be allowed by the zoning. Dedications should be granted to the Town and MROSD [Midpeninsula Regional Open Space District].

These 2040 General Plan goals and policies would minimize visual intrusion and assist in reducing obstructions of view of the scenic vistas associated with the open space areas of the Town. Because development facilitated by the 2040 General Plan would occur in existing urbanized areas of the Town, and implementation of these policies would encourage vistas and visibility of scenic open space, impacts of the 2040 General Plan would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 2:** | Would the General Plan substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |

**Impact AES-2 THERE ARE NO DESIGNATED STATE SCENIC HIGHWAYS IN LOS GATOS. THE 2040 GENERAL PLAN WOULD NOT FACILITATE NEW LAND USES OR GROWTH IN AREAS OF THE TOWN ADJACENT TO STATE ROUTE 9, A DESIGNATED STATE SCENIC HIGHWAY. THEREFORE, THE 2040 GENERAL PLAN WOULD HAVE NO IMPACT.**

State Route 9 is an officially designated scenic highway from the Santa Cruz/Santa Clara County line to the Los Gatos Town limits and is eligible for scenic designation within the Town of Los Gatos (DOT 2020). A small portion of this roadway coincides with the Los Gatos boundary with Monte Sereno but does not pass into the Town (Caltrans 2019). This segment of State Route 9 is located near the northwestern portion of the SOI, within the North Santa Cruz Avenue District. Land uses within this District range from low- to medium-density residential uses. The 2040 General Plan maintains the land use designations in the existing 2020 General Plan for this area and would not facilitate new development adjacent to State Route 9. Therefore, the 2040 General Plan would have no impacts on scenic resources within a state scenic highway.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

There would be no impact.

| | |
|---|---|
| **Threshold 3:** | Would the General Plan, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? |

**Impact AES-3 GOALS AND POLICIES FROM THE 2040 GENERAL PLAN INDICATE THAT DEVELOPMENT WOULD INTEGRATE INTO THE COMMUNITY VISUALLY AND PROTECT AND ENHANCE THE NEIGHBORHOODS IN WHICH DEVELOPMENT OCCURS. ADHERENCE TO THE PRESCRIBED GOALS AND POLICIES IN THE LAND USE AND COMMUNITY DESIGN ELEMENTS OF THE 2040 GENERAL PLAN FOR NEW CONSTRUCTION, PARKING, GATEWAYS, AND STREETSCAPES WOULD DIRECT THE QUALITY OF THE TOWN'S VISUAL CHARACTER SUCH THAT THE CHANGES WOULD ACHIEVE 2040 GENERAL PLAN GOALS TO IMPROVE OVERALL VISUAL QUALITY THROUGHOUT THE PLANNING AREA. IMPACTS TO VISUAL CHARACTER AND QUALITY WOULD BE *LESS THAN SIGNIFICANT.***

The 2040 General Plan would facilitate changes that will incrementally change the visual character of Los Gatos through the development and redevelopment of land within the Town and its SOI. Development would include reuse of existing urbanized lands and infill development on vacant parcels. The General Plan 2040 would change the nature of some land uses to include more dense and diverse types of land uses including residential, office and industrial development, and the character of commercial development to adapt the style of new construction to a more pedestrian-oriented design model. The General Plan facilitates development with the assumption that the community will continue to grow and meet the needs of current and future residents, businesses, and visitors.

The General Plan would ensure new development does not substantially degrade the visual character or quality of the Town. Furthermore, development of formal design guidelines for all forms of developing, including suggested finishes, landscaping, and other aesthetic attributes, would mitigate potential impacts. Adherence to the 2040 General Plan policies and to formally adopted community design guidelines would guide development and ensure the overall visual quality of the Town is considered. Applicable 2040 General Plan goals and their corresponding policies are listed below.

## Land Use Element Goals and Policies

**Goal LU-3.** Provide for a more diverse Town by incorporating balanced development that meets the needs of a changing population.

**Goal LU-4.** Use infill sites to accommodate new development.

**Policy LU-4.1. Infill Projects in Context.** Require that infill projects are compatible with the surrounding neighborhoods, demonstrate that the development meets the criteria contained in the Town's Development Policy for Infill Projects, and enhance the surrounding neighborhoods when possible (e.g., improve circulation).

**Goal LU-5.** Maintain and enhance a sense of place in residential neighborhoods to meet the required housing needs, while expanding housing opportunities for a diverse population.

**Policy LU-5.1. Infill and Reuse of Underutilized Sites for Housing.** Promote infill residential development and redevelopment to significantly increase housing opportunities for a more diverse population by focusing on smaller units and shifting the balance from predominantly single-family homes to a broader mix of housing types.

**Policy LU-5.2. Neighborhood Characteristics.** Promote livability, enjoyment, and safety for all residents through quality neighborhoods. Characteristics of quality neighborhoods vary from neighborhood to neighborhood, but include several of the following characteristics:

- A mix of housing types, styles, density, and affordability;
- Design and circulation features that create and maintain a pedestrian scale;
- Location within one mile of services and facilities including schools, parks, retail (e.g., grocery store, drug store), restaurants and cafes, and community centers or other public facilities;
- A sense of place;
- A tree canopy and well-maintained landscaping;
- Design features that enhance safety;
- Convenient access to public transportation; and
- Well-maintained housing and public facilities.

**Policy LU-5.3. Adjacent Non-residential Development.** Protect existing residential areas from the impacts of non-residential development. This could include, but is not limited to, limitations on operations, placement of structures, height, and placement of loading docks.

**Policy LU-5.6. Walkable Neighborhoods.** Encourage walkable neighborhoods by managing vehicle speeds, providing bike lanes, encouraging connectivity between adjacent properties,

improving sidewalks and street tree canopies, and ensuring services are provided within one mile of all dwellings, except in the hillsides.

**Policy LU-5.7. Retrofit Neighborhoods to Improve Connectivity.** Encourage existing developments to be retrofitted over time, as appropriate, to reduce unnecessary walls and barriers to improve connectivity between residential neighborhoods.

**Policy LU-5.8. New Construction Compatibility.** Encourage new construction, remodels, and additions to be compatible with the existing neighborhood.

**Policy LU-5.9. Neighborhood Maintenance.** Support the maintenance and improvement of neighborhoods through the use of systematic code enforcement, regulatory measures, cooperative neighborhood improvement programs, and other measures.

**Goal LU-7.** Encourage a variety of development types that integrates a mix of residential, commercial, and/or office uses to meet the Town's housing goals for growth, while enabling residents to live close to businesses and services.

**Policy LU-7.2. Mixed-use Objectives**. The Town shall require mixed-use projects to comply with the following objectives:

- Include a mix of residential uses as a significant component of the project;
- Provide a blend of uses that are physically and functionally integrated through site layout, architectural design, and landscaping to create a synergy between different uses and a unique sense of place;
- Feature compact design;
- Increase economic vitality;
- Feature a pedestrian-oriented design; and
- Include an attractive and accessible public realm that encourages community members to gather and socialize.

**Goal LU-8.** Provide residents, businesses, and visitors with a range of commercial activities and services.

**Policy LU-8.6. Buffers for Non-residential Uses**. Buffers shall be required as conditions of approval for non-residential projects that are adjacent to residential areas to reduce visual impacts, and may consist of landscaping, sound barriers, building setbacks, or open space.

**Goal LU-9.** Enhance Downtown Los Gatos as the historic center of the Town, with goods and services for residents, while maintaining the existing Town identity, environment, and commercial viability.

**Policy LU-9.4. Maintain Existing Town Identity**. Ensure that any new Downtown development compliments the existing identity, from both a historical and a design perspective.

**Goal LU-12.** Ensure governmental, utility, institutional, educational, cultural, faith-based, and social facilities and services are located and designed to complement Los Gatos' neighborhoods and nearby sensitive land uses.

**Goal LU-15.** Provide for the protection of Los Gatos' cultural heritage through the protection and maintenance of historic resources.

## Community Design Element Goals and Policies

**Goal CD-1.** Maintain a Town of diverse and well-structured neighborhoods that meet the community's needs for interconnected, high-quality, and inclusive living environments.

**Policy CD-1.1. Building Element Proportion.** Require building elements to be in proportion, including building massing and height, with existing development in the neighborhood.

**Policy CD-1.2. Gated Communities.** Prohibit the creation of gated communities in an effort to promote social cohesiveness and inclusivity and maintain street network efficiency, adequate emergency response times, and convenient travel routes for all street users.

**Policy CD-1.3. Enhance Neighborhood Character.** Enhance established neighborhoods by requiring new development to respect and respond to those existing physical characteristics of buildings, streetscapes, open spaces, and urban form that contribute to the overall age-friendly aspects and character of the neighborhood.

**Policy CD-1.4. Memorable Places Through Infill Development.** Promote infill development projects that create memorable places throughout the Town through high-quality architecture, pedestrian oriented streetscapes, and age-friendly designed public spaces.

**Goal CD-2.** Encourage all development in Town to be designed holistically, eco-friendly, and sustainably to create welcoming and human-scaled neighborhood communities.

### *Hillside Development*

The 2040 General Plan also contains policies for development within and along the hillside area of the Town which comprises most of the southern portion of Los Gatos. The area is characterized by larger, wooded lots and private access roads. In January 2004, the Town adopted the HDS&G, which apply to all new hillside development and major hillside additions and renovations. The intent of the HDS&G is to regulate development and preserve the hillsides. The following goals and policies from Land Use and Community Development Elements of the General Plan support the preservation of hillside areas.

**Goal LU-6.** Ensure housing in the hillsides will not adversely affect the natural environment or endanger public health and safety.

**Policy LU-6.1. Preservation of Open Space**. Open space easements shall be required by the deciding body for hillside subdivisions in accordance with the topographical, ecological, aesthetic, and other conditions pertinent to the making of such easements.

**Policy LU-6.2. Clustering of Dwelling Units**. Clustering of dwelling units should be encouraged to preserve the scenic nature of the hillsides and to allow for economies in the construction of required public and private facilities.

**Goal CD-5.** Preserve the natural beauty and ecological integrity of the Santa Cruz Mountains and surrounding hillsides.

**Policy CD-5.1. Rural Atmosphere Preservation**. Minimize development and preserve and enhance the rural atmosphere and natural plant and wildlife habitats in the hillsides.

**Policy CD-5.3. Effective Visible Mass**. Reduce effective visible mass through such means as stepping structures up and down the hillside, following topographical contours, and limiting the height and mass of wall planes.

**Policy CD-5.5. Mountain and Hillside Viewshed Preservation**. Preserve and protect the natural state of the Santa Cruz Mountains and surrounding hillsides by discouraging development on and near the hillsides that impacts viewsheds.

**Goal CD-6.** Preserve the natural topography and ecosystems within the hillside area by regulating grading, site placement, fencing, landscaping, and lighting.

**Policy CD-6.1. Least Restrictive Development Areas**. All development is required to adhere to the Least Restrictive Development Areas (LRDA) to ensure minimal disturbance of the natural environment and to avoid wildfire and geological hazards.

**Policy CD-6.2. Ridge Line Grading Prohibition**. Protect the natural ridge lines as defined in the Hillside Development Standards and Guidelines by prohibiting any grading that would alter the natural ridge line.

**Policy CD-6.3. Natural Land Contours**. New construction shall be designed to follow natural land contours and avoid mass grading. When possible, flat pads should be avoided, and houses should be designed to conform to or step down the contours rather than be designed for flat pads. Grading large, flat yard areas should be avoided.

**Policy CD-6.4. Hillside Landscaping Design**. Hillside landscaping shall be designed to minimize formal landscaping and hardscapes and site them close to the residence, follow the natural topography, and preserve native trees, native plant and wildlife habitats, and migration corridors.

**Policy CD-6.5. Lighting Design in Hillside Areas**. Outdoor lighting shall be limited and shielded so as not to be viewable from non-hillside areas and shall be of low intensity.

**Policy CD-6.6. Hillside Fencing Design**. Fences in the hillsides should be of open design to allow passage of native wildlife.

### *Community Place Districts*

Future infill development envisioned by the General Plan is intended to maintain the overall character of Los Gatos while encouraging pedestrian-friendly districts, enhancing neighborhood connectivity, and emphasizing high-quality architectural, public space, and public art standards. Within the planning area, there are eight Community Place Districts (Districts) that were identified for having the most potential for future multi-family and/or mixed-use development, because of the residential densities specified in the Land Use Element (Figure 4.1-13). Although there are development opportunities in locations throughout Town, these eight locations have been selected because they have the existing infrastructure necessary to support new mixes of land use and additional housing. Each location has unique opportunities and challenges that are addressed in the General Plan to create vibrant new community places. Within the Community Development Element of the 2040 General Plan, it contains goals and policies to guide the development of these eight Districts while continuing the tradition in Los Gatos of creating unique and identifiable areas of Town that provide diversity in both development and community gathering spaces. The Community Design Element focuses on the integration of design, overall urban form, design driven connectivity, and compatibility between varying development types shown by the applicable goal and policies below:

**Goal CD-7.** Enhance specific districts and areas to guide redevelopment of unique places in the community to promote sustainable growth of livable, walkable neighborhoods.

**Policy CD-7.1. Neighborhood-Friendly Design.** Encourage buildings and sites within all Community Place Districts regardless of designation, including shopping centers undergoing redevelopment, to integrate design features that create a pedestrian- and neighborhood-friendly environment, such as by siting buildings close to the sidewalks, providing space for small plazas, and including public art.

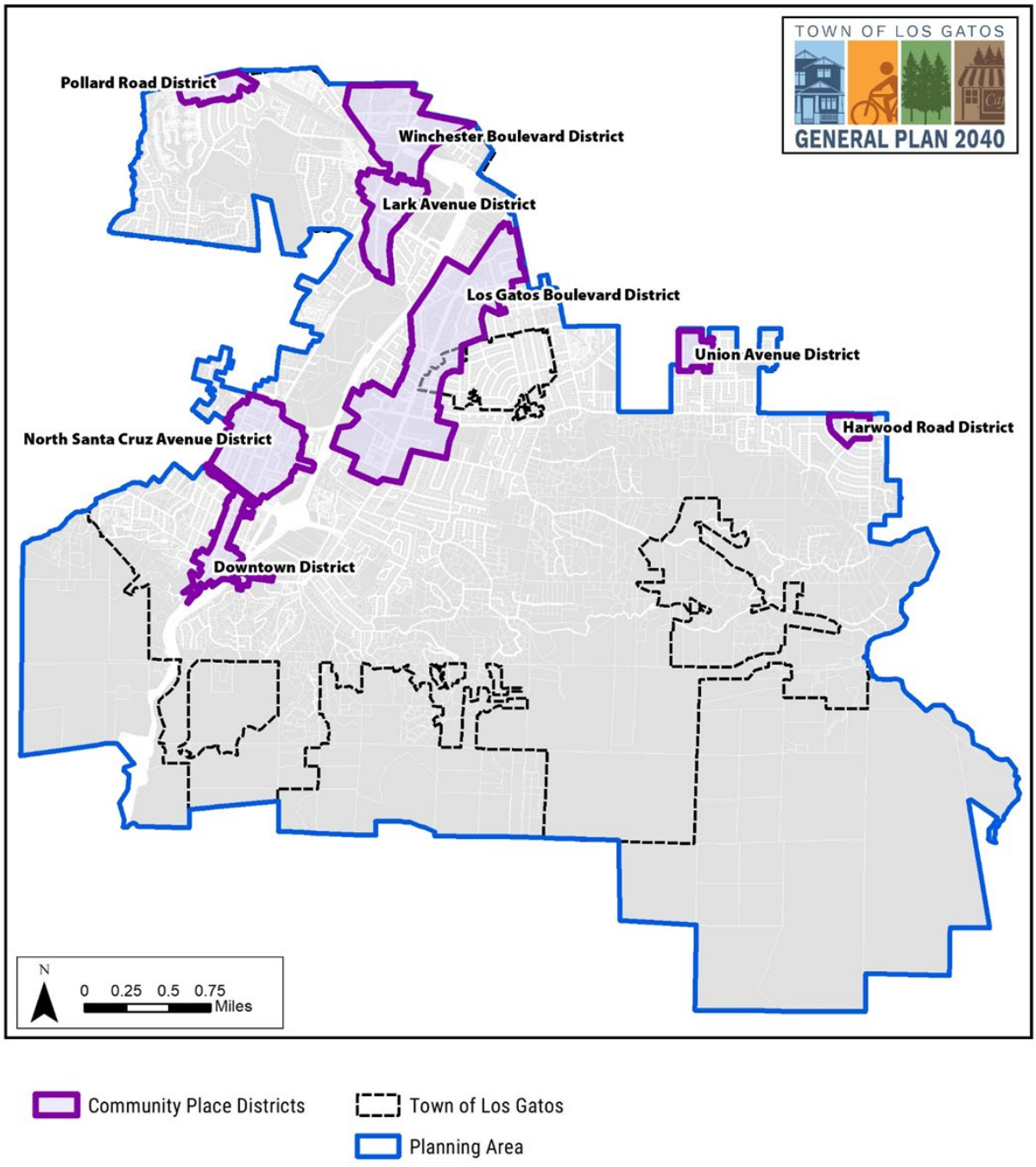
**Policy CD-7.2. Encourage Mixed-Use Development.** Encourage redevelopment of commercial properties to incorporate mixed-use to provide additional housing in close proximity to neighborhood serving commercial.

**Policy CD-7.3. Open Space.** Require open space including green open space such as planters and park strips in all commercial and mixed-use areas to enhance livability as well as the pedestrian experience.

**Policy CD 7.4. Linkage.** Require all new or remodeled developments to include connections and linkages in the form of walkways or paseos between adjacent developments to reduce automobile use and promote walking and biking.

In addition to Goal CD-7, the Community Design Element also contains guidance on the development of community design character for each of the eight Districts. Goals CD-8, CD-9, CD-10, CD-11, and CD-12 guide the design of the Downtown, Los Gatos Boulevard, North Santa Cruz Avenue, Lark Avenue, and Union Avenue Districts, respectfully. These goals and policies ensure new development within these Districts is cohesive and maintains the character of surrounding land uses.

**Figure 4.1-13 Community Place Districts**




*Historic Character*

In addition to guiding future development design, the 2040 General Plan also considers the preservation of historic and architectural features within the Los Gatos. The character of the Town is helped shaped by the historic structures found in the community and the small-town feel Los Gatos is known for. The following goal and applicable policies from the General Plan support the preservation of historical structures and landmarks in Los Gatos for the enjoyment of future generations.

**Goal CD-3.** Preserve historic and architectural features within the Town.

**Policy CD-3. 1. Avoid Demolition of Historic Buildings.** Avoid demolishing historic buildings, unless the Historic Preservation Committee determines, based on required findings, that there is no feasible means to preserve the structure.

**Policy CD-3. 2. Historic Structure Preservation.** Preserve and protect historic structures, including those that have been individually designated or are located within historic districts.

**Policy CD-3. 3. Historic Preservation Programs.** Continue the Town's careful and proactive historic preservation programs while recognizing the changing needs of the community.

**Policy CD-3. 4. Historic Preservation Committee Review**. Require the referral of zone changes, planned development applications, and zoning approvals that may result in the demolition of historic structures to the Historic Preservation Committee for review and recommendation prior to review by the Planning Commission.

**Policy CD-3. 5. New Structures and Remodels within Historic Districts.** Require new structures or remodels within historic districts to be designed to complement structures within the district.

Adherence with the goals and policies listed above would ensure that development facilitated by the 2040 General Plan does not substantially degrade visual character and quality of Los Gatos. With implementation of these goals and policies, the impacts of the 2040 General Plan on visual character and quality would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 4:** | Would the General Plan create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? |

### Impact AES-4 NEW DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD RESULT IN NEW SOURCES OF LIGHT AND GLARE. NEW DEVELOPMENT WOULD OCCUR IN ALREADY URBANIZED AREAS OF THE TOWN, WHERE LIGHTS ARE GLARE ARE ALREADY COMMON. LIGHT AND GLARE WOULD ALSO BE MINIMIZED BY THE 2040 GENERAL PLAN POLICIES. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

New development facilitated under the 2040 General Plan would increase the development intensity throughout the Town, and thus introduce new sources of light. Potential sources of new nighttime light from new development include light spillover from the windows of residences and businesses, outdoor security lighting, lighted signs, and streetlights. New development also could produce glare from sunlight reflecting off windows, reflective surfaces, and unshielded equipment, such as motor vehicle windows, parked or passing by, or vehicle headlights at night form another potential source of light and glare.

The development that would be facilitated by the 2040 General Plan would occur in already urbanized areas of Los Gatos, where existing lights and surfaces with glare are common. Therefore, the additional light and glare created under the 2040 General Plan would not illuminate or

contribute to light pollution in currently dark or unlit areas without reflective or glaring surfaces. Policy CD-2.22 in the Community Design Element of the 2040 General Plan would minimize obstructed viewing into street facing windows of commercial buildings in the form of glazing, signage, advertisements and interior furnishings that can obstruct such views. Lighted signs and safety lighting in commercial and residential areas would need to conform to Town-prescribed lighting regulations provided in Sections 29.10.06721 and 29.10.09015 of the Los Gatos Municipal Code. Large development projects would require a lighting plan as part of the planning approval process in keeping with regulations that indicate the style, intensity, and positioning of lights on buildings and in parking areas.

Additionally, Policy CD-2.30 in the General Plan requires street and structure lighting to minimize its visual, health, and ecological impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky. Policy CD-2.31, encourages the use of cohesive and aesthetically pleasing lighting such as string lighting, pole mounted lighting, and tree-hanging lighting for mixed-used and commercial development. New sources would not substantially increase the amount of nighttime lighting or glare in the already urbanized Town and SOI. The 2040 General Plan has an overall intent to improve the visual quality of Los Gatos and considers light and glare impacts from new development in the Town. Impacts associated with light and glare would be less than significant.

### Mitigation Measures

No mitigation measures are required.

### Significance After Mitigation

Impacts would be less than significant without mitigation.

## 4.1.4 Cumulative Impacts

A project's environmental impacts are "cumulatively considerable" if 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" (CEQA Guidelines Section 15065(a)(3)). The geographic scope for cumulative aesthetics impacts includes development facilitated by the 2040 General Plan within the Town of Los Gatos and its Sphere of Influence (SOI). This geographic scope is appropriate for aesthetics because intervening topography and buildings limit the extent of views of scenic areas; and lighting and glare generally affects adjacent properties. Due to the programmatic nature of the General Plan, a project-level cumulative analysis is not possible. Cumulative impacts to the aesthetics of the Town and its SOI would derive from visible changes envisioned under the General Plan and anticipated development facilitated by it.

The 2040 General Plan would not have significant effects on designated scenic highways or views. Development facilitated in the Town would primarily be in the existing urbanized area, and generally would not affect views of the hillside areas or other scenic vistas. However, new structures could be oriented or scaled in such a way that views of the hillside area are blocked from isolated locations in the Town. New development in the urbanized area may also be visible from the ridges in the hillside area or from isolated locations in other open space areas of Los Gatos, but would appear similar, in general, to existing surrounding urban development. To minimize these effects, the proposed General Plan contains goals and policies within the Land Use, Community

Development, and Open Space, Parks and Recreation Elements to preserve the small-town character of Los Gatos while accommodating this anticipated growth.

Additionally, cumulative development would introduce new light and glare sources in the vicinity of the Town and SOI, but such development projects are required to comply with local plans, policies, and regulations that minimize the effects of light and glare on surrounding properties. The 2040 General Plan also contains goals and policies within the Community Design Element to reduce the effects of light and glare within the community. Compliance with these requirements would minimize the light and glare impacts of individual projects, such that the cumulative impact of increased light and glare would not be significant.

In conclusion, the 2040 General Plan would not have a significant adverse impact on the aesthetics resources of the Town or its SOI, with implementation of the standards and guidelines of local and regional planning documents and regulations. The combination of enforcement of existing design guidelines outside of the project corridor and implementation of General Plan goals and policies described above, would together serve to ensure aesthetic impacts of cumulative development are less than significant. Therefore, the 2040 General Plan would not result in a significant cumulative impact associated with aesthetics and visual resources.

# 4.2 Agriculture and Forest Resources

This section evaluates impacts on agricultural resources from implementation of the 2040 General Plan. The discussion and analysis in this section include direct impacts associated with the conversion of agricultural land to non-agricultural use in the Planning Area and potential indirect impacts to adjacent agricultural operations.

## 4.2.1 Setting

### a. Agricultural Land

The Los Gatos Planning Area is largely developed with only about 112 acres of land within Town and the Sphere of Influence (SOI) under commercial cultivation with row crops and orchards. This includes 64 acres in the Town and 48 acres in the Sphere of Influence (SOI), which are illustrated in Figure 4.2-1. The figure also shows urban development adjacent to or within areas zoned for agricultural use. A breakdown of acreage for each land use type is provided in Table 4.2-1.

**Table 4.2-1 General Plan Land Use Designation Summary**

| Land Use Type | Acres | Percent of Total |
|---|---|---|
| Hillside Residential | 4257.07 | 39.91% |
| Low-Density Residential | 1890.35 | 17.72% |
| Medium-Density Residential | 514.45 | 4.82% |
| High-Density Residential | 60.29 | 0.57% |
| Mobile Home Park | 0.00 | 0.00% |
| Office Professional | 65.05 | 0.61% |
| Neighborhood Commercial | 68.32 | 0.64% |
| Mixed-Use Commercial | 100.11 | 0.94% |
| Service Commercial | 17.93 | 0.17% |
| Central Business District | 48.50 | 0.45% |
| Light Industrial | 39.91 | 0.37% |
| Public | 135.40 | 1.27% |
| Agriculture | 311.88 | 2.92% |
| Open Space | 3088.56 | 28.96% |
| Albright Specific Plan | 24.99 | 0.23% |
| North 40 Specific Plan | 43.70 | 0.41% |
| **Total** | **10666.51** | **100.00%** |

Source: Town of Los Gatos, General Plan 2040

Because agriculture is such a prominent industry in California, the State monitors farmland conversion through its Farmland Monitoring and Mapping Program (FMMP). Prime, Important, Unique, and other types of Farmlands within are listed in Table 4.2-2.

**Table 4.2-2 Farmland Mapping and Monitoring Program Distribution in Los Gatos and SOI**

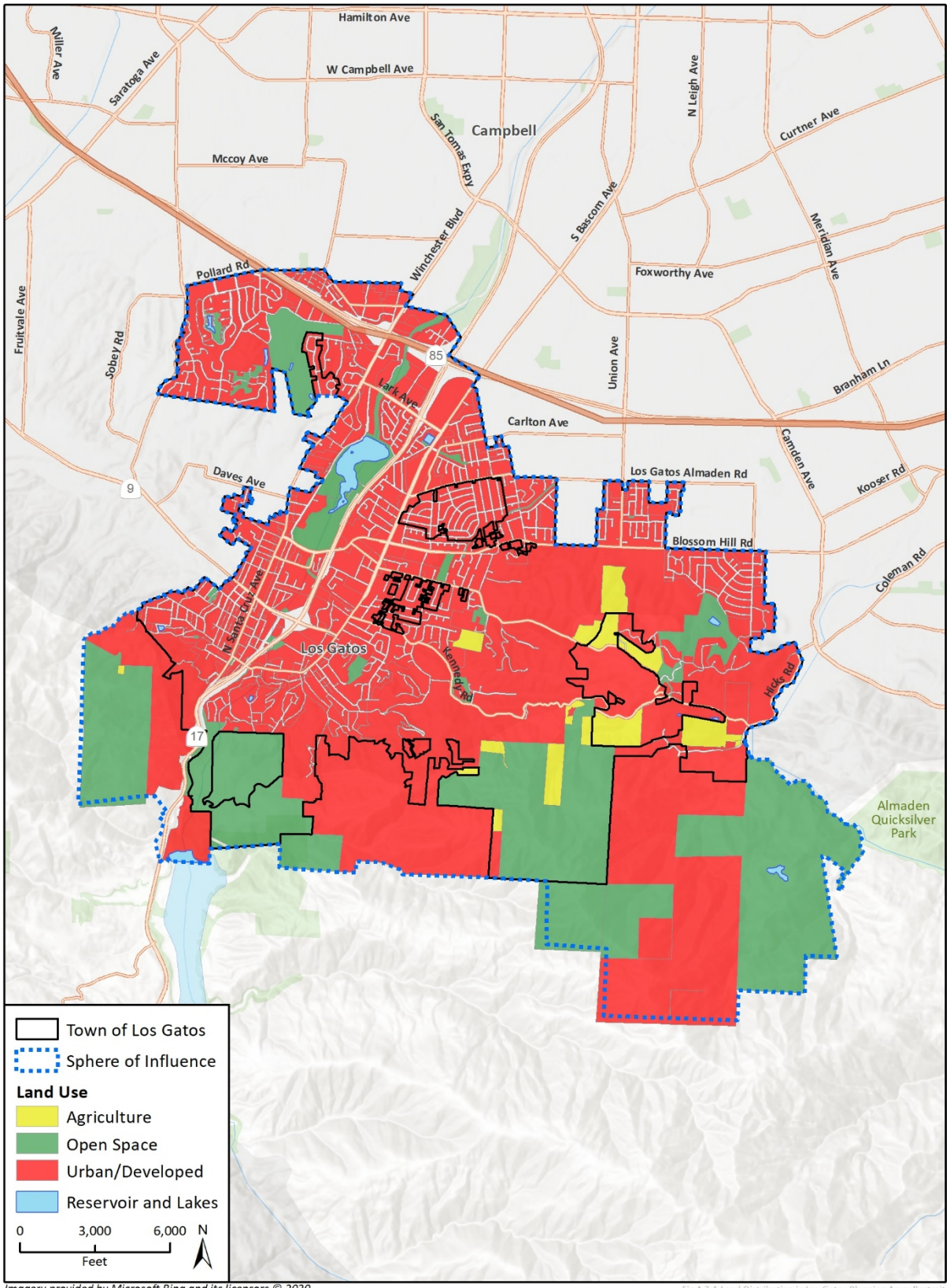
| FMMP Type | Acres | Portion of Total Town and SOI Land Area |
|---|---|---|
| Prime Farmland | 29,856.56 | 2.9% |
| Farmland of Statewide Importance | 17,482.12 | 1.7% |
| Farmland of Local Importance | 79,913.90 | 7.8% |
| Unique Farmland | 34,042.05 | 3.3% |
| Grazing Land | 415,429.16 | 40.5% |
| Developed and Other Lands | 449,364.98 | 43.7% |
| Total Town Land Area | 1,026,090.76 | *100% |
| Total Mapped Farmlands of Importance | 576,723.76 | 56.2% |

Source: California Department of Conservation 2016

Williamson Act contracts, which are administered by the Department of Conservation (DOC), are agreements between property owners and local governments that allow the restriction of specific parcels of land retained in agricultural or related open space use in exchange for lower property tax assessments. The program recognizes that farmland and open space uses do not achieve market values of otherwise developable land. Approximately 125 acres of land in the Town limits and 358 acres of land outside of the Town limits and in the SOI are under Williamson Act contracts. Because not all land under Williamson Act contracts are actively farmed, more acreage is under Williamson Act contract than under active agricultural land in the planning area. Furthermore, Santa Clara County identified 47 vacant and underutilized parcels in the Los Gatos SOI that qualify for urban agriculture incentive zone, provisions that allow landowners to receive a reduced property tax assessment if they allow fruits and vegetables to be grown on those parcels. Activities and structures on these parcels must be limited to agricultural cultivation (Santa Clara 2015).

Los Gatos is home to a certified farmers market that occurs weekly in the downtown area. With over 40 local farmers and food producers, the market offers seasonal fruits, vegetables, honey, eggs, and cooked food every Sunday from 9 a. m. to 1 p. m. (California Farmers' Markets Association 2020).

**Figure 4.2-1 Land Distribution in Los Gatos Planning Area**




*Imagery provided by Microsoft Bing and its licensors © 2020.*
*Additional data provided by Town of Los Gatos, 2018.*

Fig 4.2-1 Land Distribution in Los Gatos Planning Area_Portrait

### b. Forest Land

Forest lands include many types of woodlands, including riparian forestland and oak woodlands. In the Los Gatos Planning Area, they occur in the southern and eastern areas. Native trees dominate the forest canopy, but in urban areas and open spaces, they include non-native ornamental trees. Coast live oak (*Quercus agrifolia*) is evergreen and reaches 33 to 83 feet. Other native trees include valley oak *(Quercus lobate)*, interior live oak *(Quercus wislizeni)*, Douglas fir *(Pseudotsuga menziesii)*, walnut *(Juglans californica)*, ash *(Fraxinus)* and cedar *(Chamaecyparis and Calocedrus)*, The shrub layer may include toyon (*Heteromeles arbutifolia*), gooseberry (*Ribes* spp. ), and blue elderberry (*Sambucus nigra* ssp. *caerulea*). This community integrates with coastal scrub and mixed chaparral communities on drier sites and with broadleaved upland forests, other oak woodlands, and ornamental trees on moister sites and urban boundaries.

Woodland/forest communities account for approximately 4,329 acres in the Los Gatos Planning Area: 1,937 acres in Town and 2,392 acres in the SOI. Woodland/forest communities include riparian woodlands, oak woodlands, broadleaved upland forest, and non-native ornamental trees. Oak woodlands are located primarily in the southern and eastern portions of Los Gatos. Riparian woodlands in the SOI occur along Los Gatos Creek, San Tomas Aquino Creek, Guadalupe Creek, Pheasant Creek, and smaller creeks and drainages. The riparian woodlands associated with the Los Gatos Creek, Guadalupe Creek, Pheasant Creek, and San Tomas Aquino Creek in Town generally support a dense, well-developed canopy of riparian trees that are dominated by a mix of native and non-native species.

Most of the woodland/forest acres are dominated by native trees, but some areas are dominated by ornamental trees. The woodland/forest areas surrounding Vasona Reservoir, which is within a County park located within Town limits, is dominated by non-native trees, including blue gum, acacia, and weeping willow. While forestland exists throughout the southern and eastern portions of the Town, these areas are not used as a source of timber for logging. Much of the areas is designated as protected recreational and conservation open space and serves as wildlife habitat.

## 4.2.2 Regulatory Setting

### a. Federal Regulations

### Federal Farmland Protection Act

The Farmland Protection Policy Act (FPPA) is intended to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. It ensures that, to the extent practicable, Federal programs are compatible with State and local governments, and private programs and policies that protect farmland. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are reviewed by a Federal agency or with assistance from a Federal agency. Under FPPA, farmland includes Prime Farmland, Land of Statewide or Local Importance, and Unique Farmland. Farmland subject to FPPA requirements does not have to be currently used for crop production, but can be forest land, pastureland, cropland, or other land but does not include water bodies or land developed for urban land uses (i. e. , residential, commercial, or industrial uses).

The Natural Resource Conservation Service administers the Farmland Protection Program and uses a land evaluation and site assessment system to establish a farmland conversion impact rating score on proposed sites of Federally funded or assisted projects. This score is an indicator for the project

sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level.

### Farm Bill Conservation Programs

The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) designated funding for Natural Resource Conservation Service farmland conservation programs, including the Farm and Ranch Lands Protection Program, Wetland Reserve Program, Grassland Reserve Program, Conservation of Private Grazing Land Program, Conservation Reserve Program, Conservation Stewardship Program, Environmental Quality Incentives Program, Agricultural Water Enhancement Program, and Wildlife Habitat Incentives Program.

### U. S. Department of Agriculture, U.S. Forest Service

The U. S. Department of Agriculture, U.S. Forest Service is a Federal agency that manages public lands in national forests and grasslands. The U.S. Forest Service is the largest forestry research organization in the world and provides technical and financial assistance to State and private agencies whose purpose it is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations.

## b. State Regulations

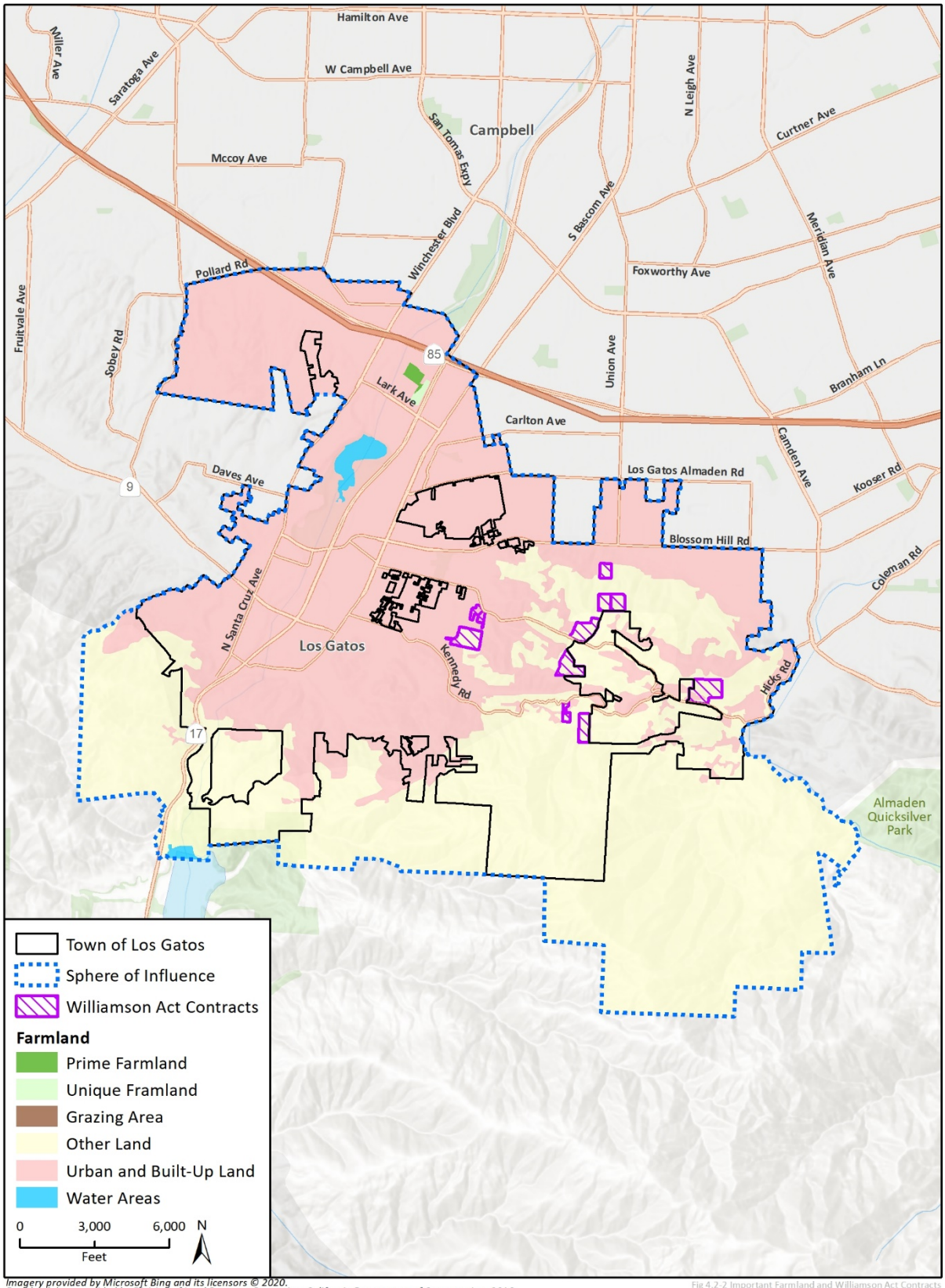
### Farmland Mapping and Monitoring Program

Under the Division of Land Resource Protection, the DOC developed the FMMP to monitor the conversion of farmland to and from agricultural use in California. Data is collected at the county level to produce a series of maps identifying eight land use classifications. The program produces a biannual report on the amount of land converted from agricultural to non-agricultural use. The program produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land being called Prime Farmland, following the Federal classifications described above.

### Williamson Act

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use through a tax incentive model. The intent of the program is to preserve actively productive agricultural lands by discouraging their premature and unnecessary conversion to urban uses. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Landowners may apply to contract with the Town to voluntarily restrict their land to agricultural and compatible uses. Restrictions are enforced through a rolling 10-year term contract. Unless the landowner or the Town files a notice of nonrenewal, the 10-year contract is automatically renewed at the beginning of each year. In return for the voluntary restriction, contracted parcels are assessed for property tax purposes at a rate consistent with their actual (agricultural) use, rather than potential market value. Lands under Williamson Act contracts in Los Gatos appear in Figure 4.2-2.

**Figure 4.2-2 Important Farmlands and Williamson Act Contracts in Los Gatos and SOI**




*Imagery provided by Microsoft Bing and its licensors © 2020.*
*Farmland data provided by Division of Land Resource Protection, California Department of Conservation, 2016.*
*Additional data provided by Town of Los Gatos, 2018.*

Fig 4.2-2 Important Farmland and Williamson Act Contracts

## Farmland Security Zones

In 1998, the State legislature established the Farmland Security Zone (FSZ) program. FSZs function similarly to Williamson Act contracts as they are in place to protect farmland from conversion. The key difference is that the FSZ must be designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. FSZ contracts have a minimum 20-year term, during which property owners are offered an incentive of greater property tax reductions over Williamson Act contract tax incentives to encourage conservation of prime farmland. The nonrenewal and cancellation procedures are like those for Williamson Act contracts.

## Land Evaluation and Site Assessment Model

The DOC also employs a land evaluation and site assessment model that incorporates that of the Federal model and adds factors to evaluate a given project's size, the soil resource quality at the project site, water resource availability, surrounding a soil resource quality, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. These factors are rated, weighted, and combined into numeric score that provides the basis for determining a project's potential significance relative to agricultural land conversion.

## California Timberland Productivity Act

To assure that timber resource lands are available in the future, the California Timberland Productivity Act of 1982 (California Government Code, Section 65302) requires the Town to designate timberlands in the General Plan and to establish "Timber Production" zones where uses are limited to timber production.

## Forest Practices Act

The Forest Practices Act of 1973 ensures logging is done in a manner that preserves and protects fish, wildlife, forests, and streams in the State. The California Department of Forestry and Fire Protection (CAL FIRE) enacts and enforces this and associated rules that protect these resources.

CAL FIRE ensures that private landowners abide by these laws when harvesting trees. Although there are specific exemptions in some cases, compliance with the Forest Practice Act and Board rules apply to all commercial harvesting operations for landowners of small parcels, to ranchers owning hundreds of acres, and large timber companies with thousands of acres. The Timber Harvesting Plan is the environmental review document landowners present to CAL FIRE, and it outlines what will be harvested, how it will be harvested, and the steps that will be taken to prevent damage to the environment.

### *CAL FIRE Urban Forestation Initiative*

Under Public Resources Code 4799.06, the California Resources Agency and CAL FIRE manage the California Urban Forestry Act of 1978, which offers initiatives to local jurisdictions to participate in the Urban Greening Program. This program is part of California Climate Investments, a statewide initiative to reduce greenhouse gas emissions and their effects. Adding millions of trees to urban landscapes in urban areas adds to healthy communities and supports statewide sustainability initiatives (CAL FIRE 2020). Several 2040 General Plan policies facilitate this goal on a local level through enhancement of public landscaping, including ENV-2.2 in which the Town shall maintain existing and introduce new trees to enhance streetscapes, public spaces, and parking lots to maximize tree canopies. The urban forest in Los Gatos has been recognized with a Tree City USA

designation from the Arbor Day Foundation, noting the Town's commitment to preserving this important feature. The 2040 General Plan also includes ENV-2.1 which ensures tree removal and replacement during development is consistent with the latest in tree conservation standards to support the Town's Arbor Day Foundation status as a Tree City USA.

### c. Local Regulations

#### *Zoning Code*

The Town of Los Gatos Zoning Code allows agricultural uses in the Hillside Residential (HR) and Resource Conservation (RC) zones. This includes crop cultivation but not dairying. Under Section 29.10.420, permits can be denied if the proposed development occurs in lands zoned for agriculture use conservation (RC).

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

Sections 29.10.0950 through 29.10.1045 of the Town Code regulates approval to remove or prune heritage and large protected trees. This involves submittal of a Tree Removal or Pruning Permit to the Town and tree replacement requirements, when applicable. In addition, development applications must disclose existing trees on a property and include a Tree Survey Plan, and development projects must protect on-site trees to remain during construction.

## 4.2.3 Impact Analysis

### a. Methodology and Significance Thresholds

An impact is considered significant if physical changes that could be facilitated by buildout of the General Plan Update would result in one or more of the following conditions, which are based upon the environmental checklist in Appendix G of the *State CEQA Guidelines*:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract;
3. 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));
4. Result in the loss of forest land or conversion of forest land to non-forest use; or
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

See Section 4.18, *Effects Found not to be Significant*, for discussion of significance thresholds 3 and 4. In addition to the checklist questions above, this section also addresses potential land use conflicts between urban and agricultural uses.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? |
| **Threshold 2:** | Would the project conflict with existing zoning for agricultural use or a Williamson Act contract? |
| **Threshold 5:** | Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? |

### Impact AG-1 DEVELOPMENT PROPOSED IN THE 2040 GENERAL PLAN IS DESIGNED TO ENCOURAGE THE CONTINUED OPERATION OF EXISTING AGRICULTURE IN AND SURROUNDING THE TOWN AND WOULD NOT RESULT IN THE CONVERSION OF ACTIVE AGRICULTURAL LAND. THEREFORE, IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Los Gatos is an established Town with limited land available for new development. The 2040 General Plan prioritizes infill development and maximizing the underutilized parcels in the Town while maintaining existing community character. The updated General Plan does not propose new or expanded conversion of Important Farmland or forestland to new uses.

Based on aerial imagery and vegetation mapping, agricultural land consists of approximately 112 acres in the Planning Area, composed of roughly 64 acres in the Town and 48 acres in the SOI. Additionally, 117 acres in the Planning Area are under Williamson Act contracts (DOC 2016). Because not all land under Williamson Act contracts are actively farmed, there is more acreage under Williamson Act contracts than there are acres of active agricultural land in the planning area. FMMP mapped Important Farmland occurs in the northern portion of the General Plan Area and is surrounded by urban and developed land on all sides (Figure 4.2-2). These areas are designated Prime and Unique Farmland under the FMMP and zoned agricultural by the 2040 General Plan.

Woodland/forest communities account for approximately 4,329 acres in the Los Gatos Planning Area, 1,937 acres in the Town and 2,392 acres in the Town's SOI. Most of these areas are dominated by native trees, but some areas are also characterized by ornamental trees. Oak woodlands are located primarily in the southern and eastern portions of Los Gatos. The forestland throughout the southern and eastern portions of Los Gatos are no longer used as a source of timber for logging. Many of these areas are designated as protected recreational and open space, serving as wildlife habitat and as an important resource for residents and visitors. Approximately 1,650 acres of shrubland fall under this woodland designation, including undeveloped parcels that are currently designated for agriculture in the Town limits and in the SOI.

In addition to limited available farm and forestland, the Town has a unique identity that the General Plan seeks to enhance by providing a policy framework for the preservation of resource lands and community character. A principal goal of Los Gatos is to manage growth to retain the Town's small size and historic atmosphere while respecting the surrounding natural resources. To support this goal, the General Plan considered specific local plans including the Hillside Specific Plan, Albright Specific Plan, North 40 Specific Plan, the Los Gatos Sustainability Plan, and the Los Gatos Bicycle and

Pedestrian Master Plan. These plans address existing and future development within the Town to ensure that that any development would maintain the existing residential setting, be in harmony with surrounding natural features, and preserve the small-town character of Los Gatos, all while continuing to meet the needs of its residents. These plans accommodate growth in a measured and strategic way within the Town of Los Gatos.

The following goals and policies listed below from the 2040 General Plan address the preservation of agricultural and forest lands.

### Environment and Sustainability Element Goals and Policies

**Goal ENV-3.** Conserve agricultural lands as a biological resource.

> **Policy ENV-3.1. Placement of New Residential Uses.** Mitigate potential adverse health and safety impacts associated with the establishment of new residential and other sensitive land uses near agricultural operations using pesticides applied by spray techniques.
>
> **Policy ENV-3.2. Project Siting.** Prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.
>
> **Policy ENV-3.3. Williamson Act Lands.** The Town will work with current landowners with properties under Williamson Act contracts to track renewal status and plan for future changes accordingly.

The 2040 General Plan would preserve agricultural land surrounding the Town through Policy ENV-3.1 and ENV-3.2 which limit the placement of residential uses near existing farmlands and agricultural operations. In addition, Policy ENV-3.3 would preserve Williamson Act lands and plan for any future changes in a thoughtful manner. In addition to the above policies, the General Plan also includes the Goal OSP-2 from the Open Space, Parks, and Recreation Element which seeks to preserve hillside areas as natural open space. The dedication of open space in the Town of Los Gatos is discussed further in Section 4.14, *Public Services and Recreation*.

Because Los Gatos has many fully-developed residential communities and limited land available for development, the 2040 General Plan facilitates future growth as infill development and is consistent with the Town's goal to preserve its limited agricultural lands. Therefore, it can be concluded that the development facilitated by the Plan would not result in the conversion of Important Farmland or conflict with existing zoning, nor would it result in a significant conversion or loss of agricultural or forestland. Impacts would be less than significant.

### Mitigation Measures

No mitigation measures are required.

### Significance After Mitigation

Impacts would be less than significant without mitigation.

## 4.2.4 Cumulative Impacts

No cumulative impacts would occur to forestland because the 2040 General Plan does not affect forestland. Approximately 1,650 acres of shrubland fall under this woodland designation, including undeveloped parcels that are currently designated for agriculture in the Town limits and in the SOI.

Many of these areas are designated as protected recreational and open space, serving as wildlife habitat and as an important resource for residents and visitors. As discussed in Section 4.2.1, *Setting,* the Los Gatos Planning Area is largely developed with only about 112 acres of land within Town and the Sphere of Influence (SOI) under commercial cultivation with row crops and orchards (Figure 4.2-1).

The 2040 General Plan goals and policies would protect and preserve the agricultural and forest resources within the Town of Los Gatos and its SOI. These policies would preserve the unique hillside character and minimize potential land use conflicts by encouraging infill development. Although implementation of the 2040 General Plan would increase density and intensity of existing land uses, it would also discourage sprawling into agricultural or forestlands. Instead the General Plan encourages infill development and the conservation of existing agricultural resources. Therefore, cumulative impacts would be less than significant.

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# 4.3 Air Quality

This section analyzes both temporary air quality impacts relating to construction activity and possible long-term air quality impacts associated with development planned for in the 2040 General Plan. The analysis herein is based partially on information from the U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), the Bay Area Air Quality Management District (BAAQMD), as well as traffic modeling and vehicle miles traveled data provided by Fehr & Peers (2021). Greenhouse gas emissions and global climate change impacts are discussed in Section 4. 8, *Greenhouse Gas Emissions*.

## 4.3.1 Setting

### a. Regional Climate and Meteorology

The Town of Los Gatos is located in the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB includes the counties of San Francisco, Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda, along with the southeastern portion of Sonoma County and the southwestern portion of Solano County. This complex terrain often alters normal wind flow patterns. Breaks in the coastal range create both a western coast gap at the Golden Gate Bridge and an eastern coast gap at the Carquinez Strait. These gaps allow air flow in and out of the SFBAAB and the Central Valley.

The Pacific Ocean helps to moderate Bay Area temperatures in both summer and winter. Temperatures in this region are warmer in the summer, reaching up to the mid-80 degrees (°) Fahrenheit (F) on average, with mostly clear skies and cooler nights. Winter temperatures range from mild to very cool, down to approximately 40°F on average. Temperature variations between night and day tend to be relatively large during summer, with a difference of up to 30 degrees, and moderated during winter, with an average difference of 20°F. Precipitation generally occurs between November and March and the average rainfall is approximately 23 inches per year. Wind patterns in the Santa Clara Valley are influenced greatly by terrain, with the greatest wind speeds in the spring and summer, particularly in the afternoon and evenings (Los Gatos 2020).

The Town is located in Santa Clara County on the south side of the San Francisco Bay, which is the Santa Clara Valley subregion of the SFBAAB. This subregion is bounded by the San Francisco Bay to the north, mountains to the east, south, and west. Winds in the valley are influenced by the terrain, resulting in a prevailing wind flow. Wind speeds are greatest in the in the spring and summer and during the afternoons and evenings (BAAQMD 2017a).

Air pollution potential in the Santa Clara Valley is high due to high summer temperatures and stable air and mountains surrounding the valley. The valley tends to channel pollutants to the southeast. In addition, on summer days with low level inversions, ozone can be recirculated by southerly drainage flows in the late evening and early morning and by the prevailing northwesterlies in the afternoon. A similar recirculation pattern occurs in the winter, affecting levels of carbon monoxide and particulate matter. This movement of the air up and down the valley increases the impact of the pollutants (BAAQMD 2017a).

### b. Air Pollutants of Primary Concern

Primary criteria pollutants are emitted into the atmosphere directly from a source, such as a vehicle tailpipe or an exhaust stack of a factory. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides ($NO_X$), fine particulate matter ($PM_{10}$ and $PM_{2.5}$), sulfur

dioxide ($SO_2$), and lead (Pb). Secondary criteria pollutants are created by atmospheric chemical and photochemical reactions; ROGs together with $NO_X$ form the building blocks for the creation of photochemical (secondary) pollutants. Secondary pollutants include oxidants, ozone ($O_3$), and sulfate and nitrate particulates, otherwise known as smog. The characteristics, sources, and effects of critical air contaminants are described below.

### *Ozone*

$O_3$ is produced by a photochemical reaction between $NO_X$ and ROG triggered by sunlight. Nitrogen oxides are formed during the combustion of fuels, while reactive organic compounds are formed during combustion and evaporation of organic solvents. Because $O_3$ requires sunlight to form, it mostly occurs in concentrations considered serious between the months of April and October. $O_3$ is a pungent, colorless, toxic gas with direct health effects on humans including respiratory and eye irritation and possible changes in lung functions. Groups most sensitive to $O_3$ include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors.

### *Carbon Monoxide*

CO is a local pollutant that is found in high concentrations only near the source. The major source of CO, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes. CO's health effects are related to its affinity for hemoglobin in the blood. At high concentrations, CO reduces the amount of oxygen in the blood, causing heart difficulties in people with chronic diseases, reduced lung capacity, and impaired mental abilities (U.S. Environmental Protection Agency [USEPA] 2018).

### *Nitrogen Dioxide*

Nitrogen dioxide ($NO_2$) is a by-product of fuel combustion, with the primary source being motor vehicles and industrial boilers and furnaces. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), but NO reacts rapidly to form $NO_2$, creating the mixture of NO and $NO_2$ commonly called $NO_X$. $NO_2$ is an acute irritant. A relationship between $NO_2$ and chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below 0.3 ppm may occur (USEPA 2008). $NO_2$ absorbs blue light and causes a reddish brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of $PM_{10}$ and acid rain.

### *Suspended Particulates*

$PM_{10}$ is particulate matter measuring no more than 10 microns in diameter, while $PM_{2.5}$ is fine particulate matter measuring no more than 2.5 microns in diameter. Suspended particulates are mostly dust particles, nitrates, and sulfates. Both $PM_{10}$ and $PM_{2.5}$ are by-products of fuel combustion and wind erosion of soil and unpaved roads and are directly emitted into the atmosphere through these processes. Suspended particulates are also created in the atmosphere through chemical reactions. The characteristics, sources, and potential health effects associated with the small particulates between 2.5 and 10 microns in diameter and fine particulates ($PM_{2.5}$) can be very different. The small particulates generally come from windblown dust and dust kicked up from mobile sources. The fine particulates are generally associated with combustion processes, as well as being formed in the atmosphere as a secondary pollutant through chemical reactions. Fine particulate matter is more likely to penetrate deeply into the lungs and poses a health threat to all groups, but particularly to the elderly, children, and those with respiratory problems. More than half of the small and fine particulate matter that is inhaled into the lungs remains there. These

materials can damage health by interfering with the body's mechanisms for clearing the respiratory tract or by acting as carriers of an absorbed toxic substance.

## c. Current Air Quality

The USEPA is the federal agency designated to administer air quality regulation, while the CARB is the State equivalent in California. Federal and State ambient air quality standards have been established for six criteria pollutants, including $O_3$, CO, $NO_2$, $SO_2$, $PM_{10}$ and $PM_{2.5}$, and Pb.

Local control in air quality management is provided by CARB through county-level or regional, multi-county Air Pollution Control Districts (APCDs). CARB establishes statewide air quality standards and is responsible for control of mobile emission sources, while the local APCDs are responsible for enforcing standards and regulating stationary sources. CARB has established 15 air basins statewide. The Town is located in the SFBAAB, which is under the jurisdiction of BAAQMD. The local APCDs are required to monitor air pollutant levels to ensure that air quality standards are met and, if they are not met, to develop strategies to meet the standards.

Air quality monitoring stations measure pollutant ground-level concentrations. Depending on whether the standards are met or exceeded, the local air basin is classified as in "attainment" or "non-attainment. " Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment. Table 4.3-1 lists the current Federal and State standards for each of these pollutants as well as the attainment status of the SFBAAB. California air quality standards are identical to or stricter than Federal standards for all six criteria pollutants, except for lead and the eight-hour average for CO.

**Table 4.3-1 Federal and State Ambient Air Quality Standards**

| | | California Standards | | National Standards | |
|---|---|---|---|---|---|
| **Pollutant** | **Averaging Time** | **Concentration** | **Attainment Status** | **Concentration** | **Attainment Status** |
| Ozone | 8 Hour | 0.070 ppm | N | 0.070 ppm | N |
| | 1 Hour | 0.09 ppm | N | | |
| Carbon Monoxide | 8 Hour | 9.0 ppm | A | 9 ppm | A |
| | 1 Hour | 20 ppm | A | 35 ppm | A |
| Nitrogen Dioxide | 1 Hour | 0.18 ppm | A | 0.100 ppm | U |
| | Annual Arithmetic Mean | 0.030 ppm | | 0.053 ppm | A |
| Sulfur Dioxide | 24 Hour | 0.04 ppm | A | 0.14 ppm | A |
| | 1 Hour | 0.25 ppm | A | 0.075 ppm | A |
| | Annual Arithmetic Mean | | | 0.030 ppm | A |
| Particulate Matter ($PM_{10}$) | Annual Arithmetic Mean | 20 µg/m$^3$ | N | | |
| | 24 Hour | 50 µg/m$^3$ | N | 150 µg/m$^3$ | U |
| Particulate Matter - Fine ($PM_{2.5}$) | Annual Arithmetic Mean | 12 µg/m$^3$ | N | 12 µg/m$^3$ | U/A |
| | 24 Hour | | | 35 µg/m$^3$ | N |
| Sulfates | 24 Hour | 25 µg/m$^3$ | A | | |
| Lead | Calendar Quarter | | | 1.5 µg/m$^3$ | A |
| | Rolling 3 Month Average | | | 0.15 µg/m$^3$ | |
| | 30 Day Average | 1.5 µg/m$^3$ | | | A |
| Hydrogen Sulfide | 1 Hour | 0.03 ppm | U | | |

| Pollutant | Averaging Time | California Standards | | National Standards | |
|---|---|---|---|---|---|
| | | Concentration | Attainment Status | Concentration | Attainment Status |
| Vinyl Chloride (chloroethene) | 24 Hour | 0.010 ppm | No information available | | |
| Visibility Reducing particles | 8 Hour (10:00 to 18:00 PST) | | U | | |

A=Attainment N=Nonattainment U=Unclassified; mg/$m^3$=milligrams per cubic meter ppm=parts per million µg/$m^3$=micrograms per cubic meter

Source: BAAQMD 2017b, http://www. baaqmd. gov/research-and-data/air-quality-standards-and-attainment-status

The Los Gatos Monitoring Station, located at 306 University Avenue, is the main monitoring station collecting data for the Planning Area. The Los Gatos Monitoring Station is used for $O_3$, the only criteria pollutant recorded at the station. The next closest monitoring station to the Town is the San Jose-Jackson Monitoring Station, located at 158 E. Jackson Street, San José approximately 8.5 miles north of the Town. The San Jose-Jackson Monitoring Station was used to identify hourly ozone, $PM_{2.5}$, $PM_{10}$ and $NO_2$ concentrations in the Town for 2017 through 2019. No information for CO concentrations was available at any monitoring stations in Santa Clara County. As shown in Table 4.3-2, eight-hour $O_3$ concentrations exceeded State and Federal standards three times in 2017 and two times in 2019. One-hour $O_3$ concentrations exceeded State standards three times in 2017 and one time in 2019. Additionally, $PM_{2.5}$ concentrations exceeded Federal standards six times in 2017 and 15 times in 2018, while $PM_{10}$ concentrations exceeded State standards six times in 2017 and four times in 2018 and 2019. No other standards were exceeded in the years 2017 through 2019.

### Table 4.3-2 Ambient Air Quality Data

| Pollutant | 2017 | 2018 | 2019 |
|---|---|---|---|
| Ozone (ppm), Worst 1-Hour | 0.121 | 0.078 | 0.095 |
| Number of days of State exceedances (>0. 09 ppm) | 3 | 0 | 1 |
| Ozone (ppm), 8-Hour Average | 0.075 | 0.067 | 0.078 |
| Number of days of State exceedances (>0. 07 ppm) | 3 | 0 | 2 |
| Number of days of Federal exceedances (>0. 07 ppm) | 3 | 0 | 2 |
| Nitrogen Dioxide (ppm), Worst 1-Hour | 0.068 | 0.086 | 0.060 |
| Number of days of State exceedances (>0. 18 ppm) | 0 | 0 | 0 |
| Number of days of Federal exceedances (>0. 100 ppm) | 0 | 0 | 0 |
| Carbon Monoxide (ppm), Highest 8-Hour Average | * | * | * |
| Number of days of above State or Federal standard (>9. 0 ppm) | * | * | * |
| Particulate Matter <10 microns, µg/$m^3$, Worst 24 Hours | 69.4 | 115.4 | 75.4 |
| Number of days above State standard (>50 µg/$m^3$) | 6 | 4 | 4 |
| Number of days above Federal standard (>150 µg/$m^3$) | 0 | 0 | 0 |

| Pollutant | 2017 | 2018 | 2019 |
|---|---|---|---|
| Particulate Matter <2.5 microns, μg/m$^3$, Worst 24 Hours | 49.7 | 133.9 | 27.6 |
| Number of days above Federal standard (>35 μg/m$^3$) | 6 | 15 | 0 |

ppm = parts per million; μg/m$^3$ = micrograms per cubic meter

* There was insufficient (or no) data available to determine the value.

Source: CARB 2021

## 4.3.2 Regulatory Setting

The Federal Clean Air Act (CAA) governs air quality in the United States. In addition to being subject to Federal requirements, air quality in California is also governed by more stringent regulations under the California Clean Air Act. At the federal level, the USEPA administers the CAA. The CAA is administered by CARB at the state level and by AQMDs at the regional and local levels. The BAAQMD regulates air quality at the regional level, which includes the nine-county Bay Area.

### a. Federal Regulations

The USEPA is responsible for enforcing the Federal CAA. The USEPA is also responsible for establishing the National Ambient Air Quality Standards (NAAQS). The NAAQS are required under the 1977 CAA and subsequent amendments. The USEPA regulates emission sources that are under the exclusive authority of the Federal government, such as aircraft, ships, and certain types of locomotives. The agency has jurisdiction over emission sources outside State waters (e. g. beyond the outer continental shelf) and establishes various emission standards, including those for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission standards established by the CARB.

### b. State Regulations

In California, CARB, which became part of the California Environmental Protection Agency (CalEPA) in 1991, is responsible for meeting the State requirements of the Federal CAA, administering the California CAA, and establishing the California Ambient Air Quality Standards (CAAQS). The California CAA, as amended in 1992, requires all air districts in the State to endeavor to achieve and maintain the CAAQS. The CAAQS are generally more stringent than the corresponding Federal standards and incorporate additional standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. CARB regulates mobile air pollution sources, such as motor vehicles. The agency is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB established passenger vehicle fuel specifications, which became effective on March 1996. CARB oversees the functions of local AQMDs, which in turn administer air quality activities at the regional and county level.

### c. Regional Regulations

BAAQMD is responsible for assuring that the Federal and State ambient air quality standards are attained and maintained in the Bay Area. BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities.

BAAQMD adopted the 2017 Clean Air Plan (2017 Plan) on April 19, 2017 as an update to the 2010 Clean Air Plan. The 2017 Plan, which focuses on protecting public health and the climate, defines an integrated, multi-pollutant control strategy that includes all feasible measures to reduce emissions of ozone precursors (including transport of ozone and its precursors to neighboring air basins), PM, and toxic air contaminants (TACs). To protect public health, the control strategy will decrease population exposure to PM and TACs in communities that are most impacted by air pollution with the goal of eliminating disparities in exposure to air pollution between communities. The control strategy will protect the climate by reducing greenhouse gas emissions and developing a long-range vision of how the Bay Area could look and function in a post-carbon economy in 2050 (BAAQMD 2017c).

BAAQMD recommends that general plans include buffer zones to separate sensitive receptors from sources of TACs and odors. In April 2005, CARB released the final version of the *Air Quality and Land Use Handbook*, which is intended to encourage local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors, such as homes or daycare centers, near sources of air pollution. Unlike industrial or stationary sources of air pollution, siting of new sensitive receptors does not require air quality permits but could create air quality problems. The primary purpose of the handbook is to highlight the potential health impacts associated with proximity to common air pollution sources, so that those issues are considered in the planning process. CARB makes recommendations regarding the siting of new sensitive land uses near freeways, truck distribution centers, dry cleaners, gasoline dispensing stations, and other air pollution sources. These recommendations are based primarily on modeling information and may not be entirely reflective of conditions in the General Plan Area. The *Air Quality and Land Use Handbook* notes that siting of new sensitive land uses within these distances may be possible but recommends that site-specific studies be conducted to identify actual health risks. CARB acknowledges that land use agencies have to balance other siting considerations such as housing and transportation needs, economic development priorities, and other quality of life issues.

### d. Sensitive Receptors on Los Gatos

Ambient air quality standards represent the levels of air quality considered sufficient, with an adequate margin of safety, to protect public health and welfare. They are designed to protect that segment of the public most susceptible to respiratory distress, such as children under 14, the elderly over 65, persons engaged in strenuous work or exercise, and people with cardiovascular and chronic respiratory diseases. Most sensitive receptor locations are therefore residences, schools, and hospitals and are located throughout the Town.

## 4.3.3 Impact Analysis

### a. Methodology and Thresholds of Significance

This analysis uses the BAAQMD's May 2017 *CEQA Air Quality Guidelines* to evaluate air quality. The plan-level thresholds specified in the May 2017 BAAQMD *CEQA Air Quality Guidelines* were used to determine whether the General Plan impacts exceed the thresholds identified in *CEQA Guidelines* Appendix G.

#### *Significance Thresholds*

Based on Appendix G of the *CEQA Guidelines*, the General Plan would have a significant impact on air quality if it would:

1. Conflict with or obstruct the implementation of the applicable air quality plan;
2. 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 ;
3. Expose sensitive receptors to substantial pollutant concentrations; or
4. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

## Short-Term Emissions Thresholds

The BAAQMD's May 2017 *CEQA Air Quality Guidelines* have no plan-level significance thresholds for construction air pollutants emissions (BAAQMD 2017a). However, short-term emissions associated with the 2040 General Plan are discussed qualitatively to evaluate potential air quality impacts.

## Long-Term Emissions Thresholds

The BAAQMD's 2017 *CEQA Air Quality Guidelines* contain specific operational plan-level significance thresholds for criteria air pollutants. Plans must show the following over the planning period:

- Consistency with current air quality plan control measures; and
- Vehicle miles traveled (VMT) or vehicle trips increase is less than or equal to the plan's projected population increase, measured on a percentage basis.

If the 2040 General Plan can demonstrate consistency with current air quality plan control measures and that the rate of increase for VMT or vehicle trips is less than or equal to the 2040 General Plan's project population increase, either with or without mitigation, then impacts are considered less than significant.

## Methodology for Estimating Emissions

### *Short-Term Emissions*

Construction-related emissions are generally short term in duration but may still cause adverse air quality impacts. Construction of development projected under the 2040 General Plan would generate temporary emissions from three primary sources: the operation of construction vehicles, such as scrapers, loaders, and dump trucks; ground disturbance during site preparation and grading, which creates fugitive dust; and the application of asphalt, paint, or other oil-based substances.

At this time, sufficient detail to allow project-level analysis is not available for development facilitated by the 2040 General Plan, and thus it would be speculative to analyze project-level impacts. Rather, construction impacts for the 2040 General Plan as a whole are discussed qualitatively and emissions are not compared to the project-level thresholds.

### *Long-Term Emissions*

Per plan-level guidance from the BAAQMD 2017 *CEQA Air Quality Guidelines,* long-term operational emissions associated with implementation of the 2040 General Plan are discussed qualitatively by comparing the 2040 General Plan to the 2017 Plan goals, policies, and control measures. In addition, comparing the rate of increase of plan VMT and population is recommended by BAAQMD for determining significance of criteria pollutants. If the 2040 General Plan does not meet either criterion then impacts would be potentially significant.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the General Plan conflict with or obstruct the implementation of the regional air quality management plan? |

**Impact AQ-1 THE 2040 GENERAL PLAN WOULD BE CONSISTENT WITH BAAQMD'S 2017 CLEAN AIR PLAN, AND THE RATE OF INCREASE FOR VEHICLE MILES TRAVELED UNDER BUILDOUT OF THE 2040 GENERAL PLAN WOULD NOT EXCEED THE RATE OF SERVICE POPULATION INCREASE ASSOCIATED WITH THE 2040 GENERAL PLAN. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### General Plan Consistency with Current Air Quality Plan

The most recently adopted air quality plan in the SFBAAB is the 2017 Plan. The 2017 Plan is a roadmap showing how the San Francisco Bay Area will achieve compliance with the State one-hour $O_3$ standard as expeditiously as practicable, and how the region will reduce transport of $O_3$ and $O_3$ precursors to neighboring air basins. The 2017 Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes stationary-source control measures to be implemented through the BAAQMD regulations; mobile-source control measures to be implemented through incentive programs and other activities; and transportation control measures to be implemented through transportation programs in cooperation with the Metropolitan Transportation Commission (MTC), local governments, transit agencies, and others. The 2017 Plan also represents the Bay Area's most recent triennial assessment of the region's strategy to attain the state one-hour $O_3$ standard. In this, the 2017 Plan replaces the 2010 Plan. Under BAAQMD's methodology, a determination of consistency with *CEQA Guidelines* thresholds should demonstrate that a project:

- Supports the primary goals of the 2017 Plan;
- Includes applicable control measures from the 2017 Plan; and
- Does not disrupt or hinder implementation of any 2017 Plan control measures.

The following includes a discussion of consistency with these criteria.

#### *Support the Primary Goals of the 2017 Clean Air Plan*

The primary goals of the 2017 Plan are to:

- Protect air quality and health at the regional and local scale; and
- Protect the climate.

Some policies contained in the 2040 General Plan Environment and Sustainability Element and Mobility Element are aimed at reducing vehicle emissions and energy use, which are the two major drivers of criteria air pollutant emissions. For example, Policy EVN-11.2, listed below, would increase energy efficiency in municipal facilities and Policy ENV-11.4 would promote use of efficient energy in new residences, businesses, and municipal buildings. In addition, Policies ENV-11.4 and ENV-11.5 would support the use of solar and organic waste energy generation.

> **Policy ENV-11.2. Energy Efficiency in Municipal Facilities.** Invest in cost-effective energy efficiency and energy conservation programs in municipal facilities.
>
> **Policy ENV-11.4. Conservation and Reduction.** Maximize the conservation and efficient use of energy in existing and new residences, businesses, and municipal buildings in Los Gatos.

**Policy ENV-11.5. Solar Systems.** Support the maximum economic use of solar electric (photovoltaic) systems on-site to augment the renewable energy portfolio available to new development, businesses, and municipal facilities.

**Policy ENV-11.6. Organic Waste Recycling.** Comply with SB 1383 regulations to maximize energy recovery from organic materials such as yard trimmings, food waste, and other compostable resources.

The 2040 General Plan goals, policies, and implementation programs in the Environment and Sustainability Element and Mobility Element would limit air quality impacts through reduction in vehicle trips and thus emissions by providing alternate modes of transportation. Development projected by the 2040 General Plan would be designed to promote active transportation and reduce VMT in the Town, further reducing vehicle emissions through Policies ENV-8. 3, MOB-1. 1, MOB-1. 2, MOB-2. 2, MOB-2. 3, and MOB-2. 11, listed below.

**Policy ENV-8.3. Decrease Vehicle Miles Traveled (VMT).** Require decreases to vehicle miles traveled (VMT) whenever the environmental review document concludes that the traffic generated by a development project would result in adverse impacts from air and noise pollution. Decreases in VMT could be achieved through transportation demand management (TDM) programs.

**Policy MOB-1.1. Require TDM Development Proposals.** Require all development and redevelopment proposals with more than 10 housing units or over 5,000 square feet of non-residential square footage to include a detailed, sustainable, and measurable Transportation Demand Management (TDM) program with accountability requirements to ensure the TDM measures are achieved.

**Policy MOB-1.2. Incentivize Reduced Vehicle Trips.** Coordinate with employers to create incentives that reduce employee trips.

**Policy MOB-2.2. Improve Bicycling in Town.** Support planning and design upgrades to bicycling infrastructure, support bicycling education, and encourage other programs to improve bicycling in the Town.

**Policy MOB-2.3. Support Regional Bicycle Network.** Support regional partners to create a complete and comprehensive bicycle network connecting the Town to other regional destinations.

**Policy MOB-2.11. Safe Pedestrian Access along Unimproved Roadways.** Require adequate width of roadway clearance between edge of travel and/or edge of pavement for pedestrian mobility and safety.

**Policy MOB-4.1. Complete Streets.** Apply complete streets principles in transportation projects within the Town as defined in the Town's Complete Streets Policy

Implementation of the 2040 General Plan would not result in significant criteria pollutant emissions or other significant air quality impacts because it would be consistent with the goals of the 2017 Plan.

### *Include Applicable 2017 Clean Air Plan Control Measures*

The 2017 Plan contains 85 control strategies aimed at reducing air pollution and protecting the climate in the Bay Area. For consistency with climate planning efforts at the State level, the control

strategies in the 2017 Plan are based on the same economic sector framework used by CARB, which encompass stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants. Table 4.3-3 identifies applicable control measures and correlates the measures to specific elements and policies of the 2040 General Plan.

### Table 4.3-3 2017 Clean Air Plan Control Measures

| Control Measures | Consistency |
|---|---|
| **Transportation** | |
| **TR2: Trip Reduction Programs**. Implement the regional Commuter Benefits Program (Rule 14-1) that requires employers with 50 or more Bay Area employees to provide commuter benefits. Encourage trip reduction policies and programs in local plans, e. g. , general and specific plans, while providing grants to support trip reduction efforts. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to adopt transit benefits ordinances in order to reduce transit costs to employees, and to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. Fund various employer-based trip reduction programs. | **Consistent**: The 2040 General Plan would promote compatible land uses resulting in Town residents living and working in closer proximity to each other. For example, the 2040 General Plan includes, a goal, policies, and implementation programs to support the development of Missing Middle Housing within existing Los Gatos neighborhoods. The 2040 General Plan would shift development focus to reestablishing more complete neighborhood areas that meet the daily needs of residents to be located within a one-mile distance. In addition, the 2040 General Plan goals and policies would reduce vehicle trips in the Town. Specifically, Goal MOB-1 of the Mobility Element and related policies would reduce vehicle miles through a complete transportation network. For example, Policy MOB-1. 2 encourages the Town to work with employers to create incentives to reduce employee trips. Additionally, Goal MOB-4 encourages the development of a comprehensive and integrated transportation network for automobiles, active transportation, and transit. Finally, Goal MOB-5 would support non-driving in Los Gatos by reducing reliance on the automobile and promoting alternative modes of transportation. |
| **TR9: Bicycle and Pedestrian Access and Facilities**. Encourage planning for bicycle and pedestrian facilities in local plans, e. g. , general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities. | **Consistent**: Policies in the 2040 General Plan support an efficient and safe bicycle and pedestrian system that would improve the connectivity and accessibility throughout the Town and region. Specifically, Goal MOB-2 is to provide continuous, safe, and efficient bikeway and pedestrian facilities. This would further incentivize the use of active transportation modes and thus avoid vehicle trips and emissions associated with those trips. Policies listed below would encourage bicycle and pedestrian facilities.<br>▪ **MOB-2.1 Roads for Both Bicycles and Pedestrians**. Roads designated as bicycle routes (Class III) shall be constructed and maintained to be safe for both bicycles and vehicles.<br>▪ **MOB-2.2 Improve Bicycling in the Town**. Support planning and design upgrades to bicycling infrastructure, support bicycling education, and encourage other programs to improve bicycling in the Town.<br>▪ **MOB-2.4 Identify Areas to Improve Bicycle and Pedestrian Facilities**. Ensure all planning processes, such as master plans and specific plans, identify areas where bicycle and pedestrian improvements can be made, such as new connections, increased sidewalk width, improved crosswalks, provision of pedestrian crossings every half mile on all arterial and collector roadways, improved lighting, and adding new street furniture, benches, and seating to promote walkable environments. This will also include providing median refuges, bike-friendly signals, enhanced bulb-outs, and wayfinding signage to popular local destinations for |

| Control Measures | Consistency |
|---|---|
| | cyclists and pedestrians along bikeways and at major street crossings.<br>▪ **MOB-2.5 Avoid Negative Impacts on Bicycle Use**. All new development shall be designed to enhance the safety or convenience of bicycle use through the Town.<br>▪ **MOB-2.6 Through-Access for Bicyclists and Pedestrians**. Require all developments with a frontage greater than 300 feet to provide through-access for bicyclists and pedestrians to adjacent developments, paths, or bicycle facilities.<br>▪ **MOB-2.6 Through-Access for Bicyclists and Pedestrians**. Require all developments with a frontage greater than 300 feet to provide through-access for bicyclists and pedestrians to adjacent developments, paths, or bicycle facilities.<br>▪ **MOB-2.8 Employer Support for Bicycle Commuters**. Require employers greater than 100 employees of new or remodeled places of business, to provide covered and secure bicycle parking and locker facilities for their bicycle commuters.<br>▪ **MOB-2.9 Bicycling Amenities for Public Use**. Encourage and facilitate the provision of bicycling amenities, such as parking facilities and lockers, at schools, parks, shopping areas, and parking in all parking lots Town-wide.<br>▪ **MOB-2.10 Bicycle Valet at Large Events**. Require all large community and commercial events to include a bicycle valet program as a permit condition of approval.<br>▪ **MOB-2.11 Safe Pedestrian Access along Unimproved Roadways**. Require adequate width of roadway clearance between edge of travel and/or edge of pavement for pedestrian mobility and safety.<br>▪ **MOB-2.12 Downtown Pedestrian Environment**. Support pedestrian upgrades to sidewalks and connections between developments to create a more walkable Downtown. |
| **TR13: Parking Policies**. Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing (such as "SF Park") in high-traffic areas. | **Consistent**: Policy MOB-13.1 would require new development to encourage shared parking whenever possible. Goal MOB-5 would support non-driving in Los Gatos by reducing reliance on the automobile and promoting alternative modes of transportation. Additionally, Policy MOB-2.9 would encourage bicycle amenities at public facilities and Policy MOB-2.8 would require employers greater than 100 employees of new or remodeled places of business to provide covered and secure bicycle parking for bicycle commuters. |
| **Energy** | |
| **EN2: Decrease Electricity Demand**. Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times. | **Consistent**: Goals and policies contained in the Environment and Sustainability Element of the 2040 General Plan support the Town's efforts to conserve energy. Additionally, overarching sustainability strategies throughout the 2040 General Plan would decrease energy demand and encouraging incorporation of green building features. The following Environment and Sustainability Element policies would reduce energy demand in the Town: |

| Control Measures | Consistency |
|---|---|
| | ▪ **ENV-9.6 Energy Conservation and Renewable Energy Use.** Promote energy conservation in business and residential uses by encouraging installation of fixture and appliance upgrades, installation of solar panels, and other retrofits to existing structures.<br>▪ **ENV-9.11 Green Building**. Foster awareness and encourage adoption of green building practices that include the design and development of environmentally responsible commercial and residential development and retrofits.<br>▪ **ENV-9.14 Exceeding Title 24 for Large Developments**. Require new residential developments with more than 20 dwelling units an acre and new or remodeled commercial, industrial, and office developments greater than 15,000 square feet to exceed the Title 24 requirements by 10 percent.<br>▪ **ENV-10.2 Energy-Efficient Town Operations**. Continue to pursue energy-efficiency in Town operations and model reduction and recycling methodologies in Town facilities for the community.<br>▪ **ENV-11.2 Energy Efficiency in Municipal Facilities**. Invest in cost-effective energy efficiency and energy conservation programs in municipal facilities.<br>▪ **ENV-11.3 Future Demand Reduction**. Explore cost-effective, reliable, and feasible energy efficiency and demand reduction opportunities and continue to use the Sustainability Plan to include education programs for these opportunities.<br>▪ **ENV-11.4 Conservation and Reduction**. Maximize the conservation and efficient use of energy in existing and new residences, businesses, and municipal buildings in Los Gatos.<br>▪ **ENV-11.5 Solar Systems**. Support the maximum economic use of solar electric (photovoltaic) systems on-site to augment the renewable energy portfolio available to new development, businesses, and municipal facilities.<br>▪ **ENV-11.6 Organic Waste Recycling**. Comply with SB 1383 regulations to maximize energy recovery from organic materials such as yard trimmings, food waste, and other compostable resources.<br><br>Development projected by the 2040 General Plan would be required to comply with all energy standards of Title 24 that are in effect at that time. The 2016 Title 24 standards are approximately 28 percent more efficient than the 2013 standards. The 2013 Title 24 standards were approximately 30 percent more efficient than the 2008 standards, which in turn were approximately 15 percent more efficient than the 2005 standards. |

| Control Measures | Consistency |
|---|---|
| **Buildings** | |
| **BL1: Green Buildings**. Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for on-site renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings. | **Consistent**: Implementation of Environment and Sustainability Element policies listed above would promote green building standards. In addition, future development envisioned under the 2040 General Plan would be required to comply with all energy standards of Title 24 that are in effect at the time of development. Additionally, Policy EVN-9.14 would require large developments to exceed Title 24 requirements by 10 percent. |
| **Water Control Measures** | |
| **WR2: Support Water Conservation**. Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance. | **Consistent**: Part of the Environment and Sustainability Element of the 2040 General Plan is to water resources. Goal ENV-17 is to protect and conserve water resources and infrastructure in a manner that sustains plant and animal life, supports urban activities and recreation, and protects public health and safety. Policies listed below would encourage water conservation.<br>▪ **ENV-17.1 Residential Water Conservation.** Implement and maintain cost-effective, Town-wide water conservation and efficiency programs for all residents through education, rebates, assistance programs, and building requirements.<br>▪ **ENV-17.2 Commercial and Business Conservation**. Encourage owners of commercial and industrial properties to conserve water by replacing inefficient plumbing fixtures, installing drought-tolerant and water-wise landscaping, and harvesting rainwater for irrigation.<br>▪ **ENV-17.4 Resiliency During Drought**. Establish a varied approach to ensuring a resilient water supply and its management in Los Gatos during significant periods of drought.<br>▪ **ENV-17.5 Rainwater Retention**. Retain and use rainwater on municipal facility sites, to the extent possible. Encourage rainwater harvesting and irrigation use in commercial and residential uses.<br>▪ **ENV-17.6 Groundwater**. Participate in the regulation of groundwater use to protect it as a natural resource and conserve it for potential use during extended drought.<br>▪ **ENV-17.7 Subsurface Water**. Conserve and maintain subsurface water resources by exploring ways to reduce the impacts of development dewatering and other excavation activities.<br>▪ **ENV-17.8 Low-Impact Development**. Encourage Low-Impact Development (LID) measures to limit the amount of impervious surface in new development and to increase the retention, treatment, and infiltration of urban stormwater runoff. LID measures should also apply to major remodeling projects and to public and recreation projects where possible. |

The 2040 General Plan would be consistent with applicable 2017 Plan control measures because the 2040 General Plan would implement similar measures through specific goals and policies that would reduce criteria pollutant emissions. Therefore, the 2040 General Plan would be consistent with the applicable control measures contained in the 2017 Plan for the SFBAAB.

### *Hinder Implementation of 2017 Plan Control Measures*

Table 4.3-3 demonstrates that the 2040 General Plan would not disrupt or hinder implementation of 2017 Plan control measures. Buildout of the 2040 General Plan would not preclude planned transit or bike pathways and would not otherwise disrupt regional planning efforts to reduce VMT and meet Federal and State air quality standards. Therefore, the 2040 General Plan would not hinder implementation of any 2017 Plan control measures.

## General Plan VMT and Population

According to the BAAQMD 2017 *CEQA Air Quality Guidelines,* the threshold for criteria air pollutants and precursors includes an assessment of the rate of increase of plan VMT and population; however, as stated under *Significance Thresholds*, due to the geographic and socioeconomic context of the Town, the rate of increase of service population is a more appropriate indicator of whether the increase in VMT would be considered significant. The 2040 General Plan would result in an increase in daily VMT in the year 2040 by 507,845 miles, which is an approximately 25 percent increase compared to existing conditions of 2,044,937 daily VMT. The 2040 General Plan is projected to accommodate a population increase of 8,971 residents through the year 2040, as discussed in Section 4.13, *Population and Housing*. Compared to the population in the Town of 30,832, the 2040 General Plan would accommodate an increase in population by approximately 29 percent. Because the VMT associated with buildout of the 2040 General Plan would increase by approximately 25 percent, it would not exceed the rate of increase from the forecast population of approximately 29 percent. Therefore, impacts concerning criteria pollutants would be less than significant.

## Mitigation Measure

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 2:** | Would the General Plan 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? |

### Impact AQ-2 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD RESULT IN THE TEMPORARY GENERATION OF AIR POLLUTANTS DURING CONSTRUCTION, WHICH MAY CONTRIBUTE TO EXISTING AIR QUALITY VIOLATIONS IN THE BASIN. THEREFORE, IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Development facilitated by the 2040 General Plan may involve activities that result in air pollutant emissions. Construction activities such as demolition, grading, construction worker travel, delivery and hauling of construction supplies and debris, and fuel combustion by on-site construction equipment would generate pollutant emissions. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants, particularly during site preparation and grading. The extent of daily emissions, particularly ROGs and $NO_X$ emissions, generated by construction equipment, would depend on the quantity of equipment used and the hours of operation for each project. The extent of $PM_{2.5}$ and $PM_{10}$ emissions would depend upon the following factors: 1) the amount of disturbed soils; 2) the length of disturbance time; 3) whether existing structures are demolished; 4) whether excavation is involved; and 5) whether transporting excavated materials offsite is necessary. Dust emissions can lead to both nuisance and health impacts such as reduced lung function, aggravation of respirator and cardiovascular diseases, increases in mortality rate, and reduce lung function growth in children (BAAQMD 2017c). According to the 2017 BAAQMD *CEQA Air Quality Guidelines,* $PM_{10}$ is the greatest pollutant of concern during construction (BAAQMD 2017c).

As discussed above, BAAQMD's 2017 *CEQA Air Quality Guidelines* have no plan-level significance thresholds for construction air pollutant emissions that would apply to the General Plan. However, the guidelines include project-level thresholds for construction emissions. If a project's construction emissions fall below the project-level thresholds, the project's impacts on regional air quality would be individually and cumulatively less than significant. The BAAQMD has also identified feasible fugitive dust control measures for construction activities. These Basic Construction Mitigation measures are recommended for all projects (BAAQMD 2017c). In addition, the BAAQMD and CARB have regulations that address the handling of hazardous air pollutants such as lead and asbestos, which could be aerially disbursed during demolition activities. BAAQMD rules and regulations address both the handling and transport of these contaminants. Construction of development envisioned under the 2040 General Plan would temporarily increase air pollutant emissions, possibly creating localized areas of unhealthy air pollution concentrations or air quality nuisances. To prevent the deterioration of and to improve air quality within Los Gatos, the 2040 General Plan includes Goal ENV-8 to improve the air quality in Los Gatos. While Goal ENV-8 and related policies are designed to reduce air quality emissions there are no specific policies related to construction emissions or fugitive dust control. Therefore, goals and policies included in the 2040 General Plan do not include implementation of feasible measures to reduce construction emissions associated with development facilitated by the 2040 General Plan. BAAQMD has identified feasible fugitive dust control measures for construction activities because $PM_{10}$ is the greatest pollutant of concern (BAAQMD 2017a). Therefore, impacts related to construction emissions would be significant and mitigation would be required.

## Mitigation Measure

Temporary construction impacts associated with the proposed project would be reduced through implementation of Mitigation Measure AQ-1.

### *AQ-1 Construction Emissions Reduction*

New discretionary projects in the General Plan Area that exceed the construction screening criteria of the Bay Area Air Quality Management District (BAAQMD) shall be conditioned to reduce construction emissions of reactive organic gases, nitrogen oxides, and particulate matter ($PM_{10}$ and $PM_{2.5}$) by implementing the BAAQMD's Basic Construction Mitigation Measures (described below) or equivalent, expanded, or modified measures based on project and site specific conditions.

Basic Construction Mitigation Measures

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

## Significance After Mitigation

Impacts would be less than significant with implementation of Mitigation Measure AQ-1 to require the BAAQMD Basic Construction Measures for all projects

| **Threshold 3:** | Would the General Plan expose sensitive receptors to substantial pollutant concentrations? |
|---|---|

### Impact AQ-3 BUILDOUT OF THE 2040 GENERAL PLAN MAY EXPOSE SENSITIVE RECEPTORS TO ADDITIONAL SOURCES OF TOXIC AIR CONTAMINANTS. HOWEVER, IMPLEMENTATION OF POLICIES FROM THE 2040 GENERAL PLAN WOULD REQUIRE NEW DEVELOPMENTS TO REDUCE EXPOSURE TO TOXIC AIR CONTAMINANTS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Pursuant to the recent ruling in the *California Building Industry Association (CBIA) v BAAQMD* (2015), impacts of the environment on the project is not an impact under CEQA. Nonetheless, BAAQMD's *CEQA Guidelines* include methodology for jurisdictions wanting to evaluate the potential impacts from placing sensitive receptors proximate to major air pollutant sources. For assessing community risk and hazards for siting a new receptor, sources within a 1,000-foot radius of a project site are typically considered. Sources are defined as freeways, high volume roadways (with volume of 10,000 vehicles or more per day or 1,000 trucks per day) and permitted sources (BAAQMD 2017c).

Development projected by the 2040 General Plan includes a net increase of approximately 327 units of commercial development, which could result in additional sources of TACs including new auto service/sales uses, dry cleaners, or gas stations. Therefore, the 2040 General Plan could increase the number of stationary or permitted sources that emit TACs in Los Gatos. Additionally, according to the Traffic Impact Analysis (TIA) conducted for the General Plan (Fehr & Peers 2021), there are several high-volume roadways and freeways in and around Los Gatos, including SR 85, SR 17, Los Gatos Boulevard, and Winchester Boulevard.

Furthermore, BAAQMD has established preliminary screening criteria in determining whether a proposed project would have a significant impact related to localized CO concentrations. According to BAAQMD's *CEQA Air Quality Guidelines,* the General Plan would result in a significant impact relating to localized CO concentrations if it were to:

- Be inconsistent 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; or
- Increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
- Increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited.

As discussed in Section 4.15, *Traffic and Transportation*, the General Plan would conflict with the Santa Clara County Congestion Management Plan (CMP) due to the forecast exceedance in LOS standards for a number of roadways. However, the intersection in Los Gatos with the highest traffic levels is Los Gatos Boulevard at Lark Avenue, which has under 20,000 daily trips during the AM and PM peak hour under existing conditions plus the 2040 General Plan (Fehr & Peers 2021). Therefore, the highest traveled intersection in the Town does not exceed traffic volumes for intersections affected by CO, as designed by BAAQMD screening criteria. Screening criteria are not thresholds of significance but are is designed to provide lead agencies and project applicants with a conservative indication of whether a project would result in potentially significant air quality impacts. In addition, ambient concentrations of CO have decreased substantially in the SFBAAB since the introduction of the catalytic converter in 1975, and no exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991 (BAAQMD 2017c). Therefore, the 2040 General Plan would not substantially contribute to or result in the creation of CO hotspots.

The General Plan may facilitate development with sensitive receptors in proximity to these high-volume roadways and freeways. Policy ENV-8.7 requires developments to incorporate site planning techniques that reduce exposure of people to the impacts of high air pollutants from adjacent high-volume roadways. Therefore, impacts would be less than significant.

## Mitigation Measure

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 4:** | Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? |

### Impact AQ-4 THE LIGHT INDUSTRIAL DEVELOPMENT ALLOWED IN THE 2040 GENERAL PLAN MAY RESULT IN THE CREATION OF OBJECTIONABLE ODORS THAT COULD AFFECT A SUBSTANTIAL NUMBER OF PEOPLE. IMPACTS RELATED TO ODORS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

As stated in the BAAQMD *CEQA Air Quality Guidelines*, land uses typically producing objectionable odors include agricultural uses, wastewater treatment plants, food manufacturing plants, chemical plants, composting, refineries, landfills, and confined animal facilities. Projected development facilitated by the 2040 General Plan would include commercial, residential, and mixed-use development. These land uses typically do not produce objectionable odors. Buildout of the 2040 General Plan would also increase industrial development in the Town's existing industrial areas including along University Avenue and Winchester Boulevard. The 2040 General Plan would facilitate Low Density Residential (LDR) and Medium Density Residential (MDR) development adjacent to industrial uses along northern University Avenue and Winchester Boulevard. The General Plan would intermix industrial land uses with residential areas, which could have the potential to expose sensitive receptors, such as residents, to odors. Therefore, industrial development in these areas may result in objectionable odors that may affect a substantial number of people.

Development facilitated by the 2040 General Plan could emit odors associated with construction vehicle and engine exhaust and idling. These odors may affect nearby receptors. However, Mitigation Measure AQ-1 would reduce construction air quality impacts reducing idling times and making sure construction equipment is in proper working order. Therefore, impacts would be less than significant with mitigation incorporated.

## Mitigation Measure

Impacts on sensitive receptors would be reduced with implementation of Mitigation Measures AQ-2.

### *AQ-2 Odor Reduction*

Land Use Element Policy LU-11.5 Industrial Compatibility shall be updated in the 2040 General Plan to read:

> "Require that industrial projects be designed to limit the impact of truck traffic, air, odor, and noise pollution on adjacent sensitive land uses. "

### Significance After Mitigation

Impacts would be less than significant with implementation of Mitigation Measure AQ-2 to update General Plan Policy LU-11.5 to include limitation of odors.

## 4.3.4 Cumulative Impacts

The Los Gatos region falls within the jurisdiction of BAAQMD, which has prepared an air quality plan to improve conditions and meet Federal and State air quality standards. While the BAAQMD is primarily responsible for regulating its own emissions, the transport of emissions in one area can affect another area's ability to achieve attainment of pollutant standards. The surrounding air districts currently exceed at least one Federal and/or State air quality standard. Construction activities associated with implementation of the General Plan would create fugitive dust and ozone precursor emissions and have the potential to result in temporary adverse impacts on air quality. However, implementation of Mitigation Measures AQ-1 would reduce impacts related to construction emissions and Policy EVN-8.7 would reduce impacts from TACs. Implementation of Mitigation Measure AQ-1 would ensure that the proposed project would not result in cumulative odors from operation. Therefore, the General Plan would not have a cumulatively considerable contribution to regional air quality impacts.

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# 4.4 Biological Resources

This section addresses the potential direct and indirect impacts to biological resources. Land development accommodated by the 2040 General Plan has the potential to affect regulated waterways and wetlands, sensitive habitats and mature native trees, special-status plants and wildlife, and wildlife movement and migration corridors.

## 4.4.1 Setting

### a. Environmental Setting

The planning area is part of an ecologically diverse region that includes a variety of terrain, from flat topography at the Santa Clara Valley edge to wooded hillsides of the Santa Cruz Mountains in the southern and eastern portion of the Town. The area is bisected with creeks and streams sourcing from the southerly mountains and bordered by riparian habitats. The planning area also encompasses the Vasona Reservoir on the northwest side of Town and is proximate to the northernmost portion of Lexington Reservoir above the southwest corner of Town. Seasonal wetlands and marshes provide specialized habitat for numerous species.

Approximately 42 percent of the planning area is developed and does not offer suitable habitat for sensitive species. Slightly less (38 percent) is composed of riparian and oak woodland, upland forests, and ornamental trees. A substantial amount of shrubland also exists, particularly chaparral on drier, south-facing slopes, as well as non-native and native grasslands. The Town contains a small amount of agricultural land and open water that provide habitat for endemic plants and animals, and nesting habitat and wildlife corridors for special status species including steelhead trout (*Oncorhynchus mykiss irideus*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylii*), western pond turtle (*Actinemys marmorata*), pallid bat (*Antrozous pallidus*), western leatherwood (*Dirca occidentalis*), Loma Prieta hoita (*Hoita strobilina*), robust monardella (*Monardella villosa*), and most beautiful jewel-flower (*Streptanthus albidus ssp. Peramoenus*).

#### *Wildlife Habitats*

Wildlife habitats provide food, shelter, movement corridors, and breeding opportunities for wildlife species. They are classified in general terms with an emphasis on vegetation structure, vegetation species composition, soil structure, and water availability. Some wildlife species are generalists that use a variety of habitats, while other species are adapted to very specific habitats. Species that are limited to a single habitat type are more vulnerable to habitat loss and disturbance than generalists are, and therefore may be more at risk to experience population declines should their habitat, movement corridors, or food supplies be threatened by nonnative species, human encroachment, or environmental disturbance.

Habitat for many wildlife species includes a mosaic of habitat types, as more common wildlife species frequently use more than one habitat type. They may use riparian habitat for breeding sites, resting sites, cover while moving from one area to another, or thermal cover. These habitats can range into open upland grasslands, scrub, or over open water to forage for food. Frequently the greatest number of these more common wildlife species are found at edges, where habitats convert from one type or another.

Habitat types within the Town include: coast live oak woodland; riparian forestland; annual grassland and forbs; shrublands predominated by chaparral; wetlands and waters including creeks, ponds, reservoirs, vernal pools; and urban developed/disturbed land including ornamental landscape. The habitat types known to occur within the planning area are listed in Table 4.4-1 and are briefly described below.

**Table 4.4-1 Vegetation and Land Cover Types in the Planning Area**

| Land Cover Type | Acres | Percentage of Area |
|---|---|---|
| Urban Developed | 4,979 | 42.6 |
| Forest Land (Including Oak and Riparian) | 4,329 | 37.0 |
| Shrubland | 1,650 | 14.1 |
| Annual Grassland & Forbs | 610 | 5.2 |
| Agricultural Land | 45 | <1.0 |
| Wetlands and Waters | 75 | <1.0 |
| **Total** | **11,688** | **100[1]** |

[1]Rounded

Source: Town of Los Gatos, 2011; Mintier Harnish, 2018

### *Urban Developed*

The urban landscape consists of developed land and urban parks. Wildlife species that use urban habitat vary depending on the density of development, the surrounding land use, the types and availability of vegetation, and other habitat features available for foraging, nesting, and cover. Larger trees provide nesting habitat for raptors, owls, and other birds. Black-tailed deer use the trees within the developed areas for shelter and foraging habitat.

In general, wildlife habitat in urban areas consists of landscaped areas with a mix of both native and exotic ornamental plant species. Species using these areas, such as opossums and raccoons, are conditioned to a greater level of human activity than those in natural and less developed areas. Generally, the more developed an urban area is, the less diverse the species will be.

### *Forest Land (including Oak and Riparian)*

Forest lands encompass many types of woodland and forestland, including riparian forestland and oak woodlands. They are located primarily in the southern and eastern portions of Los Gatos and are dominated by native trees. Some areas are also interspersed with or predominated by non-native ornamental trees. Coast live oak (*Quercus agrifolia*) is an evergreen and reaches heights ranging from 33 to 83 feet. Other native trees include valley oak (*Quercus lobata*), interior live oak (*Quercus wislizeni*), douglas fir (*Pseudotsuga menziesii*), California black walnut (*Juglans californica*), ash (*Fraxinus spp.*), and cedar (*Chamaecyparis spp. and Calocedrus spp.*). The shrub layer may include toyon (*Heteromeles arbutifolia*), gooseberry (*Ribes spp*.), and blue elderberry (*Sambucus nigra ssp. caerulea*). This community integrates with coastal scrub and mixed chaparral communities on drier sites and with broadleaved upland forests, other oak woodlands, and ornamental trees on moister sites and urban boundaries.

Oak woodland habitat provides foraging, nesting, and shelter habitat for a wide variety of birds, amphibians, reptiles, and mammals. Common bird species associated with coast live oak woodlands include chestnut-backed chickadee (*Poecile rufescens*), oak titmouse (*Baeolophus inornatus*), acorn

woodpecker (*Melanerpes formicivorus*), northern flicker (*Colaptes auratus*), western scrub jay (*Aphelocoma californica*), and Cooper's hawk (*Accipiter cooperii*), among many others. Mammals include mule deer (*Odocoileus hemionus*), coyote (*Canis latrans*), striped skunk (*Mephitis mephitis*), and woodrat (*Neotoma spp*.). Reptiles and amphibians include pacific gopher snake (*Pituophis melanoleucus catenifer*), western fence lizard (*Sceloporus occidentalis*), and California slender salamander (*Batrachoseps attenuatus*), among others.

### *Shrubland*

Most shrubland occurs in the open preserves and in undeveloped hillside parcels managed by the Midpeninsula Regional Open Space District (MROSD) to the south of Town. Some shrublands also occur near Heinz Open Space Preserve and Santa Rosa Open Space Preserve. Many of the shrublands are chaparral communities, which generally occur on hotter, drier south-facing slopes and ridges.

### *Annual Grassland and Forbs*

This vegetation community is dominated by non-native annual grasses and includes native and non-native forbs. More disturbed grasslands and grasslands adjacent to developed habitats are more likely to support ruderal species, commonly considered to be weeds. Less disturbed areas and serpentine grasslands, known to occur in the MROSD preserves and Sierra Azul Open Space Preserve, are more likely to support native grasses and forbs, as well as special status plants. This community is found on fine-textured, usually clay soils, which may range from moist or waterlogged during the rainy season to very dry during the dry season. Many grassland species also occur as understory plants in oak woodland and other habitats. Characteristic species include wild oats (*Avena spp*.), bromes (*Bromus spp*.), Italian ryegrass (*Lolium multiflorum*), California poppy (*Eschscholzia californica*), lupine (*Lupinus spp*.), Italian thistle (*Carduus pycnocephalus*), English plantain (*Plantago lanceolata*), and common vetch (*Vicia sativa*).

Grasslands provide foraging and nesting habitat for a wide variety of wildlife species including raptors, seed eating birds, small mammals, amphibians, and reptiles. Wildlife species typically associated with grasslands include black-tailed jackrabbit (*Lepus californicus*), California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), American badger (*Taxidea taxus*), coyote, western skink (*Eumecess kiltonianus*), Pacific gopher snake, common garter snake (*Thamnophis sirtalis*), deer mouse (*Peromyscus spp*.), western harvest mouse (*Reithrodontomys megalotis*), California vole (*Microtus californicus*), mule deer, western meadowlark (*Sturnella neglecta*), and savannah sparrow (*Passerculus sandwichensis*). Grasslands also provide important foraging habitat for raptors such as the American kestrel (*Falco sparverius*), white-tailed kite (*Elanus leucurus*), northern harrier (*Circus cyaneus*), and red-tailed hawk (*Buteo jamaicensis*). The endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and threatened California tiger salamander (*Ambystoma californiense*) are also found in and adjacent to this habitat.

### *Agricultural Land*

Agricultural land includes orchards and row crops. One of the largest agriculture areas was the North Forty area, which contained walnut and fruit trees. Some of the orchards were recently removed in preparation for construction envisioned in the North Forty Specific Plan. Agricultural areas provide habitat for several species of birds, amphibians, reptiles, and mammals. Small mammals that occur in the agricultural areas and crop fields provide a prey base for raptors, snakes, and larger mammals.

### *Wetlands and Waters*

Seasonal wetlands, marshes, ponds, and other wetland habitats occur throughout Los Gatos's grasslands, shrublands, and woodland/forest communities. They also occur along creeks and the edges of open water bodies. Most perennial and ephemeral creek channels and aboveground and underground reaches occur within the Guadalupe River wastershed. Los Gatos Creek is one of the longest creeks, running south to north from the Lexington Reservoir and feeding Vasona Lake.

Seasonal wetlands can be populated by plants species such as spike rush (*Eleocharis macrostachya*), water knotweed (*Polygonum lapathifolium*), water evening primrose (*Ludwigia peploides*), pennyroyal (*Mentha pulegium*), rabbits foot grass (*Polypogon monspeliensis*), barnyard grass (*Echinochloa crus-galli*), and eragrostoid sedge (*Cyperus eragrostis*). These species are either low-growing, tenacious perennials that tolerate annual channel and ditch activity, or are annuals that tolerate seasonal wetness and mowing, and produce seed for the next season. The edges of wetlands are often dominated by non-native annual weeds such as annual ryegrass (*Lolium multiflorum*), alkali mallow (*Malvella leprosa*), peppergrass (*Lepidiumlati folium*), and bristly ox-tongue (*Picris echioides*). Vernal pools, seasonal water features found in small depressions with a hardpan soil layer, support calicoflowers (*downingia spp*.), meadow foam (*Limnanthes alba*), and other species.

Water habitats typically support fish species, as well as provide foraging, cover, and breeding habitat for other aquatic species such as western pond turtle, amphibians, various waterfowl and fish-eating species. Additionally, these habitats provide food, cover, and water for numerous birds, mammals, reptiles, and amphibians. Species include: pacific tree frog (*Pseudacris regilla*), bullfrog (*Rana catesbeiana*), red-winged blackbird (*Agelaius phoeniceus*), song sparrow (*Melospiza melodia*), yellow warbler (*Dendrocia petechia*), voles (*Microtis spp*.), shrews (*Sorex spp*.), and deer mouse.

## b. Special Status Species

Special status species are plants and animals that are legally protected under the Federal or State Endangered Species Acts or other regulations, and species that are considered sufficiently rare by the scientific community to qualify for such listing. Table 4.4-2 lists special status species with potential to occur in the Town, organized by their Federal, State, CDFW, and California Rare Plant Rank; known occurrence in Santa Clara County; and landscape group association. This list is comprehensive and includes all species from existing Federal and State lists, although some species may be of very low distribution or abundance or may no longer exist within the Santa Clara County region, including within the planning area.

Some special status species are not officially Federally- or State-listed, but are listed on the tables for one of the following reasons:

1. They are considered important and sensitive in California and are being tracked by the California Natural Diversity Database (CNDDB);
2. They have recently been delisted;
3. They are considered sensitive and are tracked on Federal land by a Federal agency such as the Bureau of Land Management (BLM) or United States Fish and Wildlife Service (USFWS); or
4. Are considered sensitive by a special scientific group.

Oak and riparian woodlands, grasslands, shrublands, wetlands, and aquatic habitats are home to most of the County's special status plant and animal species. These habitat types have the highest conservation value for preservation of rare species and are designated as critical habitat elements.

**Table 4.4-2 Special-Status Species Potentially within Planning Area**

| Common Name | Scientific Name | Status[1] | Habitat |
|---|---|---|---|
| Arcuate bush-mallow | *Malacothamnus arcuatus* | *1B.2* | Woodland, chaparral |
| American peregrine falcon | *Falco peregrinus anatum* | *DL, FP* | Wetlands, open water, cliffs, banks, depressions |
| Bent-flowered fiddleneck | *Amsinckia lunaris* | *1B.2* | Woodland, grassland, scrub |
| California giant salamander | *Dicamptodon ensatus* | *SSC* | Riparian forest, open water, meadowland |
| California red-legged frog | *Rana draytonii* | *FT, SCC* | Woodland, riparian forest, scrub, marsh, wetland, open water |
| California tiger salamander | *Ambystoma californiense* | *FT, ST, WL* | Riparian woodland, grassland, meadow, vernal pools |
| Congdon's tarplant | *Centromadia parryi ssp. congdonii* | *1B.1* | Grassland |
| Foothill yellow-legged frog | *Rana boylii* | *SCT, SCC* | Woodland, riparian forest, scrub, chaparral, meadowland, open water |
| Hairless popcornflower | *Plagiobothrys glaber* | *1A* | Vernal pools, wetlands, salt marshes, swamps |
| Loma Prieta hoita | *Hoita strobilina* | *1B.1* | Woodland, Riparian woodland, chaparral |
| Most beautiful jewelflower | *Streptanthus albidus ssp. peramoenus* | *1B.2* | Woodland, grassland, chaparral |
| Pallid bat | *Antrozous pallidus* | *SSC* | Upland forest, riparian woodland, grassland, chaparral, scrub |
| Robust spineflower | *Chorizanthe robusta var. robusta* | *FE* | Woodland, scrub, chaparral |
| Santa Clara Valley dudleya | *Dudleya abramsii ssp. setchellii* | *FE, 1B.1* | Woodland, grassland |
| Santa Cruz black salamander | *Aneides flavipunctatus niger* | *SSC* | Woodlands, grasslands |
| Steelhead Trout – Central CA | *Oncorhynchus mykiss irideus pop. 8* | *FT* | Open water |
| Western pond turtle | *Emys marmorata* | *SSC* | Wetland, riparian land, open water |
| Woodland woollythreads | *Monolopia gracilens* | *1B.2* | Upland forest, woodland, grassland, chaparral |

| Common Name | Scientific Name | Status[1] | Habitat |
|---|---|---|---|
| Zayante band-winged grasshopper | *Trimerotropis infantilis* | *FE* | Chaparral, dunes |

Sources: California Native Plant Society, September 2018; California Natural Diversity Database, September 2018.

[1] STATUS CODES:

FE Federally Endangered; FT Federally Threatened; DL Federally Delisted; ST State Threatened; SCT State Candidate Threatened

California Fish and Wildlife Service Status: SSC California Species of Special Concern; WL Watch List; FP Fully Protected

CNPS California Rare Plant Rank:

1A Plants Presumed Extinct in California

1B Plants Rare, Threatened, or Endangered in California and elsewhere

2 Plants Rare, Threatened, or Endangered in California, but more common elsewhere

3 Plants about which more information is needed

4 Plants of limited distribution

Threat Rank

0.1 Seriously Threatened in California

0.2 Fairly Threatened in California

0.3 Not very Threatened in California

In addition to special-status species, other species expected to occur within the Planning Area are listed in Table 4.4-3 with habitats in which they may occur.

### Table 4.4-3 Other Wildlife Species within the Planning Area

| Species | Location |
|---|---|
| Hoary bat (*Lasiurus cinereus*) | Upland forest, woodland |
| Fragrant fritillary (*Fritillaria liliacea*) | Grassland, scrubland, wetland, riparian |
| Isopod (*Calasellus californicus*) | Riparian areas, open water |
| Mt. Hamilton fountain thistle (*Cirsium fontinale var. campylon*) | Woodland, chaparral, grassland, wetland, riparian |
| Obscure bumble bee (*Bombus caliginosus*) | Coastal areas, grassland |
| Osprey (*Pandion haliaetus*) | Coastal areas |
| Purple martin (*Progne subis*) | Woodlands, coastal areas, riparian |
| Santa Clara red ribbons (*Clarkia concinna ssp. automixa*) | Woodland |
| San Francisco collinsia (*Collinsia multicolor*) | Coastal scrubland, pine forest |
| Smooth lessingia *(Lessingia micradenia var. glabrata*) | Chaparral |
| Townsend's big-eared bat (*Corynorhinus townsendii*) | Coniferous forest, grassland, arid scrubland, riparian, agricultural land, coastal areas |

Sources: Cornell Ornithology Lab, October 2018; Calflora, October 2018; California Natural Diversity Database, September 2018.

## c. Critical Habitat

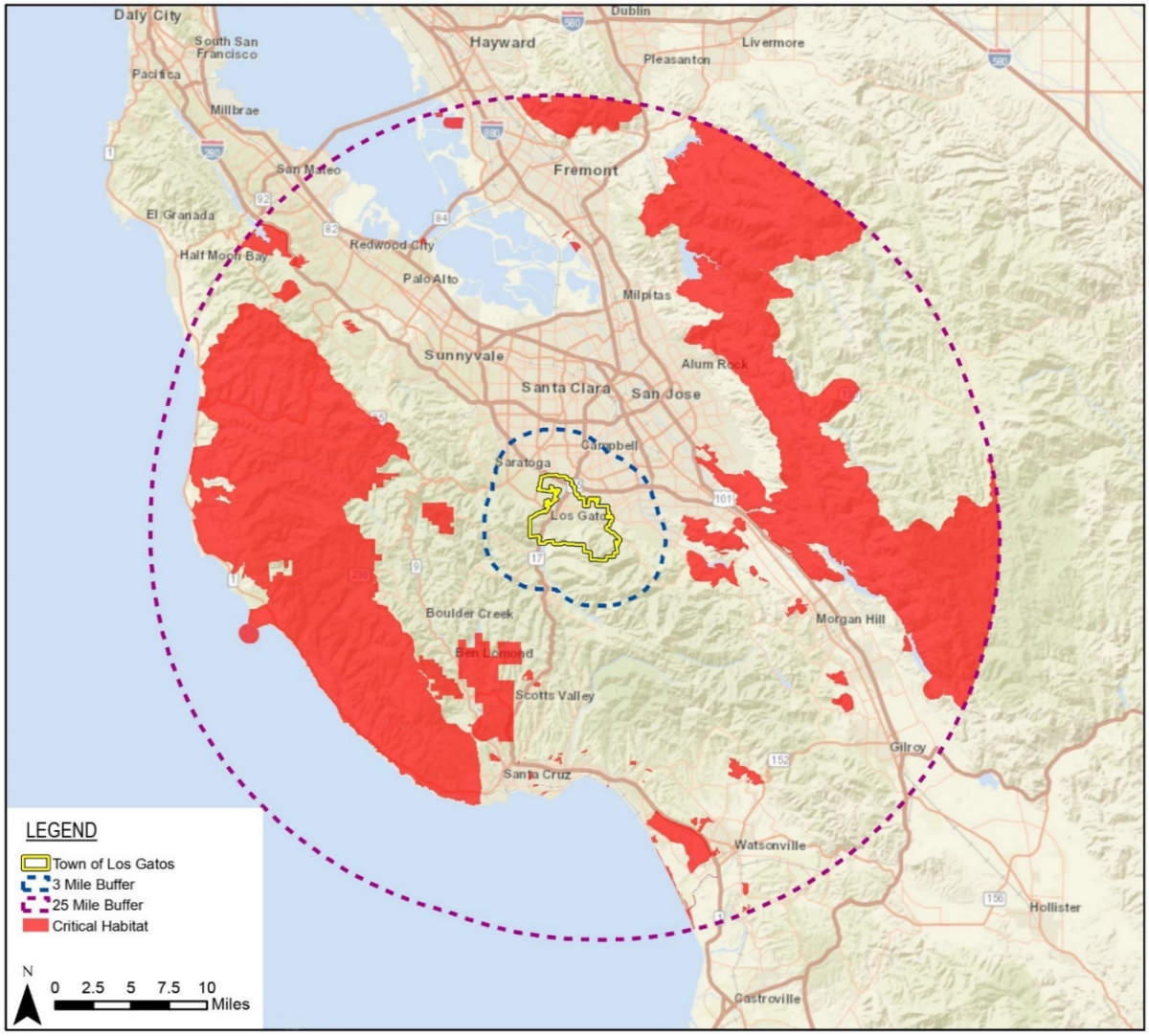
Critical habitat is a designation made by USFWS or by the National Marine Fisheries Service (NMFS) pursuant to the Federal Endangered Species Act. Critical habitat areas are specific geographic areas that may or may not be occupied by listed species but are nonetheless determined to be essential for the conservation and management of listed species. These have been formally described and designated in the Federal Register. Critical habitat is defined as:

- Specific areas within the geographical area occupied by the species at the time of listing, on which are found those physical or biological features that are essential to the conservation of the listed species and that may require special management considerations or protection; or
- Specific areas outside the geographical area occupied by the species at the time of listing that are essential for the conservation of a listed species.

A critical habitat designation applies only when Federal funding, permits, or projects are involved. Critical habitat requirements do not apply to individuals engaged in activities on private land that do not involve a Federal agency. The critical habitat designation is used by the Federal government as a tool for species recovery. Federal agencies issuing permits for projects in critical habitat must consult with USFWS.

Figure 4.4-1 shows critical habitat locations for steelhead trout, California red-legged frog, foothill yellow-legged frog, western pond turtle, pallid bat, western leatherwood, Loma Prieta hoita, robust monardella, and most beautiful jewel-flower within 25 miles of Los Gatos. While critical habitat for these species exists regionally, no Federally recognized critical habitat occur within three miles of the planning area.

**Figure 4.4-1 Critical Habitat in the Southern San Francisco Bay and Environs**




Source: U.S. Fish and Wildlife Service 2018

## 4.4.2 Regulatory Setting

### a. Federal Regulations

*Federal Endangered Species Act*

USFWS and NMFS administer the Federal Endangered Species Act (FESA). The FESA requires each agency to maintain lists of imperiled native species and affords substantial protections to these "listed" species. NMFS' jurisdiction under the FESA is limited to the protection of marine mammals, marine fishes, and anadromous fishes; all other species are subject to USFWS jurisdiction.

The USFWS and NMFS may "list" a species if it is endangered or threatened (likely to become endangered within the foreseeable future). Section 9 of the FESA prohibits the "take" of any wildlife species listed as endangered and most species listed as threatened. Take, as defined by the FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to

engage in any such conduct." Harm is defined as "any act that kills or injures the species, including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR 17.3).

The FESA includes exceptions to this general take prohibition that allow an action to be carried out, despite the fact that the action may result in the take of listed species, where conservation measures are included for the species. Section 7 of the FESA provides an exception for actions authorized (e.g., under a Section 404 permit), funded, or carried out by a Federal agency and Section 10 provides an exception for actions that do not involve a Federal agency.

### *Federal Clean Water Act, Section 404—Programmatic General Permit for Wetland Fill*

The Clean Water Act (CWA) is the primary Federal law that protects the quality of the nation's waters, including wetlands, lakes, rivers, and coastal areas. Section 404 of the CWA regulates the discharge of dredged or fill material into the waters of the United States, including wetlands. The CWA holds that all discharges into the nation's waters are unlawful unless specifically authorized by a permit; issuance of such permits constitutes its principal regulatory tool.

The U.S. Army Corps of Engineers (USACE) is authorized to issue Section 404 permits, which allow the placement of dredged or fill materials into jurisdictional waters of the United States under certain circumstances. The USACE issues two types of permits under Section 404: general permits (either nationwide permits or regional permits) and standard permits (either letters of permission or individual permits). General permits are issued by the USACE to streamline the Section 404 permitting process nationwide, statewide, or regional activities that have minimal direct or cumulative environmental impacts on the aquatic environment. Standard permits are issued for activities that do not qualify for a general permit (i.e., that may have more than a minimal adverse environmental impact).

### *Federal Clean Water Act, Section 401—Programmatic Water Quality Certification*

Under the CWA Section 401, applicants for a Federal license or permit to conduct activities that may result in the discharge of a pollutant into waters of the United States must obtain certification from the State in which the discharge would originate. Therefore, all projects that have a Federal component and may affect state water quality (including projects that require Federal agency approval, such as issuance of a Section 404 permit) must also comply with CWA Section 401 and the State's Porter-Cologne Water Quality Control Act. In California Section 401 certification is handled by the Regional Water Quality Control Boards (RWQCB). The Town of Los Gatos falls under the jurisdiction of the San Francisco Bay RWQCB. The San Francisco Bay RWQCB must certify that the discharge will comply with State water quality standards and other requirements of the CWA.

### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act of 1918, as amended (MBTA), implements various treaties and conventions between the U.S., Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful, as is taking of any parts, nests, or eggs of such birds (16 U.S. Government Code [USC]703). Take is defined more narrowly under the MBTA than under FESA and includes only the death or injury of individuals of a migratory bird species or their eggs. As such, take under the MBTA does not include the concepts of harm and harassment as defined under FESA.

## b. State Regulations

### *California Endangered Species Act*

Administered by CDFW, California ESA prohibits the take of listed species and species formally under consideration for listing ("candidate" species) in California. Under CESA take means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill," (Fish and Game Code Section 86). Under this definition, and in contrast to the FESA, CESA does not prohibit "harm" to a listed species. Furthermore, take under the CESA does not include "the taking of habitat alone or the impacts of the taking." However, the killing of a listed species that is incidental to an otherwise lawful activity and not the primary purpose of the activity constitutes a take under CESA. CESA does not protect insects, but with certain exceptions prohibits the take of plants on private land.

### *Natural Community Conservation Planning Act*

The Natural Community Conservation Planning (NCCP) Act was enacted to implement broad-based planning to provide for effective protection and conservation of California's wildlife heritage while continuing to allow appropriate development and growth. The NCCP Act does not focus only on listed species and is broader in its orientation and objectives than are the ESA or CESA. The NCCP Act encourages local, State, and Federal agencies to prepare comprehensive conservation plans that maintain the continued viability of species and biological communities impacted by human changes to the landscape. The NCCP Act provides for incidental take authorization, such that covered activities resulting in incidental take of listed species may be carried out without violating CESA. Permits issued under the NCCP Act can also be broad and may include both listed species and non-listed species.

### *California Fish and Game Code Section 1600-1616—Master Streambed Alteration Agreement for Streambed Modifications*

CDFW has jurisdictional authority over streams, lakes, and wetland resources associated with these aquatic systems under California Fish and Game Code Section 1600 et seq. CDFW has the authority to regulate work that will "substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris waste or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake" (Fish and Game Code Section 1602.). An entity that proposes to carry out such an activity must first inform CDFW. Where CDFW concludes that the activity will "substantially adversely affect an existing fish or wildlife resource," the entity proposing the activity must negotiate an agreement with CDFW that specifies terms under which the activity may be carried out in a way that protects the affected wildlife resource.

### *California Fish and Game Code 3503 (Bird Nests)*

Section 3503 of the California Fish and Game Code makes it "unlawful to take, possess, or needlessly destroy the nests or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." Therefore, CDFW may issue permits authorizing take.

### *California Fish and Game Code 3503.5 (Birds of Prey)*

Section 3503.5 of the California Fish and Game Code prohibits the take, possession, or destruction of any birds of prey or their nests or eggs "except as otherwise provided by this code or any

regulation adopted pursuant thereto." CDFG may issue permits authorizing take of birds of prey or their nests or eggs pursuant to CESA or the NCCP Act.

### c. Local Regulations

*Town of Los Gatos Hillside Development Standards and Guidelines*

The goal of the Hillside Development Standards and Guidelines is "to achieve design excellence, foster sustainable development, and preserve the natural environment consistent with the Town's vision for its hillsides" through the Town development review process. The Hillside Development Standards and Guidelines provides guidance to homeowners, builders and design professionals in preparing proposals, establishing a framework for appropriate design, standards, and minimum and/or maximum requirements. The Hillside Development Standards and Guidelines applies to areas on the Hillside Area Map, mostly forest, shrublands, and grasslands in the south and central regions of Town. It includes all areas with Hillside Residential and Resource Conservation zoning and some lots with Residential, Single-Family zoning. Objectives of the Hillside Development Standards and Guidelines include: minimizing the potential for geologic failures, fires, and floods; maintaining the natural appearance of hillsides from all vantage points; protecting ridgelines from development; maximizing contiguous natural open space; maintaining the rural, natural, open space character of the hillsides; ensuring that development visually blends with the natural environment; conserving natural features such as topography, natural drainage, vegetation, wildlife habitats, movement corridors, and other physical features; and promoting sustainability.

## 4.4.3 Impact Analysis

### a. Methodology and Thresholds of Significance

### Methodology

The impact analysis is based on available literature regarding the existing biological resources within the Town limits. Impacts on biological resources were assessed using significance criteria from Federal, State, and local regulations. Impacts to flora and fauna may be determined to be significant even if they do not directly affect rare, threatened, or endangered species because development facilitated by the 2040 General Plan may result in indirect impacts to species.

CEQA Section 21001(c) states that it is the policy of the State of California to "prevent the elimination of fish and wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities." Impacts on biological resources may be assessed using impact significance criteria encompassing CEQA guidelines and Federal, State and local plans, regulations, and ordinances.

### Significance Thresholds

In accordance with Appendix G of the *CEQA Guidelines,* a significant biological resources impact would occur if new development facilitated by the 2040 General Plan would:

1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

3 Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites;

5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

6 Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the project 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 U.S. Fish and Wildlife Service? |
| **Threshold 2:** | Would the project 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 U.S. Fish and Wildlife Service? |

### Impact BIO-1 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN COULD RESULT IN ISOLATED IMPACTS TO HABITAT FOR SPECIAL-STATUS SPECIES AND IMPACTS TO MIGRATORY BIRD NEST SITES. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As presented in Table 4.4-1, approximately 42 percent of the Town is developed or urban land and does not provide habitat for the special-status species reported or known to occur in or near to Los Gatos. Areas that may provide habitat for special-status species are primarily located in the open space and undeveloped hillside areas of the planning area and the waterways and wetlands adjacent to the waterways in the planning area, such as Los Gatos Creek and Ross Creek.

As described in Section 4.4.1, Setting, no Federally recognized critical habitat occurs within three miles of the planning area. However, as shown in Table 4.4-2, there are numerous special-status species with the potential to occur in the planning area, such as California red-legged frog, California tiger salamander, hairless popcornflower, and robust spineflower. Generally, the special-status species with potential to occur in the planning area are associated with waterways and wetlands, forest and woodlands, scrubland, chaparral, grassland, and meadows. Thus, special-status species, if present, would most likely be found in the southern and eastern parts of the Town in the Santa Cruz Mountains, and along waterways such as Los Gatos Creek and Ross Creek.

The 2040 General Plan facilitates and focuses on infill development and redevelopment within the Town limits. These areas are currently developed with residential and non-residential uses and do not provide habitat suitable for the aforementioned special-status species. The 2040 General Plan designates much of the hillsides and mountainous areas in the southern part of the planning area as

Open Space. This land use designation would prevent substantial development of the habitat that the forests, chaparral, and scrubland that is typical of the mountainous areas.

The 2040 General Plan does not include changes to existing Open Space land use designations, including along creeks and waterways in the planning area. Therefore, the 2040 General Plan would not facilitate permanent development in riparian vegetation along these creeks and adjoining riparian areas. Because the development facilitated by the 2040 General Plan would primarily occur as redevelopment and infill within developed areas of the Town, existing roads, water, and sewer are already in place and would minimize the need for construction of new utilities and infrastructure. However, the 2040 General Plan increases the allowable density that could be constructed on some infill and redevelopment sites within the Town, which could require upgraded utilities. The construction of these upgraded facilities could require work within riparian vegetation along creeks and waterways in the planning area, resulting in potential temporary riparian and aquatic habitat impacts. These habitats could support several special-status species, such as California red-legged frog or Western pond turtle. Additionally, development facilitated by the 2040 General Plan could impact isolated trees and pockets of vegetation in the urbanized areas of Los Gatos. These trees and isolated pockets could provide habitat for special-status species, including migratory nesting birds. Likewise, development within proximity to vegetation cover could result in new sources of light that affect nesting patterns or wildlife behavior.

Although the 2040 General Plan preserves much of the planning area where special-status species habitat occurs as Open Space, the 2040 General Plan designates some areas in the Santa Cruz Mountains and areas adjacent to creeks as Hillside Residential. The purpose of the Hillside Residential designation is to provide for very low-density accessory dwelling units and single-family residential on large single lots or as part of a cluster development. This designation allows for development that is compatible with the unique mountainous terrain and rural character of the hillside areas. Mixed-use developments are not permitted in the Hillside Residential designation. The low-density development that could occur with the Hillside Residential designation would generally preserve much of the surround vegetation cover, which would reduce impacts on special-status species.

The development facilitated under the 2040 General Plan would be subject to the provisions of the various Federal and State natural resources regulations and their respective permitting processes. Additionally, the 2040 General Plan contains goals and policies that call for the preservation and protection of natural resources and the managed production of natural resources. These goals and policies, listed below, would reduce impacts to special-status species and their habitats.

## Land Use Element

**Goal LU-4.** Use infill sites to accommodate new development.

**Goal LU-6.** Ensure housing in the hillsides will not adversely affect the natural environment or endanger public health and safety.

> **Policy LU-6.1. Preservation of Open Space.** Open space easements shall be required by the deciding body for hillside subdivisions in accordance with the topographical, ecological, aesthetic, and other conditions pertinent to the making of such easements.
>
> **Policy LU-6.2. Clustering of Dwelling Units.** Clustering of dwelling units should be encouraged to preserve the scenic nature of the hillsides and to allow for economies in the construction of required public and private facilities.

## Environment and Sustainability Element

**Policy ENV-2.1. Tree Protection.** Ensure tree removal and replacement during development is consistent with the latest in tree conservation standards to support the Town's Arbor Day Foundation status as a Tree City USA.

**Goal ENV-3.** Conserve agricultural lands as a biological resource.

**Goal ENV-4.** Protect, conserve, and enhance natural and urban habitats and ecosystems to sustain the biodiversity and natural beauty of Los Gatos.

**Policy ENV-4.1. Ecosystem Protection.** Protect and enhance public and private open space ecosystems in Los Gatos.

**Policy ENV-4.2. Open Space.** Maintain and support a network of open space preserves that protects the urban and natural forest and offers all residents access to nature.

**Policy ENV-4.3. Habitat Management.** Encourage management of private open space areas, agricultural land, and residential gardens as habitat that supports wildlife in a way that enhances that habitat, reinforces natural wildlife management, and is consistent with open space management plans.

**Goal ENV-5.** Conserve and protect native plants and plant communities in Los Gatos and promote appropriate use of local, native plants in habitat restoration and landscaping.

**Policy ENV-5.1. Use Native Plants.** Require all development to use native plants or other appropriate non-invasive plants that are indigenous to Los Gatos and Santa Clara County to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitat.

**Policy ENV-5.2. Special-Status Native Plant Species Protection.** Require public and private projects to protect special-status native plant species.

**Policy ENV-5.3. Impacts on Special-Status Plants.** Prohibit development that significantly depletes, damages, or alters existing special-status plants.

**Policy ENV-5.4. Prohibit Invasive Plant Species.** Prohibit the use of invasive plant species listed by the California Invasive Plant Council (Cal-IPC) for all new construction.

**Goal ENV-6.** Protect wetlands and riparian corridors, including intermittent and ephemeral streams.

**Policy ENV-6.1. Prevent Damage from Development.** Development shall not damage riparian areas, wetlands, and intermittent or ethereal streams. (See Figure 7-3 of the 2040 General Plan)

**Policy ENV-6.2. Retain Natural Conditions.** Retain creek beds, riparian corridors, water courses, and associated vegetation in their natural state to assist groundwater percolation and prevent erosion, downstream sedimentation, and other degradation.

**Policy ENV-6.3. Riparian Corridors.** Require setbacks and measures as appropriate to protect riparian corridors.

**Policy ENV-6.4. Planting Native Plants.** Promote the planting of local native trees and shrubs where development occurs on land surrounding reservoirs and streams, especially adjacent to areas where banks or channels have been modified for flood protection.

**Goal ENV-7.** Conserve and protect wildlife populations.

**Policy ENV-7.1. Protecting Wildlife.** Ensure that public and private projects shall not significantly deplete, damage, or alter existing wildlife habitat or populations.

**Policy ENV-7.2. Coordination with State and Federal Agencies.** Coordinate with the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and other appropriate agencies to protect wildlife species and habitats.

**Policy ENV-7.3. Habitat and Movement Corridors.** Maintain wildlife habitat and movement corridors for native wildlife species, specific to Santa Clara County.

**Policy ENV-7.4. Limit Public Access.** Limit public access in areas that support rare wildlife populations and sensitive nesting and breeding sites.

**Policy ENV-7.5. Nesting Sites.** Conserve nesting sites in new development and within existing development unless a mitigation plan is approved.

**Policy ENV-7.9. Conservation of Habitats.** Conserve the habitats of native plants, specifically rare species within the planning area.

**Policy ENV-7.10. Bird Safe Design.** Require new development to increase bird safety by reducing hazardous building and architectural elements and including bird safe and lighting design.

**Policy ENV-7.11. Dark Skies.** Require the design of building, street, and parking area lighting to improves safety, energy efficiency, protection of the night skies (dark sky protections), and environmental soundness.

**Goal ENV-16.** Protect and conserve watersheds and water quality.

**Policy ENV-16.2. Conserve Land Contiguous to Reservoirs and Stream Channels.** Apply land use regulations, scenic easements, or other appropriate measures to keep the maximum amount of land immediately contiguous to reservoirs and stream channels undeveloped and undisturbed.

**Policy ENV-16.4. Conserve Existing Creeks.** Conserve existing creeks and avoid disturbances to these areas.

## Open Space, Parks, and Recreation Element

**Goal OSP-2.** Preserve hillside areas as natural open space.

**Policy OSP-2.1. Hillside Natural Open Space Character.** Preserve the natural open space character of hillside lands, including natural topography, natural vegetation, wildlife habitats and migration corridors, and viewsheds.

**Policy OSP-2.4. Uninterrupted Wildlife Corridors and Recreation.** Adjacent parcels in the hillsides shall provide an uninterrupted band of useable segments for wildlife corridors and recreational use, if applicable.

**Goal OSP-5.** Preserve and enhance Los Gatos Creek, Los Gatos Creek Trail, and Ross Creek as open space amenities.

**Policy OSP-5.1. Los Gatos Creek Restoration.** Restore Los Gatos Creek to a more natural state, removing concrete channelization, where feasible.

**Policy OSP-5.3. Ross Creek Restoration.** Restore Ross Creek to a more natural state, removing concrete channelization, where feasible.

The policies listed above would prevent loss of special-status species habitat in the hillside areas and the waterways and riparian areas next to the waterways, such as Los Gatos Creek. Policy ENV-5.2 and Policy ENV-7.1, listed above, would protect special-status plants and wildlife species and their habitat from adverse impacts of public and private projects, including residential development within areas designated as Hillside Residential. Policy OSP-2.1, listed above, would preserve hillsides, where most special-status species habitat is located. Policy ENV-6.1 and Policy ENV-16.2 would protect aquatic habitat and adjacent riparian habitat. Therefore, implementation of the policies listed above would avoid potential direct impacts to special-status species identified in Table 4.4-2. Policy ENV-7.5 and Policy ENV-7.10 would prevent direct impacts to migratory nesting birds. Policy ENV-7.11 would reduce indirect impacts to wildlife from light spill or light trespass from development in proximity to habitat. Therefore, impacts to special-status species and their habitat, including riparian habitat, would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

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| **Threshold 2:** | Would the project 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 U.S. Fish and Wildlife Service? |
| **Threshold 3:** | Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? |

### Impact BIO-2 THE 2040 GENERAL PLAN WOULD FACILITATE DEVELOPMENT THAT COULD RESULT IN CONSTRUCTION WITHIN RIPARIAN HABITAT, AND DIRECT PLACEMENT OF FILL IN WETLANDS. HOWEVER, COMPLIANCE WITH EXISTING REGULATIONS, AND IMPLEMENTATION OF 2040 GENERAL PLAN POLICIES WOULD REDUCE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT.

The 2040 General Plan would facilitate infill development and redevelopment within existing urbanized areas of the Town. Because these areas are urbanized and currently developed, they are unlikely to contain jurisdictional wetlands or other surface waters and associated riparian vegetation zones. However, it is possible that wetlands or streams occur in areas that could be developed based on the land use designations in the 2040 General Plan, such as in areas designated as Hillside Residential. Additionally, the infill development facilitated by the 2040 General Plan would increase density in some areas, which could require upgraded utilities or stormwater drainage. The construction of these upgraded facilities could require work, including dredge or fill, within jurisdictional wetlands and streams and could require ground disturbance in riparian habitat associated with these wetlands and streams.

Detailed wetland delineations would be needed to determine the extent of any jurisdictional wetlands and other waters at specific locations and the USACE is responsible for making a final determination on the extent of jurisdictional waters for a particular site. The extent of jurisdictional waters, as well as project specific details and plans would be necessary to determine the acres of wetlands and stream channels that could be impacts from development facilitated by the 2040

General Plan. However, compliance with the requirements of the Clean Water Act would be required for any project proposed under the 2040 General Plan. In addition, the following goals and policies from the Environment and Sustainability Element and the Open Space, Parks, and Recreation Element of the 2040 General Plan listed, would reduce impacts to wetlands and through preservation and enhancement of these wetlands and the habitat found in wetlands.

## Environment and Sustainability Element

**Goal ENV-6.** Protect wetlands and riparian corridors, including intermittent and ephemeral streams.

**Policy ENV-6.1. Prevent Damage from Development.** Development shall not damage riparian areas, wetlands, and intermittent or ethereal streams. (See Figure 7-3 of the 2040 General Plan)

**Policy ENV-6.2. Retain Natural Conditions.** Retain creek beds, riparian corridors, water courses, and associated vegetation in their natural state to assist groundwater percolation and prevent erosion, downstream sedimentation, and other degradation.

**Policy ENV-6.3. Riparian Corridors.** Require setbacks and measures as appropriate to protect riparian corridors.

**Policy ENV-6.4. Planting Native Plants.** Promote the planting of local native trees and shrubs where development occurs on land surrounding reservoirs and streams, especially adjacent to areas where banks or channels have been modified for flood protection.

**Goal ENV-16.** Protect and conserve watersheds and water quality.

**Policy ENV-16.2. Conserve Land Contiguous to Reservoirs and Stream Channels.** Apply land use regulations, scenic easements, or other appropriate measures to keep the maximum amount of land immediately contiguous to reservoirs and stream channels undeveloped and undisturbed.

**Policy ENV-16.4. Conserve Existing Creeks.** Conserve existing creeks and avoid disturbances to these areas.

## Open Space, Parks, and Recreation Element

**Goal OSP-5.** Preserve and enhance Los Gatos Creek, Los Gatos Creek Trail, and Ross Creek as open space amenities.

**Policy OSP-5.1. Los Gatos Creek Restoration.** Restore Los Gatos Creek to a more natural state, removing concrete channelization, where feasible.

**Policy OSP-5.3. Ross Creek Restoration.** Restore Ross Creek to a more natural state, removing concrete channelization, where feasible.

The 2040 General Plan goals and policies listed above would require conservation of existing creeks and avoidance of disturbing creeks. Policy ENV-6.1 would prevent development within wetlands. Additionally, 2040 General Plan goals and policies would promote restoration of wetland and riparian habitat, compliance with State and federal regulations, and prohibition of specific development near riparian corridors. Therefore, impacts to wetlands would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

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| **Threshold 4:** | Would the project 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? |

### Impact BIO-3 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN COULD RESULT IN CONSTRUCTION WITHIN STREAMS AND ASSOCIATED RIPARIAN ZONES THAT SERVE AS WILDLIFE MOVEMENT CORRIDORS. HOWEVER, IMPLEMENTATION OF 2040 GENERAL PLAN POLICIES PRESERVING STREAMS AND WILDLIFE MOVEMENT CORRIDORS, AS WELL AS OPEN SPACE WOULD REDUCE IMPACTS TO LESS THAN SIGNIFICANT.

Most development in the planning area is in the downtown area of Los Gatos and other currently developed areas of Los Gatos. The 2040 General Plan focuses on and promotes redevelopment and infill development, which would occur primarily in the developed part of the planning area. The developed areas of Los Gatos do not provide for wildlife movement corridors because the areas are developed with buildings and roads. Wildlife movement corridors in Los Gatos are generally limited to the hillside areas in the southern and eastern parts of the planning area and the creeks in the planning area, such as Los Gatos Creek. These creeks may also be used by migratory fish. The 2040 General Plan includes Open Space land use designations within much of the property in the southern and eastern parts of the planning area, including along creeks and waterways. Therefore, the 2040 General Plan would generally not facilitate permanent development within these wildlife movement corridors.

While the 2040 General Plan designates some land adjacent to creeks as Open Space, it also designates some land in proximity to creeks and waterways as Hillside Residential. The Hillside Residential designation would allow low-density residential development. Generally, low-density development would not occur within waterways, but could require infrastructure to cross waterways, such as utility lines or driveways. Additionally, infill development could require construction of upgraded utilities and infrastructure, which could require temporary work in stream corridors. For example, stormwater runoff from urban areas is often conveyed to outfalls adjacent to creeks and riparian areas adjacent to the creeks. Outfalls, utility crossings, and similar urban infrastructure would typically not obstruct movement in the waterway or the vegetation corridor surrounding the waterway. Further, the 2040 General Plan contains the following goals and policies that would encourage wildlife movement and migration.

## Land Use Element

**Goal LU-6.** Ensure housing in the hillsides will not adversely affect the natural environment or endanger public health and safety.

> **Policy LU-6.1. Preservation of Open Space.** Open space easements shall be required by the deciding body for hillside subdivisions in accordance with the topographical, ecological, aesthetic, and other conditions pertinent to the making of such easements.

## Environment and Sustainability Element

**Goal ENV-4.** Protect, conserve, and enhance natural and urban habitats and ecosystems to sustain the biodiversity and natural beauty of Los Gatos.

**Policy ENV-4.1. Ecosystem Protection.** Protect and enhance public and private open space ecosystems in Los Gatos.

**Policy ENV-4.2. Open Space.** Maintain and support a network of open space preserves that protects the urban and natural forest and offers all residents access to nature.

**Goal ENV-6.** Protect wetlands and riparian corridors, including intermittent and ephemeral streams.

**Policy ENV-6.1. Prevent Damage from Development.** Development shall not damage riparian areas, wetlands, and intermittent or ethereal streams. (See Figure 7-3 of the 2040 General Plan)

**Policy ENV-6.2. Retain Natural Conditions.** Retain creek beds, riparian corridors, water courses, and associated vegetation in their natural state to assist groundwater percolation and prevent erosion, downstream sedimentation, and other degradation.

**Policy ENV-6.3. Riparian Corridors.** Require setbacks and measures as appropriate to protect riparian corridors.

**Goal ENV-7.** Conserve and protect wildlife populations.

**Policy ENV-7.3. Habitat and Movement Corridors.** Maintain wildlife habitat and movement corridors for native wildlife species, specific to Santa Clara County.

**Policy ENV-7.4. Limit Public Access.** Limit public access in areas that support rare wildlife populations and sensitive nesting and breeding sites.

**Goal ENV-16.** Protect and conserve watersheds and water quality.

**Policy ENV-16.2. Conserve Land Contiguous to Reservoirs and Stream Channels.** Apply land use regulations, scenic easements, or other appropriate measures to keep the maximum amount of land immediately contiguous to reservoirs and stream channels undeveloped and undisturbed.

**Policy ENV-16.4. Conserve Existing Creeks.** Conserve existing creeks and avoid disturbances to these areas.

## Open Space, Parks, and Recreation Element

**Goal OSP-2.** Preserve hillside areas as natural open space.

**Policy OSP-2.1. Hillside Natural Open Space Character.** Preserve the natural open space character of hillside lands, including natural topography, natural vegetation, wildlife habitats and migration corridors, and viewsheds.

**Policy OSP-2.4. Uninterrupted Wildlife Corridors and Recreation.** Adjacent parcels in the hillsides shall provide an uninterrupted band of useable segments for wildlife corridors and recreational use, if applicable.

**Goal OSP-5.** Preserve and enhance Los Gatos Creek, Los Gatos Creek Trail, and Ross Creek as open space amenities.

**Policy OSP-5.1. Los Gatos Creek Restoration.** Restore Los Gatos Creek to a more natural state, removing concrete channelization, where feasible.

**Policy OSP-5.3. Ross Creek Restoration.** Restore Ross Creek to a more natural state, removing concrete channelization, where feasible.

The policies listed above would promote the conservation of wildlife movement corridors, which consist primarily of waterways and adjacent riparian areas. For example, Policy ENV-6.1 prevents development from damaging streams, wetlands, and riparian areas. Policy ENV-6.3 requires setbacks to protect riparian corridors from development. Policy ENV-7.3 directs the Town to maintain wildlife habitat and movement corridors for native wildlife species. Policies OSP-5.1 and OSP-5.3 would restore the major perennial creek channels in the planning area, which could be used by migratory fish species.

Considering that the 2040 General Plan would not facilitate development in open space areas, including stream corridors, and that it contains policies to reduce impacts to stream corridors and protect wildlife movement corridors and open space, impacts would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

| | |
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| **Threshold 5:** | Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? |

**Impact BIO-4 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD RESULT IN REMOVAL OF TREES. HOWEVER, THE 2040 GENERAL PLAN POLICIES ENCOURAGE TREE PRESERVATION AND REPLACEMENT. DEVELOPMENT WOULD ALSO BE SUBJECT TO TREE PROTECTION REQUIREMENTS SET FOR IN THE TOWN CODE. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

The development facilitated by the 2040 General Plan would occur primarily in already developed areas of the Town, largely as either infill or redevelopment. However, there are street trees and other trees in these areas that could be removed or substantially pruned for construction of the development facilitated by the 2040 General Plan. Additionally, the 2040 General Plan designates some land in the hillside areas of the Town as Hillside Residential, which would allow low-density development in woodland areas. Construction of low-density residential development in areas designated as Hillside Residential could require the removal or pruning of trees.

Development would be subject to all applicable local policies and regulations related to the protection of important biological resources. Specifically, development under the 2040 General Plan would be required to comply with the Los Gatos Town Code Chapter 29, Division 2 – Tree Protection. The Town Code provides standards for the preservation, protection, and maintenance of protected trees, as defined in Town Code Section 29.10.0960. The ordinance requires a tree removal or severe pruning permit for removal of protected trees. The permit requires application review and approval of a tree removal permit by Town staff. In addition to requiring tree removal permits, the Town Code also requires planting replacement trees for those that are removed consistent with a permit. Section 29.10.1000 of the Town Code requires a tree preservation report prior to construction on parcels with protected trees. Section 29.10.1005 of the Town Code lists protective tree fencing requirements to ensure protected trees are not damaged during construction or development on property.

In addition to the Town Code, the following goals policies in the 2040 General Plan would also minimize impacts to the Town's trees:

## Environment and Sustainability Element

**Goal ENV-2.** Maintain and enhance trees and significant natural features.

**Policy ENV-2.1. Tree Protection.** Ensure tree removal and replacement during development is consistent with the latest in tree conservation standards to support the Town's Arbor Day Foundation status as a Tree City USA.

**Policy ENV-2.2. Landscaping in Public Spaces.** The Town shall maintain existing trees and introduce new trees to enhance streetscapes, public spaces, and public parking lots to maximize the beneficial effects of tree canopies.

**Policy ENV-4.2. Open Space.** Maintain and support a network of open space preserves that protects the urban and natural forest and offers all residents access to nature.

**Policy ENV-6.4. Planting Native Plants.** Promote the planting of local native trees and shrubs where development occurs on land surrounding reservoirs and streams, especially adjacent to areas where banks or channels have been modified for flood protection.

With adherence to the tree protection requirements in the Town Code and the 2040 General Plan policies, impacts would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

| | |
|---|---|
| **Threshold 6:** | Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? |

### Impact BIO-5 THERE ARE NO HABITAT CONSERVATION PLANS OR NATURAL COMMUNITY CONSERVATION PLANS APPLICABLE TO THE 2040 GENERAL PLAN. THEREFORE THE 2040 GENERAL PLAN WOULD HAVE NO IMPACTS.

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and CDFW (Santa Clara County, et al. 2012). The Town is not part of the partnership that developed the SCVHP.

Nearly the entire planning area is outside of the SCVHP study area, with the exception of Vasona Lake County Park and the riparian area on either side of Los Gatos Creek downstream of Vasona Lake County Park. Although located in Los Gatos, Vasona Lake County Park is included in the SCVHP because it is County land. The 2040 General Plan maintains a designation of Open Space for Vasona Lake County Park, which would not conflict with the SCVHP. Regardless, the Town is not subject to the SCVHP. There are no other adopted Habitat Conservation Plans or Natural Community Conservation Plans applicable to the planning area (CDFW 2019). Therefore, the 2040 General Plan would have no impact.

### Mitigation Measures

No mitigation measures are required.

### Significance After Mitigation

There would be no impact, and no mitigation measures are indicated.

## 4.4.4 Cumulative Impacts

Potential impacts to biological resources, as described above, are related to: direct and indirect impacts to special-status species or their habitat; impacts to riparian, wetland, or other sensitive natural communities; or interference with wildlife movement. Implementation of the 2040 General Plan could result in regional impacts on special-status species, riparian, wetland, or other sensitive natural communities, as well as wildlife movement specifically along the creeks and the hillside areas of the Town. Similarly, development pursuant to other local and regional planning efforts within the greater cumulative impact area (Santa Clara County and adjoining cities such as Saratoga and San José) would also have impacts on these resources. Due to the potential direct and indirect impacts that may occur as a result of the 2040 General Plan, the proposed 2040 General Plan could contribute to this impact.

Los Gatos 2040 General Plan goals and policies set requirements for actions to be taken if biological resources have potential to be impacted by development under the 2040 General Plan. These goals and policies would reduce impacts to sensitive species and habitats throughout the planning area, but notably along waterways and hillside areas of the planning area. The policies would ensure that development would not result in reductions in local population size, habitat fragmentation, or lower reproductive success by promoting conservation and preservation of the habitat that supports special-status species. For example, Policy ENV-5.3 prohibits development that significantly depletes, damages, or alters existing special-status plants. Policy ENV-6-1 protects riparian habitat and wetlands from development impacts. Policy ENV-7.5 conservers nesting bird sites unless appropriate mitigation is provided. Therefore, impacts to special status species and their habitat; sensitive habitats; and wildlife movement would be less than significant. The contribution of the proposed 2040 General Plan to cumulative impacts would be less than significant with implementation of 2040 General Plan goals and policies.

# 4.5 Cultural and Tribal Cultural Resources

The analysis in this section has been prepared in accordance with CEQA Guidelines Section 15064.5 and considers potential impacts to archaeological and historic resources and tribal cultural resources. This section includes a summary of background information on cultural resources and tribal cultural resources, a review of known archaeological and built environment resources, and an analysis of the 2040 General Plan's potential impacts on these resources. Potential impacts to paleontological resources are addressed in Section 4.7, *Geology and Soils.*

## 4.5.1 Setting

### a. Paleontological Settings

The Town of Los Gatos is situated along the edge of the Santa Clara Valley and the eastern foothills of the Santa Cruz Mountains within the Coast Ranges geomorphic province of California (California Geological Survey 2002). The Coast Ranges extend about 600 miles from the Oregon border to the Santa Ynez River in Santa Barbara County and are characterized by numerous north-south–trending peaks and valleys that range in elevation from approximately 500 feet above mean sea level (AMSL) to 7,581 feet AMSL (Norris and Webb 1990). The Coast Ranges are composed of a complex assemblage of folded and faulted geologic units, including Mesozoic metasedimentary rocks and ophiolite rocks of the Franciscan Assemblage, granitic and metamorphic rocks of the Mesozoic Salinian Block, and younger Cenozoic marine and nonmarine shale, sandstone, and conglomerate (Bartow and Nilsen 1990).

#### *Known Paleontological Resources*

The geologic units exposed at ground surface in the Town of Los Gatos and vicinity include Mesozoic rocks of the Franciscan Assemblage, the Miocene Temblor Sandstone, the Miocene Monterey Formation, the Pliocene-Pleistocene Santa Clara Formation, and Quaternary Alluvium (Dibblee and Minch 2005). The Temblor Sandstone, Monterey Formation, and Santa Clara Formation have previously yielded numerous vertebrate fossils in Santa Clara County and throughout California (University of California Museum of Paleontology 2018).

The Society of Vertebrate Paleontology has developed a system for assessing paleontological sensitivity and describes sedimentary rock units as having high, low, undetermined, or no potential for containing scientifically significant nonrenewable paleontological resources. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. Based these guidelines, the Miocene to Pleistocene sedimentary deposits in the Town of Los Gatos (i.e., the Temblor Sandstone, Monterey Formation, and Santa Clara Formation) have a high potential to yield paleontological resources.

### b. Ethnographic Setting

The Los Gatos planning area lies within an area traditionally occupied by the Ohlone (or Costanoan) people. Ohlone territory extends from the point where the San Joaquin and Sacramento Rivers flow into the San Francisco Bay to Point Sur, with the inland boundary most likely constituted by the interior Coast Ranges (Kroeber 1925:462). The Ohlone language belongs to the Penutian family, with several distinct dialects throughout the region (Kroeber 1925: 462).

The pre-contact Ohlone were semi-sedentary, with a settlement system characterized by base camps of tule reed houses and seasonal specialized camps (Skowronek 1998). Villages were divided into small polities, each of which was governed by a chief responsible for settling disputes, acting as a war leader (general) during times of conflict, and supervising economic and ceremonial activities (Skowronek 1998, Kroeber 1925:468). Social organization appeared flexible to ethnographers and any sort of social hierarchy was not apparent to mission priests (Skowronek 1998).

Ohlone subsistence was based on hunting, gathering, and fishing (Kroeber 1925: 467, Skowronek 1998). Mussels were a particularly important food resource (Kroeber 1925: 467). Sea mammals were also important; sea lions and seals were hunted, and beached whales were exploited (Kroeber 1925: 467). Like the rest of California, the acorn was an important staple and was prepared by leaching acorn meal both in openwork baskets and in holes dug into the sand (Kroeber 1925: 467). The Ohlone also practiced controlled burning to facilitate plant growth (Kroeber 1925: 467, Skowronek 1998).

Seven Franciscan missions were built within Ohlone territory in the late 1700s, and all members of the Ohlone group were eventually brought into the mission system (Kroeber 1925: 462, Skowronek 1998). After the establishment of the missions, the Ohlone population dwindled from roughly 10,000 people in 1770 to 1,300 in 1814 (Skowronek 1998). In 1973, the population of people with Ohlone descent was estimated at fewer than 300 (Levy 1978:487). The descendants of the Ohlone united in 1971 and have since arranged political and cultural organizations to revitalize aspects of their culture (Skowronek 1998).

## c. Regional (Bay Area) Prehistoric Settings

The Town lies in the San Francisco Bay Area archaeological region (Milliken et al. 2007; Moratto 1984). Following Milliken et al. (2007), the prehistoric cultural chronology for the Bay Area can be generally divided into five periods: the Early Holocene (8,000-3,500 BCE), Early (3,500-500 BCE), Lower Middle (500 BCE to 430 CE), the Upper Middle (430-1050 CE), and the Late Period (1050 CE-current). BCE refers to the number of years "before current era", and CE refers to the number of years since the beginning of the "current era", where the current era began at year one of the modern Gregorian calendar.

It is presumed that early Paleoindian groups lived in the area prior to 8,000 BCE. However, no evidence for that period has been discovered in the Bay Area to date (Milliken et al. 2007). For this reason, the terminal Pleistocene Period (ca. 11,700-8,000 BCE) is not discussed here. The earliest intensive study of the archaeology of the San Francisco Bay Area began with N. C. Nelson of the University of California, Berkeley, between 1906 and 1908. He documented over 400 shell mounds throughout the area. Nelson was the first to identify the Bay Area as a discrete archaeological region (Moratto 1984).

### *Early Holocene Period (8,000-3,500 BCE)*

The Early Holocene Period in the San Francisco Bay Area is characterized by a mobile forager pattern and the presence of milling slabs, hand stones, and a variety of leaf-shaped projectile points, though evidence for this period is limited. It is likely that Holocene Period alluvial deposits buried many prehistoric sites in the area (Moratto 1984; Ragir 1972). Sites such as CA-CCO-696 and CA-CCO-637 in Contra Costa County are two of just a few sites dating to this period. The earliest date for the Early Holocene Period comes from the CA-CCO-696 at Los Vaqueros Reservoir (Milliken et al. 2007).

### *Early Period (3,500-600 BCE)*

The Early Period saw increased sedentism from the Early Holocene as indicated by new ground stone technologies (introduction of the mortar and pestle), an increase in regional trade, and the earliest cut-bead horizon. The first documentation of the mortar and pestle, dating to 3,800 BCE, comes from CA-CCO-637 in the Los Vaqueros Reservoir area. By 1,500 BCE, mortars and pestles had almost completely replaced milling slabs and hand stones. A shift to a sedentary or semi-sedentary lifestyle is marked by the prevalence of mortars and pestles, ornamental grave associations, and shell mounds. The earliest cut bead horizon dating to this period is represented by rectangular Haliotis (abalone) and Olivella (snail) beads from several sites, including CA-CCO-637, and CASCL-832 in Sunnyvale, and CA-ALA-307 in Berkeley (Milliken et al. 2007). The advent of the mortar and pestle indicate a greater reliance on processing nuts such as acorns. Faunal evidence from various sites indicates a diverse diet based on mussels and other shellfish, marine mammals, terrestrial mammals, and birds (D'Oro 2009).

### *Lower Middle Period (500 BCE-430 CE)*

The Lower Middle Period saw numerous changes from the previous period. Rectangular shell beads, common during the Early Period, disappear completely and are replaced by split-beveled and saucer Olivella beads. In addition to the changes in beads, Haliotis ornaments, bone tools and ornaments, and basketry awls indicating coiled basketry manufacture appeared. Mortars and pestles continued to be the dominant grinding tool (Milliken et al. 2007). Evidence for the Lower Middle Period in the Bay Area comes from sites such as the Emeryville shell mound (CA-ALA-309) and Ellis Landing (CA-CCO-295). CA-ALA-309 is one of the largest shell mounds in the Bay Area and contains multiple cultural sequences. The lower levels of the site, dating to the Lower Middle Period, contain flexed burials with bone implements, chert bifaces, charm stones, and oyster shells (Moratto 1984).

### *Upper Middle Period (430-1050 CE)*

Around 430 CE, Olivella saucer bead trade networks established during earlier periods collapsed and over half of known sites occupied during the Lower Middle Period were apparently abandoned. Olivella saucer beads were replaced with Olivella saddle beads. New items appear at sites, including elaborate, decorative blades, fishtail charm stones, new Haliotis ornament forms, and mica ornaments. Sea otter bones became more frequent from earlier periods (Milliken et al. 2007). Excavations at CAALA-309 have indicated a shift from oysters to clams at that site. Subsistence analysis at various sites dating to this period indicate a diverse diet that included various species of fish, mammal species, bird species, shellfish, and plant resources that varied by location within the Bay Area (Hylkema 2002).

### *Late Period (1050 CE-contact)*

The Late Period saw an increase in social complexity, indicated by differences in burials, and an increased level of sedentism relative to preceding periods. Small, finely worked projectile points associated with bow and arrow technology appear around 1250 CE. Olivella shell beads disappeared and were replaced with clamshell disk beads. The toggle harpoon, hopper mortar, and magnesite tube beads also appeared during this period (Milliken et al. 2007). This period saw an increase in the intensity of resource exploitation that correlates with an increase in population (Moratto 1984). Many of the well-known sites of earlier periods, such as the Emeryville shell mound (CA-ALA-309) and the West Berkeley site (CA-ALA-307) were apparently abandoned as indicated by

the lack of Late Period elements at these sites, possibly due to fluctuating climates and drought that occurred throughout the Late Period (Lightfoot and Luby 2002).

## d. Historic Settings

Post-European contact history for the State of California is generally divided into three periods: the Spanish Period (1769–1822), the Mexican Period (1822–1848), and the American Period (1848–present).

### *Spanish Period (1769-1822)*

For more than 200 years, Cabrillo and other Spanish, Portuguese, British, and Russian explorers sailed the Alta (upper) California coast and made limited inland expeditions, but they did not establish permanent settlements (Bean 1968; Rolle 2003). Francis Drake in 1579 landed in what was most likely San Francisco Bay. Sebastian Cermeño landed in Drake's Bay in 1595 before returning south (Bean 1968). By the 1760s, Spain developed a three-pronged approach of establishing presidios (military garrisons), missions, and towns throughout Alta California to solidify its hold on the territory and counter against English and Russian advances into the region. Gaspar de Portolá and the Franciscan Father Junípero Serra established the first Spanish settlement in Alta California at Mission San Diego de Alcalá in 1769. This was the first of 21 missions erected by the Spanish between 1769 and 1823. Portolá continued north, reaching the San Francisco Bay in 1769. Short on food and supplies, the expedition turned back to San Diego. In 1770, Pedro Fages began his expedition, reaching the San Francisco Bay Area and exploring the region in 1772 (Cook 1957).

The mission and presidio on the Monterey peninsula were founded in 1770, and three years later Juan Bautista de Anza proposed to open a land route from Sonora to Monterey. The viceroy at the time, Antonio de Bucareli, sanctioned Anza's expedition and proposed he extend it to form a settlement at the bay of San Francisco. Anza's first expedition traveled from Mexico City to Monterey. During this time, various sea expeditions from Monterey discovered Nootka Sound, the Columbia River, and the Golden Gate. Anza's second expedition began in 1775 leading to the establishment of the presidio and mission at San Francisco the following year (Bean 1968; National Park Service, n.d.; California Missions Foundation, n.d.). The City of San José was founded in 1777 and is known as the first civilian settlement in California (City of San José Department of Planning, Building & Code Enforcement, n.d.). Mission San José, 14th out of the chain of 21 missions, was founded fourteen miles northeast of San José in 1797. Originally known as La Mision del Gloriosisimo Patriarca Señor San José, it was practically destroyed by an earthquake in 1868 (California Missions Foundation, n.d.).

### *Mexican Period (1822-1848)*

The Mexican Period commenced when news of the success of the Mexican Revolution (1810-1821) against the Spanish crown reached California in 1822. The presidios were not as well-supported under Mexican governance. A secularization act was passed in 1833 that privatized the mission lands and converted the missions into parish churches. The Native Americans affiliated with the missions were resettled. Although secularization plans called for the surviving Native Americans to receive land, this did not occur very often. Most land grants went to well-connected families, resulting in what was called the Rancho period. Mexican governors made more than 700 private land grants between 1834 and 1846 (Rice et al. 2012). During this time, a class of wealthy landowners, known as rancheros or Californios, worked large ranches based on cattle hide and

tallow production. Fifty land grants (ranchos) were in modern-day Santa Clara County (U.C. Berkeley Earth Sciences and Map Library 2007).

The Mexican Period saw an increased importance of sea trade and an influx of American settlers which motivated the United States to expand their territory into California. The United States supported a small group of insurgents from Sonoma during the Bear Flag Revolt. The Bear Flaggers captured Sonoma in June of 1846. In July, Commodore John Drake Sloat landed in Monterey and proceeded to take Yerba Buena, Sutter's Fort, Bodega Bay, and Sonoma. That same month, Captain Thomas Fallon entered San José and raised the United States flag over the town hall. Fighting between American and Mexican forces continued until Mexico surrendered in 1847 (NPS 2015; Rolle 2003).

### *American Period (1848-Present)*

The American Period began with the signing of the Treaty of Guadalupe Hidalgo in 1848, which marked the end of the United States' war with Mexico. The United States agreed to pay Mexico $15 million for the conquered territory, including California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming. The existing Mexican land grants were expected to be recognized, but over time, as settlement increased throughout the State, disputes arose between rancheros and settlers. Rancho owners expended much money and effort attempting to defend their land holdings. Rancheros struggled with this loss of income, debt, and costs incurred from legally defending their land under the new American law. As a result, many of the rancho lands were sold or lost. Most were subdivided into agricultural parcels or towns. Settlement of California continued to increase during the early American Period.

Following the discovery of gold in 1848, California's population grew exponentially. The Santa Clara Valley was greatly changed by the gold rush, as numerous immigrants arrived. California became a state in 1850, and Santa Clara County was one of the State's original counties. Throughout the late nineteenth century, immigrants continued to pour into California, leading to growth and expansion of cities such as San José (Rolle 2003; NPS 2015).

### *Town of Los Gatos*

The Town of Los Gatos was originally given as part of a 6,600-acre Mexican land grant to Sebastian Peralta and Jose Hernandez in 1840 (Town of Los Gatos 2018). The Town got its name from the early settlers who heard frequent sounds of mountain lions at night. Of the original 6,600 acres, 100 were selected to be the Town in 1868, and the Town was incorporated in 1887. The Town developed as an independent rural community with industries including milling, logging, wheat farming, orchards, and canning. The railroad played an important role for Los Gatos as an easily accessible tourist destination throughout the late nineteenth and early twentieth centuries.

## e. Known Cultural Resources

According to the Office of Historic Preservation, three resources in Los Gatos are listed as Points of Interest or as California Historical Landmarks, as shown in Table 4.5-1. Four resources and one historic district are listed on the National Register of Historic Places (NRHP), also listed in the table below.

**Table 4.5-1 Los Gatos Historic Resources**

| Resource Name | Designation |
|---|---|
| Forbes Flour Mill | California Historical Landmark |
| Kotani-En | California Historical Landmark |
| Los Gatos First Firehouse | Point of Interest |
| Forbes Mill Annex | NRHP |
| Kotani-En Garden | NRHP |
| Los Gatos Historic Commercial District | NRHP |
| Mccullagh-Jones House | NRHP |
| Yung See San Fong House | NRHP |

Source: Office of Historic Preservation 2018

### f. Native American Tribal Consultation

In accordance with Assembly Bill 52 (AB 52) and Senate Bill (SB 18) (see Regulatory Setting, below), the Town notified the following California Native American tribes of the proposed 2045 General Plan and invited them to participate in consultation:

- Amah Mutsun Tribal Band
- Amah Mutsun Tribal Band of Mission San Juan Buatista
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- North Valley Yokuts Tribe
- The Ohlone Indian Tribe
- The Confederated Villages of Lisjan

To date, the Town received no responses from the California Native American tribes that were notified. No Tribal Cultural Resources (TCRs) have been identified within the planning area by a California Native American tribe.

## 4.5.2 Regulatory Setting

### a. Federal Regulations

#### *Code of Federal Regulations (CFR)*

The definition of a Federal undertaking in 36 CFR 800.16(y) includes projects requiring a Federal permit, license, or approval. Cultural resources are considered during Federal undertakings chiefly under Section 106 of the NHPA of 1966 (as amended) through one of its implementing regulations, 36 CFR 800 (Protection of Historic Properties), as well as the National Environmental Policy Act (NEPA). Properties of traditional religious and cultural importance to Native Americans are considered under Section 101(d)(6)(A) of the NHPA, and Section 106 36 CFR 800.3–800.10. Other Federal laws include the Archaeological Data Preservation Act of 1974, the American Indian Religious Freedom Act (AIRFA) of 1978, the Archaeological Resources Protection Act (ARPA) of 1979, and the Native American Graves Protection and Repatriation Act (NAGPRA) of 1989, the Paleontological Resources Preservation Act (PRPA) of 2009, among others.

### *U.S. Code 470f, Section 106 of the NHPA*

The U.S. Code requires Federal agencies to take into account the effects of their undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings (36 CFR 800.1). Under Section 106, the significance of any adversely affected historic property is assessed and mitigation measures are proposed to reduce any impacts to an acceptable level. Historic properties are those significant cultural resources that are listed in or are eligible for listing in the NRHP (36 CFR 60.4).

## b. State Regulations

### *California Environmental Quality Act*

The California Environmental Quality Act (CEQA) requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code [PRC], Section 21084.1). A historical resource is a resource listed in, or determined to be eligible for listing, in the California Register of Historical Resources (CRHR), a resource included in a local register of historical resources or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CEQA Guidelines, Section 15064.5[a][1-3]).

### *Assembly Bill 52 (AB 52)*

As of July 1, 2015, AB 52 of 2014 was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that, "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and meets either of the following criteria:

a) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. The definition of tribal cultural resource also includes "intangible" resources, such as cultural landscapes. AB 52 requires that lead agencies "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

### *Senate Bill 18 (SB 18)*

California Government Code Section 65352.3 (adopted pursuant to the requirements of SB 18) requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction, and are identified, upon request, by the NAHC. As noted in OPR's Tribal Consultation Guidelines (2005), "The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places."

## c. Local Regulations

### *Town of Los Gatos Historic Preservation Town Code*

The Los Gatos Historic Preservation Section of Chapter 29 of the Town Code (Zoning Regulations) provides for the protection of historic structures, sites, and areas by granting powers and duties to the Planning Commission to protect historic resources, establishing a Historic Preservation Committee, providing for the designation of historic landmarks, and including requirements for permitting of projects that may affect historic resources.

The Town recognizes a structure as historic if one or more of the following criteria are applicable:

- Any structure/site that is located within a historic district.
- Any structure/site that is historically designated within the Landmark Historic Preservation Overlay Zone.
- Any primary structure constructed prior to 1941, unless the Town has specifically determined the structure has no historic significance or architectural merit.
  Impact Analysis

## a. Methodology and Thresholds of Significance

Under CEQA, any project that may cause a substantial adverse change in the significance of a historical resource would also have a significant effect on the environment. According to Appendix G of the State CEQA Guidelines, the 2040 General Plan would have significant impacts related to cultural resources or tribal cultural resources if it would:

1. Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
3. Disturb any human remains, including those interred outside of dedicated cemeteries; or
4. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

   a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

   b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public

> Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The significance of a cultural resource and subsequently the significance of any impact is determined by consideration of whether or not that resource can increase our knowledge of the past and the importance of that resource to cultural groups, among other things. The determining factors are site content and degree of preservation. A finding of archaeological significance follows the criteria established in the State CEQA Guidelines.

CEQA Guidelines Section 15064.5, Determining the Significance of Impacts to Archaeological Resources, states:

> (3) […] Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852).
>
> (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.
>
> (b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

Historical resources are "significantly" affected if there is demolition, destruction, relocation, or alteration of the resource or its surroundings. Generally, impacts to historical resources can be mitigated to below a level of significance by following the Secretary of the Interior's Guidelines for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings [Guidelines § 15064.6(b)]. In some circumstances, documentation of an historical resource by way of historic narrative photographs or architectural drawings will not mitigate the impact of demolition below the level of significance [Guidelines § 15126.4(b)(2)]. Preservation in place is the preferred form of mitigation for archaeological resources as it retains the relationship between artifact and context, and may avoid conflicts with groups associated with the site [Guidelines § 15126.4 (b)(3)(A)]. If an archaeological resource does not meet either the historic resource or the more specific "unique archaeological resource" definition, impacts do not need to be mitigated [Guidelines § 15064.5(e)]. Where the significance of a site is unknown, it is presumed to be significant for the purpose of the EIR investigation.

The presence and significance of a potential tribal cultural resource is determined through consultation between lead agencies and local California Native Americans. Impacts to tribal cultural resources are highly dependent on the nature of the resource but, in general, could occur if there is destruction or alteration of the resource and its surroundings, restricted access to the resource, or other disturbances.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? |
| **Threshold 2:** | Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? |

### Impact CUL-1 DEVELOPMENT ENVISION IN THE 2040 GENERAL PLAN WOULD HAVE THE POTENTIAL TO IMPACT HISTORICAL RESOURCES AND UNIQUE ARCHAEOLOGICAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.

Based on CEQA Guidelines Section 15064.5, the 2040 General Plan would have a significant impact on historical resources if it would cause a substantial adverse change in the significance of a historical resource. Historical resources include properties eligible for listing on the National Register of Historic Places, the California Register of Historic Resources, or the local register of historical resources. In addition, as explained in Section 15064.5 of the CEQA guidelines, "substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."

Effects on cultural resources are only knowable once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions, project activities that may alter the character of a built environment resource, and/or the characteristics of the proposed ground-disturbing activity. Demolition or other structure alteration associated with development facilitated by the 2040 General Plan has the potential to impair historic built-environment resources. Ground-disturbing activities associated with development facilitated by the 2040 General Plan, particularly in areas that have not previously been developed with urban uses, have not been studied through a cultural resources investigation, or when excavation depths exceed those previously attained, have the potential to damage or destroy previously-unknown historic or prehistoric archaeological resources that may be present on or below the ground surface. Consequently, damage to or destruction of cultural resources could occur because of development under the proposed 2040 General Plan. In order to ensure that development within Los Gatos does not have a detrimental effect on cultural resources, each project would need to be assessed as it is proposed.

Although there are no specific development projects associated with the 2040 General Plan, implementation of the plan would guide development in Los Gatos through the year 2040. Development under the proposed 2040 General Plan could affect known or unknown historical and/or archaeological resources.

The Goals ENV-12 and ENV-13 and their associated policies in the Environment and Sustainability Element of the 2040 General Plan, listed below, would reduce potential impacts related to cultural resources.

**Goal ENV-12.** Protect Los Gatos's archaeological and cultural resources to maintain and enhance a unique sense of place.

> **Policy ENV-12.1. Evaluate Archaeological and Cultural Resources.** 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 ENV-12.2. Protect Archaeological Resources.** Ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites.

**Policy ENV-12.3. Archaeologically and Culturally Significant Structures.** Ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites.

**Policy ENV-12.4. Human Remains.** Treat with respect and dignity any human remains discovered during implementation of public and private projects within the Town.

**Policy ENV-12.5. Uncovered Cultural Resources.** 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 ENV-12.6. Burial Sites.** Encourage development to avoid impacts to burial sites by designing or clustering development to avoid archaeological deposits that may contain human remains.

**Goal ENV-13.** Preserve and protect Los Gatos's historic buildings, sites, and resources.

**Policy ENV-13.1. Historic Resource Preservation.** Preserve non-municipal resources with historic merit, including residences and sites listed or eligible for listing in the State or Federal registers.

**Policy ENV-13.2. Municipal Historic Resources.** Preserve significant historic resources owned by the Town of Los Gatos while allowing them to be altered to meet contemporary needs consistent with the Secretary of the Interior Standards for Rehabilitation.

**Policy ENV-13.3. Funding.** Seek State and Federal funding for preservation of buildings of historical merit, both listed and potentially eligible for listing. Consider partnerships between public and private entities for capital and program improvements. Encourage owners of potential historic resources to adapt and rehabilitate these buildings through participation in State and Federal tax credit programs.

**Policy ENV-13.4. Historic Commercial District.** Reinforce the scale and character of the Los Gatos Historic Commercial District by promoting significant buildings, including regulating signage to be in keeping with the historic style and aesthetic of the district.

**Policy ENV-13.5. Proposed Alterations.** If a proposed project would substantially affect sites or structures of special character, or potential historical, architectural, or aesthetic interest that has not been evaluated for inclusion in the State or Federal registers, part of the plan review shall include consideration of eligibility prior to issuance of demolition or alterations permits. Minor exterior improvements that do not affect the architectural integrity of potentially significant buildings (as determined by the Historic Preservation Committee) shall be exempt from more extensive review. Examples of minor improvements may include repair or replacement in-kind that do not alter character-defining features.

**Policy ENV-13.6. Adaptive Reuse.** Promote adaptive reuse of older buildings and allow compatible non-conforming uses for the life of historic buildings.

**Policy ENV-13.7. History Archives.** Continue to support library, private, and non-profit efforts to maintain historic resource collections, including collaborative efforts to acquire funding, educate the community, and provide access for researchers.

**Policy ENV-13.8. Increase Historical and Cultural Awareness.** Support a community sense of stewardship for historic and cultural resources through supporting talks, tours, and other programs that increase awareness and promote Los Gatos as a destination with historic cultural resources.

The goals and policies listed above would reduce the potential for historical and/or archaeological resources to be adversely impacted from development facilitated by the 2040 General Plan. However, there would still be potential for development to impact cultural resources and impacts would be potentially significant.

## Mitigation Measures

The following mitigation measure is required.

### *CR-1 Cultural Resources Study Implementation Program*

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

## Significance After Mitigation

The implementation of Mitigation Measure CR-1 would reduce impacts to historical and unique archeological resources to a less than significant by requiring cultural resource studies for projects within the Town and SOI and implementation of further requirements to avoid or reduce impacts to such resources on a project-by-project basis.

| | |
|---|---|
| **Threshold 3:** | Would the project disturb any human remains, including those interred outside of formal cemeteries? |

**Impact CUL-2 DEVELOPMENT ENVISIONED IN THE 2040 GENERAL PLAN WOULD REQUIRE GROUND DISTURBANCE THAT COULD ENCOUNTER HUMAN REMAINS. IMPLEMENTATION OF 2040 GENERAL PLAN POLICIES AND COMPLIANCE WOULD EXISTING REGULATIONS WOULD REDUCE POTENTIAL IMPACTS TO HUMAN REMAINS TO LESS THAN SIGNIFICANT.**

Human burials outside of formal cemeteries often occur in prehistoric archeological contexts. Although much of the Town is built out, the potential still exists for these resources to be present. Excavation during construction activities in the Town would have the potential to disturb these resources, including Native American burials.

Human burials, in addition to potentially being associated with archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. The California Health and Safety Code (Sections 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and established procedures to be implemented if Native American skeletal remains are discovered. Public Resources Code §5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes.

The 2040 General Plan requires compliance with existing regulations relating to the treatment of human remains in Goal ENV-12, specifically Policies ENV-12.4 and ENV-12.6. Implementation of this these policies would help ensure that development carried out under the proposed 2040 General Plan would have a less than significant impact from potential disturbance of human remains, including those interred outside of formal cemeteries.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

| | |
|---|---|
| **Threshold 4a:** | Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? |
| **Threshold 4b:** | Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? |

**Impact CUL-3 DEVELOPMENT ENVISIONED IN THE 2040 GENERAL PLAN COULD INVOLVE GROUND DISTURBANCE AND EXCAVATION, WHICH WOULD HAVE THE POTENTIAL TO IMPACT PREVIOUSLY UNIDENTIFIED TRIBAL CULTURAL RESOURCES. HOWEVER, WITH ADHERENCE TO POLICIES CONTAINED IN THE 2040 GENERAL PLAN AND COMPLIANCE WITH EXISTING REGULATIONS WOULD, IMPACTS TO TRIBAL CULTURAL RESOURCES WOULD BE LESS THAN SIGNIFICANT.**

Effects on tribal cultural resources are only knowable once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed activity. Generally, if an area is sensitive to tribal cultural resources, new development in that area could impact tribal cultural resources during project construction phases involving ground disturbance. Therefore, development envisioned in the 2040 General Plan would have potential to encounter tribal cultural resources, depending on the specific development and its location within the planning area.

As described above in Section 4.5.1, *Setting*, the SB 18 and AB 52 consultation conducted for the 2040 General Plan EIR identified no TCRs in the planning area. Although the consultation identified no TCRs, TCRs may be identified or established as individual projects or development envisioned in the 2040 General Plan is implemented in the future. Therefore, as specific projects and development are proposed, consultation with tribes under AB 52, and if applicable SB 18, should occur to determine if any TCRs may be impacted by project specific elements. The Environment and Sustainability Element of the 2040 General Plan contains the following policies requiring compliance with SB 18 and AB 52, and the protection of location of sensitive tribal cultural resources.

## Environment and Sustainability Element

**Goal ENV-14.** Protect and respect Los Gatos's tribal cultural resources.

**Policy ENV-14.1. Tribal Consultation.** Require that local Native American tribes are involved early and often on potential disturbance, recovery, and preservation of tribal cultural resources, including development of strong consultation protocols with appropriate Native American tribe(s), as required by California Senate Bill 18 and Assembly Bill 52.

**Policy ENV-14.2. Tribal Prohibitions.** Accommodate tribal concerns when the tribe has a religious prohibition against revealing precise information about the location or previous practice at a sacred site.

Policies ENV-14.1 and ENV-14.2 would ensure that tribal cultural resources are identified prior to commencement of ground disturbance. Compliance with existing regulations pertaining to human remains, discussed in Impact CUL-2, above would reduce to potential Native American burial sites. Accordingly, impacts to potential tribal cultural resources would be less than significant.

### Mitigation Measures

No mitigation measures are required.

### Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

## 4.5.3 Cumulative Impacts

The geographic scope for considering cumulative impacts to cultural resources and tribal cultural resources is based on the historic, ethnographic, and prehistoric period use patterns of the project area and surrounding region. The geographic extent of cumulative impacts for the historic period is the Town of Los Gatos and its SOI. The geographic scope for the pre-colonial period is the San Francisco Bay Area and the areas traditionally occupied by the Ohlone (or Costanoan) people. This is appropriate because cultural resources and tribal cultural resources identified in this larger region will be similar in type and style to those that are or may be present in the planning area.

The proposed 2040 General Plan and future development facilitated by it, could adversely impact cultural resources and tribal cultural resources. Cumulative development within this geographic scope could disturb areas with the potential to contain historical resources, archaeological resources, and human remains, as well as tribal cultural resources. For other developments that would have significant impacts on cultural resources, similar conditions and mitigation measures described herein would be imposed on those other developments consistent with the requirements of CEQA, along with requirements to comply with all applicable laws and regulations governing said resources.

Cumulative development could impact known or unknown tribal cultural resources or archaeological resources and archaeological resources that may be considered historical resources. This would be a potentially significant cumulative impact. However, individual projects would be reviewed separately by the Town or County of Santa Clara or other cities in Santa Clara County, as applicable, and undergo environmental review when it is determined that the potential for significant impacts exists. Impacts would be addressed on a case-by-case basis and would likely be subject to mitigation measures similar to those imposed for the proposed 2040 General Plan. As such, cumulative impacts would be less than significant with mitigation. A described under Impact CUL-1, Mitigation Measure CUL-1 would ensure that project-level impacts to unknown resources are adequately mitigated. These mitigation measures provide for archaeological monitoring of project ground disturbance and identify the steps to be taken if archaeological resources are encountered, including resources that may be of importance to Native American tribes. After implementation of Mitigation Measure CR-1, the 2040 General Plan's contribution to cumulative impacts to archaeological resources would not be cumulatively considerable. With adherence to existing regulations relating to cultural resources and tribal cultural resources, cumulative impacts would be less than significant and the proposed 2040 General Plan's contribution would not be cumulatively considerable.

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# 4.6 Energy

This section discusses energy impacts resulting from implementation of the 2040 General Plan. This analysis follows the guidance for evaluation of energy impacts contained in Appendix F and Appendix G of the CEQA Guidelines. The physical environmental impacts associated with the generation of electricity and burning of fuels have been accounted for in Section 4.3, *Air Quality*, and Section 4.8, *Greenhouse Gas Emissions*.

## 4.6.1 Setting

Energy use relates directly to environmental quality, since it can adversely affect air quality and can generate greenhouse gas (GHG) emissions that contribute to climate change. Fossil fuels are burned to create electricity that powers residences and commercial/industrial buildings, heats and cools buildings, and powers vehicles. Transportation energy use is related to the fuel efficiency of cars, trucks, and public transportation; choice of different travel modes such as auto, carpool, and public transit; and miles traveled by these modes. Construction and routine operation and maintenance of transportation infrastructure also consume energy.

### a. Energy Supply

### Energy Fundamentals

Energy is generally transmitted either in the form of electricity, measured in kilowatts (kW) or megawatts (MW), or natural gas measured in British thermal units (BTU), or cubic feet. Fuel, such as gasoline or diesel, is measured in gallons or liters.

#### *Electricity*

Electricity is used primarily for lighting, appliances, cooking purpose, and other uses associated with building and vehicle operations. Electricity sources range from renewable (hydroelectric, solar, wind, geothermal, biomass) to nonrenewable (natural gas, oil, nuclear, coal).

#### *Natural Gas*

Natural gas is used primarily for heating, water heating, and cooking purpose and is typically associated with building operations.

#### *Fuel*

Fuel is used primarily for powering off-road equipment and vehicles (commercial trucks and other vehicles). The typical fuel types used are diesel and gasoline.

### Electricity Generation, Distribution, and Use

#### *California*

##### GENERATION

According to the California Energy Commission (CEC), California generated approximately 285,448 gigawatt-hours (GWh) of electricity in 2018. As shown in Table 4.6-1, approximately 35 percent of this electricity was sourced from natural gas, 31 percent from renewable sources (i.e., solar, wind,

geothermal, biomass, small hydroelectric), 11 percent from large hydroelectric sources, and the remaining 23 percent was sourced from coal, nuclear, oil, other and unspecified sources (CEC, 2019).

**Table 4.6-1 California 2018 Total System Electric Generation**

| Fuel Type | In-State Generation (GWh) | Percent of In-State Generation | Northwest Imports (GWh) | Southwest Imports (GWh) | State Energy Mix (GWh) | State Power Mix |
|---|---|---|---|---|---|---|
| Coal | 294 | 0.15% | 399 | 8,740 | 9,433 | 3.30% |
| Large Hydro | 22,096 | 11.34% | 7,418 | 985 | 30,499 | 10.68% |
| Natural Gas | 90,691 | 46.54% | 49 | 8,904 | 99,644 | 34.91% |
| Nuclear | 18,268 | 9.38% | 0 | 7,573 | 25,841 | 9.05% |
| Oil | 35 | 0.02% | 0 | 0 | 35 | 0.01% |
| Other (Petroleum/Waste Heat) | 430 | 0.22% | 0 | 9 | 439 | 0.15% |
| Renewables | 63,028 | 32.35% | 14,074 | 12,400 | 89,502 | 31.36% |
| *Biomass* | *5,909* | *3.03%* | *772* | *26* | *6,707* | *2.35%* |
| *Geothermal* | *11,528* | *5.92%* | *171* | *1,269* | *12,968* | *4.54%* |
| *Small Hydro* | *4,248* | *2.18%* | *334* | *1* | *4,583* | *1.61%* |
| *Solar* | *27,265* | *13.99%* | *174* | *5,094* | *32,533* | *11.40%* |
| *Wind* | *14,078* | *7.23%* | *12,623* | *6,010* | *32,711* | *11.46%* |
| Unspecified | N/A | N/A | 17,576 | 12,519 | 30,095 | 10.54% |
| **TOTAL** | **194,842** | **100.00%** | **39,517** | **51,130** | **285,488** | **100.00%** |

Source: CEC, 2019

### DISTRIBUTION

Electricity is distributed through the various electric load-serving entities (LSEs) in California. These entities include investor-owned utilities, publicly owned LSEs, rural electric cooperatives, community choice aggregators, and electric service providers (CEC, 2021a).

### USE

According to the U.S. Energy Information Administration (USEIA), total electricity direct consumption within California in 2018 was 12,859.245 GWh, up 0.5 percent, or 64.385 GWh, from 2017. California electricity consumption in 2018 represented approximately 9 percent of total U.S. electricity consumption in 2018 (USEIA, 2020).

## Alternative Fuels

A variety of alternative fuels are used to reduce petroleum-based fuel demand. The use of these fuels is encouraged through various statewide regulations and plans, such as the Low Carbon Fuel Standard and Senate Bill 32. Conventional gasoline and diesel may be replaced, depending on the capability of the vehicle with transportation fuels including the following.

#### HYDROGEN

Hydrogen is being explored for use in combustion engines and fuel cell electric vehicles. The interest in hydrogen as an alternative transportation fuel stems from its clean-burning qualities, its potential for domestic production, and the fuel cell vehicle's potential for high efficiency, which is two to three times more efficient than gasoline vehicles. Currently, 42 hydrogen refueling stations are located in California; however, none are located in Los Gatos (U.S. Department of Energy [DOE] 2020).

#### BIODIESEL

Biodiesel is a renewable alternative fuel that can be manufactured from vegetable oils, animal fats, or recycled restaurant greases. Biodiesel is biodegradable and cleaner-burning than petroleum-based diesel fuel. Biodiesel can run in any diesel engine generally without alterations but fueling stations have been slow to make it available. There are currently 10 biodiesel refueling stations in California, none of which is located in Los Gatos (DOE 2020).

#### ELECTRIC VEHICLES

Electricity can be used to power electric and plug-in hybrid electric vehicles directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicle's batteries. Fuel cells are being explored as a way to use electricity generated onboard the vehicle to power electric motors. There are numerous publicly-accessible electrical charging stations in Los Gatos, and many a marked growth in installations of private electric vehicle chargers on private residential and commercial properties.

## b. Town of Los Gatos

Natural gas and electricity services are provided through Pacific Gas and Electric Company (PG&E). Los Gatos is also part of Silicon Valley Clean Energy (SVCE) community choice aggregation, delivered through the PG&E power grid.

### *Natural Gas and Electricity*

The natural gas system in Los Gatos consists of pipelines that deliver gas to the community and then into homes. The main gas pipeline runs underneath Winchester Boulevard south to University Avenue, then east under Roberts Road, just south of Vasona Lake County Park.

Electricity is provided through PG&E or through SVCE. Residents automatically receive electricity through SVCE, with the option to opt out and receive service from PG&E instead. As the power grid and associated infrastructure is owned by PG&E, they are responsible for all billing, maintenance, new service requests, and emergencies related to its grid. Four PG&E substations serve Los Gatos: the Los Gatos, Saratoga, Vasona, and Hicks substations.

PG&E is in the process of updating the grid infrastructure to incorporate "smart" technology including customer energy management tools, EV infrastructure access, and demand response

transmission. PG&E's energy portfolio in 2019 is shown in Table 4.6-2 (PG&E 2020). Almost 100 percent of the energy provided by PG&E was from greenhouse gas free sources, an increase of 85 percent from 2018 (PG&E 2019).

**Table 4.6-2 PG&E 2019 Energy Portfolio**

| Electricity Source | Percentage of Power Mix |
|---|---|
| Non-Emitting Nuclear Energy | 44% |
| Large Hydroelectric | 27% |
| Renewable (wind, geothermal, biomass, solar, and small hydroelectric) | 29% |
| Natural Gas/Other | 0% |
| Unspecified (untraceable) | 0% |

Source: Pacific Gas & Electric Company, 2020

PG&E also offers the Solar Choice program, which allows customers to purchase up to 100 percent of their electricity from solar generated in California. PG&E reports that it is ahead of schedule in meeting the California Renewables Standard of 33 percent by 2020 and are positioned to meet the 50 percent Renewables Standard mandate by 2030.

SVCE is a local, publicly controlled clean energy provider for the Silicon Valley area. It offers two options for purchasing electricity: GreenStart, containing 50 percent renewable energy and 100 percent carbon-free sources, and GreenPrime, containing 100 percent renewable and carbon-free sources. SVCE buys energy directly from the source and utilizes the PG&E grid to deliver it to customers.

### Natural Gas and Electricity Consumption

Although the 2040 General Plan applies only to the Town of Los Gatos, the smallest scale to which electricity consumption information is available is at the county level. Therefore, electricity consumption in Santa Clara County is used herein to characterize Los Gatos' existing electricity consumption. Table 4.6-3 summarizes the electricity and natural gas consumption for Santa Clara County, in which the 2040 General Plan would be located, and for PG&E, as compared to statewide consumption.

**Table 4.6-3 2019 Electricity and Natural Gas Consumption in Santa Clara County**

| Energy Type | Santa Clara County | PG&E | California | Proportion of PG&E Consumption | Proportion of Statewide Consumption[1] |
|---|---|---|---|---|---|
| Electricity (GWh) | 16,664 | 78,071 | 279,402 | 21% | 6% |
| Natural Gas (millions of therms) | 460 | 4,942 | 13,158 | 9% | 3% |

GWh = gigawatt-hours

Source: CEC 2021b

### *Petroleum*

Petroleum fuels are generally purchased by individual users such as residents and employees. While no petroleum refineries are located in the Town limits, 10 gasoline stations are present in the Town limits (National Pipeline Mapping System [NPMS] 2020). According to the California Geologic Energy Management Division (CalGEM), three oil wells exist within the Town's limits, however these have all been abandoned and decommissioned (CalGEM 2020).

#### PETROLEUM FUEL CONSUMPTION

Although no information can be narrowed down to Los Gatos specifically, Santa Clara fuel sales are used herein to provide a regional context for fuel consumption in Los Gatos and the surrounding area. State and county fuel consumption are further illustrated in Table 4.6-4.

**Table 4.6-4 2019 Annual Gasoline and Diesel Consumption in Santa Clara County**

| Fuel Type | Santa Clara (gallons) | California (gallons) | Proportion of Statewide Consumption |
|---|---|---|---|
| Gasoline | 713 | 15,365 | 5% |
| Diesel | 42 | 1,756 | 2% |

Source: CEC 2020a

## 4.6.2 Regulatory Setting

### a. Federal Regulations

#### Energy Policy and Conservation Act

Enacted in 1975, this legislation established fuel economy standards for new light-duty vehicles (autos, pickups, vans, and sport-utility vehicles). The law placed responsibility on the National Highway Traffic and Safety Administration, a part of the U.S. Department of Transportation, for establishing and regularly updating vehicle standards. The U.S. Environmental Protection Agency (USEPA) administers the Corporate Average Fuel Economy (CAFE) program, which determines vehicle manufacturers' compliance with existing fuel economy standards. Since the inception of the program, the average fuel economy for new light-duty vehicles steadily increased from 13.1 miles per gallon (mpg) for the 1975 model year to 30.7 mpg for the 2014 model year and can increase to 54.5 by 2025.

#### *Energy Policy Act*

The Energy Policy Act of 1992 was passed to reduce the U.S.'s dependence on foreign petroleum and improve air quality. The act includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. The act requires certain Federal, State, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in the act. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond

financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

### *Energy Independence and Security Act*

The Energy Independence and Security Act of 2007 was designed to improve vehicle fuel economy and help reduce nationwide dependence on foreign oil. It expands the production of renewable fuels, reducing dependence on oil, and confronting global climate change. Specifically, it increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard by requiring fuel producers to use at least 36 billion gallons of biofuel in 2022 and reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020.

### *U.S. Executive Order 13693 (Energy Independence and Security Act Expansion)*

In March 2015, EO 13693 *Planning for Federal Sustainability in the Next Decade* was signed into action. The goal of this EO is to expand on the Energy Independence and Security Act of 2007 and maintain Federal leadership in sustainability and GHG emission reductions. The EO includes the following goals related to energy:

- 25 percent reduction in energy use intensity (2015 baseline).
- 30 percent of electricity supply from renewable energy by 2025.
- 25 percent of total building energy (electric and alternative energy) from renewable energy by 2025.

## b. State Regulations

### California Energy Action Plan (Increase Efficient Use of Fuel Supplies)

The CEC, in collaboration with CPUC, is responsible for preparing the California Energy Action Plan (EAP), which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and maintenance of a healthy economy. The 2003 EAP calls for the State to assist in transformation of the transportation system to improve air quality, reduce congestion, and increase efficient use of fuel supplies with the least environmental and energy costs. The EAP identifies strategies including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, and encourages urban designs that reduce VMT and accommodate pedestrian and bicycle access.

In the 2005 EAP, the CEC and CPUC updated the energy policy vision by adding dimensions to the policy areas, such as information on the emerging importance of climate change, transportation-related energy issues, and research and development activities. The CEC adopted an update to the 2005 EAP in 2008 that supplements the earlier EAPs and examines the State's ongoing actions in the context of global climate change.

### *California Energy Code (Building Energy Efficiency Standards)*

The Building Energy Efficiency Standards were first adopted in 1976 and have been updated periodically since then. The standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. The goal is to reduce energy costs for owners, increase reliability and availability of electricity for the state, improve building occupant comfort, and reduce environmental impact.

### *California* Senate Bill 1389 (Integrated Energy Policy)

SB 1389 (Chapter 568, Statutes of 2002) required the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The CEC uses these assessments and forecasts to develop energy policies and recommendations to conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety.

### California Senate Bill 350 (Clean Energy and Pollution Reduction Act)

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources to be increased to 50 percent by December 31, 2030. This act also requires doubling of the energy efficiency in existing buildings by 2030 by 2030.

### California Assembly Bill 1493 (Reduce GHG Emissions from Vehicle Use)

AB 1493 (Chapter 200, Statutes of 2002), known as the Pavley Bill, amended Health and Safety Code Sections 42823 and added 43018.5 requiring the California Air Resources Board (CARB) to develop and adopt regulations that achieve maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles, light-duty trucks, and other vehicles used for noncommercial personal transportation in California.

### California *Senate Bill 100 (100 Percent Clean Energy Act)*

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the State's RPS Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 44 percent by 2024, 60 percent by 2030, and 100 percent by 2045.

### California Assembly Bill 1007 (State Alternative Fuels Plan)

AB 1007 (Chapter 371, Statutes of 2005) required the CEC to prepare a State plan to increase the use of alternative fuels in California. The CEC prepared the State Alternative Fuels Plan (SAF Plan) in partnership with CARB and in consultation with other Federal, State, and local agencies. The SAF Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The SAF Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

### California Executive Order (EO) S-06-06 (Bioenergy Action Plan)

EO S-06-06, April 25, 2006, establishes targets for the use and production of biofuels and biopower, and directs State agencies to work together to advance biomass programs in California, while providing environmental protection and mitigation. EO S-06-06 establishes the following target to increase the production and use of bioenergy, including ethanol and biodiesel fuels made from renewable resources: produce a minimum of 20 percent of its biofuels in California by 2010, 40 percent by 2020, and 75 percent by 2050. EO S-06-06 also calls for the State to meet a target for

use of biomass electricity. The 2011 EO S-06-06 identified those barriers and recommended actions to address them so that the State can meet its clean energy, waste reduction, and climate protection goals. The 2012 EO S-06-06 updated the 2011 Plan and provided a more detailed action plan to achieve the following goals:

- Increase environmentally and economically sustainable energy production from organic waste;
- Encourage development of diverse bioenergy technologies that increase local electricity generation, combined heat and power facilities, renewable natural gas, and renewable liquid fuels for transportation and fuel cell applications;
- Create jobs and stimulate economic development, especially in rural regions of the State; and
- Reduce fire danger, improve air and water quality, and reduce waste.

### *California* Assembly Bill 2076 (Reducing Dependence on Petroleum)

Pursuant to AB 2076 (Chapter 936, Statutes of 2000), the CEC and CARB prepared and adopted a joint-agency report, *Reducing California's Petroleum Dependence*. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT. One performance-based goal for AB 2076 is to reduce petroleum demand to 15 percent below 2003 demand. Furthermore, in response to the CEC's 2003 and 2005 Integrated Energy Policy Reports, the Governor directed the CEC to take the lead in developing a long-term plan to increase alternative fuel use.

### *CARB In-Use Off-Road Diesel Rule*

The CARB rule imposes limits on idling, restricts the addition of older vehicles, and requires the retirement or replacement of older engines depending on their fleet size category. This policy indirectly impacts energy consumption.

### *California Advance Clean Trucks Program*

In June 2020, CARB approved the Advanced Clean Trucks regulation, which requires manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. In addition, the regulation requires company and fleet reporting for large employers and fleet owners with 50 or more trucks. By 2045, all new trucks sold in California must be zero-emission. Implementation of this regulation would reduce consumption of nonrenewable transportation fuels as trucks transition to alternative fuel sources.

### *CARB Advanced Clean Cars Plan*

This CARB policy coordinates regulating smog-causing pollutants and GHG emissions through developing more stringent emissions standards for vehicles and improving the number of zero-emission vehicles on the roadways. This policy indirectly impacts energy consumption.

### *California Code of Regulations Title 24 (California Building Code)*

The California Code of Regulations (CCR) Title 24 (referred to as the California Building Code, or CBC) consists of a compilation of several distinct standards and codes related to building construction. The CBC's energy efficiency and green building standards are outlined below.

#### PART 6 – BUILDING ENERGY EFFICIENCY STANDARDS

CCR Title 24 Part 6 is the Building Energy Efficiency Standards. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. The Building Energy Efficiency Standards is updated periodically to incorporate and consider new energy-efficiency technologies and methodologies as they become available. New construction and major renovations must demonstrate their compliance with the current Building Energy Efficiency Standards through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the CEC. Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards, and residences homes will be seven percent more energy efficient. When accounting for the electricity generated by the solar photovoltaic system, residences would use 53 percent less energy compared to homes built to the 2016 standards.

#### PART 11 – CALIFORNIA GREEN BUILDING STANDARDS

The California Green Building Standards Code, referred to as CALGreen, was added to CCR Title 24 as Part 11 first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 CBC). The 2016 CALGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory Green Building Standards and may adopt additional amendments for stricter requirements.

The mandatory standards require:

- 20 percent reduction in indoor water use relative to specified baseline levels;
- 50 percent construction/demolition waste diverted from landfills;
- Inspections of energy systems to ensure optimal working efficiency;
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards;
- Dedicated circuitry to facilitate installation of EV charging stations in newly constructed attached garages for single-family and duplex dwellings; and
- Installation of EV charging stations at least three percent of the parking spaces for all new multi-family developments with 17 or more units.

Similar to the compliance reporting procedure for demonstrating Building Energy Efficiency Standards compliance in new buildings and major renovations, compliance with the CalGreen water-reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CalGreen or a reduced per-plumbing-fixture water use rate.

## c. Local Regulations

### Silicon Valley Clean Energy

Silicon Valley Clean Energy is the CCA program providing electricity to 13 communities in Santa Clara County. CCA is run by the Silicon Valley Clean Energy Authority and begin providing services in April

2017. It provides two levels of renewable electricity to residents: GreenStart, a default enrollment level of 50 percent renewably-sourced energy, and GreenPrime, an optional upgrade to 100% renewably-sourced energy. Residents can also opt out of the default CCA enrollment and procure all electricity from PG&E.

## 4.6.3 Impact Analysis

### a. Thresholds of Significance and Methodology

### Significance Thresholds

The following thresholds of significance were developed in accordance with Appendix G of the CEQA Guidelines. Energy-related impacts would be significant if the 2040 General Plan would:

1. Result in a wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
2. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

### Methodology

Appendix F of the *CEQA Guidelines* requires inclusion in an EIR of relevant information that addresses "potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy" (Public Resources Code Section 21100[b][3]). The following section evaluates whether the project would result in the wasteful or inefficient consumption of energy or the potential need for new energy-related infrastructure, the construction or operation of which would have significant impacts. In addition, the discussion below analyzes if the proposed project would conflict with State or local renewable energy consistent to the 2019 *CEQA Guidelines* adopted.

| | |
|---|---|
| **Threshold 1:** | Would the General Plan result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? |

**Impact E-1 THE DEVELOPMENT AND POPULATION GROWTH FACILITATED BY THE 2040 GENERAL PLAN WOULD RESULT IN AN INCREASE OF OVERALL CONSUMPTION OF ENERGY COMPARED TO EXISTING CONDITIONS. HOWEVER, THE 2040 GENERAL PLAN IS BASED ON A LAND-USE STRATEGY THAT WOULD PROMOTE GREATER OVERALL ENERGY EFFICIENCY IN COMMUNITY AND MUNICIPAL OPERATIONS. 2040 GENERAL PLAN POLICIES AND IMPLEMENTATION PROGRAMS WOULD ENSURE THAT DEVELOPMENT UNDER THE 2040 GENERAL PLAN WOULD COMPLY WITH EXISTING ENERGY EFFICIENCY REGULATIONS AND WOULD ENCOURAGE NEW DEVELOPMENT TO TAKE ADVANTAGE OF VOLUNTARY ENERGY EFFICIENCY PROGRAMS. WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY WOULD NOT OCCUR AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

## Construction Energy Demand

Energy use during construction would be temporary in nature, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the U.S. EPA Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. Furthermore, per applicable regulatory requirements such as 2019 CALGreen, the project would comply with construction waste management practices to divert a minimum of 65 percent of construction debris. These practices would result in efficient use of energy necessary to construct the project. In the interest of cost-efficiency, construction contractors also would not utilize fuel in a manner that is wasteful or unnecessary. Therefore, the project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and construction impacts related to energy consumption would be less than significant.

## Operational Energy Demand

Operation of the 2040 General Plan would contribute to regional energy demand by consuming electricity, natural gas, and gasoline and diesel fuels. Natural gas and electricity would be used for heating and cooling systems, lighting, appliances, and water and wastewater conveyance, among other purposes. Gasoline and diesel consumption would be associated with vehicle trips generated by the future 2040 General Plan population and employees.

### *Transportation Fuel Consumption*

Daily operation of the regional transportation system uses energy in the form of fuel consumed by passenger vehicles, transit vehicles, and shipping vehicles. Fuel consumption is closely associated with vehicle miles traveled (VMT). Essentially, the more miles a vehicle travels, the more fuel that is required and consumed by that vehicle. As described in Section 4.16, *Transportation*, VMT per capita in 2040 in the Town of Los Gatos would increase above existing VMT per capita with the potential adoption and implementation of the 2040 General Plan. This is primarily due to the increase in job and residents that the 2040 General Plan would be able to accommodate. However, per the Traffic Analysis prepared by Fehr & Peers, the VMT generated by the 2040 General Plan would not increase boundary VMT per capita (which is the VMT within a specific geographic region)

in Santa Clara County (Appendix C). Thus, the effects from VMT would be localized and not have regional impacts. Because the 2040 General Plan would not increase boundary VMT per capita, it suggests that fuel consumption resulting from General Plan would be consistent with regional trends and would not be wasteful or inefficient. Furthermore, to reduce the localized VMT, the 2040 General Plan encourages high-density and mixed-use infill developments with project design that supports multi-modal transportation. Mixed-use, transit-oriented, and higher-density development improve energy efficiency as it places Town residents closer to places of employment, businesses those residents patronize, and public transit facilities. These factors would minimize the potential of the 2040 General Plan to result in the wasteful, inefficient, or unnecessary consumption of vehicle fuels.

Environmental impacts associated with fuel consumption are generally related to air quality and greenhouse gas (GHG) emissions. Potential air quality impacts resulting from the 2040 General Plan are discussed in Section 4.2, *Air Quality*, and potential impacts resulting from GHG emissions are discussed in Section 4.7, *Greenhouse Gas Emissions*.

### *Natural Gas and Electricity*

Operation of the developments facilitated by 2040 General Plan would consume natural gas and electricity for building heating and power, lighting, and water conveyance, among other operational requirements. Increasingly efficient building fixtures and automobile engines, as well as implementation of policies included in the 2040 General Plan, would offset some of the overall energy demand facilitated by buildout under the proposed 2040 General Plan. Moreover, the development projects facilitated by 2040 General Plan would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6, of the California Code of Regulations, *California's Energy Efficiency Standards for Residential and Nonresidential Buildings)* and the California Green Building Standards Code (Title 24, Part 11 of the California Code of Regulations). The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California (CEC 2019).

The Energy Code applies to the building envelope, space-conditioning systems, and water-heating and lighting systems of buildings and appliances. The Energy Code also provides guidance on construction techniques to maximize energy conservation. Minimum efficiency standards are given for a variety of building elements, including appliances; water and space heating and cooling equipment; and insulation for doors, pipes, walls and ceilings. The Energy Code emphasizes saving energy at peak periods and seasons and improving the quality of installation of energy efficiency measures. In addition, the California Green Building Standards Code sets targets for: energy efficiency; water consumption; dual plumbing systems for potable and recyclable water; diversion of construction waste from landfills; and use of environmentally sensitive materials in construction and design, including ecofriendly flooring, carpeting, paint, coatings, thermal insulation, and acoustical wall and ceiling panels.

In 2018, the California Building Standards Commission adopted additional modifications to Title 24 (Section 150.1(b)14), which require solar photovoltaic (PV) panels to be installed on new low-rise residential buildings starting January 1, 2020. Low-rise residential buildings include single-family homes and multi-family buildings of three stories or less; therefore, apartments and condos are included in the new standards. As this standard would apply to new applicable residential development between 2020 and 2040, the operational energy demand from residential development facilitated by the 2040 General Plan would be supplemented with renewable energy

sources to a greater degree. Therefore, residential development facilitated by the 2040 General Plan would in general be less dependent on fossil fuels than previous development.

Moreover, a greater proportion of electricity supplied for operational power needs in Los Gatos through 2040 would be sourced from renewables. Established in 2002 under SB 1078, and accelerated by SB 107 and SB 2, California's Renewable Portfolio Standard (RPS) obligates investor-owned utilities, energy service providers, and community choice aggregators to procure 33 percent of their electricity from renewable energy sources by 2020. The State legislature recently updated this requirement to 50 percent renewables by the year 2030. The California Public Utilities Commission (CPUC) and the CEC are jointly responsible for implementing the program.

Electricity in the Town of Los Gatos is currently provided by PG&E and SVCE. In 2019, PG&E's power mix included 29 percent renewable energy sources (CEC 2020b) SVCE achieved approximately 46 percent of renewable energy sources in 2019 for its default GreenStart program (CEC 2020c). With the adoption of SB 100, the 100 Percent Clean Energy Act of 2018, the RPS goals increased to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also states "that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045." The State's three largest investor-owned utilities, including PG&E, are on track to achieve a 50 percent RPS by 2020 (CARB 2017). Renewable energy sources generally result in reduced long-term environmental impacts compared with to non-renewables because renewable sources do not require combustion of coal or natural gas to generate electricity, which avoids environmental impacts associated with air pollution and GHG emissions.

The 2040 General Plan contains goals, policies, and implementation programs that would help minimize the occurrence of inefficient, wasteful, and unnecessary energy consumption during construction and operation of development facilitated by the General Plan. The 2040 General Plan goals, policies, and implementation programs that present the greatest potential for reducing wasteful, inefficient, and unnecessary energy consumption are as follows:

**Goal PFS-6.** Encourage development that reduces the sue of non-renewable energy resources and expands the use of renewable resources and alternative fuels.

> **Policy PFS-6.1. Energy Conservation in Development**. Encourage the use of energy conservation techniques and technology in existing and proposed developments to improve energy conservation
>
> **Policy PFS-6.2. Renewable Energy Sources**. Encourage the use of renewable energy sources and alternative fuels.
>
> **Policy PFS-6.3. Energy Efficiency in Non-Residential Uses**. Promote, incentivize, and recognize energy efficiency efforts of local non-residential uses.
>
> **Policy PFS-6.4. Passive Solar Heating and Cooling**. Require new subdivisons to examine the feasibility of incorporating site layouts that allow for passive solar and heating and cooling.
>
> **Policy PFS-6.5. Solar Orientation.** Require new development to incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping and sun screens.

**Goal PFS-7.** Promote green buildings that minimize consumption of energy and natural resources

**Policy PFS-7.1. Sustainable Practices in Design and Construction**. 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.

**Policy PFS-7.2. Enegy Efficiency Requirement.** Require higher levels of energy efficiency as hosue size increase.

**Policy PFS-7.3. Reduce Use of Nonrenewable Resources**. Encourage reductions in the use of nonrenewable resources in building construction, maintenance, and operations.

**Policy PFS-7.4. Green Roofs and Community Gardens**. Encourage new multi-family construction to include green roofs and common space for community gardens.

**Policy PFS-7.5. Sustainability in New Town-Owned Facilities**. New Town-owned facilities shall serve as examples of sustainable development by utilizing recycled and renewable resources, water conserving fixtures and landscaping, and energy efficient systems and appliances.

**Policy PFS-7.6. Weatherization**. Continue to promote the weatherization of all homes by publicizing available utility energy audit and financing programs and investigate the possibility of contracting with PG&E to identify participants.

**Policy PFS-7.7. Public Education on Energy Efficiency and Green Building**. Provide public education and publicity about energy efficiency and green building information, marketing, training, technical assistance to property owners, reduction programs, and incentives.

**Policy PFS-7.8. Coordinate Regionally**. Coordinate with other local governments, special districts, nonprofits, and other public organizations to share resources, achieve economies of scale, and develop green building policies and programs that are optimized on a regional scale.

**Policy PFS-7.9. Incentivize Energy Efficiency**. Consider providing incentives, such as the prioritization of giving priority in plan review, processing, and field inspection services, for energy efficient building projects.

**Policy PFS-7.10. LEED Certification and Alternative Methods**. Encourage new construction, including municipal building construction, to achieve third-party green building certification, such as the GreenPoint Rated program, LEED rating system, Living Building Challenge, or an equivalent.

Implementation of 2040 General Plan goals and policies listed above, as well as other policies contained in the General Plan that would result in indirect energy conservation, such as the promotion of alternative transportation, water conservation, and waste reduction, would promote greater energy efficiency in municipal and community operations and development. The 2040 General Plan contains a land-use strategy that actively promotes infill mixed-use and transit-oriented development, which would result greater energy efficiency overall for Town residents, businesses, and Town operations. 2040 General Plan would not result in potentially significant environmental effects from wasteful, inefficient, or unnecessary consumption of energy. This impact would be less than significant.

| **Threshold 2:** | Would the General Plan conflict with or obstruct a State or local plan for renewable energy or energy efficiency? |
|---|---|

**Impact E-2 CONSTRUCTION AND OPERATION OF PROJECTS FACILITATED BY THE 2040 GENERAL PLAN WOULD COMPLY WITH RELEVANT PROVISIONS OF THE STATE'S CALGREEN AND TITLE 24 OF THE CALIFORNIA ENERGY CODE. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

The proposed 2040 General Plan was evaluated for consistency with applicable State plans that were developed with the intent of increasing use of renewable energy as well as energy efficiency. Additionally, the General Plan is compared to measures from the *Los Gatos Sustainability Plan* adopted on October 15, 2012 (Town of Los Gatos 2012). The Town has not adopted any specific renewable energy or energy efficiency plans, but the *Sustainability Plan* contains energy conservation measures that would be applicable.

## Consistency with State Plans

### *Energy Efficiency*

All newly constructed buildings under the proposed 2040 General Plan would comply with all building design standards set in CBC Title 24. CALGreen Code (CBC Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction project, and the State Building Energy Efficiency Standards (CBC Title 24, Part 6) require newly constructed buildings to meet energy performance standards set by the CEC. As the name implies, these standards are specifically crafted for new buildings to result in energy efficient performance, so that the buildings do not result in inefficient consumption of energy. The standards are updated every three years and each iteration is more energy efficient than the previous standards. For example, according to the CEC, nonresidential buildings built with the 2019 standards will use about 30 percent less energy due mainly to lighting upgrades (CEC 2019). LEED certified buildings enable projects to achieve zero net energy consumption by requiring integrative designs that help reduce overall energy consumption and efficiently monitor energy consumption levels (Blackwelder 2018). As such, the 2040 General Plan buildings would be subject to the latest energy efficiency standards pursuant to CALGreen Code (CBC Title 24, Part 11) and State Building Energy Efficiency Standards (CBC Title 24, Part 6).

### *Renewable Energy*

SB 100 mandates 100 percent clean electricity for California by 2045. The proposed 2040 General Plan would further reduce its use of nonrenewable energy resources as the electricity generated by renewable resources provided by RPU continues to increase to comply with State requirements through Senate Bill 100, which requires electricity providers to increase procurement from eligible renewable energy resources to 60 percent by 2030 and 100 percent by 2045. Because the proposed 2040 General Plan would be powered by the existing State electricity grid, it would eventually be powered by renewable energy mandated by SB 100.

Therefore, the proposed 2040 General Plan impacts related to consistency with applicable State plans for increased energy efficiency and renewable energy use would be less than significant.

## Los Gatos Sustainability Plan

The Town of Los Gatos adopted the *Sustainability Plan* as a long-term strategy to reduce GHG emissions in the Town and further implement sustainability measures from the 2020 General Plan. The *Sustainability Plan* has a GHG reduction target of reducing GHG emissions 15 percent below baseline emissions (2008 or earlier) by 2020. The document focuses on five sectors, providing specific measures to reduce GHG emissions from each sector in order to achieve the Town's reduction target. The sectors covered include Transportation and Land Use, Energy, Water, Solid Waste, and Open Space. As shown in Table 4.6-5, the 2040 General Plan would be consistent with the CAP's GHG reduction strategies that specifically target energy efficiency.

### Table 4.6-5 2040 General Plan Consistency with the Los Gatos Sustainability Plan

| Sustainability Measure | General Plan Consistency |
|---|---|
| **Transportation and Land use** | |
| **TR-1** Promote walking, bicycling, and transit through the following:<br>a. Require all new buildings, excluding single-family homes, to include a principal functional entry that faces a public space such as a street, square, park, paseo, or plaza, in addition to any entrance from a parking lot, to encourage pedestrian foot traffic.<br>b. Require new projects, excluding single-family homes, to include pedestrian or bicycle through-connections to existing sidewalks and existing or future bicycle facilities, unless prohibited by topographical conditions<br>c. Seek grant funding to establish a Safe Routes to School (SR2S) Program to increase more student walking and biking trips. The program may include: conducting school walking audits, improving nearby pedestrian and bicycle facilities, implementing nearby traffic-calming measures, implementing school bus, vanpool, and carpools to school, implementing walking buses to schools, coordinating school schedules to not overlap with peak commute times, conducting traffic studies for specific schools for more efficient drop-off and pick-up activity at schools (e.g. staggered schedules, changing on-street parking to loading zones, and more), and increasing speed enforcement around schools.<br>d. Design and implement affordable traffic-calming measures on specific streets to dissuade Highway 17 cut-through traffic and attract pedestrian and bicycle traffic.<br>e. Implement transit access improvements through sidewalk/crosswalk safety enhancements and bus shelter improvements. | **Consistent**. The 2040 General Plan promotes the strategic development of the remaining vacant land and redevelopment of underutilized sites throughout the Town. In addition, the 2040 General Plan contains a Mobility Element with 15 unique goals to improve transportation in the Town of Los Gatos. In particular, Goal MOB-2 and its subsequent policies address bikeway and pedestrian facilities, while Goal MOB-6 includes policies to increase public transit opportunities. |

| Sustainability Measure | General Plan Consistency |
|---|---|
| **TR-3** Provide a fixed-route shuttle system to the downtown area from key residential areas, employment, and commercial centers, Vasona Light Rail, and Vasona Park. | **Consistent**. Policy MOB-6.5 *Public and Private Shuttles*, of the 2040 General Plan requires the Town to work with Transit agencies and major employees to finance additional shuttles to improve key destinations in the Town. Additionally, Policy MOB-6.4 *Improve Transit Services* would require the Town to work with VTA and commercial carriers to improve transit services and increase ridership in Los Gatos. |
| **Green Building** | |
| **GB-1** Develop a Green Building Ordinance that requires energy-efficient design, in excess of Title 24 standards, for all new residential and non-residential buildings. When the Ordinance, consider development-level thresholds for when certain requirements are triggered.<br>▪ Require 30 percent above the 2008 Building and Energy Efficiency standards in Title 24 to coincide with the Voluntary Tier 2 standards of the California Green Building Code (CALGreen).<br>▪ Encourage the use of cement substitutes and recycled building materials for new construction. | **Consistent.** Through Goal PFS-7 *Promote green buildings that minimize consumption of energy and natural resources* of the 2040 General Plan, the Town would encourage new development to adopt and incorporate green building features included in the CalGreen Tier 1 checklist in project designs. Additionally, ENV-9.14 would require that new residential developments with more than 20 dwelling units and new/remodeled commercial, industrial, and office developments exceeding 15,000 square feet to exceed the Title 24 requirements by 10 percent. As part of Implementation Program M in the Public facilities, Services, and Infrastructure Element, the Town would also consider adopting the Santa Clara County Cities Association recommendations for green building requirements. |
| **GB-3** Allow greater development flexibility and other incentives (e.g. permitting-related) for LEED Silver certification or equivalent GreenPoint rating, for example, by giving green projects priority in plan review and processing. | **Consistent.** The 2040 General Plan would encourage green building certifications, such as LEED certification, GreenPoint Rated, or equivalent, with implementation of Policy PFS-7.10 *LEED Certification and Alternative Methods*. Policy ENV-9.12 would require all new residential developments and remodeled residences to comply with the adopted GreenPoint Guidelines. |
| **GB-4** Require measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping, and sun screens. | **Consistent.** In the 2040 General Plan, Policy PFS-6.5 *Solar Orientation* would require new developments to incorporate measures that would reduce energy use through solar orientation and Policy PFS-6.4 would require new subdivisions to incorporate passive solar heating and cooling into the site layout when feasible. |
| **GB-5** Identify and remove regulatory or procedural barriers to implementing green building practices in the Town, by updating codes, guidelines, and zoning. | **Consistent**. The following Implementation Programs incorporated in the Public Facilities, Services, and Infrastructure Element support this measure:<br>▪ Implementation Program N *Staff Training* would *t*rain Town Staff on Green Building Practices.<br>▪ Implementation Program O *Facilitate Green Building Practices* would identify and remove regulatory procedural barriers to implement green building practices.<br>▪ Implementation Program P *LEED Certification Feasibility Study* would study the feasibility of requiring LEED certification for all or certain new projects.<br>▪ Implementation Program Q *LEED Exceptions Program* would establish a LEED Certification Exception Program and Checklist for small business were LEED certification is finically infeasible, but the business would still want to partake in sustainable practices. |

| Sustainability Measure | General Plan Consistency |
|---|---|
| | In the Environment and Sustainability Element, Implementation Program GG would require the Town to also provide technical assistance to developers and homeowners wishing to incorporate green building techniques. |
| **Renewable Energy and Low Carbon Fuels** | |
| **RE-5** 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. | **Consistent.** As required by the CalGreen code, the required future 2040 General Plan developments would include and install solar photovoltaic (PV) systems when applicable. Policy ENV-11.5 *Solar Systems* supports the use of solar PV systems in new development, business, and municipal facilities. Renewable energy use and energy conservation is further supported and promoted through Policies ENV-9.6 *Energy Conservation and Renewable Energy Use,* PFS-6.2 *Renewable Energy Sources*. The Implementation Program NN in the Environment and Sustainability Element requires that Town identify ways to incentive installation of roof-top solar on all new construction. |
| **RE-7** Support and participate in regional efforts to study the feasibility and interest in establishing community choice aggregation in Los Gatos. | **Consistent**. The Town of Los Gatos is already a participant of SVCE, and a majority of residents and business utilize the community choice aggregation. Through Policy ENV-11.1 *Carbon-Neutral Energy* in the 2040 General Plan, the Town would continue to support SCVE in its goal of providing 100 percent carbon free electricity from renewable resources. |
| **Energy Conservation** | |
| **EC-1** 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. | **Consistent**. The State CalGreen Code and Building Energy Efficiency Standards have already established certain energy efficiency requirements for new developments. For example, through the 2019 CalGreen Code, new residential development would need to install at least one ENERGY STAR Energy Star dishwasher or clothes washer and new nonresidential developments would need to be equipped with all ENERGY STAR appliances (California Building Standards Commission 2019). With implementation of the 2040 General Plan, the Town would require new large developments to exceed Title 24 requirements per Policy ENV-9.14 and amend the Town Code to establish more energy conservation regulations through Implementation Program K in the Public Facilities, Services, and Infrastructure Element. |
| **EC-2** Partner with PG&E and other appropriate energy providers to promote energy conservation, including the following, which would be primarily funded by the energy providers:<br>▪ Promote the purchase of ENERGY STAR appliances.<br>▪ Distribute free compact fluorescent light (CFL) bulbs and/or fixtures to community members.<br>▪ Offer a halogen torchiere lamp exchange to community members.<br>▪ Promote energy efficiency audits of existing buildings to check, repair, and readjust heating, | **Consistent**. The 2040 General Plan does not include a specific policy or implementation program that would require that energy conservation education and programs be done with or funded by PG&E. However, the General Plan includes policies and programs that would support the goal of this sustainability measure. Relevant policies and programs include the following:<br>▪ Policy ENV-9.6 *Energy Conservation and Renewable Energy Use* (Existing Structures)<br>▪ Policy ENV-11.3 *Future Demand Reduction*<br>▪ Policy ENV-11.4 *Conservation and Reduction* |

| Sustainability Measure | General Plan Consistency |
|---|---|
| ventilation, air conditioning, lighting, water heating equipment, insulation, and weatherization.<br>▪ Partner with the Silicon Valley Association of Realtors to encourage energy audits to be performed when residential and commercial buildings are sold. Energy audits will include information regarding the opportunities for energy efficiency improvements and will be presented to the buyer.<br>▪ Commercial buildings to be "benchmarked" using the U.S. Environmental Protection Agency's (EPA) ENERGY STAR<br>▪ Portfolio Manager Tool, consistent with Assembly Bill (AB) 1103, which requires disclosure of commercial buildings' energy efficiency rating.<br>▪ Promote individualized energy management planning and related services for large energy users.<br>▪ Fund and schedule energy efficiency retrofits or "tune-ups" of existing buildings.<br>▪ Pursue incentives and grants for energy conservation | ▪ Implementation Program MM *Energy Reduction Education* (Environment and Sustainability Element)<br>▪ Policy PFS-7.6 *Weatherization*<br>▪ PFS-7.7 *Public Education on Energy Efficiency and Green Building*<br>▪ PFS-7.9 *Incentivize Energy Efficiency*<br>▪ Implementation Program H *Energy Saving Steps* (Public Facilities, Services, and Infrastructure Element)<br>▪ Implementation Program I *Improve Efficiency in Existing Buildings* (Public Facilities, Services, and Infrastructure Element).<br>With implementation of the 2040 General Plan, the Town would implement several energy efficiency programs, that would conserve energy and encourage the use of renewable energy sources. |
| **EC-3** Require outdoor lighting fixtures to be energy-efficient. Require parking lot light fixtures and light fixtures on buildings to be on full cut-off fixtures, except emergency exit or safety lighting, and all permanently installed exterior lighting shall be controlled by either a photocell or an astronomical time switch. Prohibit continuous all night outdoor lighting in construction sites unless required for security reasons. Revise the Town Code to include these requirements. | **Consistent.** Developments from the 2040 General Plan would be required to follow all applicable CEC Building Energy Efficiency Standards, which have energy requirements for newly constructed buildings to reduce wasteful, inefficient, or unnecessary consumption of energy. For example, the 2019 standards require that nonresidential developments be constructed with light emitting diode (LED) lighting technologies which is estimated to result in a 30 percent reduction in energy use (University of California Davis 2019, CEC 2018). As part of the 2040 General Plan, Implementation Program L under the Public Facilities, Services, and Infrastructure Element would require the Town to establish outdoor lighting standards in the Municipal Code to address energy efficiency. |
| **EC-6** Seek funding to implement a low-income weatherization program. | **Consistent.** Policy PFS-7.6 *Weatherization* continues the promotion of weatherization of all homes by publicizing energy audit and finance programs. The policy would also have the Town inquire about a contract with PG&E to identify participants. |
| **EC-8** Compile a list of funding sources that local residents, businesses, or the Town could potentially access to fund energy audits to inform homeowners and businesses of opportunities to improve the energy efficiency of their homes and buildings. | **Consistent.** Policy PFS-7.6 would promote sources for energy audits and Implementation Program H from the Public Facilities, Services, and Infrastructure Element would have the Town conduct an energy audit with PG&E's assistance of all Town facilities to identify opportunities for energy reduction or conservation. |

| Sustainability Measure | General Plan Consistency |
|---|---|
| **EC-10** Develop a "heat island" mitigation plan that requires cool roofs, cool pavements, and strategically placed shade trees. Amend the applicable Design Guidelines to integrate this requirement. Evaluate and balance tradeoffs between solar access and landscape tree shading in Design Guidelines.<br>**EC-11** Require all new development and major rehabilitation (i.e. additions or re-models of 20,000 square feet of office/retail commercial or 100,000 square feet of industrial floor area) projects to incorporate any combination of the following strategies to reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shaded within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29; open grid pavement system; and parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have an SRI of at least 29. | **Consistent**. New developments from the 2040 General Plan would be encouraged to address heat island effect through Policy ENV-9.5 *Address Heat Island Effect.* The policy list strategies including cool roofs, cool pavements, and trees for shading. The Town would also be required to develop heat island mitigation building guidelines through Implementation Program BB in the Environment and Sustainability Element. The guidelines would then be integrated into the applicable building and remodel Commercial Design Guidelines. |
| **Water and Wastewater** | |
| **WW-1** 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.<br>**WW-3** 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.<br>**WW-4** Review and update the Town's Water Efficient Landscape Ordinance with improved conservation programs and incentives for non-residential customers that are consistent with the Tier 1 water conservation standards of Title 24. | **Consistent.** Future developments under the 2040 General Plan would be required to adhere to the latest CalGreen standards and Building Energy Efficiency Standards – Title 24. Policies and implementation programs under the 2040 General Plan that promote the use or require the incorporation of water reduction programs include the following:<br>▪ Policy PFS-1.1 *Water Conservation Requirements*<br>▪ Policy PFS-1.2 *Bay-Friendly Landscaping*<br>▪ Policy PFS-1.3 *Water-Saving Deceives*<br>▪ Policy PFS-1.4 *Water-Efficient Irrigation Management Systems*<br>▪ Policy PFS-1.5 *Sustainable Water use*<br>▪ Policy PFS-1.6 R*ecycled Water*<br>Implementation of the above policies contained in the 2040 General Plan would promotes efficient water use and reduced water demand. Implementation Program A *Water Efficient Landscape Ordinance* would require the Town to review and update its Water Efficient Landscape Ordinance with improvement conservation programs and incentives. |

| Sustainability Measure | General Plan Consistency |
|---|---|
| **Solid Waste** | |
| **SW-3** Encourage the use of salvaged and recycled-content materials and other materials that have low production energy costs for building materials, hard surfaces, and non-plant landscaping. Require sourcing of construction materials locally, as feasible. | **Consistent**. The 2040 General Plan encourages the recycled materials be used for new construction through implementation of policy ENV-10.4 *Recycled-Content Construction Materials*. The policy supports the use of building materials that have low production energy costs. |
| **SW-4** Work with public and private waste disposal entities to keep food and green waste out of landfills. | **Consistent.** With incorporation of the 2040 General Plan, the Town would be required to comply with SB 1383 regulations to maximum energy recovery from organic materials through Policy ENV-11.6. |

The 2040 General Plan would be consistent with *Los Gatos Sustainability Plan* and the energy efficiency strategies contained therein. As described above, construction and operation of projects facilitated by the 2040 General Plan would be required to comply with relevant provisions of CalGreen and Title 24 of the California Energy Code. Therefore, this impact would be less than significant, and no mitigation is required.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant.

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# 4.7 Geology and Soils

This section of the EIR analyzes the potential physical environmental effects from implementation of the 2040 General Plan related to seismic hazards and geologic conditions, underlying soil characteristics and erosion, and paleontological resources in the Planning Area.

## 4.7.1 Setting

### a. Geologic Setting

The Town of Los Gatos is located in the central portion of the Coast Ranges Physiographic Province of California. The Coast Ranges Province is composed of a series of Coastal mountain chains that run parallel to the northwest-southeast grain of central California geology.

The Town is a part of the approximately 60-square-mile Los Gatos Quadrangle survey area. The geology of the Quadrangle is characterized by two assemblages of base rock that are separated by the San Andreas fault. A basement assemblage of mostly granitic rocks, known as the Salinian Terrane, lies southwest of the San Andreas fault. Northeast of the fault is a Mesozoic basement assemblage consisting of the Franciscan Complex, the Coast Range Ophiolite, and the Great Valley Sequence. These assemblages are overlain by Tertiary and Quaternary age sedimentary and volcanic rocks. The developed, northern part of the Quadrangle is covered by Quaternary alluvial material derived from the Santa Cruz Mountains to the southwest. All of the bedrock units in the Quadrangle have undergone a complex structural history and are strongly deformed by faults and folds of various ages.

*Soils*

#### SOIL TYPES

Soils in Los Gatos differ mainly in texture, depth, and drainage, all of which are determined largely by the environments in which the soils are formed. Soils in the northern and central urban areas of Town contain a substantial amount of sand with clay and, to a lesser degree, silt. Soils on the hillsides and mountains on the east and south portions of Town are approximately half clay mixed with substantial sand, and with less silt. The primary soil types in the Los Gatos area are clay and clay loam. Soils in Los Gatos are well-drained, exhibit rapid to very rapid runoff, and are characterized by moderate permeability. However, some upper soils in the more developed portions of the Town may have been disturbed and/or contain imported fill materials, and therefore may not be accurately described by soil surveys.

The National Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA) performs formal soil surveys of counties throughout the United States. Based on its mapping database, soil classifications in the Los Gatos Planning Area are shown on Figure 4.7-1 and in Table 4.7-1. The USDA's *2015 Supplement to the Soil Survey of Santa Clara Area California, Western Part* describes the classifications based on depth. Each classification contains several distinct layers, differentiated up to approximately 60 inches below surface. Table 4.7-1 lists the representation of silt, sand, and clay in the uppermost layer of each soil type.

## Table 4.7-1 Soil Type Properties in the Town of Los Gatos

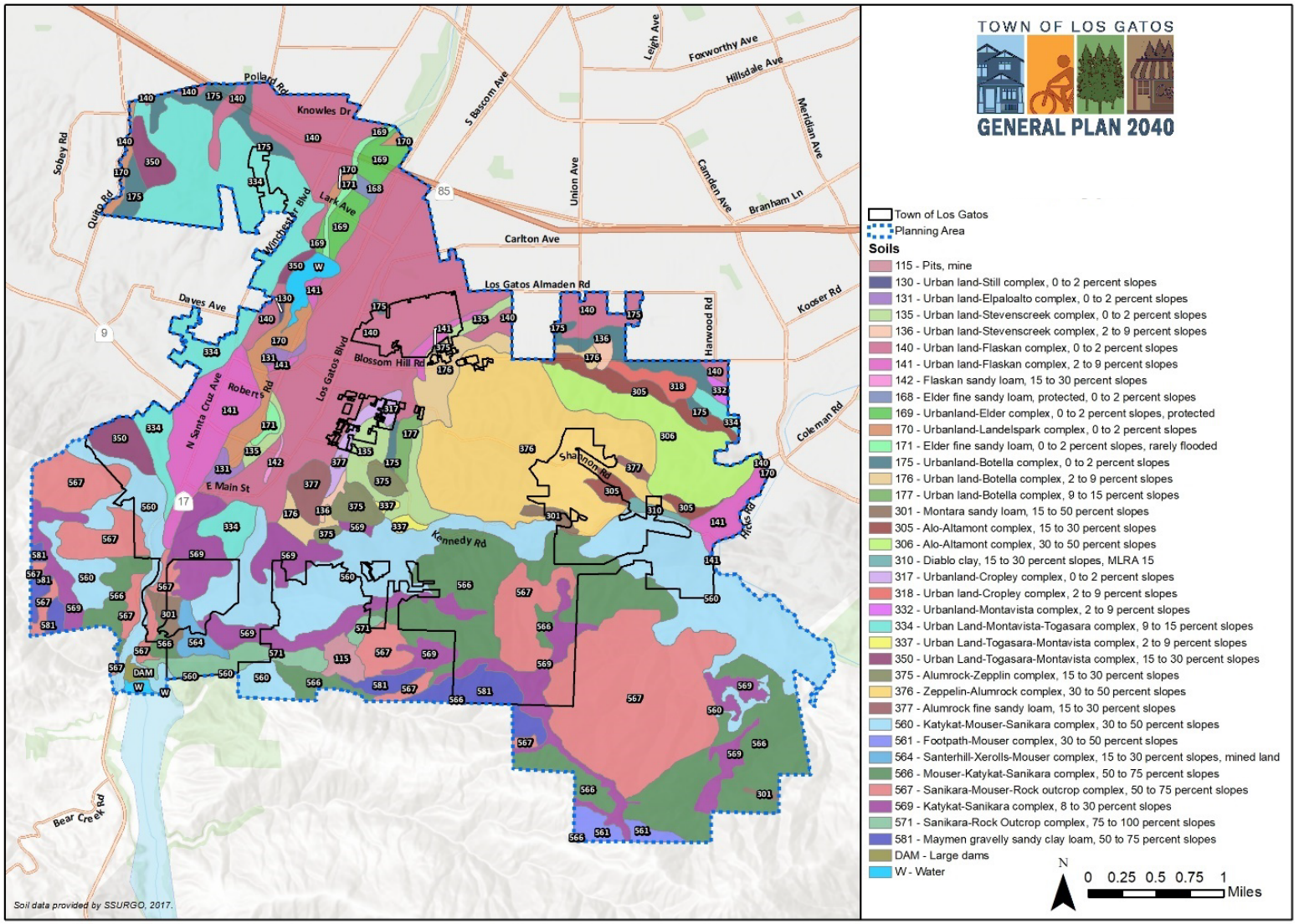
| Map Code | Soil Type | Representation | | |
|---|---|---|---|---|
| | | Sand (%) | Silt (%) | Clay (%) |
| 131 | Urban land-Elpaloato complex, 0 to 2 percent slopes | 35 | 50 | 0-15-25 |
| 135 | Urban land-Stevenscreek complex, 0 to 2 percent slopes | 64 | 19 | 12-17-28 |
| 141 | Urban land-Flaskan complex, 2 to 9 percent slopes | 62 | 19 | 16-19-30 |
| 142 | Flaskan sandy loam, 15 to 30 percent slopes | 35 | 50 | 0-15-25 |
| 176 | Urban land-Botella complex, 2 to 9 percent slopes | 61 | 19 | 15-20-28 |
| 301 | Montara sandy loam, 15 to 50 percent slopes | 66 | 19 | 12-15-18 |
| 334 | Urban Land-Montavista-Togasara complex, 9 to 15 percent slopes | 34 | 33 | 27-33-35 |
| 337 | Urban Land-Togasara-Montavista complex, 2 to 9 percent slopes | 34 | 33 | 27-33-35 |
| 350 | Urban Land-Togasara-Montavista complex, 15 to 30 percent slopes | 64 | 19 | 12-17-30 |
| 375 | Alumrock-Zepplin complex, 15 to 30 percent slopes | 35 | 50 | 0-15-25 |
| 377 | Alumrock fine sandy loam, 15 to 30 percent slopes | 35 | 50 | 0-15-25 |
| 560 | Katykat-Mouser-Sanikara complex, 30 to 50 percent slopes | 35 | 50 | 0-15-25 |
| 564 | Santerhill-Xerolls-Mouser complex, 15 to 30 percent slopes, mined land | 35 | 50 | 0-15-25 |
| 566 | Mouser-Katykat-Sanikara complex, 50 to 75 percent slopes | 35 | 50 | 0-15-25 |
| 567 | Sanikara-Mouser-Rock outcrop complex, 50 to 75 percent slopes | 35 | 50 | 0-15-25 |
| 569 | Katykat-Sanikara complex, 8 to 30 percent slopes | 35 | 50 | 0-15-25 |
| 571 | Sanikara-Rock Outcrop complex, 75 to 100 percent slopes | 70 | 18 | 10-12-28 |

Note: Percentages based on uppermost layer of soil for each soil type. Actual content and characteristics vary by depth, as described further in the 2015 Supplement to the Soil Survey.

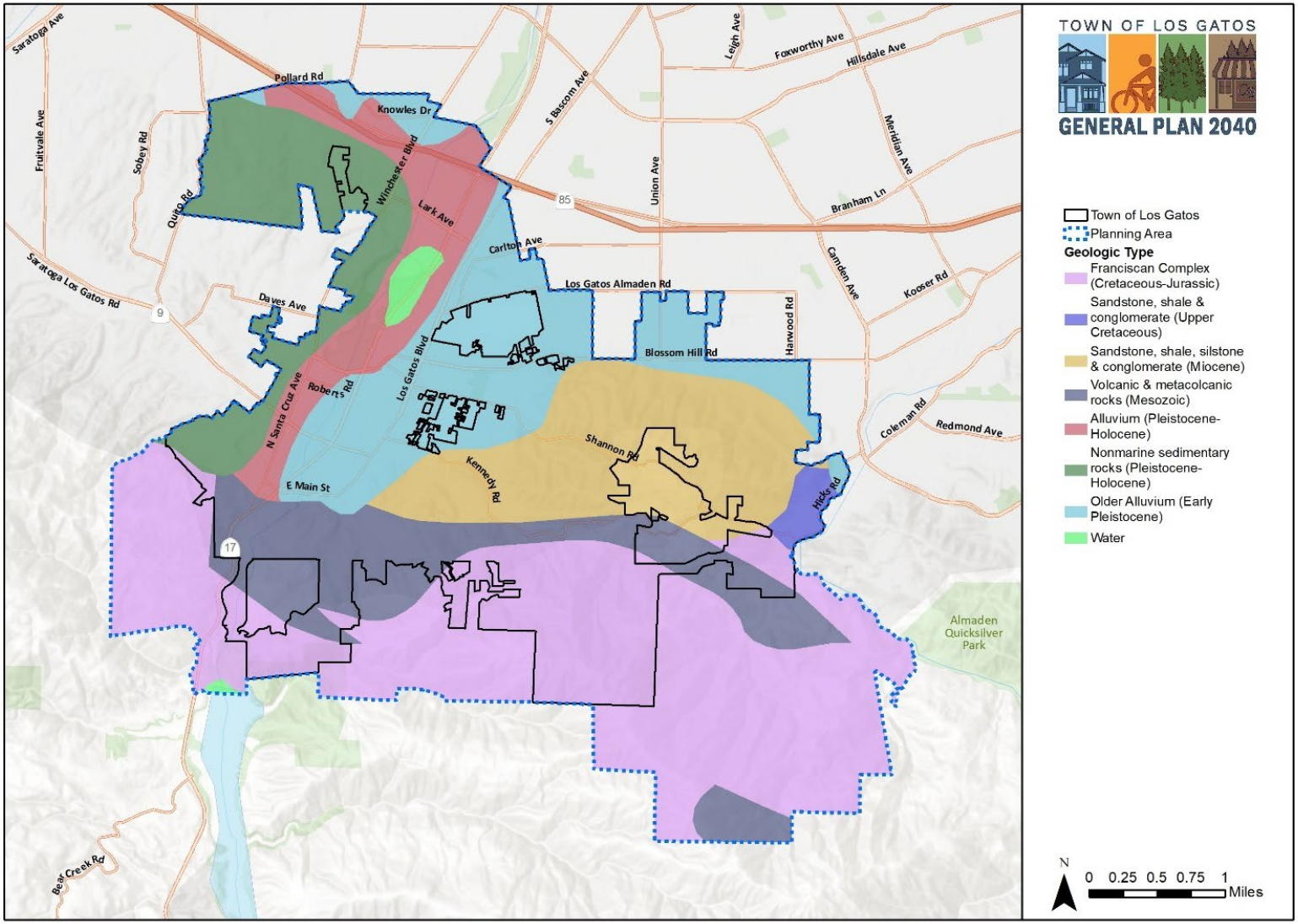
Source: USDA 2017.

Geologic formations common to the Bay Area Region also identify soil types in the Town of Los Gatos. Sedimentary soil and alluvium of the Pleistocene and Pliocene epochs make up much of the soil in the Town. Farther south, in the hillsides and ridges north of Lexington Reservoir, geologic formations are more mixed, predominated by the Franciscan Complex of the Cretaceous and Jurassic periods, with Great Valley serpentine and volcanic rock intermixed. See Figure 4.7-1 for a diagram of soil types in Los Gatos.

**Figure 4.7-1 Soils**



## Figure 4.7-2 Geologic Type



### *Shrink-Swell Potential*

Certain types of soil are inherently expansive, meaning they expand and contract significantly as their water content fluctuates. This dynamic, known as "shrink-swell potential," can cause seasonal uplifting of structural foundations and roads, accompanied by significant and often dangerous cracking. Therefore, soils with high shrink-swell potential have limitations as substrates for engineering and construction purposes.

The clay minerals in Los Gatos' clay and clay loam are prone to expansion and have moderate to high shrink-swell potential. Areas with low potential for such soil action are primarily located in the central portions of the Town. Soils with a moderate to high shrink/swell potential can damage foundations, flatwork, and pavements unless recognized and mitigated by appropriate design measures.

### *Erosion Potential*

The potential for erosion generally increases with steepness of slope, rainfall, and in areas where the protective soil and/or vegetation cover has been removed by fire or grading. Due to the varied topography of Los Gatos, the erosion potential within the Town ranges from low to very high. The potential for erosion in Los Gatos is highest in the eastern, southern, and southwestern areas of the Town. Erosion potential decreases toward the center of Town and is minimal in the flat areas just east of the State Route (SR) 17 corridor. However, erosion potential is high to very high in the areas surrounding the north end of the Los Gatos Creek corridor.

## b. Regional Seismicity

The San Francisco Bay Area is in one of the most active seismic regions in the United States. Each year, low and moderate magnitude earthquakes occurring in or near the San Francisco Bay Area are felt by residents of Los Gatos.

### *Faulting and Seismicity*

Generally defined, an earthquake is an abrupt release of accumulated energy in the form of seismic waves when movement occurs along a fault. The severity of an earthquake generally is expressed in two ways: magnitude and intensity. The energy released, measured on the Moment Magnitude Scale (MMS), represents the magnitude of an earthquake. The Richter Magnitude (M) scale has been replaced in most modern building codes by the MMS scale because the MMS scale provides more useful information to design engineers, along with additional advantages. Classifications of the MMS are:

- **Great:** Magnitude is greater than or equal to 8.0. A magnitude-8.0 earthquake is capable of tremendous damage;
- **Major:** Magnitude in the rage of 7.0 to 7.9. A magnitude-7.0 earthquake is a major earthquake that is capable of widespread, heavy damage;
- **Strong:** Magnitude in the rage of 6.0 to 6.9. A magnitude-6.0 quake can cause severe damage;
- **Moderate:** Magnitude in the rage of 5.0 to 5.9. A magnitude-5.0 quake can cause considerable damage;
- **Light:** Magnitude in the rage of 4.0 to 4.9. A magnitude-4.0 quake is capable of moderate damage;

- **Minor:** Magnitude in the rage of 3.0 to 3.9; and
- **Micro:** Magnitude less than 3.0. Quakes between 2.5 and 3.0 are the smallest generally felt by people.

The intensity of an earthquake is measured by the Modified Mercalli Intensity (MMI) scale, which emphasizes the current seismic environment at a particular site and measures groundshaking severity according to damage done to structures, changes in the earth surface, and personal accounts. Table 4.7-2 identifies the level of intensity according to the MMI scale and describes that intensity with respect to how it would be received or sensed by its receptors.

### Table 4.7-2 Modified Mercalli Intensity Scale

| Intensity | Description |
|---|---|
| I | Not felt except by a very few under especially favorable conditions |
| II | Felt by a few people at rest, especially in upper floors of buildings |
| III | Felt noticeably indoors, but not always recognized as a quake; vibration like a passing truck |
| IV | Felt indoors by many and outdoors by few. Sensation like heavy truck striking building |
| V | Felt by nearly everyone. Some breakage of windows, dishes, and plaster |
| VI | Felt by all; some heavy furniture moved; falling plaster; damage small |
| VII | Damage negligible in buildings of good design and construction |
| VIII | Damage slight in specially designed structures; considerable damage in ordinary substantial buildings; walls, monuments, chimneys fall |
| IX | Damage considerable; buildings shift off foundations |
| X | Most masonry and frame structures destroyed; railroad rails bent |
| XI | Few structures remain standing; bridges destroyed |
| XII | Damage total; lines of sight and level are distorted; objects thrown into the air |

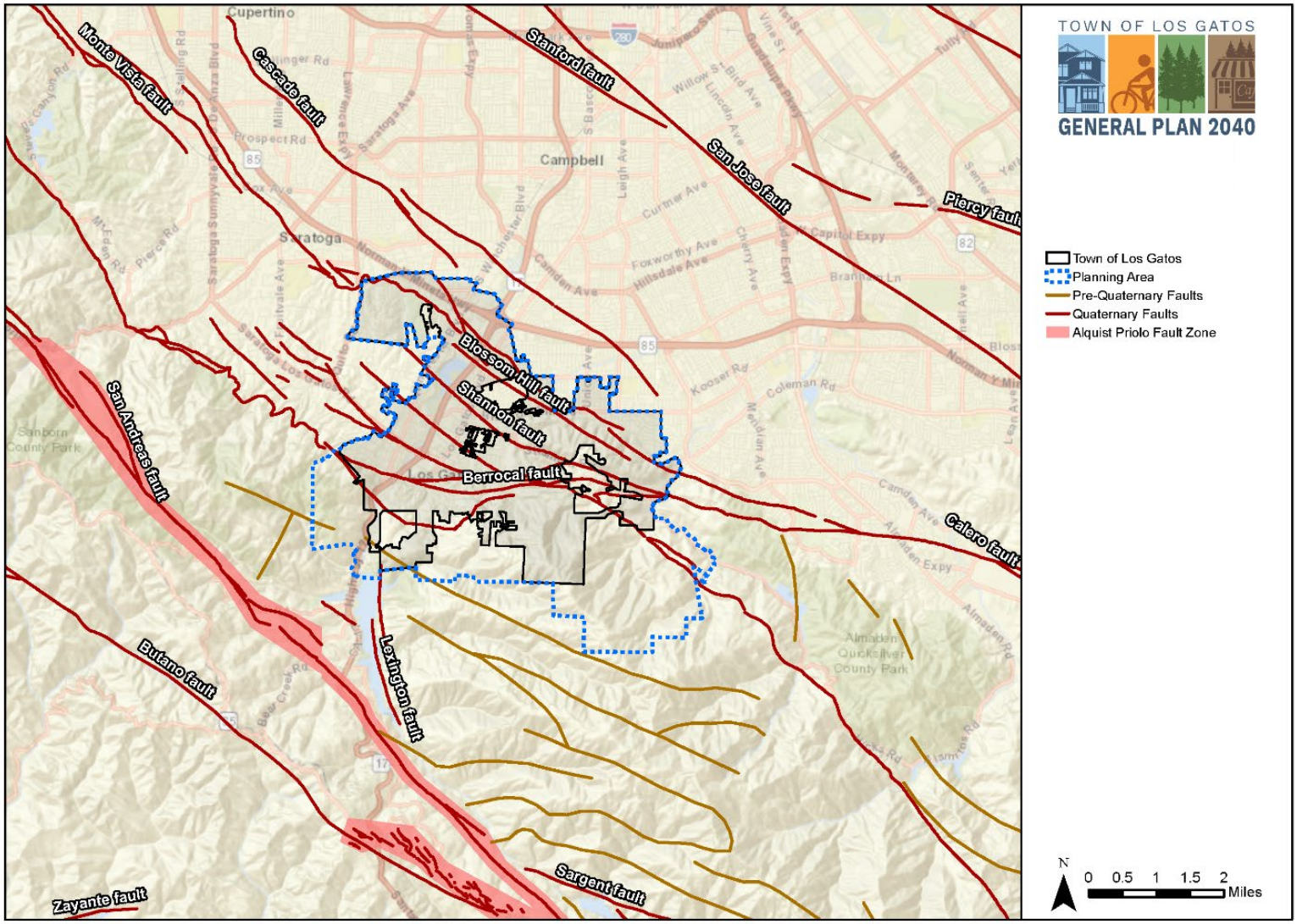
Source: U.S. Geological Survey 2018.

Faults are categorized as active, potentially active, and inactive. A fault is classified as active if it has moved during the Holocene time (during the last 11,000 years). A fault is classified as potentially active if it has experienced movement within Quaternary time (during the last 1.8 million years). Faults that have not moved in the last 1.8 million years are generally considered inactive.

#### REGIONAL GEOLOGY, FAULTING, AND SEISMICITY

The Town of Los Gatos is located in a region of moderate to high levels of seismic activity. The principal active faults in the Bay region are the San Andreas fault, which runs approximately 0.9 mile southwest of the Town, and the Hayward and Calaveras faults. Each of these faults, shown on Figure 4.7-3, has been responsible for several large historic earthquakes with significant ground rupture. While all three are associated with well-defined zones of seismic activity, the San Andreas fault is the potential source for larger earthquakes that will affect the Town.

**Figure 4.7-3 Faults Near Los Gatos**



**San Andreas Fault System**

The San Andreas fault is the dominant influence on local geology and seismic potential. The San Andreas is a slip-strike fault, meaning that the Earth's crust on either side of the fault is slipping past the other in a horizontal motion. In the Los Gatos area, a bend in the San Andreas fault has resulted in compression on both sides of the fault. This compression has forced surrounding rock upward and created the Santa Cruz Mountains. Historic earthquakes confirm that the San Andreas fault, as well as well its eastern branches, the Calaveras and Hayward faults, remain highly active today.

The California Geological Survey (CGS) and U.S. Geological Survey (USGS) have defined segments of the San Andreas fault based on the size and recurrence interval of earthquakes associated with each segment. The fault segments closest to the Town of Los Gatos are the Santa Cruz Mountains segment, presumed to have moved in the 7.0 magnitude 1989 Loma Prieta Earthquake, and the Peninsula segment, which ruptured during the 7.9 magnitude 1906 San Francisco earthquake, along with the Santa Cruz Mountains segment.

**Calaveras Fault**

The Calaveras fault is an active fault that extends from its junction with the San Andreas fault, near the City of Hollister. The Calaveras fault consists of two separate segments, the northern and southern segments, that behave semi-independently.

The Calaveras Fault has a moderate probability of an earthquake by 2043 at 26 percent. The behavior of the southern segment of the Calaveras fault is dominated by creep (non-earthquake producing slippage). However, some of this movement is stored in the fault and then released in periodic bursts. While of varying magnitude, some of these bursts are moderate size earthquakes of magnitude 6.0. The Morgan Hill earthquake of 1984, centered about 14 miles east of the Town, is an example of such an event. The history of seismic events along the southern Calaveras fault suggests that earthquakes will occur locally at intervals of 50 to 100 years.

**Hayward Fault**

The 53-mile Hayward fault runs parallel to the eastern side of the San Francisco Bay, roughly from the San Pablo Bay in the north to the City of San Jose in the south. At its closest point, the fault lies about 10 miles east of the eastern border of Los Gatos.

Although the likelihood is greatest that the next major San Francisco Bay Area earthquake will occur on the Hayward fault (33 percent probability through 2043), major earthquake events on other active Bay Area faults, such as the San Andreas and the Calaveras Faults, would also likely affect Los Gatos.

**Southwest Santa Clara Valley Thrust Belt**

The Southwest Santa Clara Valley Thrust Belt (secondary faults) is a group of local thrust faults that includes the Berrocal, Cascade, Shannon, Stanford, and San Jose faults, as shown on Figure 4.7-3. These faults are responsible for the folding and elevation of basement rock on the southern side of the Santa Cruz Mountains. As noted above, it is unknown whether they are capable of independently generating an earthquake, or only move in sympathy with an earthquake on the main San Andreas fault. Unlike the San Andreas, Hayward, and Calaveras faults, none of these thrust faults is associated with an historical earthquake, nor has any demonstrated recent seismic activity.

Traces of the Blossom Hill, Shannon, Berrocal, and Monte Vista faults traverse the Town of Los Gatos directly. The CGS and USGS have assigned a 6.8 magnitude maximum earthquake to this system, with estimated recurrence of 2,410 years, according to Robert Bein, William Frost, and Associates. Figure 4.7-3 also shows secondary faults near Los Gatos.

Fault rupture refers to the displacement, whether rupture or deformation, of the surface of the ground along the trace of a fault during an earthquake. Damage associated with fault ground rupture is normally confined to a narrow band along a fault trend. Fault rupture typically occurs during earthquakes of 5.0 magnitude or greater. As previously mentioned, the CGS does not identify any potentially active faults in Los Gatos, and therefore does not include the Town on its current list of towns or cities affected by Alquist-Priolo Earthquake Fault Zones. The Alquist-Priolo Fault Zone nearest the Town of Los Gatos is associated with the San Andreas fault system and comprises a northwest-southeast running band located just over one mile southwest of the Town at its closest point.

### *History of Earthquakes in the Region*

Historically, seismic activity within or near the Santa Clara County region has occasionally caused significant damage or adverse impacts to the Town of Los Gatos. Although large quakes are known to have occurred in the Bay Area in the 19th century, major earthquakes within or near the Santa Clara County region that have impacted Town residents over the past century include the following.

#### 1906 San Francisco Earthquake

The April 18, 1906, earthquake on the northern segment of the San Andreas Fault was one of the most destructive in California history. Although current methods of rating earthquakes had not been developed, it is believed to have rated magnitude 8.3 MMS and Mercalli Intensity XI. It was known for devastating San Francisco and caused major damage in Santa Clara, San Jose, Palo Alto, and Santa Cruz. San Jose suffered five million dollars of damages and 19 deaths. Palo Alto had two casualties and three million dollars of damages. Santa Clara, Los Gatos, and other Santa Clara County communities located near the Fault also had extreme groundshaking and suffered material and financial damages. While buildings in Santa Clara are known to have collapsed, total deaths in the county and in Los Gatos are unknown.

#### 1984 Morgan Hill/Hayes Valley Earthquake

The last major earthquake centered in Santa Clara County occurred on April 24, 1984. The earthquake had a magnitude of 6.2 and MMI of VIII and was due to movement along the Calaveras Fault. Approximately 550 buildings in Santa Clara County sustained minor damages, though Morgan Hill reported the most damage. Residents of Los Gatos likely experienced moderate levels of shaking from the earthquake and aftershocks. There were no reported casualties from the earthquake.

#### 1989 Loma Prieta Earthquake

The magnitude 7.0 Loma Prieta earthquake was caused by a slip along the San Andreas Fault. The epicenter was ten miles northeast of Santa Cruz, so Los Gatos and nearby communities experienced the most extreme shaking. Numerous buildings in Los Gatos collapsed, particularly affecting a three-fourth mile circle of downtown, and 30 houses were displaced from their foundations. No deaths occurred, but 25 injuries were reported in the Town, along with millions of dollars of damage.

### 2007 CALAVERAS EARTHQUAKE

The most recent local earthquake was of a magnitude 5.6 and MMI of VI. It occurred along the Calaveras Fault on October 30, 2007 and had almost 40 aftershocks. Minor damages occurred to South Bay communities, and Los Gatos likely experienced moderate groundshaking.

### 2014 SOUTH NAPA EARTHQUAKE

The largest earthquake in the Bay Area since Loma Prieta, the South Napa earthquake occurred on October 24, 2014. It had a 6.0 magnitude and MMI of VIII and occurred on the West Napa Fault south of Napa. Governor Brown declared a state of emergency due to damage and potential aftershocks, and Former President Obama declared a major disaster for Napa and Solano counties. Los Gatos and other Santa Clara County communities likely experienced light to moderate shaking.

## c. Seismic Hazards

Hazards associated with earthquakes include primary hazards, such as surface rupture and groundshaking, and secondary hazards, such as liquefaction and tsunamis. These hazards are described below.

### *Surface Rupture*

Surface rupture represents the breakage of ground along the surface trace of a fault, which is the intersection of the fault surface area that is ruptured in an earthquake. Fault displacement occurs when material on one side of a fault moves relative to the material on the other side of the fault. This can have particularly adverse consequences when buildings are located within the rupture zone. It is not feasible from a structural or economic perspective to design and build structures that can accommodate rapid displacement associated with surface rupture, as surface displacement can range from a few inches to tens of feet during a rupture event. The 1906 San Francisco earthquake caused horizontal displacement along the San Andreas Fault in Santa Clara County. The Hayward, Calaveras, and Monte Vista faults also show evidence of surface displacement during the past 11,000 years.

### *Groundshaking*

The major cause of structural damage from earthquakes is groundshaking. The intensity of ground motion expected at a particular site depends upon the magnitude of the earthquake, the distance to the epicenter, and the geology of the area between the epicenter and the site. Greater movement can be expected at sites located on poorly consolidated material, such as alluvium, within close proximity to the causative fault, or in response to a seismic event of great magnitude.

Los Gatos is within a seismically active region and earthquakes have the potential to cause groundshaking of significant magnitude. Any slip along all or part of a fault surface releases accumulated energy that radiates in all directions away from the source, in the form of earthquake waves. Associated ground shaking varies in intensity depending on the severity of earthquake activity, proximity to that activity, and local soil and geological conditions. Because Los Gatos is within the “near source” zone of both the San Andreas and Monte Vista Faults, the Town is subject to particularly strong ground shaking effects.

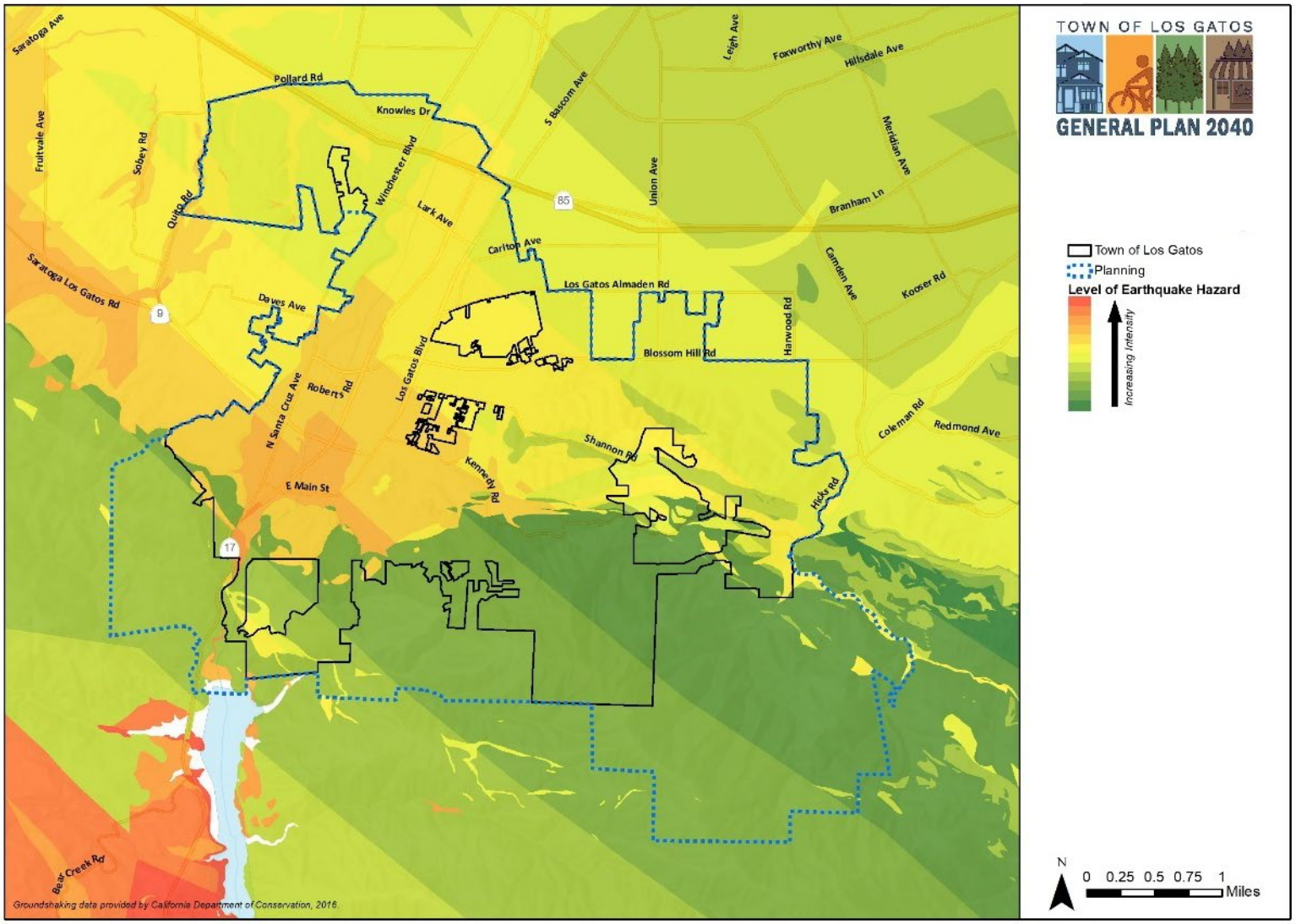
The relative intensity of ground shaking expected to occur in the Los Gatos Planning Area as a result of characteristic earthquake events on some nearby active faults are listed in . Projected groundshaking intensity is shown on Figure 4.7-4.

**Table 4.7-3 Groundshaking Intensity from Nearby Active Faults**

| Fault Name (Segment) | Estimated Relative Shaking | Modified Mercalli Intensity (MMI) |
|---|---|---|
| Calavaras (All Segments) | Moderate | 5 |
| Calaveras (Central) | Light to Moderate | 5 to 6 |
| Greenville | Light to Moderate | 5 to 6 |
| Hayward (North and South) | Moderate | 6 |
| Hayward (South) | Moderate | 5 |
| Mount Diablo | Light | 5 |
| Rodgers Creek | Light | 5 |
| San Andreas (Peninsula) | Very Strong | 8 |
| San Andreas (All Northern Segments) | Very Strong | 8 |
| San Gregorio | Light to Moderate | 5 to 6 |

Source: Association of Bay Area Governments. 2018.

**Figure 4.7-4 Projected Groundshaking**



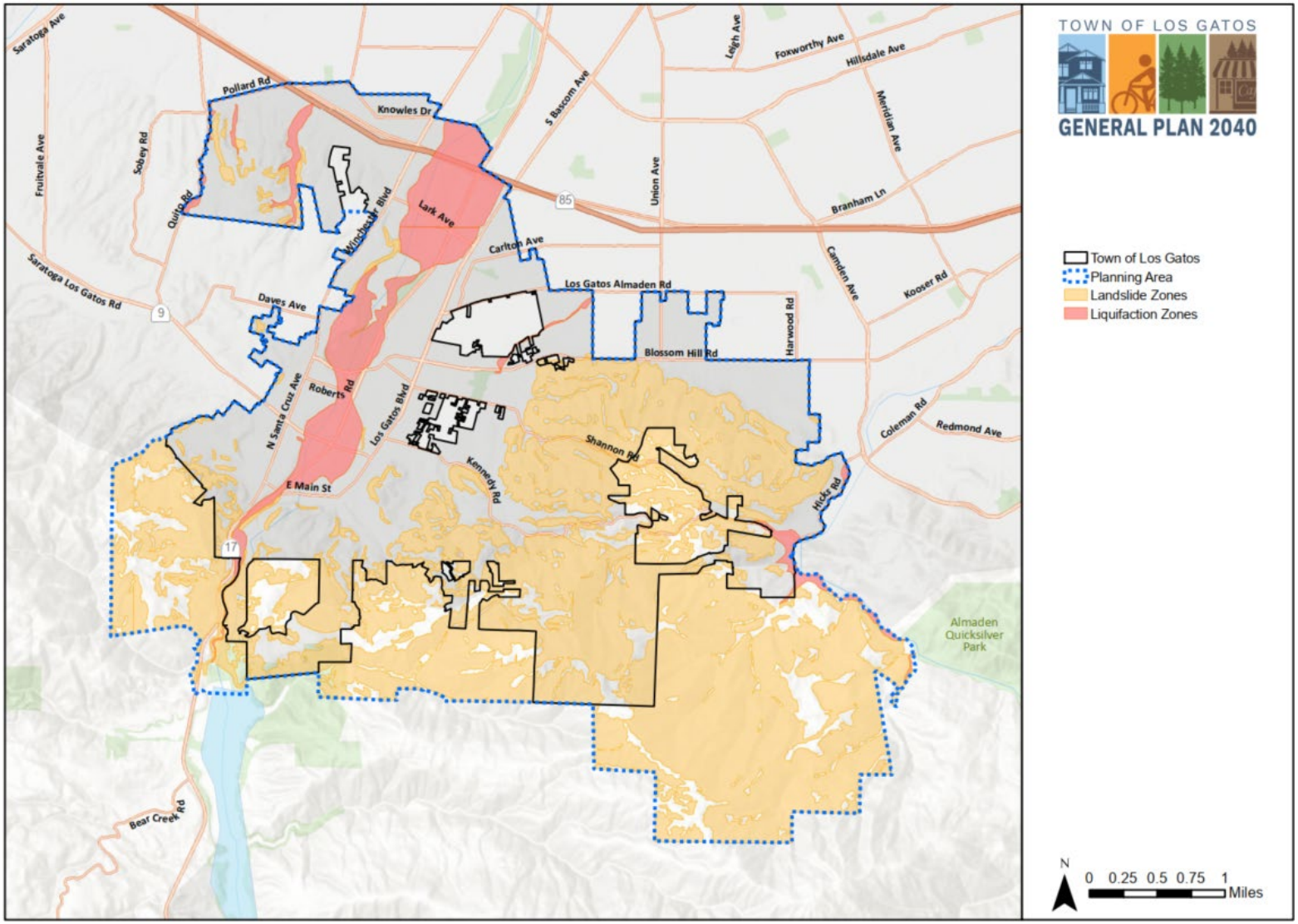
### *Soil Liquefaction*

Liquefaction is a seismic phenomenon in which loose, saturated granular, and silty fine-grained soils lose their structure or strength when subjected to high-intensity ground shaking, transforming them from a solid to a liquefied state. Liquefaction occurs when three general conditions exist:

1. Shallow groundwater (within the top 50 feet of the ground surface);
2. Low-density non-plastic soils; and
3. High-intensity ground motion.

Structures constructed on soils which are prone to liquefaction are subject to damage and possible collapse as a result of settlement and lateral spreading due to liquefaction. Liquefaction zones are primarily located on the west side of the Town along SR 17. Figure 4.7-5 shows the areas of Town potentially affected by liquefaction.

**Figure 4.7-5 Liquefaction and Landslide Zones**



### *Landslides and Ground Failure*

Landslides and slope instability are characterized by the movement of soils and surficial deposits, known as colluvium, and bedrock down steep slopes. This movement results from wet weather, adverse structures, seismic shaking, and/or improper grading and drainage. Because Los Gatos includes portions of the steep foothills of the Santa Cruz Mountains, there is a potential for landslides throughout much of the southern and eastern portions of the Town and extending as far north as Blossom Hill Road. Outside the hillside areas of the Town, there is a potential for landslides and slope instability along the steep banks of drainages, and steep graded slopes associated with excavations. Landslide potential is minimal in the gently sloping west central and northernmost portions of the Town. Risk zones are shown in Figure 4.7-5.

## 4.7.2 Regulatory Setting

### a. Federal Regulations

#### *Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)*

The Stafford Act provides the legal basis for state, tribal, and local governments to undertake risk-based approaches to reducing natural hazard risks through mitigation planning. Specifically, the Stafford Act requires state, tribal, and local governments to develop and adopt FEMA-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance. The Act also authorizes grants for pre- and post-disaster projects and planning.

### b. State Regulations

#### *California Government Code Section 65302(g)(1)*

The code gives requirements on the inclusion of slope instability and seismic hazards in the general plan. General plans must include mapping of known seismic and other geologic hazards, and policies addressing:

- Evacuation routes;
- Military installations;
- Peak load water supply requirements; and
- Minimum road widths and clearing around structures for emergency vehicle access.

#### *Alquist-Priolo Earthquake Fault Zoning Act*

The Alquist-Priolo Earthquake Fault Zoning Act was signed into law in 1972 (14 C.C.R. Sections 3600 et seq.). The purpose of this Act is to prohibit the location of most structures for human occupancy across the traces of active faults and to thereby mitigate the hazard of fault rupture. Under the Act the State Geologist is required to delineate "Earthquake Fault Zones" along known active faults in California (14 C.C.R. Section 3601). Towns, cities, and counties affected by the zones must regulate certain development projects within the zones. They must withhold development permits for sites within the zones until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting (14 C.C.R. Section 3603). Currently, CGS does not include Los Gatos on its list of towns or cities affected by Alquist-Priolo Earthquake Fault Zones.

### *Seismic Hazards Mapping Act*

The CGS, formerly the California Department of Conservation, Division of Mines and Geology (CDMG), provides guidance with regard to seismic hazards. Under CDMG's Seismic Hazards Mapping Act (1990), seismic hazard zones are to be identified and mapped to assist local governments in land use planning (California Public Resources Code Sections 2690 et seq.). The intent of these maps is to protect the public from the effects of strong ground shaking, liquefaction, landslides, ground failure, or other hazards caused by earthquakes. In addition, CDMG's Special Publications 117, "Guidelines for Evaluating and Mitigating Seismic Hazards in California," provides guidance for the evaluation and mitigation of earthquake-related hazards for projects within designated zones of required investigations.

In 2002, the Department of Conservation issued an official Seismic Hazard Zone map of the Los Gatos area, covering 60 square miles. Local building departments must require geologic studies before issuing building permits for all properties located in "zones of required investigation," where seismic induced liquefaction or landslides could occur during a large earthquake. In addition, property sellers must inform potential buyers of all properties within Seismic Hazard Zones.

### *California Building Code*

California law provides a minimum standard for building design through the California Building Code (CBC) (C.C.R. Title 24). Chapter 23 of the CBC contains specific requirements for seismic safety. Chapter 29 regulates excavation, foundations, and retaining walls. Chapter 33 of the CBC contains specific requirements pertaining to site demolition, excavation, and construction to protect people and property from hazards associated with excavation cave-ins and falling debris or construction materials. Chapter 70 of the CBC regulates grading activities, including drainage and erosion control. Construction activities are subject to occupational safety standards for excavation, shoring, and trenching as specified in California Division of Occupational Safety and Health (Cal/OSHA) regulations (C.C.R. Title 8).

The CBC has been adopted and amended as Article III of Chapter 6 of the Los Gatos Town Code, which is the Building Code for Los Gatos and regulates all building and construction projects within the Town. All development in Los Gatos applying for a permit is subject to the 2016 Building Code, CCR Title 24, Part 2.

## c. Local Regulations

### *Association of Bay Area Governments Multi-Jurisdictional Hazard Mitigation Plan*

The 2010 Update of the 2005 ABAG Hazard Mitigation Plan includes strategies to promote adoption of a retrofit standard, as well as public education on retrofitting, to reduce structural damage to existing homes. The plan also strives to inventory "soft-story buildings," buildings with open parking or commercial space on the first floor and housing on the higher floors, as such buildings tend to be more susceptible to earthquake damage and may result in scores of uninhabitable housing. Furthermore, the plan will adopt the latest applicable revision of the International Existing Building Code or standard for the design of voluntary or mandatory retrofit of existing privately-owned buildings.

### *Santa Clara County Operational Area Hazard Mitigation Plan*

Adopted in 2017, the County mitigation plan includes risk assessments, mitigation measures, funding and coordination measures for plan implementation. It focuses on nine Santa Clara County communities in particular and succeeded the ABAG Multi-Jurisdictional LHMP after it was deemed no longer adequate in 2016. The plan follows the planning guidance of FEMA's Community Rating System to maximize the planning benefit for the nine communities in the Operational Area participating in that program. It also focuses on cost-effectiveness, as required under FEMA mitigation grant programs, and public engagement.

### *Town of Los Gatos Hillside Specific Plan*

The Hillside Specific Plan was adopted in 1978 and establishes development policy for the Hillside Study Area, an area of mountainous terrain in the southern portion of Town. The Hillside Study Area is geologically hazardous due to the high potential for landslides, especially in areas with unstable, erosion-prone slopes greater than 50 percent. As such, the potential for landslides is high. The Hillside Specific Plan establishes a series of policies and standards related to land use, facilities, services, circulation, fire protection, safety, and open space. These are intended to promote safe construction patterns. Specifically, the policies outlined in Section 5.3 and 5.4 of the Specific Plan call for controlled or limited development in geologically hazardous areas and require that development proposals in areas believed to be geologically hazardous be preceded by geologic engineering investigations. These policies also prohibit construction in areas where such investigations identify specific geologic hazards.

### *Town of Los Gatos Hillside Development Standards and Guidelines (HDS&G)*

The Hillside Development Standards and Guidelines were approved in 2004 to work alongside the Hillside Specific Plan. The HDS&G requires that buildings be located in the "Least Restrictive Development Area," which takes into account existing site constraints including topography, vegetation, habitat, drainage, fire safety, septic systems, geology, and visibility. The HDS&G contains building site selection standards, including avoidance of sites considered hazardous due to liquefiable soil, slide potential, fault rupture, or other geotechnical hazards unless no other building site is available. Pursuant with HDS&G standards, construction shall be avoided in areas with geologic hazards, such as slope instability and fault rupture unless adequate mitigation is implemented to achieve a low level of risk.

### *Los Gatos Town Code, Section 12.20*

As part of a grading permit condition of approval, a soils report may be necessary based on inspections. Rock strength, moisture variation, bearing capacity, compressibility expansiveness, stability, and other factors should be evaluated. This report will be reviewed by the Town Engineer. Findings may also limit steepness of slope cut.

## 4.7.3 Impact Analysis

### Methodology and Thresholds of Significance

#### *Methods*

This section describes the potential environmental impacts of the proposed project relevant to geology and soils. The impact analysis is based on an assessment of baseline conditions for the proposed project area, including topography, geologic and soil conditions, and seismic hazards, as described above under Section 4.7.1, *Setting*. This analysis identifies potential impacts based on the predicted interaction between the affected environment and construction, operation, and maintenance activities related to the development predicted to occur under the 2040 General Plan. This section describes impacts in terms of location, context, duration, and intensity, and recommends mitigation measures, when necessary, to avoid or minimize impacts.

#### *Significance Thresholds*

The following thresholds of significance are based on Appendix G of the *CEQA Guidelines*. For the purposes of this EIR, implementation of the 2040 General Plan may have a significant adverse impact if it would do any of the following:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
    a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
    b. Strong seismic ground shaking;
    c. Seismic-related ground failure, including liquefaction; or
    d. Landslides.
2. Result in substantial soil erosion or the loss of topsoil;
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; or
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

| | |
|---|---|
| **Threshold 1a:** | Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? |
| **Threshold 1b:** | Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking? |
| **Threshold 1c:** | Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction? |
| **Threshold 1d:** | Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides? |
| **Threshold 3:** | Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? |

**IMPACT GEO-1 CONSTRUCTION AND OCCUPANCY OF NEW BUILDINGS UNDER THE 2040 GENERAL PLAN COULD RESULT IN EXPOSURE OF PEOPLE OR STRUCTURES TO A RISK OF LOSS, INJURY, OR DEATH FROM SEISMIC EVENTS. ADHERENCE TO THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODE AND IMPLEMENTATION OF THE GOALS AND POLICIES OF THE 2040 GENERAL PLAN WOULD MINIMIZE THE POTENTIAL FOR LOSS, INJURY, OR DEATH FOLLOWING A SEISMIC EVENT AND WOULD REDUCE THIS IMPACT TO LESS THAN SIGNIFICANT.**

As discussed above in Section 4.7.1, *Setting*, the Town is located in an active seismic region. An Alquist Priolo Earthquake Fault Zone associated with the San Andreas Fault is located west of the Town. The Blossom Hill Fault, Shannon Fault, and Berrocal Fault run through the Town and would subject the Town to very strong ground shaking. Ground shaking risk would be primarily in the northern portion of the Town. there is a potential for landslides throughout much of the southern and eastern portions of the Town and extending as far north as Blossom Hill Road. Outside the hillside areas of the Town, there is a potential for landslides and slope instability along the steep banks of drainages, and steep graded slopes associated with excavations. Landslide potential is minimal in the gently sloping west central and northernmost portions of the Town. Liquefaction zones are primarily located on the west side of the Town along SR 17.

Development under the 2040 General Plan would result in additional residential and nonresidential development within the Town. As such, additional residents and employees would be potentially exposed to the effects of fault rupture, seismic groundshaking, liquefaction, and landslides from local and regional earthquakes. Structures that would be built on steep slopes could be exposed to an existing risk of landslide or if improperly constructed could exacerbate existing landslide conditions. New structures built under the 2040 General Plan could also experience substantial damage during seismic groundshaking events. Fault rupture is unlikely to affect new or existing structures in the Town because the only Alquist -Priolo Earthquake Fault Zone is located east of the Town's western limits. The 2040 General Plan would encourage infill development, which would in many cases replace older structures subject to seismic damage with newer structures built to current seismic standards that could better withstand the adverse effects of strong ground shaking. Potential structural damage and the exposure of people to the risk of injury or death from structural failure would be minimized by compliance with the California Building Code (CBC) engineering

design and construction measures. Foundations and other structural support features would be designed to resist or absorb damaging forces from strong ground shaking and liquefaction.

In addition to compliance with the mandatory CBC requirements, implementation of several 2040 General Plan goals and policies would further reduce the potential for loss, injury, or death following a seismic event. Implementation of the following 2040 General Plan goals and policies would help to avoid seismic hazards, resist the adverse effects of seismic events and unstable geologic units, maintain adequate resources to respond to a seismic event, and educate the public about the dangers of and appropriate response to a seismic event.

### *Hazards and Safety Goals and Policies*

**Goal HAZ-2.** Risks from geologic and seismic hazards, including slope instability, subsidence, ground shaking, fault rupture, liquefaction and landslides, are minimized.

**Policy HAZ-2.1. Geotechnical Engineering Conditions.** Require preparation of a report from an engineering geologist and/or geotechnical engineer that discusses the geologic, seismic, and geotechnical engineering conditions and potential hazards for developments in hazard zones mapped by the State or identified by the Town, as shown in Figures 8-1 through 8-3 of this Element.

**Policy HAZ-2.2. Geotechnical Report Requirement.** Require geologic and geotechnical reports and Town review during the development review process for projects with significant grading, potential erosion and sedimentation hazards.

**Policy HAZ-2.3. Geotechnical Report Specificity.** Require geologic and geotechnical reports to specify construction methods to protect the proposed project, as well as existing residences in the vicinity, from identified hazards.

**Policy HAZ-2.4. Geologic Hazard Consideration in Development.** Require new development to be sited away from high risk geologic hazard zones, or if located in a high-risk zone, to incorporate building or technologies to reduce risk to an acceptable level.

**Policy HAZ-2.5. Unbuildable Spaces.** Preserve as open space property that is unbuildable due to geologic conditions.

**Policy HAZ-2.6. Buildings that provide Emergency Services.** Ensure that buildings and structures required for emergency services have sufficient resistance to withstand a major earthquake.

**Policy HAZ-2.7. Seismic Retrofit Incentives.** Work with regional, State, and federal agencies and organizations to incentivize seismic retrofits of structures.

**Policy HAZ-2.8. Geologic Hazards Checklist.** As part of development review, require that a geologic/geotechnical consultant complete the Town Geologic Hazards Checklist to demonstrate that potential hazards have been identified and that proposed structures, including grading cuts and fills, will be designed to resist potential earthquake effects.

**Policy HAZ-2.9. Seismic Safety Restrictions.** Enforce the California Building Code seismic safety restrictions. Require fault investigations for structures for human habitation and all critical facilities. Investigation may include field investigations. Reports shall include appropriate design measures to mitigate potential fault ground rupture/deformation to acceptable levels and shall be reviewed by the Town.

**Policy HAZ-2.10. Earthquake Response Facilities.** Retain private buildings and maintain public buildings whose use and function are essential in response to a major earthquake.

**Policy HAZ-2.11. Utility Risk.** Locate, design, and construct vital public utilities, communication infrastructure, and transportation facilities in a manner that maximizes risk reduction and functionality during and after an earthquake.

Implementation of these goals and policies would result in the avoidance of siting critical facilities or other structures within areas susceptible to fault rupture, and would require more detailed review of design and construction plans and incorporation of additional structural safety features as necessary for structures that would be located on steep slopes or in areas subject to seismic hazards such as extreme ground shaking, liquefaction, or landslide. A detailed review of design and construction plans and incorporation of additional structural safety features would be required on a project-by-project basis, as necessary, for structures that would be located on steep slopes or in areas subject to seismic hazards such as extreme ground shaking or high risk liquefaction areas of the Town. Implementation of the 2040 General Plan goals and policies would ensure that adequate emergency response would be available during an earthquake. Implementation of these goals and policies, in addition to compliance with applicable laws and regulations, would minimize the potential for loss, injury, or death following a seismic event and would reduce this potential impact to a less than significant level.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

**Threshold 2:** Would the project result in substantial soil erosion or the loss of topsoil?

**IMPACT GEO-2 CONSTRUCTION OF NEW DEVELOPMENT UNDER THE 2040 GENERAL PLAN WOULD INCLUDE GROUND DISTURBANCE THAT WOULD RESULT IN LOOSE OR EXPOSED SOIL THAT COULD BE ERODED BY WIND OR DURING A STORM EVENT, RESULTING IN THE LOSS OF TOPSOIL. COMPLIANCE WITH APPLICABLE REGULATIONS, INCLUDING THE CLEAN WATER ACT, AND IMPLEMENTATION OF GOALS AND POLICIES OF THE 2040 GENERAL PLAN WOULD MINIMIZE THE POTENTIAL FOR EROSION AND LOSS OF TOPSOIL AND WOULD ENSURE THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

New development in Los Gatos under the 2040 General Plan would involve construction activities such as stockpiling, grading, excavation, paving and other earth disturbing activities. These construction activities may result in loose and disturbed soils in the Town, which can increase the potential for erosion and loss of topsoil.

Construction activities that disturb one or more acres of land surface are subject to the NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Order No. 2012-0006-DWQ, amended by 2010-0014-DWQ and 2012-0006-DWQ) adopted by the State Water Resources Control Board (SWRCB) under the Clean Water Act. Compliance with the permit requires that each project that disturb greater than 1 acre of soil, unless eligible for an erosivity waiver, file a Notice of Intent with the SWRCB. Permit conditions require development of a SWPPP, which must describe the site, the facility, and Best Management Practices (BMPs) to manage storm water runoff and to reduce soil erosion. More specifically, the Stormwater

Pollution Prevention Plan (SWPPP) must describe erosion and sediment control BMPs, stormwater quality monitoring, means of waste disposal, and BMP maintenance responsibilities. Inspection of construction sites before and after storms is also required to identify storm water discharge from the construction activity and to identify, implement, and maintain erosion controls, where necessary.

Compliance with the Construction General Permit is enforced in Section 22, Article III of the Municipal Code, which regulates storm water discharge in the Town and requires erosion and sediment controls when a project requiring a grading permit may create a source of pollution. The Town has also prepared the Stormwater Management Program, under which the Town educates and involves the community in stormwater pollution prevention, regulates stormwater runoff from construction sites, investigates non-stormwater discharges, and reduces non-stormwater run-off from municipal operations. Individual projects within the Town that disturb more than one acre are required to obtain NPDES coverage under the Construction General Permit. Chapter 12 of the Municipal Code provides regulatory standards to ensure grading, erosion, and sediment associated with development are minimized.

Adherence to the Clean Water Act NPDES permitting requirements would ensure that potential impacts associated with soil erosion and loss of topsoil would be less than significant. Implementation of the 2040 General Plan Environment and Sustainability and Public Facilities, Services and Infrastructure Elements goals and policies listed below would reduce the potential for erosion and loss of topsoil:

### *Environment and Sustainability Goals and Policies*

**Goal ENV-15.** Conserve and protect soil resources of the Town.

**Policy ENV-15.1. Erosion Control Plans.** Require all new developments in areas subject to soil erosion and slippage to provide an effective erosion control plan to minimize soil erosion. The erosion control plans shall be implemented prior to construction operations and maintained throughout the construction process.

**Policy ENV-15.2. Minimize Grading.** Require grading permits to ensure that the grading of slopes and sites proposed for development will be minimized.

### *Public Facilities, Services, and Infrastructure Goals and Policies*

**Goal ENV-16.** Protect and conserve watersheds and water quality.

**Policy ENV-16.6. Alternative Paving Materials and Designs.** Encourage alternative paving materials and designs to limit driveways, parking areas, and parking lots in all zones. 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-16.7. Parking Lot Drainage.** Implement bioswales and other innovations so runoff from parking lots drain into landscaped areas and rainwater percolates into the ground.

**Policy ENV-16.9. Stormwater Runoff.** Reduce pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land use activities.

Implementation of the 2040 General Plan goals and policies would ensure that construction projects implement erosion minimization measures control loss of topsoil. Implementation of these goals and policies, in addition to compliance with applicable laws and regulations related to stormwater,

would minimize the potential for erosion and loss of topsoil during construction of projects within the Town. Therefore, this impact would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

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| **Threshold:** | Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? |

**IMPACT GEO-3 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN MAY RESULT IN THE CONSTRUCTION OF STRUCTURES ON EXPANSIVE SOILS, WHICH COULD CREATE A SUBSTANTIAL RISK TO LIFE OR PROPERTY. HOWEVER, ALL NEW DEVELOPMENT WOULD BE REQUIRED TO COMPLY WITH THE STANDARDS OF THE CALIFORNIA BUILDING CODE, WHICH WOULD ENSURE THAT EXPANSIVE SOILS ARE REMEDIATED OR THAT FOUNDATIONS AND STRUCTURES ARE ENGINEERED TO WITHSTAND THE FORCES OF EXPANSIVE SOIL. COMPLIANCE WITH THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODE WOULD REDUCE THIS IMPACT TO A LESS-THAN-SIGNIFICANT LEVEL.**

New development that is constructed on expansive soils could be subject to damage or could become unstable when the underlying soil shrinks or swells. Soils with high clay content have the highest potential for shrink-swell. The clay minerals in Los Gatos' clay and clay loam are prone to expansion and have moderate to high shrink-swell potential (Town of Los Gatos 2019). The California Building Code includes requirements to address soil-related hazards. Typical measures to treat hazardous soil conditions involve removal, proper fill selection, and compaction. In cases where soil remediation is not feasible, the California Building Code requires structural reinforcement of foundations to resist the forces of expansive soils. Compliance with the requirements of the California Building Code would reduce impacts related to expansive soils to a less-than-significant level.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

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| **Threshold:** | Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? |

**IMPACT GEO-3 NEW DEVELOPMENT FACILITATED BY THE GENERAL PLAN UPDATE WOULD OCCUR WHERE EXISTING SEWER SYSTEMS ARE IN PLACE, MINIMIZING THE NEED FOR DEVELOPMENT OF NEW WASTEWATER DISPOSAL SYSTEMS. THEREFORE, THE PROJECT WOULD NOT RESULT IN A SIGNIFICANT IMPACT TO SOILS THAT ARE INCAPABLE OF SUPPORTING SEPTIC TANKS OR ALTERNATIVE WASTEWATER DISPOSAL SYSTEMS.**

The 2040 General Plan encourages growth management and development within the Town of Los Gatos limits. Focusing development within the Town's limits would minimize encroachment into open space areas where wastewater infrastructure does not currently exist. In general, new development under the GP/LCP Update would occur where existing roads, water, and sewer systems are in place, minimizing the need to develop new wastewater disposal systems. Therefore, the project would not result in a significant impact associated with soils that are incapable of supporting septic tanks or alternative wastewater disposal systems.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

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|---|---|
| **Threshold:** | Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? |

**IMPACT GEO-4 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN HAS THE POTENTIAL TO RESULT IN IMPACTS TO PALEONTOLOGICAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.**

The Town of Los Gatos is situated along the margin of the Santa Clara Valley and the eastern foothills of the Santa Cruz Mountains within the Coast Ranges geomorphic province of California (California Geological Survey 2002). The Coast Ranges extend about 600 miles from the Oregon border to the Santa Ynez River in Santa Barbara County and are characterized by numerous north-south–trending peaks and valleys that range in elevation from approximately 500 feet above mean sea level (amsl) to 7,581 feet amsl (Norris and Webb 1990). The Coast Ranges are composed of a complex assemblage of folded and faulted geologic units, including Mesozoic metasedimentary rocks and ophiolite rocks of the Franciscan Assemblage, granitic and metamorphic rocks of the Mesozoic Salinian Block, and younger Cenozoic marine and nonmarine shale, sandstone, and conglomerate (Bartow and Nilsen 1990).

The geologic units exposed at ground surface in the Town of Los Gatos and the vicinity include Mesozoic rocks of the Franciscan Assemblage, the Miocene Temblor Sandstone, the Miocene Monterey Formation, the Pliocene-Pleistocene Santa Clara Formation, and Quaternary Alluvium (Dibblee and Minch 2005). The Temblor Sandstone, Monterey Formation, and Santa Clara Formation have previously yielded numerous vertebrate fossils in Santa Clara County and throughout California (University of California Museum of Paleontology 2018).

The Society of Vertebrate Paleontology has developed a system for assessing paleontological sensitivity and describes sedimentary rock units as having high, low, undetermined, or no potential

for containing scientifically significant nonrenewable paleontological resources. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. Based on these guidelines, the Miocene to Pleistocene sedimentary deposits in the Town of Los Gatos (i.e., the Temblor Sandstone, Monterey Formation, and Santa Clara Formation) have a high potential to yield paleontological resources (Town of Los Gatos 2019).

Paleontological resources may be encountered during any ground-disturbing activities associated with construction (e.g., grading, excavation, or other ground disturbing construction activity) in areas with high paleontological sensitivity. Construction activities may result in the destruction, damage, or loss of undiscovered scientifically important paleontological resources.

Adverse effects to paleontological resources can only be determined once a specific project has been proposed because the effects are highly dependent on both the individual project conditions and the characteristics of the proposed ground-disturbing activity. Ground-disturbing activities associated with development facilitated by the 2040 General Plan, particularly in areas that have not previously been developed with urban uses, have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in previously undisturbed areas of high paleontological sensitivity. Therefore, development associated with the implementation of the proposed 2040 General Plan, including construction-related and earth-disturbing activities, could damage or destroy fossils in these geologic units, representing a potentially significant impact.

The following 2040 General Plan goals and policies are applicable to paleontological resources in Los Gatos:

**Goal ENV-12.** Protect Los Gatos's archaeological and cultural resources to maintain and enhance a unique sense of place.

> **Policy ENV-12.5. Uncovered Cultural Resources.** 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.

## Mitigation Measures

### *GEO-1 Paleontological Resource Studies*

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

## Significance After Mitigation

Compliance with Mitigation Measure GEO-1 and the 2040 General Plan goals and policies would ensure that construction impacts related to paleontological resources and unique geologic features would be less than significant.

## 4.7.4 Cumulative Impacts

Cumulative geology, soils, and seismicity impacts may be related to exacerbation of seismic hazards and increased erosion and/or loss of topsoil. These effects occur independently of one another, and result from site-specific and project-specific characteristics and conditions. In addition, existing regulations, such as the CBC, specify mandatory actions that must occur during project development, which minimize effects from construction of new structures related to geology, soils and seismicity as discussed above.

Cumulative development under the 2040 General Plan could disturb areas that may potentially contain paleontological resources. The potential for impacts from individual developments is site-specific and depends on the location and extent of ground disturbance associated with each individual development proposal. All future development projects would continue to be subject to existing state and local requirements and discretionary projects may be subject to project-specific mitigation requirements under CEQA. In addition, future development in the Town would comply with 2040 General Plan policies and goals to ensure that paleontological resources encountered during construction would be properly recovered and curated. Therefore, the proposed project's contribution to cumulative impacts related to the destruction, damage, or loss of undiscovered scientifically important paleontological resources would be less than significant. Cumulative impacts related to geology, paleontology, soils, and seismicity would be less than significant, and the 2040 General Plan would not result in a cumulatively considerable contribution to cumulative geology, paleontology, soils, or seismicity impacts.

# 4.8 Greenhouse Gas Emissions

This section analyzes the potential for implementation of the 2040 Los Gatos General Plan to generated greenhouse gas (GHG) emissions in a manner that significantly contributes to climate change or to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. The analysis in this section is based upon GHG emissions forecast methodology and modeling outputs that are included in Appendix B, GHG Emissions Supporting Information, of this Environmental Impact Report (EIR).

## 4.8.1 Setting

### a. Greenhouse Effect, Global Warming, and Climate Change

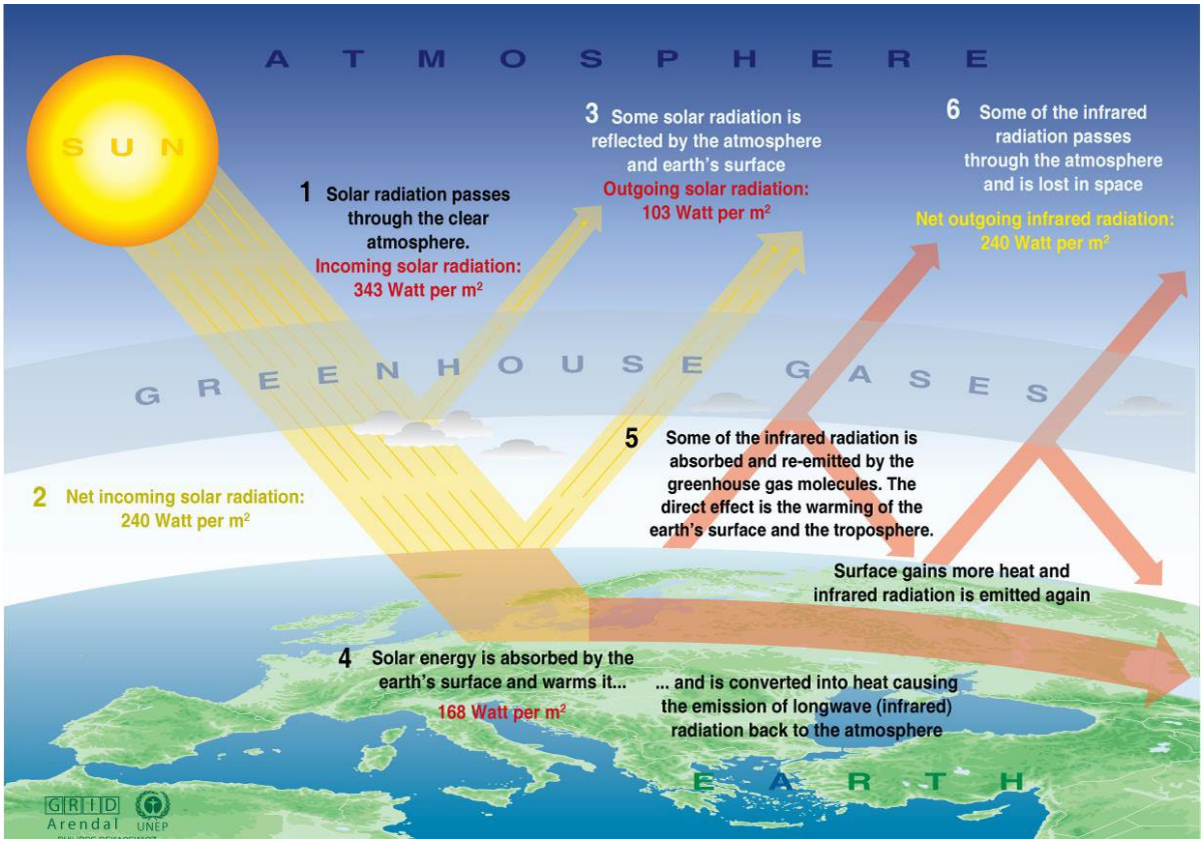
Most of the energy that affects the Earth's climate comes from the sun. Some solar radiation is absorbed by the Earth's surface, and a smaller portion of this radiation is reflected by the atmosphere back toward space. As the Earth absorbs high frequency solar radiation, its surface gains heat and then re-radiates lower frequency infrared radiation back into the atmosphere.[1]

Most solar radiation passes through gases in the atmosphere classified as GHGs; however, infrared radiation is selectively absorbed by GHGs. GHGs in the atmosphere play a critical role in maintaining the balance between the Earth's absorbed and radiated energy, the Earth's radiation budget,[2] by trapping some of the infrared radiation emitted from the Earth's surface that otherwise would have escaped to space (see Figure 4.8-1). Radiative forcing is the difference between the incoming energy and outgoing energy.[3] Specifically, GHGs affect the radiative forcing of the atmosphere,[4] which in turn affects the Earth's average surface temperature. This phenomenon, *the greenhouse effect*, keeps the Earth's atmosphere near the surface warmer than it would be otherwise and allows successful habitation by humans and other forms of life.

Combustion of fossil fuels and deforestation release carbon into the atmosphere that historically has been stored underground in sediments or in surface vegetation, thereby exchanging carbon from the geosphere and biosphere to the atmosphere in the carbon cycle. With the accelerated increase in fossil fuel combustion and deforestation since the Industrial Revolution of the 19th century, concentrations of GHGs in the atmosphere have increased exponentially. Such emissions of GHGs in excess of natural ambient concentrations contribute to the enhancement of the natural greenhouse effect. This enhanced greenhouse effect has contributed to *global warming*, an increased rate of warming of the Earth's average surface temperature.[5] Specifically, increases in GHGs lead to increased absorption of infrared radiation by the Earth's atmosphere and warm the lower atmosphere further, thereby increasing temperatures and evaporation rates near the surface.

[1] Frequencies at which bodies emit radiation are proportional to temperature. The Earth has a much lower temperature than the sun and emits radiation at a lower frequency (longer wavelength) than the high frequency (short wavelength) solar radiation emitted by the sun.
[2] This includes all gains of incoming energy and all losses of outgoing energy; the planet is always striving to be in equilibrium.
[3] Positive forcing tends to warm the surface while negative forcing tends to cool it.
[4] This is the change in net irradiance at the tropopause after allowing stratospheric temperatures to readjust to radiative equilibrium, but with surface and tropospheric temperatures and state held fixed at the unperturbed values.
[5] This condition results when the Earth has to work harder to maintain its radiation budget, because when more GHGs are present in the atmosphere, the Earth must force emissions of additional infrared radiation out into the atmosphere.

**Figure 4.8-1 The Greenhouse Gas Effect**




Source: UNEP/GRID-Arendal, 2005

Variations in natural phenomena such as volcanoes and solar activity produced most of the global temperature increase that occurred during preindustrial times. More recently, however, increasing atmospheric GHG concentrations resulting from human activity have been responsible for most of the observed global temperature increase.[6]

Warming affects global atmospheric circulation and temperatures; oceanic circulation and temperatures; wind and weather patterns; average sea level; ocean acidification; chemical reaction rates; precipitation rates, timing, and form; snowmelt timing and runoff flow; water supply; wildfire risks; and other phenomena, in ways collectively referred to as *climate change*. Climate change is the alteration in the average weather of the Earth that is measured by modifications in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes occurring in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.

[6] These basic conclusions have been endorsed by more than 45 scientific societies and academies of science, including all of the national academies of science of the major industrialized countries. Since 2007, no scientific body of national or international standing has maintained a dissenting opinion.

## b. Temperature Predictions

The United Nations Intergovernmental Panel on Climate Change (IPCC) was established by the World Meteorological Organization and United Nations Environment Programme to assess scientific, technical, and socioeconomic information relevant to the understanding of climate change, its potential impacts, and options for adaptation and mitigation. The IPCC constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. In its Fourth Assessment Report, the IPCC predicted that the global mean temperature change from 1990 to 2100, given six scenarios, could range from 1.1 degrees Celsius (°C) to 6.4°C. Regardless of analytical methodology, global average temperatures and sea levels are expected to rise under all scenarios. The report also concluded that "[w]arming of the climate system is unequivocal," and that "[m]ost of the observed increase in global average temperatures since the mid-20$^{th}$ century is very likely due to the observed increase in anthropogenic GHG concentrations." Warming of the climate system is now considered to be unequivocal, with the global surface temperature increasing about 1.33 degrees Fahrenheit (°F) over the last 100 years. The IPCC predicts increases in global average temperature of between 2°F and 11°F over the next 100 years (IPCC. 2007b).

## c. Greenhouse Gases and Global Emission Sources

Gases that trap heat in the atmosphere are referred to as GHGs. Prominent GHGs that naturally occur in the Earth's atmosphere are water vapor, carbon dioxide ($CO_2$), methane ($CH_4$), oxides of nitrogen ($NO_X$), and ozone. Anthropogenic (human-caused) GHG emissions include releases of these GHGs plus release of human-made gases with high global warming potential (GWP) (ozone-depleting substances such as chlorofluorocarbons [CFCs])[7] and aerosols, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$). The GHGs listed by the IPCC ($CO_2$, methane, nitrous oxide, HFCs, PFCs, and $SF_6$) are discussed below, in order of abundance in the atmosphere. Water vapor, despite being the most abundant GHG, is not discussed below, because natural concentrations and fluctuations far outweigh anthropogenic influences, making it impossible to predict. Ozone is not included, because it does not directly affect radiative forcing. Ozone-depleting substances (chlorofluorocarbons, halons, carbon tetrachloride, methyl chloroform, and hydrochlorofluorocarbons) are not included, because they have been replaced by HFCs and PFCs.

The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere and is essentially a measurement of the radiative forcing of a GHG compared with the reference gas, $CO_2$. Individual GHG compounds have varying potential for contributing to global warming. For example, methane is 25 times as potent as $CO_2$, while $SF_6$ is 22,200 times more potent than $CO_2$ on a molecule-per-molecule basis. To simplify reporting and analysis, methods have been set forth to describe emissions of GHGs in terms of a single gas. The most commonly accepted method for comparing GHG emissions is the GWP methodology defined in the IPCC reference documents (IPCC, 2014a). The IPCC defines the GWP of various GHG emissions on a normalized scale that recasts all GHG emissions in terms of carbon dioxide equivalents ($CO_2e$), which compares the gas in question to that of the same mass of $CO_2$ (by definition, $CO_2$ has a GWP of 1). The global warming potential of a GHG is a measure of how much a given mass of a GHG is estimated to contribute to global warming. Thus, to describe how much global warming a given type and amount of GHG may cause, the $CO_2e$ is used. A $CO_2e$ is the mass emissions of an individual GHG multiplied by its global warming potential. As such, a high GWP represents high absorption of infrared radiation and a long atmospheric lifetime compared to $CO_2$. One must also select a time horizon to convert GHG emissions to equivalent $CO_2$

[7] CFCs destroy stratospheric ozone. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited CFCs production in 1987.

emissions to account for chemical reactivity and lifetime differences among various GHG species. The standard time horizon for climate change analysis is 100 years. Generally, GHG emissions are quantified in terms of metric tons (MT) $CO_2e$ emitted per year.

The atmospheric residence time of a gas is equal to the total atmospheric abundance of the gas divided by its rate of removal (Seinfeld and Pandis 2006). The atmospheric residence time of a gas is, in effect, a half-life measurement of the length of time a gas is expected to persist in the atmosphere when accounting for removal mechanisms such as chemical transformation and deposition. Table 4.8-1 lists the GWP of each GHG and its lifetime. Units commonly used to describe the concentration of GHGs in the atmosphere are parts per million (ppm), parts per billion (ppb), and parts per trillion (ppt), referring to the number of molecules of the GHG in a sampling of 1 million, 1 billion, or 1 trillion molecules of air. Collectively, HFCs, PFCs, and $SF_6$ are referred to as high-GWP gases. $CO_2$ is by far the largest component of worldwide $CO_2e$ emissions, followed by methane, nitrous oxide, and high-GWP gases, in order of decreasing contribution to $CO_2e$.

The primary human processes that release GHGs include the burning of fossil fuels for transportation, heating, and electricity generation; agricultural practices that release methane, such as livestock grazing and crop residue decomposition; and industrial processes that release smaller amounts of high-GWP gases. Deforestation and land cover conversion have also been identified as contributing to global warming by reducing the Earth's capacity to remove $CO_2$ from the air and altering the Earth's albedo or surface reflectance, thus allowing more solar radiation to be absorbed. Specifically, $CO_2$ emissions associated with fossil fuel combustion are the primary contributors to human-induced climate change. Carbon dioxide, methane, and nitrous oxide emissions associated with human activities are the next largest contributors to climate change. GHGs of California concern are defined by California Assembly Bill (AB) 32 (see the Regulatory Environment subsection below for a description) and include $CO_2$, $CH_4$, $NO_X$, HFCs, PFCs, and $SF_6$. A seventh GHG, nitrogen trifluoride ($NF_3$), was also added under the California Health and Safety Code Section 38505(g)(7) as a GHG of concern. These GHGs are described in terms of their physical description and properties, global warming potential, atmospheric residence lifetime, sources, and atmospheric concentration in 2005 in Table 4.8-1.

**Table 4.8-1 Description of Greenhouse Gases of California Concern**

| Greenhouse Gas | Physical Description and Properties | Global Warming Potential (100 years) | Atmospheric Residence Lifetime (years) | Sources |
|---|---|---|---|---|
| Carbon dioxide ($CO_2$) | Odorless, colorless, natural gas. | 1 | 50–200 | burning coal, oil, natural gas, and wood; decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; oceanic evaporation; volcanic outgassing; cement production; land use changes |
| Methane ($CH_4$) | Flammable gas and is the main component of natural gas. | 25 | 12 | geological deposits (natural gas fields) extraction; landfills; fermentation of manure; and decay of organic matter |

| Greenhouse Gas | Physical Description and Properties | Global Warming Potential (100 years) | Atmospheric Residence Lifetime (years) | Sources |
|---|---|---|---|---|
| Nitrous oxide ($N_2O$) | Nitrous oxide (laughing gas) is a colorless GHG. | 298 | 114 | microbial processes in soil and water; fuel combustion; industrial processes |
| Chloro-fluoro-carbons (CFCs) | Nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (level of air at the Earth's surface); formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. | 3,800–8,100 | 45–640 | refrigerants aerosol propellants; cleaning solvents. |
| Hydro-fluoro-carbons (HFCs) | Synthetic human-made chemicals used as a substitute for CFCs and contain carbon, chlorine, and at least one hydrogen atom. | 140 to 11,700 | 1–50,000 | automobile air conditioners; refrigerants |
| Per-fluoro-carbons (PFCs) | Stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. | 6,500 to 9,200 | 10,000–50,000 | primary aluminum production; semiconductor manufacturing |
| Sulfur hexafluoride ($SF_6$) | Human-made, inorganic, odorless, colorless, and nontoxic, nonflammable gas. | 22,800 | 3,200 | electrical power transmission equipment insulation; magnesium industry, semiconductor manufacturing; a tracer gas |
| Nitrogen trifluoride ($NF_3$) | Inorganic, is used as a replacement for PFCs, and is a powerful oxidizing agent. | 17,200 | 740 | electronics manufacture for semiconductors and liquid crystal displays. |

Sources: IPCC. 2007a; IPCC. 2007b

## d. Introduction to Global Climate Change

Global climate change is defined as the change in average meteorological conditions on Earth with respect to temperature, precipitation, and storms. Global temperatures are regulated by naturally occurring atmospheric gases such as water vapor, $CO_2$, $N_2O$, $CH_4$, hydrofluorocarbons, perfluorocarbons and $SF_6$. These gases are important because of their residence time (duration they stay) in the atmosphere, which ranges from 10 years to more than 100 years. These gases allow solar radiation into the Earth's atmosphere but prevent radioactive heat from escaping thereby warming the Earth's atmosphere. Global climate change can occur naturally as it has in the past

with the previous ice ages. According to the ARB, the climate change since the industrial revolution differs from previous climate changes in both rate and magnitude.

Gases that trap heat in the atmosphere are often referred to as GHGs. GHGs are released into the atmosphere by both natural and anthropogenic (human) activity. Without the natural greenhouse effect, the Earth's average temperature would be approximately 61°F cooler than it is currently. The cumulative accumulation of these gases in the Earth's atmosphere is considered to be the cause for the observed increase in the Earth's temperature.

Although California's rate of growth of GHG emissions is slowing, the State is still a substantial contributor to the United States (U.S.) emissions production total. In 2004, California is estimated to have produced 492 million metric tons (MMT) of CO2e GHG emissions. Despite a population increase of 16 percent between 1990 and 2004, California has significantly slowed the rate of growth of GHG emissions because of the implementation of a range of energy efficiency programs as well as adoption of strict emission controls.

## e. Global Climate Change Issue

Climate change is a global problem, because GHGs are global pollutants, unlike criteria air pollutants and hazardous air pollutants (i.e., toxic air contaminants) that are pollutants of regional and local concern. Pollutants with localized air quality effects have relatively short atmospheric lifetimes, approximately 1 day; by contrast, GHGs have long atmospheric lifetimes, several years to several thousand years. GHGs persist in the atmosphere for enough time to be dispersed around the globe.

Although the exact lifetime of particular GHG molecules depends on multiple variables and cannot be pinpointed, more $CO_2$ is currently emitted into the atmosphere than is sequestered. $CO_2$ sinks, or reservoirs, include vegetation and the ocean, which absorb $CO_2$ through photosynthesis and dissolution, respectively. These are two of the most common processes of $CO_2$ sequestration. Of the total annual human-caused $CO_2$ emissions, approximately 54 percent is sequestered through ocean uptake, Northern Hemisphere forest regrowth, and other terrestrial sinks within a year, whereas the remaining 46 percent of human-caused $CO_2$ emissions is stored in the atmosphere (Seinfeld and Pandis 1998).

Similarly, effects of GHGs are borne globally, as opposed to the localized air quality effects of criteria air pollutants and hazardous air pollutants. The quantity of GHGs that it takes to ultimately result in climate change is not precisely known and cannot be quantified, and no single plan or project would be expected to measurably contribute to a noticeable incremental change in the global average temperature, or to global or local climates or microclimate. However, emissions of GHGs have the potential to adversely affect the environment, because such emissions contribute, on a cumulative basis, to global climate change.

## f. Existing GHG Emissions

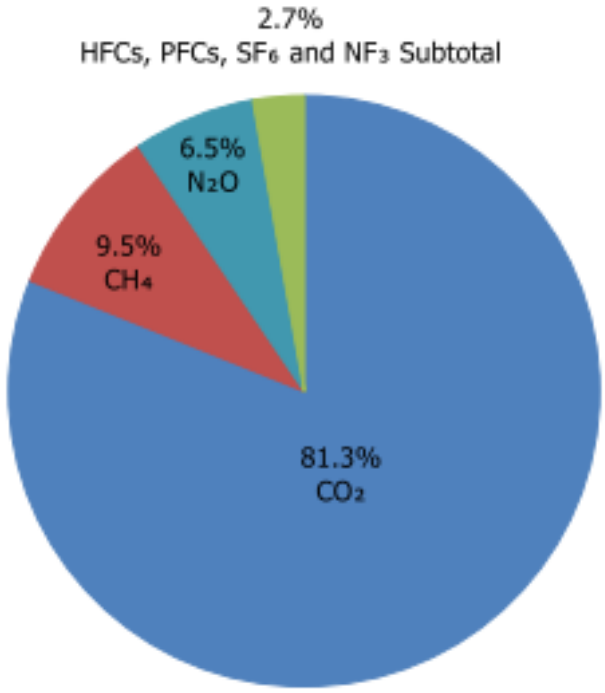
### *Global GHG Emissions*

Worldwide anthropogenic emissions of GHG were approximately 46,000 million metric tons (MMT, or gigatonne) of $CO_2e$ in 2010. $CO_2$ emissions from fossil fuel combustion and industrial processes contributed about 65 percent of total emissions in 2010. Of anthropogenic GHGs, $CO_2$ was the most abundant accounting for 76 percent of total 2010 emissions. $CH_4$ emissions accounted for 16 percent of the 2010 total, while $N_2O$ and fluorinated gases account for six and two percent, respectively (IPCC, 2014b).

### *United States GHG Inventory*

Total U.S. GHG emissions were 6,676.6 MMT $CO_2e$ in 2018. Total U.S. emissions increased by 3.7 percent from 1990 to 2018. Overall, net emission increase by 3.1 percent from 2017 to 2018 and decreased 10.2 percent from 2005 to 2018. The decrease from 2005 to 2018 reflects long-term trends, including energy market trends, technological changes including energy efficiency, and energy fuel choices. Between 2017 and 2018, the increase in emissions was driven by an increase in $CO_2$ emissions from fossil fuel combustion, which was a result of increased energy use from greater heating and cooling needs due to a colder winter and hotter summer in 2018 compared to 2017. In 2018, the largest source of $CO_2$ and of overall emissions, was fossil fuel combustion, representing approximately 81.3 percent of U.S. GHG emissions (see Figure 4.8-2). Methane ($CH_4$) accounted for nearly 10 percent, nitrous oxide ($N_2O$) accounted for approximately 6.5 percent, and the remaining 2.7 percent of U.S. GHG emissions were hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride ($SF_6$), and nitrogen trifluoride ($NF_3$) (USEPA. 2020).

**Figure 4.8-2 2018 U.S. GHG Emissions by Gas**

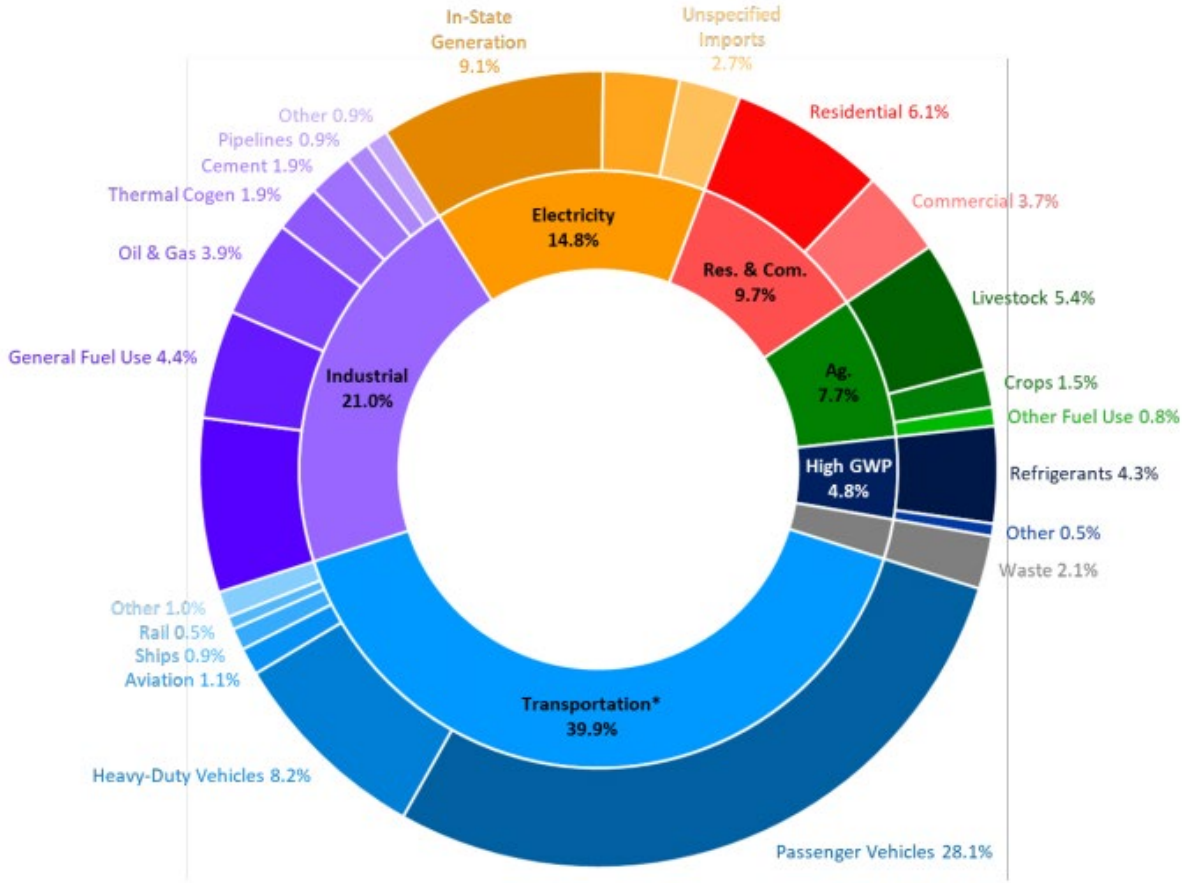



Source: USEPA, 2020. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2018.

### *California GHG Inventory*

According to the California Air Resources Board (CARB), total California GHG emissions were 425 MMT $CO_2e$ in 2018 (see Figure 4.8-3). This was 0.8 MMT$CO_2e$ higher than 2017 levels. The major source of GHGs in California is associated with transportation, contributing nearly 40 percent of Statewide GHG emissions in 2018. The industrial sector is the second largest source, contributing 21 percent of Statewide GHG emissions, and the electricity sector accounted for approximately 15 percent (CARB, 2020).

**Figure 4.8-3 2018 California GHG Emissions by Scoping Plan Sectors and Sub-Sectors**




Note: This figure breaks out 2018 California emissions by sector into an additional level of sub-sector categories. The inner ring shows the broad CARB Climate Change Scoping Plan sectors. The outer ring breaks out the sectors into sub-sectors or emission categories. The transportation sector represents tailpipe emissions from on-road vehicles and direct emissions from other off-road mobile sources; it does not include emissions from petroleum refineries and oil extraction and production, which are included in the industrial sector.

Source: CARB, 2020

## *Regional and Local GHG Inventories*

### SAN FRANCISCO BAY AREA GHG INVENTORY

BAAQMD conducts periodic inventories of GHG emissions within the Air Basin. This includes the nine county Bay Area region, of which the Town of Los Gatos is a part. In January 2015, the BAAQMD updated its regional GHG emissions inventory (originally conducted for the baseline year of 2002) to the base year 2011. In 2011, 86.6 MMT CO2e were emitted as a result of activities in the San Francisco Bay Area. Of these, 83.9 MMT CO2e were emitted within the Air Basin and 2.7 MMT CO2e were indirect emissions from imported electricity.

The transportation sector contributed approximately 40 percent of total GHG emissions in the Bay Area, including on-road motor vehicles, locomotives, ships and boats, and aircraft. The industrial/commercial sector contributed about 36 percent of regional GHG emissions, with primary sources including oil refining, natural gas and other fuel combustion, waste management, cement manufacturing, and other sources (BAAQMD 2015). Energy production contributed 14 percent of emissions, one-third of which was generated outside of the Bay Area. Of the nine counties included

in the inventory, Santa Clara County, in which the Town of Los Gatos lies, contributed 18.5 percent of emissions, as shown in Table 4.8-2.

**Table 4.8-2 San Francisco Bay Area GHG Emissions Contribution by County, 2011**

| County | Percent of Total Emissions | Emissions (MMT $CO_2e$) |
|---|---|---|
| Alameda | 15.2 | 13.2 |
| Contra Costa | 36.3 | 31.4 |
| Marin | 2.8 | 2.4 |
| Napa | 1.7 | 15 |
| San Francisco | 6.6 | 5.7 |
| San Mateo | 8.9 | 7.7 |
| Santa Clara | 18.5 | 16.0 |
| Solano[1] | 5.9 | 5.1 |
| Sonoma[1] | 4.0 | 3.5 |

[1] Portion lying within the BAAQMD.

Source: BAAQMD, January 2015

## LOS GATOS GHG INVENTORY

Los Gatos adopted a Sustainability Plan in 2012, which included a three-year-average inventory of 2006-2008 communitywide GHG emissions. The inventory within the Sustainability Plan included GHG emissions from community facilities. The Town categorizes GHG emissions into the following GHG emissions sectors:

- Residential electricity use: indirect emissions from purchased electricity for residential accounts within the community;
- Nonresidential electricity use: indirect emissions from purchased electricity for nonresidential accounts within the community;
- Residential natural gas use: stationary emissions from combustion of purchased natural gas for residential accounts within the community, such as space heating or water heaters;
- Nonresidential natural gas use: stationary emissions from combustion of purchased natural gas for nonresidential accounts within the community, such as space heating or water heaters;
- Transportation (on-road VMT): mobile emissions from combustion of fuels in passenger and commercial vehicles within the community;
- Transportation (off-road equipment): mobile emissions from combustion of fuels in construction, landscaping, and entertainment equipment;
- Water and wastewater: indirect emissions from purchased electricity used for transport/conveyance of water and wastewater to and from users within the community; and
- Solid waste: stationary emissions from solid waste decomposition in landfills.

GHG emissions sectors excluded from the inventory were industrial activities and carbon sequestration. The 2008 activity data and respective GHG emissions were separated from the 2006-

2008 inventory to produce a 2008 GHG emissions inventory for Los Gatos (see Appendix B for more details). The Los Gatos 2008 GHG emissions inventory is summarized below in Table 4.8-3 and shown in Figure 4.8-4.

**Table 4.8-3 Los Gatos 2008 GHG Emissions Inventory Summary**

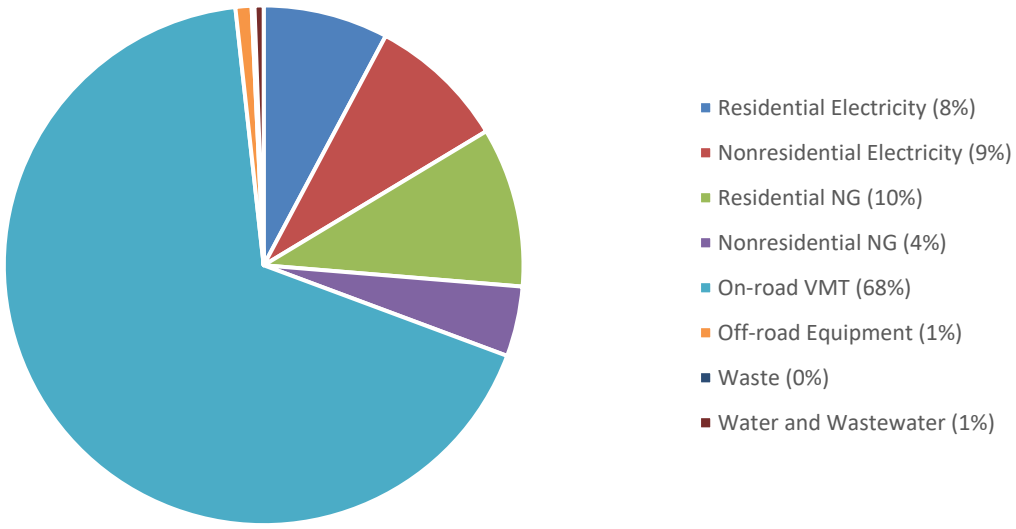
| GHG Emissions Sector | 2008 GHG Emissions ($MTCO^2e$) |
|---|---|
| Residential Electricity | 28,581 |
| Nonresidential Electricity | 31,537 |
| Residential Natural Gas | 36,485 |
| Nonresidential Natural Gas | 16,015 |
| On-road VMT | 248,146 |
| Off-road Equipment | 3,670 |
| Waste | 651 |
| Water and Wastewater | 2,084 |
| **Total Emissions** | **367,168** |
| **Per Capita Emissions** | **12.74** |

MT = metric tons; CO2e = carbon dioxide equivalent

Note: Per capita emissions were calculated based on a 2008 population of 28,810 people.

Source: Appendix B

**Figure 4.8-4 Los Gatos 2018 GHG Emissions Inventory**




Total GHG emissions in the Town were approximately 367,168 MTCO2e in 2008. On-road transportation sector was the largest source of emissions in 2008, contributing 68 percent of total emissions, followed by electricity usage (17 percent), and natural gas (14 percent). The remaining sectors – off-road equipment, waste, water, and wastewater – composed less than 5 percent of total emissions in Los Gatos.

## g. Climate Change Trends and Effects

Globally, climate change has the potential to affect numerous environmental resources through potential impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the 21st century than was observed during the 20th century. Long-term trends found that each of the past four decades was warmer than all the previous decades in the instrumental record. The observed global mean surface temperature for the decade from 2006 to 2015 was 0.87°C higher than the global mean surface temperature over the period from 1850 to 1900. Several independently analyzed data records of global and regional Land-Surface Air Temperature (LSAT) obtained from station observations agree that LSAT and sea surface temperatures have increased. Due to past and current activities, anthropogenic GHG emissions are increasing global mean surface temperature at a rate of 0.2°C per decade. In addition, there are identifiable signs that global warming is currently taking place, including substantial ice loss in the Arctic over the past two decades (IPCC, 2014b; 2018).

### *California*

According to *California's Fourth Climate Change Assessment*, Statewide temperatures from 1986 to 2016 were approximately 1°F to 2°F higher than those recorded from 1901 to 1960. Potential impacts of climate change in California may include loss in water supply from snowpack, sea level rise, more extreme heat days per year, more large forest fires, and more drought years. While there is growing scientific consensus about the possible effects of climate change at a global and Statewide level, current scientific modeling tools are unable to predict what local impacts may occur with a similar degree of accuracy (California, 2018).

In California, climate change may result in consequences such as the following (California Climate Change Center 2006):

- **A reduction in the quality and supply of water from the Sierra snowpack.** If heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent. This can lead to challenges in securing adequate water supplies. It can also lead to a potential reduction in hydropower.
- **Increased risk of large wildfires.** If rain increases as temperatures rise, wildfires in the forests, grasslands and chaparral ecosystems of Southern California are estimated to increase by approximately 30 percent toward the end of the 21st century because more winter rain will stimulate the growth of more plant "fuel" available to burn in the fall. In contrast, a hotter, drier climate could promote up to 90 percent more northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.
- **Reductions in the quality and quantity of certain agricultural products.** The crops and products likely to be adversely affected include wine grapes, fruit, nuts, and milk.
- **Exacerbation of air quality problems.** If temperatures rise to the medium warming range, there could be more days with weather conducive to ozone relative to today's conditions. This increase in air quality problems could result in an increase in asthma and other health-related problems.
- **A rise in sea levels resulting in the displacement of coastal businesses and residences.** During the past century, sea levels along California's coast have risen about seven inches. If emissions continue unabated and temperatures rise into the higher anticipated warming range, sea level is

expected to rise an additional 22 to 35 inches by the end of the century. Elevations of this magnitude would inundate coastal areas with salt water, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

- **An increase temperature and extreme weather events.** Climate change is expected to lead to increases in the frequency, intensity, and duration of extreme heat events and heat waves in California. More heat waves can exacerbate chronic disease or heat-related illness.
- **A decrease in the health and productivity of California's forests.** Climate change can cause an increase in wildfires, an enhanced nuisance insect population, and establishment of non-native species.

### *Regional and Local Impacts of Climate Change*

Increases in the globally averaged atmospheric concentration of GHGs will cause the lower atmosphere to warm, in turn inducing many changes to the global climate system. These changes will have unique and potentially severe impacts. As identified in the 2010 ABAG Multijurisdictional Local Hazard Mitigation Plan (ABAG 2010) for the San Francisco Bay Area, potential impacts in the region may include:

- Flooding;
- Extreme storms;
- Landslides;
- Wildfires;
- Drought;
- Sea level rise;
- Water quality;
- Water supply; and
- Economic impacts.

The potential magnitude of environmental, economic, and social impacts is further evaluated in the Santa Clara County 2015 *Silicon Valley 2.0 Climate Adaptation Guidebook* and decision support tool (SCCOSCA 2015). This support tool intends to provide community and regional strategies to adaptively respond to climate change, offering information on exposure, adaptive capacity, likelihood, and potential outcomes. The Guidebook suggests that Santa Clara County, including Los Gatos, is expected to experience impacts including:

- Sea level rise of 11-19 inches by mid-century and 30-55 inches by end-of-century with potentially very high economic impacts;
- High increase in frequency and impact of riverine flooding with potentially extreme economic impacts;
- High increase in frequency, impact, and duration of wildfire with potentially extreme economic impacts;
- Moderate increase in frequency and high increase in severity of extreme heat with low economic impacts; and
- Moderate increase in frequency and high increase in severity of drought.

## 4.8.2 Regulatory Setting

### a. International

*Paris Climate Change Agreement*

Parties to the United Nations Framework Convention on Climate Change (UNFCCC) reached an agreement on December 12, 2015, in Paris, charting a new course in the global climate effort. The treaty commits member countries to put forward their best efforts and to strengthen them in the years ahead, including requirements that all parties report regularly on their emissions and implementation efforts, and undergo international review. The agreement and a companion decision by parties, known as the 21st session of the UNFCCC Conference of the Parties, or "COP 21" were the key outcomes that reaffirmed the goal of limiting global temperature increase below 2°C while urging efforts to limit the increase to 1.5°C and established binding commitments by all parties to make nationally determined contribution and to pursue domestic measures aimed at achieving them. Under the terms of the agreement, the United State promised to reduce its emissions by about 25 percent by 2025 compared with 2005 levels, but according to analysts, the country is only on track to achieve about a 17 percent reduction. The United States exited from the accord briefly in November 2020 following declarations by the Trump administration to do so. The U.S. rejoined the accord in February 2021, after President Joe Biden took office, fulfilling a commitment he had made during the runup to the November 2020 election.

### b. Federal

*Clean Air Act (Regulation of GHGs)*

The U.S. Environmental Protection Agency (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. To date, the EPA has not promulgated regulations on GHG emissions, but it has already begun to develop them.

*U.S. Consolidated Appropriations Act (Mandatory GHG Reporting)*

The Consolidated Appropriations Act, passed in December 2007, required the establishment of mandatory GHG reporting requirements. In September 22, 2009, the EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule, which became effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the U. S. and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to the EPA. The first annual reports for the largest emitting facilities, covering calendar year 2010, were submitted to EPA in 2011.

### c. State

*California Assembly Bill 1493 (Pavley Regulations and Fuel Efficiency Standards)*

AB 1493 (2002), California's Advanced Clean Cars program (referred to as Pavley), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of

GHG emissions from motor vehicles." On June 30, 2009, U.S. EPA granted the waiver of CAA preemption to California for its GHG emission standards for motor vehicles beginning with the 2009 model year. Pavley I regulates model years from 2009 to 2016, and Pavley II, which is now referred to as "LEV (Low Emission Vehicle) III GHG", regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs, and would provide major reductions in GHG emissions. By 2025, when the rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels.

### *California Assembly Bill 32 (Global Warming Solutions Act and Scoping Plan)*

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," which was signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million $MTCO_2e$. The Scoping Plan was approved by CARB on December 11, 2008 and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan Update defined CARB's climate change priorities for the next five years and set the groundwork to reach post-2020 Statewide goals. The 2013 Scoping Plan Update highlighted California's progress toward meeting the 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the State's longer-term GHG reduction strategies with other State policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use.

### *California Senate Bill 32 (Global Warming Solutions Act and Scoping Plan Extension)*

SB 32 signed into law on September 8, 2016, tightens the requirements of AB 32 by requiring the State to further reduce GHGs to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383. The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with statewide per capita goals of 6 $MTCO_2e$ by 2030 and 2 $MTCO_2e$ by 2050. As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for individual projects because they include all emissions sectors in the State.

### *California Executive Order B-55-18*

On September 10, 2018, Governor Brown issued Executive Order B-55-18, which established a new Statewide goal of achieving carbon neutrality by 2045 and maintaining net negative GHG emissions thereafter. This goal is in addition to the existing Statewide GHG reduction targets established by SB 32, SB 100, SB 375, and SB 1383.

### *California Assembly Bill 1493 (Pavley Regulations and Fuel Efficiency Standards)*

AB 1493 (2002), California's Advanced Clean Cars program (referred to as Pavley), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, U.S. EPA granted the waiver of the Clean Air Act preemption to California for its GHG emission standards for motor vehicles beginning with the 2009 model year. Pavley I regulates model years from 2009 to 2016, and Pavley II, which is now referred to as "Low Emission Vehicle (LEV) III GHG", regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs, and would provide major reductions in GHG emissions. By 2025, when the rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels.

### *California Code of Regulations Title 24 (California Building Code)*

The California Code of Regulations (CCR) Title 24 is referred to as the California Building Code, or CBC. It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and other requirements. The CBC's energy efficiency and green building standards are outlined below.

#### PART 6 – BUILDING ENERGY EFFICIENCY STANDARDS

CCR Title 24 Part 6 is the Building Energy Efficiency Standards. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. The Building Energy Efficiency Standards is updated periodically to incorporate and consider new energy-efficiency technologies and methodologies as they become available. New construction and major renovations must demonstrate their compliance with the current Building Energy Efficiency Standards through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the California Energy Commission. Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards, and residential buildings will be seven percent more energy efficient. When accounting for the electricity generated by the solar photovoltaic system, residential buildings would use 53 percent less energy compared to buildings built to the 2016 standards.

#### PART 11 – CALIFORNIA GREEN BUILDING STANDARDS

The California Green Building Standards Code, referred to as CALGreen, was added to CCR Title 24 as Part 11 first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 CBC). The 2016 CALGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions

must enforce the minimum mandatory Green Building Standards and may adopt additional amendments for stricter requirements.

Mandatory standards require:

- 20 percent reduction in indoor water use relative to specified baseline levels;
- 50 percent construction/demolition waste diverted from landfills;
- Inspections of energy systems to ensure optimal working efficiency;
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards; and
- Installation of EV charging stations at least three percent of the parking spaces for all new multi-family developments with 17 or more units.

Similar to the compliance reporting procedure for demonstrating Building Energy Efficiency Standards compliance in new buildings and major renovations, compliance with the CalGreen water-reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CalGreen or a reduced per-plumbing-fixture water use rate.

### *California Senate Bill 100 (100 Percent Clean Energy Act)*

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the State's Renewables Portfolio Standard Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 50 percent of total retail sales by 2026, 60 percent by 2030, and 100 percent by 2045.

### *California Senate Bill 375 (Sustainable Communities and Climate Protection Act)*

SB 375, signed in August 2008, enhances the State's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. In addition, SB 375 directs each of the State's 18 major Metropolitan Planning Organizations (MPOs) to prepare a "sustainable communities strategy" (SCS) that contains a growth strategy to meet these emission targets for inclusion in the Regional Transportation Plan (RTP). On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Association of Bay Area Governments (ABAG) was assigned targets of a 10 percent reduction in GHGs from transportation sources by 2020 and a 19 percent reduction in GHGs from transportation sources by 2035.

### *California Senate Bill 97 and CEQA Guidelines Update*

SB 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in CEQA documents. In March 2010, the California Natural Resources Agency adopted amendments to the CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHG and climate change impacts.

### *CARB Innovative Clean Transit Regulations*

In December 2018, the CARB adopted the Innovative Clean Transit regulations, requiring all transit agencies to develop a plan to achieve zero emission bus fleets on or before 2040. Starting between 2023 and 2029, transit agencies must begin purchasing only zero-emission bus (ZEB) replacements and must have completed the fleet replacement program prior to 2040.

### *California Senate Bill 1383 (Short-lived Climate Pollutants)*

Adopted in September 2016, SB 1383 requires the CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. The bill requires the strategy to achieve the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels;
- Hydrofluorocarbons – 40 percent below 2013 levels; and
- Anthropogenic black carbon – 50 percent below 2013 levels.

### *California Model Water Efficient Landscape Ordinance*

The revised Model Water Efficient Landscape Ordinance became effective on December 15, 2015. New development that includes landscaped areas of 500 square feet or more are subject to the following revised Ordinance requirements:

- More efficient irrigation systems;
- Incentives for graywater usage;
- Improvements in on-site stormwater capture; and
- Limiting the portion of landscapes that can be planted with high water use plants; and
- Reporting requirements for local agencies.

### *California Assembly Bill 341/Assembly Bill 1826 (Mandatory Recycling/Composting)*

The California Integrated Waste Management Act of 1989, as modified by AB 341, requires each jurisdiction's source reduction and recycling element to include an implementation schedule that shows diversion away from landfills of 75 percent of all solid waste by 2020 and annually thereafter. And AB 1826 requires recycling of organic waste (i.e., composting). All businesses and public entities that generate four or more cubic yards of solid waste per week and multi-family residential dwellings that have five or more units are required to recycle and compost.

## d. Regional

### *Bay Area Air Quality Management District Clean Air Plan*

Los Gatos is located in the San Francisco Bay Air Attainment Basic (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). BAAQMD is responsible for enforcing standards and regulating stationary sources in their jurisdiction. BAAQMD regulates GHG emissions through specific rules and regulations as well as project and plan level emissions thresholds for GHGs to ensure that the Bay Area contributes to its fair share of emissions reductions. In 2017, BAAQMD published the 2017 Clean Air Plan, which includes policy approaches, control measures, and technical programs that will help the region make progress toward the 2050 GHG emissions goal of reducing GHG emissions by 2050 to 80 percent below 1990 levels. BAAQMD's 2017 Clean Air Plan also contains guidance regarding compliance with AB 32, stating that

AB 32 requires the reduction of statewide GHG emissions to 1990 levels by 2020, which may be satisfied by local jurisdictions through a 15-percent reduction from an emissions baseline established in 2008 or earlier.

### *Plan Bay Area: Strategy for a Sustainable Region (2017 RTP/SCS)*

The Metropolitan Transportation Commission (MTC) adopted the Plan Bay Area 2017 update, which identified how the Bay Area would meet its GHG emission reduction targets. Plan Bay Area is also considered the ABAG/MTC Regional Transportation Plan/Sustainable Communities Strategy. In accordance with SB 743, the Plan Bay Area included elements designed to encourage the type of land-use development to meet three primary objectives. First, Roadway Level of Service (LOS) could not be considered an environmental impact under the California Environmental Quality Act (CEQA). Second, it introduced changes to Vehicle Miles Traveled (VMT) per capita as a determinant of environmental impact. Third, the use of VMT as an environmental impact in CEQA is considered a mechanism for achieving State and regional GHG reduction goals.

### *Valley Transportation Plan 2040 (VTP 2040)*

Valley Transportation Plan (VTP) 2040 serves as Santa Clara County's long-range Countywide transportation plan. VTP 2040 is an update to VTP 2035 and was adopted by the Valley Transportation Authority (VTA) in February 2009. VTP 2040 provides programs, projects, and policies for roadways, transit, Intelligent Transportation Systems (ITS)/Systems Operations Management (SOM), bicycle and pedestrian facilities, and land use/transportation integration. VTP 2040 projects serve as VTA's recommendations for the Regional Transportation Plan (i.e., Plan Bay Area).

## e. Local

### *Los Gatos Sustainability Plan*

The Town of Los Gatos adopted a Sustainability Plan in 2012 in accordance with the 2020 General Plan and addresses the major sources of GHG emissions in the Town and sets a GHG reduction target and implementation measures to achieve that target. It outlines strategies to achieve a GHG reduction target of 15 percent below the inventory level, which was calculated as an average of 2005-2008 emissions, by 2020. The Sustainability Plan includes community and municipal GHG reduction measures and actions in the areas of transportation and land use, green buildings, renewable energy and low carbon fuels, energy conservation, water and wastewater, solid waste, open space, community action, and climate-friendly purchasing. Together, these measures and actions enable the Town to achieve its climate protection goals. Adoption of the 2012 Sustainability Plan implemented policies and actions from the 2020 General Plan through 2020. It is unknown whether the Los Gatos GHG reduction goal set in 2012 was achieved by 2020.

### *Los Gatos New Residential Construction Electrification Reach Code*

Local governments are authorized to adopt local modifications to the State energy standards contained in the California Code of Regulations Title 24 Part 6 also known as the California Energy Code and Part 11 also known as the California Green Building Standards Code. Such local changes are referred to as "energy reach codes." To adopt an energy reach code, a local government must find that its proposed changes are cost-effective, and the California Energy Commission (CEC) must find that the changes would result in buildings designed to use no more energy than permitted by

the California Energy Code. An energy reach code may be implemented by the local government only after the CEC has approved it. In December 2019, the Los Gatos Town Council approved a reach code ordinance for new single-family residential homes, accessory dwelling units, and low-rise multifamily buildings. This ordinance was then approved by the CEC in February 2020 and became effective on all applicable Building Permit applications submitted February 21, 2020, and later.

The Los Gatos reach code addresses three main areas as outlined below.

1) All new single-family residential buildings, low-rise multifamily buildings, and ADUs (Accessory Dwelling Unit) shall use electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, clothes drying appliances, and other features for both interior and exterior applications.
2) All single-family residential buildings, low-rise multifamily buildings, and ADUs (Accessory Dwelling Unit) shall be prewired for the installation of battery storage. The prewiring shall be in accordance with California Building, Residential, and Electrical Codes and be adequately sized by a licensed professional to accommodate the back-up loads installed in the critical load panel with a minimum of 5 kwh.
3) All single-family residential buildings, low-rise multifamily buildings with private garages, and ADUs (Accessory Dwelling Unit), shall provide two wired National Electrical Manufacturers Association (NEMA) outlets, each supplied by a separate 40-ampere minimum dedicated branch circuit, and shall be installed specifically for supplying electrical power to an Electric Vehicle Charger. One outlet shall be installed inside the garage and the other outlet shall be installed outside the garage.

### *Los Gatos Polystyrene Foodware Ordinance*

Los Gatos adopted a Polystyrene Foodware Ordinance that took effect on June 1, 2015, and prohibits food providers from dispensing food and beverages prepared on the premises for "dine-in" or "take-out" customers using polystyrene "foam" food service ware. The Ordinance also prohibits the sale of polystyrene foam ice chests/coolers at stores in Los Gatos. The ordinance does affect prepackaged foods in foam cups or trays like ramen noodles, raw eggs, meat, fish or poultry. "Food provider" means a vendor, business, organization, entity, group or individual that offers food or beverages to the public for consumption on or off premises, regardless of whether there is a charge for food, such as a: restaurant, bar, pub, caterer, cafeteria, coffee shop, deli, liquor or convenience store, grocery, mobile food truck, push-cart, sidewalk or other outdoor vendor, road-side stand, festival or any retail food establishment. The purpose of the Ordinance is to reduce polystyrene in waterways and comply with regional water quality control requirements.

### *Los Gatos Wood Burning Ordinance*

This ordinance restricts the sale and use of fireplaces and other wood-burning appliances that do not meet Federal EPA standards.

### *Town of Los Gatos Green Building Standards*

In 2008, the Town of Los Gatos adopted LEED and GreenPoint rating systems as its green building standards and adopted a LEED Silver standard for municipal construction and renovations. The Town's current Building Code, adopted in 2017, are the 2016 California Building Code, including Part 11 California Green Building Standards Code (CALGreen). CALGreen enhances the design and

construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices, similar to LEED.

### *Los Gatos Green Business Certification*

Los Gatos is certified as a Green Business by Santa Clara County, having adopted formal efforts to conserve resources, prevent pollution, and minimize waste in its operations.

### *US Mayors Climate Protection Agreement*

In 2007, the Town of Los Gatos formalized its commitment to take action to significantly reduce global warming pollution by signing the US Mayors Climate Protection Agreement. This agreement calls for taking action to achieve an emissions reduction target of seven percent below 1990 levels by 2012.

### *Cities for Climate Protection (CCP) Resolution*

In 2008, the Town of Los Gatos passed a resolution adopting the CCP, led by ICLEI – Local Governments for Sustainability. The CCP helps local governments and communities to reduce GHG emissions and their associated environmental impacts. Jurisdictions that join the CCP commit to a five-step process:

1. Measure emissions of GHGs;
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.

## 4.8.3 Impact Analysis and Mitigation Measures

### a. Significance Criteria

Los Gatos utilizes the following 2020 CEQA Guidelines Appendix G significance criteria questions related to GHG Emissions.

Would the 2040 General Plan:

a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

### b. Issues Not Evaluated Further

All issues applicable to GHG emissions listed under the CEQA significance criteria above are addressed in this section.

### c. Analysis Methodology

The focus of this analysis and the estimate of GHG emissions are limited to only those potential emissions that would result from buildout of the General Plan, which includes traffic modeling

based on regional trips and vehicle trips that pass through the Town. While emissions generated in the Town and the region, such as those emissions generated by businesses or individual operations, may contribute to GHG emissions globally, only those emissions that may change compared to existing conditions under implementation of the General Plan are included in this EIR as a reasonable approach to estimate GHG impacts of the General Plan. Emissions not directly resulting from buildout of the General Plan are considered outside the scope of this CEQA analysis because it would be speculative to analyze impacts not directly related to the General Plan.

### *Construction Emissions*

Construction inputs in CalEEMod included buildout of the General Plan. Average annual emissions from construction under the proposed 2040 General Plan were calculated, including both on-site and off-site activities. On-site activities would consist of the operation of off-road construction equipment, as well as on-site truck travel, such as haul trucks, water trucks, dump trucks, and concrete trucks, whereas off-site sources would be emissions from construction vehicle trips. Pollutant emissions associated with buildout of the General Plan were estimated to begin in 2022 and end with buildout of the General Plan in 2040.

### *Operational Emissions*

GHG emissions for the proposed 2040 General Plan operation were calculated with regard to the GHGs $CO_2$, $N_2O$, and $CH_4$, which are combined using each GHGs' GWP and reported as $CO_2e$. GHG emissions were modeled for energy, transportation, waste, and water/wastewater sources. The input data and operational GHG emission estimates for proposed 2040 General Plan are discussed below and in Appendix B.

#### ENERGY EMISSIONS

##### Electricity

Projected GHG emissions from electricity were calculated by multiplying the growth factor for each electricity source (in units of kWh per house or job) by the corresponding housing or jobs projection for each year. New electricity usage above the 2008 baseline in each forecast year was then reduced by 75 percent and 50 percent for residential and nonresidential electricity, respectively, to model efficiency increases from the 2013, 2016, and 2019 Building Energy Efficiency Standards from Title 24 over the 2008 Building Efficiency Standards. Residential electricity was further adjusted by adding the estimated additional electricity expected from Los Gatos' electrification reach code for new residential construction. The natural gas reductions resulting from the reach code were converted to electricity using an energy conversion factor of 29.3 kWh/therm, then divided by three according to the assumption that electric appliances are on average three times more energy efficient than their natural gas counterparts. Resulting electricity usage for each electricity source was then multiplied by the corresponding emissions factor. While the 2008 inventory used an emissions factor from PG&E for PG&E-provided electricity, Los Gatos switched to Silicon Valley Clean Energy (SVCE)-provided electricity in 2016. The electricity emissions factors for the forecast were therefore calculated based on the most recent residential and nonresidential electricity emissions factors from SVCE, which were adjusted for future years based on California renewable portfolio standard (RPS) requirements.

### Natural Gas

Projected GHG emissions from natural gas were calculated by multiplying the growth factor for each natural gas source (in units of therms per house or job) by the corresponding housing or jobs projection for each year. New natural gas usage above the 2008 baseline in each forecast year was then reduced by 53 percent and 30 percent for residential and nonresidential natural gas, respectively, to model efficiency increases from the 2013, 2016, and 2019 Building Energy Efficiency Standards from Title 24 over the 2008 Building Efficiency Standards. Residential natural gas usage was further adjusted by subtracting the estimated natural gas reductions resulting from Los Gatos' electrification reach code. Natural gas reductions for each year were calculated as all residential natural gas usage above the 2019 baseline; the year the ordinance was adopted. Resulting natural gas usage for each natural gas source was then multiplied by the emissions factor for natural gas shown, which is expected to remain constant in future years.

## TRANSPORTATION EMISSIONS

### On-road Transportation

Projected GHG emissions from on-road transportation were calculated by multiplying projected annual VMT by speed class, from the Los Gatos transportation model output, by its corresponding emissions factor, derived for each forecast year based on EMFAC2017 model output for 2025, 2030, 2035, 2040, and 2045. The EMFAC2017 model incorporates the legislative requirements and regulations regarding transportation in California, including the Advanced Clean Car Standards.

### Off-road Equipment

No adjustments to the BAU forecast for off-road equipment were incorporated into the adjusted forecast due to lack of State-level legislation that is expected to alter GHG emissions in this sector in the future.

## WASTE EMISSIONS

Emissions savings from Los Gatos' polystyrene foodware ordinance were calculated then subtracted from BAU waste emissions to yield adjusted waste emissions. Emissions savings were calculated by multiplying the growth factor for waste tonnage (in units of tons per service person) by the corresponding service population for each year, then multiplied by the average portion of municipal solid waste that is foodware packaging and multiplied again by the emissions factor for mixed plastic.

## WATER AND WASTEWATER EMISSIONS

Projected GHG emissions from water and wastewater were calculated by multiplying the growth factors for water and wastewater (in units of MWh per person or kWh per job) for each water stream by the corresponding population or jobs projection for each year, then multiplied by the corresponding electricity emissions factor. Water services in Santa Clara County are provided by Santa Clara Valley Water District (SCVWD), which relies on zero-carbon electricity for local water conveyance. Therefore, an emissions factor of zero was used to calculate emissions from electricity usage for water. Los Gatos is served by the San Jose-Santa Clara Water Pollution Control Plant (SJSC WPCP) located in San Jose. As of 2019, San Jose sources electricity from San Jose Clean Energy (SJCE). The electricity emissions factor for wastewater electricity usage was therefore calculated

based on the most recent electricity emissions factor from SJCE, which was adjusted for future years based on California RPS requirements.

## d. Thresholds of Significance

The vast majority of individual projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence on climate change. However, physical changes caused by a plan or project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a plan or project's contribution towards an impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15064[h][1]). The May 2017 BAAQMD *CEQA Air Quality Guidelines* provides two plan level thresholds for determining the significance of GHGs. The two approaches are as follows:

a. Consistency with a qualified GHG reduction plan; or
b. Meets the efficiency plan threshold of 6.6 MT of $CO_2e$ per service population (SP) per year.

According to the BAAQMD *CEQA Air Quality Guidelines*, a qualified GHG reduction strategy is one that includes the following elements:

1. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
2. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
3. Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
4. Specify measures or a group of measures, including performance standards that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
5. Monitor the plan's progress; and
6. Adopt the GHG Reduction Strategy in a public process following environmental review.

As discussed above under *Regulatory Setting*, the Town of Los Gatos adopted a Sustainability Plan in 2012. The Sustainability Plan establishes various GHG reduction measures and includes mandatory and enforceable measures that affect new development projects. Although the Town's Sustainability Plan meets the six required elements of a qualified GHG reduction strategy, the Sustainability Plan's horizon year is 2020 while the horizon year of the 2040 General Plan is 2040. Therefore, the first BAAQMD *CEQA Air Quality Guidelines* significance threshold cannot be applied in this EIR when analyzing the 2040 General Plan.

The second threshold of 6.6 MT of $CO_2e$ per SP per year is relevant for use. However, given the recent legislative attention and judicial action regarding post-2020 goals and the scientific evidence that additional GHG reductions are needed beyond the year 2020, the Association of Environmental Professionals' (AEP) Climate Change Committee published a white paper in 2016 recommending that CEQA analyses for most land use development projects can continue to rely on current thresholds for the immediate future, but that the significance determination should be based on

demonstrating substantial progress along a post-2020 trajectory (AEP 2016). The BAAQMD plan-level threshold of 6.6 MT of $CO_2e$ per SP per year is intended to achieve the State's 2020 goal of reducing emissions to 1990 levels. Therefore, the second BAAQMD *CEQA Air Quality Guidelines* significance threshold also cannot be applied to the 2040 General Plan.

Accordingly, a 2040 GHG efficiency threshold can be calculated to represent the rate of emissions reduction necessary for the 2040 General Plan to achieve a fair share of Statewide GHG reductions necessary to meet post-2020 SB 32 targets.[8] With the release of the 2017 Scoping Plan, CARB recognized the need to balance population growth with emissions reductions and in doing so, provided a new local plan level methodology for target setting that provides consistency with State GHG reduction goals using per capita efficiency targets. These Statewide per capita targets account for all emissions sectors in the State, Statewide population forecasts, and the Statewide reductions necessary to achieve the 2030 Statewide target under SB 32 and the 2045 Statewide target under EO B-55-18. To determine whether the 2040 General Plan would impede substantial progress toward achieving the emissions reduction targets established by SB 32 and EO B-55-18, this EIR establishes a 2040 GHG emissions target to meet GHG reductions consistent with SB 32 and on a trajectory to achieve the goals in EO B-55-18. The 2040 GHG emission target represents the emissions reductions necessary for the Town to achieve a fair share of Statewide GHG reductions necessary to meet the State's long-term targets.

The 2030 and 2040 GHG emissions targets are efficiency thresholds generated by dividing the Los Gatos GHG emissions target for 2030 and 2040 by the communitywide service population projections (residents plus employees) for those respective years. The following equations detail how the 2030 and 2040 GHG emissions targets and efficiency thresholds were calculated:

**EQUATION 4.8-1**

$$Per\ Capita\ Efficiency\ Threshold = \frac{2030\ Emissions\ Goal}{2030\ Population + 2030\ Employment}$$

*Where:*

*2030 Per Capita Efficiency Threshold = Average emissions efficiency: 3.31 MT of $CO_2e$ per service person per year*

*2030 Emissions Goal = 187,256 MT of $CO_2e$ per year*

*2030 Population = Los Gatos projected population in 2030: 35,143*

*2030 Employment = Los Gatos projected jobs in 2030: 21,057*

**EQUATION 4.7-2**

$$Per\ Capita\ Efficiency\ Threshold = \frac{2040\ Emissions\ Goal}{2040\ Population + 2040\ Employment}$$

*Where:*

[8] The *Cleveland National Forest Foundation vs. San Diego Association of Governments* (2017) case established that a GHG reduction goal established by executive order does not have to be used as significance threshold for the purposes of CEQA because it is not a binding legal mandate and does not include an adopted plan that demonstrates a discrete pathway to achieving that goal. In light of that case ruling, this analysis does not use the carbon neutrality goal set forth by EO B-55-18 as a significance threshold. Rather, this analysis uses the GHG reduction targets established by SB 32, which is a legal mandate, and the 2017 Scoping Plan, which is an adopted plan that demonstrates a discrete pathway to achieving the GHG reduction targets of SB 32.

*2040 Per Capita Efficiency Threshold = Average emissions efficiency: 1.02 MT of $CO_2e$ per service person per year*

*2040 Emissions Goal = 62,419 MT of $CO_2e$ per year*

*2040 Population = Los Gatos projected population in 2030: 39,221*

*2040 Employment = Los Gatos projected jobs in 2030: 21,930*

The target identified by remaining on the trajectory to meet Executive Order S-3-05, adjusted to be specific for Los Gatos, is appropriate for the Town to use as the basis for determining an applicable significance threshold for the 2040 General Plan. Based on the above, the 2040 General Plan must meet the target of net GHG emissions of approximately 1.02 MT of $CO_2e$ per service population per year at full buildout in the year 2040. Emissions greater than 1.02 MT of $CO_2e$ per service population per year would conflict with substantial progress toward the long-term reduction targets identified by SB 32 and Executive Order B-55-18, and the project's cumulative contribution of long-term emissions would be considered significant.

## e. Impact Analysis

| | |
|---|---|
| **Threshold 1:** | Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? |

**Impact GHG-1 IMPLEMENTATION OF 2040 GENERAL PLAN WOULD GENERATE ANNUAL GHG EMISSIONS OF APPROXIMATELY 323,446 MT OF $CO_2E$ PER YEAR, OR 5.29 MT OF $CO_2E$ PER SERVICE PERSON PER YEAR, IN 2040. THIS WOULD EXCEED THE 2040 EFFICIENCY THRESHOLD OF 1.02 MT OF $CO_2E$ PER SERVICE PERSON PER YEAR. EVEN WITH IMPLEMENTATION OF MITIGATION, GHG EMISSIONS WOULD NOT BE REDUCED TO BELOW THE EFFICIENCY THRESHOLD. THEREFORE, IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.**

### *Construction Emissions*

Development facilitated by the proposed 2040 General Plan would involve activities that would result in GHG emissions. Construction activities such as demolition, grading, construction worker travel, delivery and hauling of construction supplies and debris, and fuel combustion by on-site construction equipment would generate GHG emissions. As such, Los Gatos proposed 2040 General Plan projects construction (and related demolition) would generate GHG emissions between 2022 through 2040. BAAQMD's 2017 *CEQA Air Quality Guidelines* has no plan-level significance thresholds for construction GHG emissions that would apply to the 2040 General Plan. Therefore, no significance conclusion is made with regard to 2040 General Plan programmatic construction-related GHG emissions alone; rather operational and total (construction plus operational) programmatic GHG emissions are assessed with regard to significance level immediately below.

### *Operational and Total Emissions*

Los Gatos GHG emissions are based on the Los Gatos communitywide 2008 emissions inventory and communitywide GHG emissions anticipated related to ongoing activities within the community and buildout of the proposed 2040 General Plan. Projected GHG emissions for 2030, 2040, and 2045 include implementation of the proposed 2040 General Plan as well as several State and local GHG reduction actions that are assumed to be implemented. Specifically, the updated GHG forecast accounts for the following State actions:

- Implementation of light and heavy-duty fleet regulations, including Pavley standards, the Advanced Clean Cars program, tractor-trailer GHG regulations, and heavy-duty GHG emissions standards (Phase One).
- Implementation of the Renewable Portfolio Standard, which requires electricity providers to increase the portion of energy that comes from renewable sources to 60 percent by 2030 and zero-carbon by 2045.
- Implementation of Title 24 and subsequent building energy efficiency standards updates that ultimately achieve net zero energy use for new residential and non-residential construction.

The updated GHG forecast also accounts for the following local actions:

- Los Gatos' switch from PG&E provided electricity to SVCE-provided electricity in 2016; SVCE electricity has a different emissions factor than PG&E electricity.
- Los Gatos' adoption of an electrification reach code for new residential construction in 2019, which resulted in natural gas usage reductions after 2019.
- Los Gatos' adoption of a polystyrene foodware ordinance which bans the use of polystyrene foodware for takeout, resulting in emissions reductions in the waste sector.
- SCVWD, which provides water services for Los Gatos, switched electricity providers since 2008. SCVWD currently uses carbon-free electricity, resulting in zero emissions from water usage within Los Gatos.
- The SJSC WPCP, which provides wastewater services for Los Gatos, switched electricity providers since 2008. SJSC WPCP currently uses electricity from SJCE, which provides less carbon-intensive electricity than PG&E.

As shown in Table 4.8-4, under the adjusted scenario, forecasted communitywide GHG emissions from buildout of the 2040 General Plan would be approximately 320,956 MT of $CO_2e$ per service person per year in 2030 and approximately 323,446MT of $CO_2e$ per service person per year in 2040. Therefore, GHG emissions generated by the proposed 2040 General Plan would exceed the 2030 efficiency threshold of 3.31 MT of $CO_2e$ per service person per year as well as exceed the 2040 efficiency threshold of 1.02 MT of $CO_2e$ per service person per year.

**Table 4.8-4 Estimated General Plan 2030 and 2040 Emissions**

| Emission Source | 2030 Annual Emissions ($MT CO_2e$) | 2040 Annual Emissions ($MT CO_2e$) |
|---|---|---|
| Residential Electricity | 325 | 117 |
| Nonresidential Electricity | 342 | 116 |
| Residential Natural Gas | 38,160 | 38,160 |
| Nonresidential Natural Gas | 17,521 | 17,867 |
| On-road VMT | 258,648 | 260,630 |
| Off-road Equipment | 5,235 | 5,826 |
| Waste | 648 | 702 |
| Water and Wastewater | 77 | 28 |
| **Total Emissions** | **320,956** | **323,446** |
| **Total per Capita Emissions** | **5.68** | **5.29** |
| Efficiency Threshold | 3.31 | 1.02 |
| Threshold Exceeded? | Yes | Yes |

MT = metric tons; CO2e = carbon dioxide equivalent

Note: Per capita emissions were calculated based on a 2030 service population of 56,200 service persons and a 2040 service population of 61,151 service persons.

Source: Appendix B

While various goals, policies, and implementation programs contained in proposed 2040 General Plan would implement some GHG emission reduction strategies related to energy use and VMT reduction and increased waste diversion and water conservation goals, as shown in Table 4.8-4 the 2040 General Plan would not achieve GHG reductions to reach less-than-significant levels (represented by equal to or less than 3.31 per capita $MTCO_2e$ per service person per year and by 2030 and 1.02 per capita $MTCO_2e$ per service person per year by 2040). The exceedance is primarily due to on-road VMT, which accounts for approximately 81 percent of the total emissions. The main barrier to reducing VMT is the lack of public transit options in the Town. In Section 4.15, *Transportation*, Mitigation Measure T-1 provides individual, town-wide, and regional scale VMT reduction measures. The greatness reduction in VMT would be from regional level reduction strategies that encourage increased transit services and transit-oriented development. However, due to Town being a suburban area with limited public transit options, it may not be feasible for buildout under the 2040 General Plan to implement the individual and Town scale VMT reduction measure and also be a transit-oriented development. Furthermore, increasing transit services in the Town would require coordination with other regional or local agencies to change local transit practices which would not be possible at an individual project-level. Thus, there are limitation to how the Town can pursue regionwide VMT reductions and the effects of said programs are unknown at this time. As such, the 2040 General Plan would also not be in line with the State's 2030 and 2045 targets per SB 32 and EO B-55-8 respectively. Therefore, operational and total (construction plus operational) GHG emissions from buildout of the 2040 General Plan would be potentially significant, and Mitigation Measures MM GHG-1 would be required.

## Mitigation Measures

### *MM GHG-1 Implement Community GHG Emissions Reduction Measures*

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

## ENERGY (EN)

- **Measure EN1: Adopt an ordinance requiring new commercial construction to be all-electric or otherwise operationally carbon neutral by 2025:** Adopt a new building ordinance which bans the installation of natural gas in new commercial construction by 2025 and requires new commercial buildings to install all-electric equipment or otherwise be operationally carbon neutral. Support this action by conducting outreach and education to local developers about the benefits and resources associated with building carbon neutral buildings.
- **Measure EN2: Identify and partner with stakeholders to conduct electrification outreach, promotion, and education**: Leverage partnerships with stakeholders to conduct outreach, promotion, and education around new and existing building electrification.
- **Measure EN3: Develop a Community-wide Existing Residential Building Electrification Plan (EBEP):** Support community-wide existing building electrification through the development of an EBEP that addresses the feasibility, timeline, equity concerns, local stakeholder involvement, costs, funding pathways, and implementation for electrifying existing residential buildings in Los Gatos.
- **Measure EN4: Electrify existing residential buildings beginning in 2023:** Adopt an electrification ordinance for existing residential buildings to transition natural gas to electric in two phases, to be implemented through the building permit process:
  - Phase I: Limit expansion of natural gas lines in existing buildings by 2022.
  - Phase II: Require HVAC system replacements and hot water heaters replacements to be all-electric by 2023.
- **Measure EN5: Identify and partner with stakeholders to develop resident-level funding pathways for implementing electrification ordinance:** Leverage partnerships with stakeholders and establish funding pathways to ease community members' costs when complying with the electrification ordinance, including:
  - Pass a transfer tax ordinance and provide a rebate for electric panels and/or other upgrades.
  - Partner with PG&E, SVCE, and/or other stakeholders to create or expand electrification/retrofit programs and incentives, especially for low-income residents. These could include the PACE program, PG&E's low-income weatherization. program, tariffed on-bill financing, metered energy efficiency, or others.
- **Measure EN6: Decarbonize municipal buildings by 2040:** Adopt a municipal building energy decarbonization plan to decarbonize municipal building energy operations by 2040. This plan would include a new building electrification policy as well as an existing building natural gas phase-out policy.
- **Measure EN7: Coordinate with stakeholders to provide local energy generation support and incentives for the community:** Partner with PG&E, SVCE, and/or other stakeholders to support and incentivize local on-site energy generation and storage resources within the community.
- **Measure EN8: Develop an EV Readiness Plan to Support Installation of 794 Chargers by 2030:** Develop an EV Readiness Plan that supports the installation of 794 chargers (at least 160 of which would be public chargers) and a 30 percent EV share of registered passenger vehicles in Los Gatos by 2030. This plan should establish a path forward to increase EV

infrastructure within the Town, promote equitable mode shift to EVs, and identify funding for implementation of public charging infrastructure in key locations. In conjunction with an EV Readiness Plan, conduct a community EV Feasibility Study to assess infrastructure needs and challenges, particularly in frontline communities.

- **Measure EN9: Increase privately owned EV charging infrastructure:** Amend the Town's Building Code and Local Reach Code to require the following:
  - EV capable attached private garages for new single-family and duplex residential development;
  - 20 percent EV capable charging spaces and panel capacity for new multi-family residential development;
  - 20 percent EV capable charging spaces for new commercial development; and
  - At least 1 percent working chargers for all new development and major retrofits.
- **Measure EN10: Increase Town-owned and publicly accessible EV charging infrastructure:** Work with public and private partners to ensure there are sufficient publicly accessible DCFC and Level 2 EV chargers around the Town by 2030, with a focus on providing access to low-income households and affordable housing. Install new publicly accessible EV chargers at Town-owned facilities. Develop and implement a fee for use of Town-owned chargers to encourage efficient use and turnover, especially for those without home charging capability.
- **Measure EN11: Identify and partner with stakeholders to develop EV-related rebates:** Investigate partnerships with public and private partners for rebates on at-home electric circuits, panel upgrades, and Level 2 chargers, with a focus on supporting EV purchases for low-income households in frontline communities.
- **Measure EN12: Encourage EV adoption and infrastructure improvements:** Conduct outreach, promotion, and education to encourage EV adoption and infrastructure improvements. This would include the following:
  - Providing education and outreach to the community on the benefits of ZEVs, availability of public charging, and relevant rebates and incentives available for businesses and residents.
  - Working with major employers to provide EV charging for employees and encourage EV adoption among employees.

### TRANSPORTATION (TR)

- **Measure TR1: Implement Full Recommended Buildout of the Bicycle and Pedestrian Master Plan (BPMP):** Fully implement the BPMP and add 23.2 new miles of bike network by 2035 to achieve 6 percent bicycle mode share by 2035.
- **Measure TR2: Identify and partner with stakeholders to conduct outreach, promotion, and education:** Leverage partnerships with stakeholders to conduct ongoing outreach, promotion, and education around active transportation in Los Gatos. This could include:
  - Establishing Town-wide events or programs that promote active transportation in the community;
  - Regularly updating the Town's Bicycle and Pedestrian Network Map and sharing through Town and stakeholder partnership platforms;
  - Supporting local bike groups in hosting workshops and classes on bike riding, safety, and maintenance by certified instructors;

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

### WASTE (WS)

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

## Significance After Mitigation

Table 4.8-5 shows the GHG emissions reduction measures quantification summary for 2030 and 2040 associated with implementation of the various GHG reduction measures identified under Mitigation Measure GHG-1. Where GHG reduction measures were considered supportive and, thus, not quantifiable, specific quantification cannot be determined.

**Table 4.8-5 GHG Emissions Reductions Measures Quantification Summary**

| Emission Source | 2030 Annual Emissions (MT $CO_2e$) | 2040 Annual Emissions (MT $CO_2e$) |
|---|---|---|
| **Total Emissions without mitigation** | **320,956** | **323,446** |
| **Total per Capita Emissions without mitigation** | **5.68** | **5.29** |
| **Total Emissions with mitigation** | **244,145** | **154,917** |
| **Total per Capita Emissions with mitigation** | **4.32** | **2.53** |
| Efficiency Threshold | 3.31 | 1.02 |
| Threshold Exceeded with mitigation? | Yes | Yes |

MT = metric tons; CO2e = carbon dioxide equivalent

Note: Per capita emissions were calculated based on a 2030 service population of 56,200 service persons and a 2040 service population of 61,151 service persons.

Source: Appendix B

Even with implementation of Mitigation Measures GHG-1 requiring community GHG reduction measures, the proposed 2040 General Plan would result in emissions that exceed GHG efficiency thresholds and, thus, State targets. Therefore, with implementation of the identified mitigation measures, impacts related to generation of GHG emissions under the proposed 2040 General Plan would be significant and unavoidable with mitigation incorporated.

**Threshold 2:** Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

### Impact GHG-2 THE PROPOSED 2040 GENERAL PLAN EMISSIONS DURING CONSTRUCTION AND OPERATION WOULD EXCEED THE STATE AND TOWN-DERIVED GHG EMISSION TARGETS. THEREFORE, THE PROPOSED 2040 GENERAL PLAN WOULD CONFLICT WITH THE GOALS OF THE CARB 2017 SCOPING PLAN, SB 32, AND EO B-55-18. THEREFORE, IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE WITH MITIGATION.

Communitywide development under the proposed 2040 General Plan would result in additional GHG emissions due to construction, an increase in mobile sources, more building space requiring more heating and cooling, and an increased community population with respective operational activities entailing both increased transportation-related mobile emissions and energy-related stationary emissions. The proposed 2040 General Plan was evaluated for consistency with applicable State plans that were developed with the intent of reducing GHG emissions. Applicable State plans are discussed below.

## Consistency with State Plans (CARB 2017 Scoping Plan, SB 32, EO B-55-18)

The CARB 2017 Scoping Plan outlines a pathway to achieving the GHG emissions reduction targets set under SB 32 that are considered interim targets toward meeting the long-term 2045 carbon neutrality goal established by EO B-55-18. The project would impede "substantial progress" toward meeting the SB 32 and EO B-55-18 targets if the proposed 2040 General Plan GHG emissions exceeded the respective State targets derived as 2030 and 2040 GHG emission thresholds. As discussed under Impact GHG-1, the proposed 2040 General Plan's GHG emissions would exceed these State targets. As a result, implementation of the proposed 2040 General Plan would conflict with the reduction targets of the CARB 2017 Scoping Plan, SB 32, and EO B-55-18, and would

contribute to climate change. This impact is potentially significant. Mitigation Measure MM GHG-1 requiring community GHG reduction measures would be required.

With implementation of Mitigation Measure GHG-1, total and per capita Los Gatos GHG emissions would be reduced but not to a level below State targets by 2030 and 2040 respectively and, therefore, does not demonstrate a path toward achieving the emissions goals outlined by these State plans. As such, the proposed 2040 General Plan would preclude or create obstacles to future attainment of the related State GHG reduction goals. Therefore, the proposed 2040 General Plan impacts related to consistency with applicable State plans for GHG reduction would be potentially significant, and Mitigation Measures MM GHG-1 would be required.

### Mitigation Measures

See Mitigation Measure MM GHG-1 under Impact GHG-1.

### Significance After Mitigation

See *Significance After Mitigation* discussion under Impact GHG-1. With implementation of Mitigation Measure MM GHG-1 requiring community GHG reduction measures, the proposed 2040 General Plan would result in the following mitigated emissions:

- Emissions under the proposed 2040 General Plan would be reduced to 231,122 $MTCO_2e$ per year (or 4.09 per capita $MTCO_2e$ per service person per year) beginning in 2030; and
- Emissions under the proposed 2040 General Plan would be reduced to 135,847 $MTCO_2e$ per year (or 2.10 per capita $MTCO_2e$ per service person per year) beginning in 2040.

As mitigation would result in GHG emissions that exceed the 2030 and 2040 Los Gatos efficiency thresholds and, thus, State targets, the proposed 2040 General Plan would impede "substantial progress" toward meeting the CARB 2017 Scoping Plan, SB 32, and EO B-55-18 targets. Therefore, with implementation of the identified mitigation, impacts related to the proposed 2040 General Plan consistency with applicable GHG reduction plans would be significant and unavoidable with mitigation incorporated.

## 4.8.4 Cumulative Impacts

GHG emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the GHG emissions from past, present, and future projects and activities have contributed, currently are contributing, and would contribute to global climate change and its associated environmental impacts.

Project GHG emissions are inherently cumulative and do not require the estimation of cumulative projects in the region of a project. Rather, the determination of GHG cumulative impacts is based on the proposed plan's compliance with State targets established by SB 32 and EO B-55-18 to reduce GHG emissions to 40 percent below 1990 levels by 2030 and to net zero by 2045. In order to ensure that this goal would be achieved, Air Districts and Lead Agencies develop GHG thresholds to ensure compliance with the State target. Projects with GHG emissions in conformance with these thresholds, therefore, would not be considered significant for purposes of CEQA. In addition, although the emissions from such cumulative projects would add an incremental amount to the overall GHG emissions that cause global climate change impacts, emissions from projects consistent

with these thresholds would not be a "cumulatively considerable" contribution under CEQA. Such projects would not be "cumulatively considerable," because they would be helping to solve the cumulative problem as a part of the SB 32 Scoping Plan process. As determined under Impact GHG-1, the proposed plan would exceed the applicable State target derived thresholds. Furthermore, as discussed under Impact GHG-2, the proposed 2040 General Plan would conflict with applicable plans adopted to reduce the emissions of GHGs, specifically the CARB 2017 Scoping Plan, SB 32, and EO B-55-18. Therefore, there would be a potentially significant cumulative impact related to GHG emissions.

While implementation of Mitigation Measure MM GHG-1 would reduce impacts related to the proposed 2040 General Plan's generation of GHG emissions, it would not reduce to a less-than-significant level (represented by equal to or less than 3.31 per capita $MTCO_2e$ per service person per year and by 2030 and 1.02 per capita $MTCO_2e$ per service person per year by 2040). And implementation of Mitigation Measure MM GHG-1 would reduce impacts related to the proposed 2040 General Plan's consistency with applicable GHG reduction plans but not to a less-than-significant level (represented by consistency with the CARB 2017 Scoping Plan, SB 32, and EO B-55-18). As such, there would be a significant and unavoidable with mitigation incorporated cumulative impact related to GHG emissions generation and consistency with applicable GHG reduction plans.

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# 4.9 Hazards and Hazardous Materials

This section addresses impacts associated with exposure to hazards and hazardous materials from implementation of the 2040 General Plan. Specifically, this analysis addresses impacts related to hazardous materials use and transportation, the accidental release of hazardous materials, new development or re-development on contaminated sites, and interference with emergency response and evacuation plans. An analysis of the risk of exposure to wildland fires resulting from implementation of the 2040 General Plan is contained in Section 4.17, Wildfire.

## 4.9.1 Setting

### a. Definition of Hazardous Materials and Hazardous Waste

A material is considered hazardous if it appears on a list of hazardous materials prepared by a Federal, State, or local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous waste is defined in Title 22, Section 66261.10 of the California Code of Regulations (CCR) as one that has a characteristic that may:

> Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed.

Chemical and physical properties cause a substance to be considered hazardous. Such properties include toxicity, ignitability, corrosiveness, and reactivity. Sections 66261.20 through 66261.24 of Title 22 of the CCR defines the properties for hazardous waste and may be used to define characteristics of a hazardous material. The release of hazardous materials or hazardous wastes into the environment can contaminate soils, surface water, and groundwater supplies.

The Santa Clara County Fire Department (SCCFD) acts as the Certified Unified Program Agency (CUPA) for Santa Clara County, including Los Gatos. SCCFD issues hazardous materials permits to businesses that handle materials within Los Gatos. As CUPA, SCCFD also administers hazardous materials, hazardous waste, and underground storage tank programs for the Town of Los Gatos and other local communities.

### b. Land Use Patterns

Small quantities of hazardous materials in Los Gatos are used, stored, and transported by light industrial, commercial, and retail businesses and by educational facilities, hospitals, and households. Federal, State, and local agency databases maintain comprehensive information on the locations of facilities using large quantities of hazardous materials, and of facilities generating hazardous waste. Some of facilities use certain classes of hazardous materials that require accidental release scenario modeling and risk management plans to protect surrounding land uses. Past and present land use patterns are good predictors of the potential for past contamination by hazardous materials and the current use and storage of hazardous materials. Industrial sites and certain commercial land uses, such as gas stations, are more likely to use and store large quantities of hazardous materials than residential land uses. Land use patterns are also useful for identifying the location of sensitive receptors, such as schools, day-care facilities, hospitals, and nursing homes. In Los Gatos, industrial

and commercial land uses are concentrated along major transportation corridors but could be adjacent to or near existing and future residential development and educational facilities.

Los Gatos Union School District (LGUSD) oversees public educational services in Los Gatos for 3,200 students, kindergarten through eighth grade, at five campuses (LGUSD 2020). Los Gatos High School (LGHS) is part of the Los Gatos-Saratoga Union High School District and had 2,138 students enrolled during the 2018-2019 school year (National Center for Education Statistics 2019). The Town also hosts five private schools (California Department of Education 2020).

## c. Existing Hazardous Material Contamination

The safe use, manufacture, production, transportation, storage, treatment, disposal, and clean-up of hazardous materials and hazardous wastes present a potential threat to the health and safety of those who are using the materials and those who could be affected by improper or accidental release or disposal. Hazardous materials include all toxic, flammable, combustible, corrosive, poisonous, and radioactive substances, which possess the potential to bring harm to the public or the environment. An important subcategory of hazardous materials is hazardous waste.

Several contaminants may be present in Los Gatos, including asbestos, lead in lead-based paint in buildings or in soil, and chemicals or pesticides in soil and groundwater from commercial, industrial, and historic agricultural activities. Other common sources of hazardous materials in Los Gatos could include air emissions from industrial land uses and from transportation (see Section 4.8, Greenhouse Gas Emissions/Climate Change). Contamination in soils may be present at historic and existing gas stations, automotive uses, and dry cleaners in Los Gatos.

Soil contamination may also be present at residential development because of improper disposal of household hazardous wastes (HHW). The U.S. Environmental Protection Agency (USEPA) describes HHW as leftover household products that can catch fire, react, or explode under certain circumstances, or that are corrosive or toxic. HHWs include paints, cleaners, oils, batteries, pesticides, and a host of other products (USEPA 2018).

Landfills can have adverse impacts on surrounding properties, soils, and the groundwater below the landfill. The adverse impacts associated with these facilities are related to the kind of materials disposed of in them, which can consist of both non-hazardous (Class III), and hazardous waste (Class I), or a combination of both (Class II). The Guadalupe Landfill, a Class III facility serves Los Gatos and is located at 15999 Guadalupe Mines Road in San Jose. Santa Clara County has implemented a free HHW disposal program for paint, solvents, batteries, and other common HHW. Drop-off locations and times are offered throughout the County of Santa Clara. The nearest drop-off locations to the Town in San Jose. Hazardous waste can also be disposed of at West Valley Collection and Recycling, which accepts common household wastes, used motor oil and oil filters, aerosol cans, and e-waste, including batteries, televisions, computer equipment, and other electronic devices. Certain electronics retailers often also accept e-waste for recycling and disposal.

The California Environmental Protection Agency (CalEPA) Department of Toxic Substances Control (DTSC) maintains EnviroStor, a database the State uses to track cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, or sites where they may be reason to further investigate. Within this database, the Cortese List identifies sites where hazardous materials are present and cleanup activities are necessary. There are no sites in Los Gatos listed on the Cortese List.

Some open sites are designated as inactive, where no communications or cleanup actions have been undertaken for a significant period. For most contaminated sites, a combination of natural

attenuation, the natural process of chemicals breaking down into the environment into less hazardous compounds, and active remediation efforts such as pumping and treating groundwater, ultimately lead to a site being granted case closure. Five facilities in Los Gatos are listed in EnviroStor with ongoing cleanup or monitoring activities. Details about location and status as recorded in EnviroStor are provided in Table 4.9-1.

**Table 4.9-1 Hazardous Materials Sites in Los Gatos**

| Site Name | ESTOR/CalEPA ID# | Location | Status | Responsible Agency |
|---|---|---|---|---|
| Becton-Dickinson | 43300115 | 14300 Winchester Bl. | Referred to RWQCB | RWQCB |
| Burrell Property | 43650004 | 24010 Summit Road | Referred to other agency | None specified |
| Nova Alternative Ed | 60001072 | 809 University Avenue | Inactive – needs evaluation as of 12/2009 | DTSC |
| Carmen's Nursery | 70000096 | 16201 Mozart Avenue | Evaluated and No Action Required as of 4/2006 | DTSC |
| Swanson Ford Dealership | 60000320 | 16005 Los Gatos Bl. | Clean up ongoing | Santa Clara County Department of Environmental Health |

Source: DTSC 2021

Of these six sites, two have already undergone redevelopment: The Swanson Ford Dealership and the Becton-Dickenson. The Noval Alternative Education site is listed as inactive since 2009, and Carmen's Nursery site was given a No Action Required status in 2006. The Burrell property on Summit Road remains open but the responsible agency is not specified in EnviroStor.

Thousands of contaminated sites exist around the country because hazardous waste was dumped, left out in the open, or managed improperly at some point. These sites can be manufacturing facilities, landfills, and mining sites. The USEPA manages the clean-up of these sites and tracks their status on its Superfund database. No National Priority List, or Superfund, sites exist in Los Gatos, but there are several in Santa Clara County. They are listed in Table 4.9-2 with relative proximity to the Town.

**Table 4.9-2 Superfund Sites near Los Gatos**

| Site Name[2] | Location | Distance to Los Gatos |
|---|---|---|
| Advanced Micro Devices, Inc. | Sunnyvale | 14.5 miles |
| Applied Materials | Santa Clara | 15.4 miles |
| CTS Printex, Inc. | Mountain View | 16.4 miles |
| Fairchild Semiconductor | Mountain View | 16.4 miles |
| Fairchild Semiconductor | San Jose | 13.1 miles |
| Hewlett Packard | Palo Alto | 18.8 miles |
| Intel Corporation | Mountain View | 15.4 miles |
| Intel Corporation | Santa Clara | 11.1 miles |
| Intel Magnetics | Santa Clara | 11.8 miles |
| Intersil Inc./Siemens Components | Cupertino | 10.0 miles |
| Jasco Chemical Corporation | Mountain View | 15.5 miles |
| Lorentz Barrel & Drum | San Jose | 9.0 miles |

| Site Name[2] | Location | Distance to Los Gatos |
|---|---|---|
| Moffett Field | Mountain View | 16.2 miles |
| Monolithic Memories | Sunnyvale | 12.6 miles |
| National Semiconductor | Santa Clara | 13.5 miles |
| Raytheon Corporation | Mountain View | 15.3 miles |
| Spectra-Physics | Mountain View | 22.5 miles |
| Synertek | Santa Clara | 11.5 miles |
| Teledyne Semiconductor | Mountain View | 11.5 miles |
| TRW Microwave | Sunnyvale | 14.6 miles |
| Westinghouse Electric Corp | Sunnyvale | 14.5 miles |

Source: USEPA 2020

Los Gatos is in the Santa Clara Valley Groundwater sub-basin, which is managed by the Santa Clara Valley Water District (Valley Water). The 2019 Annual Ground Water Report notes 52 drinking water supply wells had low-level detections of 16 different volatile organic compounds (VOC; Valley Water 2020). The increase in wells with detected VOCs comes from the increased testing, especially for polyfluoroalkyl substances (PFAS). Valley Water works with Federal and State agencies to ensure that contaminant release sites are properly remediated to promote water supply reliability. The State Water Resources Control Board (SWRCB) GeoTracker online database records Leaking Underground Storage Tanks (LUST) cleanup sites; Cleanup Program sites, formerly known as Spills, Leaks, Investigations, and Cleanup sites; military sites; land disposal sites, or landfills; permitted underground storage tank sites; Waste Discharge Requirement sites; Irrigated Lands Regulatory Program sites; and DTSC cleanup and hazardous waste permit sites.

The Regional Water Quality Control Board (RWQCB) and the SCVWD identified hazardous sites and established programs for cleanup and prevention of further site contamination. The RWQCB tracks data about underground fuel tanks, fuel pipelines and public drinking water supplies. The RWQCB also tracks the cleanup progress of identified sites, and grants case closure when the cleanup has been adequately completed.

The California State Water Resources Control Board (SWRCB) maintains a list of sites with hazardous materials that may contaminate groundwater supplies. A search of the GeoTracker database was conducted on September 8, 2020 and returned a list of 82 facilities with cleanup activities (SWRCB 2020). Of 82 facilities in Los Gatos, all but one has completed all cleanup activities and formal case closure decisions have been issued, although any future development activities on these sites may require additional remediation activities and special permitting to ensure that people and the environment are not exposed to any newly unearthed contaminated material.

**Table 4.9-3 Open or Active Hazardous Material List Sites in Los Gatos**

| Site Name | Address | Site ID | Site Type | Status |
|---|---|---|---|---|
| Becton-Dickinson Maxxim Medical | 14300 Winchester Blvd. | Tiered Permit | Cortese List<br>Hydrocarbon solvents; unspecified organic liquid mixture, including BTEX, and phthalates | Preliminary endangerment assessment conducted, and health risk assessment submitted in 2002; company filed for bankruptcy February 2003 and site is under RWRCB supervision. |
| Nova Alternative Education | 809 University Ave | School | Cortese List<br>Petroleum, PAHS, uncategorized VOCs | Inactive, needs evaluation as of 12/2009; unclear if the site is active. |
| Swanson Ford Dealership[1] | 16005 Los Gatos Blvd. | Evaluation | Cortese List<br>TPH-ms in groundwater | Referred to Santa Clara County 5/23/2006. |

PAHC = polynuclear aromatic hydrocarbons; VOC = volatile organic compounds; TPH-ms

[1] Site has been redeveloped with a mixed-use development

Source: DTSC 2020

The California Office of Environmental Health Hazard Assessment (OEHHA) is the State agency that assesses health risks posed by environmental contaminants. This includes guiding and supporting regulatory and other actions (OEHHA 2021). OEHHA administers the Air Toxics Hot Spots Program, the goal of which is to collect emissions data, identify facilities having localized impacts, ascertain health risks, notify residents, and reduce significant risks to acceptable levels. OEHHA works with the California Air Resources Board (CARB) to monitor facilities throughout the State for a range of toxins, including diesel engine exhaust particulates, formaldehyde, perchloroethylene, benzene, ethyl benzene, ethylene dichloride, methylene chloride, trichloroethylene, and vinyl chloride. In Los Gatos, 75 facilities were found to emit toxic substances and are subject to the Air Toxics Hot Spots reporting requirements under AB 2588 (CARB 2021). These are listed in Table 4.9-4 along with locations.

**Table 4.9-4 Air Toxics Hot Spots in Los Gatos**

| Facility ID | Facility Name | Street Address |
|---|---|---|
| 100449 | Alma Fire Station | 19650 Santa Cruz Hwy |
| 23783 | Arcadis U S Inc | 15944 Los Gatos Blvd |
| 13490 | AT&T | Mount Umunhum |
| 21346 | Boston Scientific | 160 Knowles Drive |
| 11562 | Caliber Collision Center | 17462 Shelburne Way |
| 108828 | Central Fire Protection District | 14700 Winchester Blvd |
| 20783 | Communication & Control | New Thayer, End Of Mt Umunhum Rd |
| 20779 | Communication & Control Inc | Mcqueen Ridge, End Of Mt Umunhum Rd |
| 20781 | Communication & Control Inc | Tomita Hill, End Of Mt Umunhum Rd |
| 14939 | Compugraphics USA | 120c Albright Way |
| 18487 | Comsites West LLC | 40000 Mount Chual Rd |
| 111554 | Conoco-Phillips Company | 15171 Los Gatos Blvd |

| Facility ID | Facility Name | Street Address |
|---|---|---|
| 109455 | County of Santa Clara-Vasona Lake Park | 300 Garden Hill Dr |
| 19605 | El Camino Hospital - Los Gatos | 815 Pollard Road |
| 23456 | Environmental Investigation Services Inc | 210 E Main Street |
| 24036 | Former Fashion Cleaners | 455 N Santa Cruz Ave |
| 13561 | Frontier | 201 Camellia Terrace |
| 14529 | Good Samaritan Hospital | 15891 Los Gatos Almaden Rd |
| 8414 | Great Bear Coffee | 19 N Santa Cruz Ave |
| 20592 | K-Comm | Crystal Peak |
| 103539 | Lark Avenue Car Wash | 16500 Lark Ave |
| 6105 | Los Gatos Acura | 16151 Los Gatos Blvd |
| 103535 | Los Gatos Chevron | 700 Blossom Hill Rd |
| 3078 | Los Gatos Coffee Roasting Company | 101 W Main Street |
| 109221 | Los Gatos Mobil | 666 N Santa Cruz Ave |
| 21688 | Los Gatos Oral Maxillofacial Surgery | 14830 Los Gatos Blvd |
| 111160 | Los Gatos Union 76 | 15380 Los Gatos Blvd |
| 110647 | Los Gatos Valero | 16500 Los Gatos Blvd |
| 107035 | Los Gatos-Almaden Chevron | 441 Leigh Ave |
| 21714 | Lunardi's Market | 720 Blossom Hill Road |
| 3896 | Moore Buick Corporation | 15500 Los Gatos Blvd |
| 14948 | National Weather Service - Sf Bay Area | Mcqueen Ridge, Summit of Mt Umunhum |
| 20319 | New Cingular Wireless | 17331 Locust Drive |
| 20306 | New Cingular Wireless | 21450 Madrone Road |
| 15513 | Pacific Gas & Electric Co - Loma Prieta | End of Summit Rd, at Loma Prieta Peak |
| 18985 | Presentation Center, Los Gatos | 19480 Bear Creek Rd, Near Convent |
| 19627 | Rhys Vineyards | 11715 Skyline Blvd |
| 108699 | Rotten Robbie #1 | 15299 Los Gatos Blvd |
| 22908 | Safeway Inc #2815 | 470 N Santa Cruz Ave |
| 13825 | San Jose Water Co, Montevina | 18300 Highway 17 |
| 19792 | San Jose Water Company | 16520 Lark Avenue |
| 19800 | San Jose Water Company | 22000 Aldercroft Hghts Rd |
| 19801 | San Jose Water Company | 175 Sierra Azule |
| 19808 | San Jose Water Company | 131 Hill Top Drive |
| 19951 | Santa Clara County Fire Dept | 306 University Avenue |
| 19953 | Santa Clara County Fire Dept | 21452 Madrone Drive |
| 19954 | Santa Clara County Fire Dept | 14850 Winchester Blvd |
| 19956 | Santa Clara County Fire Dept | 18870 Saratoga |
| 19819 | Santa Clara County Fire District | 14700 Winchester Blvd |
| 19969 | Santa Clara County Fire District | 16565 Shannon Road |
| 21223 | Santa Clara Valley Water District | Lenihan Dam Alma Bridge Rd |
| 109122 | Santa Clara Valley Water District | 400 More Ave |

| Facility ID | Facility Name | Street Address |
|---|---|---|
| 13594 | Santa Clara Valley Water District - RWTP | 400 More Avenue |
| 14537 | Santa Clara Valley Water District-Vasona | 14545 Oka Road |
| 108211 | Shell of Los Gatos | 255 Los Gatos Saratoga Rd |
| 9259 | South Bay Ab & P | 627 University Ave |
| 13415 | The Caring Pet Service | 23291 Summit Road |
| 7283 | The Preferred Image | 663 Industrial Way |
| 19633 | The Terraces of Los Gatos | 800 Blossom Hill Road |
| 19763 | The Town of Los Gatos | 15900 Los Gatos Blvd |
| 15607 | Town of Los Gatos | 41 Miles Avenue |
| 19227 | Town of Los Gatos | 110 E Main Street |
| 108309 | Town of Los Gatos | 41 Miles Ave |
| 21164 | U.S. Coast Guard Sector San Francisco | End of Mnt Umnhm Road |
| 20496 | Univision Radio San Francisco, Inc | Loma Prieta Avenue |
| 103537 | Valero Station | 14000 Blossom Hill Rd |
| 109091 | Van Development Inc. Dba Chevron | 200 Los Gatos Saratoga Rd |
| 13453 | Verizon California | 15 Montebello Way |
| 19425 | Verizon Wireless (Los Gatos) North | 40 Fairview Plaza |
| 16524 | Verizon Wireless (New Loma) | 42000 Loma Prieta Rd |
| 18355 | Verizon Wireless (Quito Road) | 400 More Avenue |
| 14620 | Verizon Wireless - Summit #17 | 17331 Locust Drive |
| 23053 | Verizon Wireless-Hwy 9 Quito | 18840 Saratoga Road |
| 14624 | Verizon-California Inc | 22280 Old Santa Cruz Hwy |
| 22808 | Vulcan Materials Co Dba Calmat | 18500 Limekiln Canyon Rd |

Source: CARB 2021

### *Hazardous Materials Transport*

Transportation of hazardous materials and waste is regulated by the CCR, Title 26. The California Department of Transportation (Caltrans) is the primary regulatory authority for the interstate transport of hazardous materials and establishes safe handling procedures for packaging, marking, labeling, routing, etc. The California Highway Patrol and Caltrans enforce Federal and State regulations and respond to hazardous materials transportation emergencies. Emergency responses are coordinated as necessary between Federal, State, and local governmental authorities and private entities through a State-mandated Emergency Management Plan.

Major transportation routes within the Town include State Route 17 and State Route 85, surface streets, and the Southern Pacific Railroad. These transportation routes are used to transport hazardous materials from suppliers to users. Transportation accidents involving hazardous materials could occur on any of the routes, potentially resulting in explosions, physical contact by emergency response personnel, environmental degradation, and exposure to the public via airborne exposure. Aircraft and watercraft also may transport small amounts of hazardous waste, although accidents involving these vehicles may pose a greater environmental risk.

The risk from pipelines in Los Gatos involves existing in-service natural gas pipelines. The Pacific Gas and Electric Company (PG&E) provides natural gas service to Los Gatos and operates pipelines in the community. A large transmission line for natural gas enters the Town from the north along Winchester Boulevard, running to the west of Vasona Lake County Park, then turning east at Blossom Hill Road and terminating at Roberts Road and Fisher Avenue. In 2015, PG&E conducted a tree inspection along this pipeline and removed 35 trees on Town property and numerous trees on private properties that were growing above the distribution line.

## d. Agricultural Chemicals

Agricultural production includes risks associated with agricultural chemicals such as pesticides and organic /inorganic fertilizers. Residential uses situated close to agricultural operations that use pesticides increase chances of health risks for people who live there. Pesticide application permits are renewed on an annual basis by the County Agricultural Commissioner. The Commissioner's office compiles reports required of farmers and other users of agricultural pesticides that provide complete, site-specific documentation of the state of agriculture in the County.

## e. Airports and Aircraft Hazards

No public or private airports are in Los Gatos, but the Norman Y. Mineta San Jose International Airport is approximately 11 miles away. Flight tracks occur northeast of Los Gatos at a distance that will not affect the Town (Santa Clara County Airport Land Use Commission 2016a). Moffett Federal Airfield is approximately 16 miles northeast of Los Gatos and the aircraft flight tracks extend only as far as Cupertino (Santa Clara County 2016b).

## f. Emergency Response Plans

California Government Code Section 8568, the "California Emergency Services Act," states that "the State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof." The Act provides the basic authorities for conducting emergency operations following the proclamations of emergencies by the Governor or appropriate local authority, such as the Town Manager. The provisions of the Act are reflected in and expanded on by appropriate emergency ordinances. The Act further describes the function and operations of government at all levels during extraordinary emergencies, including war.

Under this regulation, all local emergency plans are extensions of the State of California Emergency Plan, a document developed by the California Office of Emergency Services (CalOES) to "clearly communicate how state government mobilizes and responds to emergencies and disasters in coordination with partners in all levels of government, the private sector, non-profit, and community-based organizations (CalOES 2017). The State Emergency Plan conforms to the requirements of California's Standardized Emergency Management System (SEMS), a system required by Government Code 8607(a) to manage emergencies involving multiple jurisdictions and which serves as the cornerstone of the State's structure for phased responses to emergency management (CalOES 2020a). The SEMS incorporates the functions and principles of the Incident Command System, the Master Mutual Aid Agreement, existing mutual aid systems, the operational area concept, and multi-agency or inter-agency coordination (CalOES 2009). Local governments must use SEMS to be eligible for funding for response-related personnel costs under State disaster assistance programs. The SEMS consists of five organizational levels, activated as necessary. They include field response, local government, operational area, regional, and State agencies. CalOES

divides the State into six mutual aid regions. Los Gatos is in Mutual Aid Region II, which includes Del Norte, Humboldt, Mendocino, Sonoma, Marin, Lake, Napa, Solano, Contra Costa, San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, and Monterey counties (CalOES 2020b).

The Los Gatos Emergency Operation Plan is a joint effort between the Town and the SCCFD and supports collaborative efforts with a range of partners to increase municipal preparedness and community education (Town of Los Gatos 2015). The Plan identifies hazards, guide emergency response, and aid the recovery process if disasters do occur. The goal is to reduce the impacts of disasters by identifying effective and feasible actions to reduce the risks of potential hazards.

## 4.9.2 Regulatory Setting

### a. Federal Regulations

The management of hazardous material and hazardous wastes is regulated at Federal, State, and local levels, including programs administered by the USEPA, agencies in CalEPA (e.g., DTSC), and the Certified Unified Program Agency, which is for Los Gatos is the SCCFD.

The USEPA is the agency primarily responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials. Applicable Federal regulations pertaining to hazardous materials are contained in the Code of Federal Regulations (CFR) titles 29, 40, and 49. Hazardous materials, as defined in the CFR, are listed in 49 CFR 172.101. The management of hazardous materials is governed by the following laws:

- Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S. Code [USC] 6901 et seq.);
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also called the Superfund Act (42 USC 9601 et seq.);
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 et seq.); and
- Superfund Amendments and Reauthorization Act of 1986 (SARA, Public Law 99 499).

These laws and associated regulations include specific requirements for facilities that generate, use, store, treat, and/or dispose of hazardous materials. The USEPA provides oversight and supervision for Federal Superfund investigation/remediation projects, evaluates remediation technologies, and develops hazardous materials disposal restrictions and treatment standards. Each of these Federal regulations is described below, along with applicable lead-based paint regulations.

#### *Resource Conservation and Recovery Act*

Under RCRA, the USEPA regulates hazardous waste from the time the waste is generated until its final disposal. RCRA also gives the USEPA or an authorized state the authority to conduct inspections to ensure that individual facilities comply with regulations, and to pursue enforcement action if a violation is discovered. The USEPA can delegate its responsibility to a state if the state's regulations are at least as stringent as the Federal regulations. RCRA was updated in 1984 by the passage of the Federal Hazardous and Solid Waste Amendments, which required phasing out land disposal of hazardous waste. Title 22, Section 66261.24 of the CCR defines characteristics of toxicity, which is used to help guide the Federal program.

#### *Comprehensive Environmental Response, Compensation, and Liability Act*

CERCLA, commonly known as the Superfund Act, established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons

responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. Under CERCLA, EPA has the authority to hold parties responsible for releases of hazardous substances and require their cooperation in site remediation.

### *The Federal Insecticide, Fungicide, and Rodenticide Act)*

FIFRA (7 USC 136 et seq.) provides Federal control of pesticide distribution, sale, and use. The USEPA was given authority under FIFRA to study the consequences of pesticide usage, and to require users (farmers, utility companies, and others) to register when purchasing pesticides. Later amendments to the law required users to become certified as applicators of pesticides. All pesticides used in the United States must be registered (licensed) by the USEPA. Registration assures that pesticides will be properly labeled and, if used in accordance with specifications, that they will not cause unreasonable harm to the environment.

### *Superfund Amendments and Reauthorization Act*

Title III, the Emergency Planning and Community Right to Know Act. SARA requires companies to declare potential toxic hazards to ensure that local communities can plan for chemical emergencies. EPA maintains a National Priority List of uncontrolled or abandoned hazardous waste sites identified for priority remediation under the Superfund program. EPA also maintains the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database, which contains information on hazardous waste sites, potential hazardous waste sites, and remedial activities across the nation.

### *Occupational Health and Safety Administration*

The U.S. Department of Labor Occupational Health and Safety Administration (OSHA) is responsible for enforcement and implementation of Federal laws and regulations pertaining to worker health and safety. Workers at hazardous waste sites must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations (29 CFR 1910.120).

### *Hazardous Waste Operations and Emergency Response*

HAZWOPER requirements include Federal regulations that involve procedures for clean-up operations required by a governmental body involving hazardous substances that are conducted at uncontrolled hazardous waste sites. This includes the USEPA National Priority Site List (NPL), State priority site lists, sites recommended for the USEPA NPL, and other initial investigations of government-identified sites, which are conducted before the presence or absence of hazardous substances has been ascertained. A person who is engaged in work with any potential for exposure to hazardous substances must comply with HAZWOPER regulations.

### *Lead-Based Paint Elimination Final Rule 24 Code of Federal Regulations*

Regulations for lead-based paint are contained in the Lead-Based Paint Elimination Final Rule 24 CFR 33, governed by the U.S. Department of Housing and Urban Development, which requires sellers and lessors to disclose known lead-based paint and lead-based paint hazards to perspective purchasers and lessees. Additionally, all lead-based paint abatement activities must comply with California and Federal OSHAs and with the State of California Department of Health Services requirements. Only personnel trained and certified in lead-based paint abatement are allowed to

perform abatement activities. All lead-based paint removed from structures must be hauled and disposed of by a transportation company licensed to move this type of material to a landfill or receiving facility licensed to accept the waste.

## b. State Regulations

### *Department of Toxic Substances Control*

As a department of the CalEPA, the DTSC is the primary agency in California that regulates hazardous waste, assumes authority for clean-up of the most serious existing contamination sites, and looks for ways to reduce the hazardous waste produced in California. The DTSC regulates hazardous waste in California primarily under the authority of the Resource Conservation and Recovery Act and the California Health and Safety Code.

The DTSC also administers the California Hazardous Waste Control Law to regulate hazardous wastes. While the Hazardous Waste Control Law is generally more stringent than the Resource Conservation and Recovery Act, both State and Federal laws apply in California. The Hazardous Waste Control Law lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and the California Department of Resources Recycling and Recovery (CalRecycle) to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the State. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included.

If soil is excavated from a site containing hazardous materials, it is considered a hazardous waste if it exceeds specific criteria in Title 22 of the CCR. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if certain other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority, such as the San Francisco Bay Regional Water Quality Control Board or the Alameda County Water District. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

### *The Hazardous Waste Control Act*

The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Act (California Health and Safety Code Section 25100 et seq.), which is implemented by regulations described in CCR Title 26. The State program is like the Federal program under RCRA, but more stringent. This regulation lists materials that may be hazardous and establishes criteria for their identification, packaging, and disposal. Environmental health standards for management of hazardous waste are contained in CCR Title 22, Division 4.5. As required by California Government Code Section 65962.5, DTSC maintains a Hazardous Waste and Substances Site List for the state called the Cortese List.

### *Unified Program*

CalEPA as established a unified hazardous waste and hazardous materials management regulatory program (Unified Program), as required by Senate Bill 1082 (1993). The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental programs under CalEPA, the SWRCB and the RWQCBs in each region of the State, State Office of Emergency Services, and the State Fire Marshal:

- Underground Storage Tank program;
- Hazardous materials release response plans and inventories;
- California Accidental Release Prevention Program;
- Above ground Petroleum Storage Act requirements for spill prevention, control, and countermeasure plans; and
- California Uniform Fire Code hazardous material management plans and inventories.

Local agencies implement these five environmental programs at the local level and are known for this purpose as Certified Unified Program agencies (CUPA). The CUPAs provide a central permitting and regulatory agency for permits, reporting, and compliance enforcement. Santa Clara County has four CUPAs and four participating agencies that administer the various hazardous materials, hazardous waste, and underground storage tank programs for their respective jurisdictions. Under the Unified Program, the SCCFD serves as the CUPA for Los Gatos.

### *Regional Water Quality Control Board*

The RWQCB is authorized by the Porter Cologne Water Quality Control Act of 1969 to protect the waters of the State. The RWQCB provides oversight for sites where the quality of groundwater or surface waters is threatened. Extraction and disposal of contaminated groundwater due to investigation/remediation activities or due to dewatering during construction would require a permit from the RWQCB if the water were discharged to storm drains, surface water, or land.

### *California Department of Pesticide Regulations, Department of Food and Agriculture, and the Department of Public Health*

The California Department of Pesticide Regulations (DPR), a division of CalEPA, in coordination with the California Department of Food and Agriculture, a division of Measurement Standards, and the California Department of Public Health have the primary responsibility to regulate pesticide use, vector control, food, and drinking water safety. CCR Title 3 requires the coordinated response between the County Agricultural Commissioner and SBDEH to address the use of pesticides used in vector control for animal and human health on a local level. DPR registers pesticides, and the County tracks pesticide use. Title 22 is used also to regulate small, district systems and larger, statewide water systems.

### *California Department of Industrial Relations, Division of OSHA*

The California Department of Industrial Relations, Division of Occupational Safety and Health Administration (Cal/OSHA), assumes primary responsibility for developing and enforcing workplace safety regulations within the State. Cal/OSHA standards are more stringent than Federal OSHA regulations and are presented in CCR Title 8. Standards for workers dealing with hazardous materials include practices for all industries (General Industry Safety Orders); specific practices are

described for construction, hazardous waste operations, and emergency response. Cal/OSHA conducts on site evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

### *California Air Toxic "Hot Spots" (AB 2588) Program*

The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly, 1987: chaptered in the California Health and Safety Code Section 44300, et. al.) established a formal regulatory program for site-specific air toxics emissions inventory and health risk quantification that is managed by California air districts. Under this program, a wide variety of industrial, commercial, and public facilities are required to report the types and quantities of toxic substances their facilities routinely release into the air. The goals of the Air Toxics Hot Spots (ATHS) program are to collect emissions data, to identify facilities with potential for localized health impacts, to ascertain health risks, to notify nearby residents of risks that are determined to warrant such notification, and to reduce significant risks.

## c. Local Regulations and Standards

### *Santa Clara County*

#### FIRE DEPARTMENT

The SCCFD serves as the CUPA for the Town and issues hazardous materials permits to all businesses handling such materials within Los Gatos. Abiding by the AB 2286 online filing requirements of 2008, SCCFD has an online filing system for businesses to submit hazardous materials business plans and UST.

#### DIVISION OF AGRICULTURE

The regulation of pesticide storage, application, and waste disposal is under the jurisdiction of the County Agricultural Commissioner. The Commissioner implements the CalEPA DPR. The Commissioner's office tracks and reports on all pesticide application in the county. Reporting requirements include pesticides used on parks, golf courses, cemeteries, rangeland, and pastures, and along roadside and railroad rights-of-way. The reports are entered in the County DPR and then transferred to a statewide database.

#### OFFICE OF EMERGENCY SERVICES

In cooperation with local jurisdictions, Santa Clara County Office of Emergency Services developed an Operational Area Hazard Mitigation Plan that details target programs for improving emergency preparedness and response (Santa Clara County 2017). During the process, the planning team and steering committee developed prioritized action plans to meet the needs of the local jurisdictions and to identify funding sources that could support implementation of those action plans. Mitigation activities designed to address hazards include:

- Prevention;
- Property protection;
- Public education and awareness;
- Natural resource protection;
- Emergency services;

- Structural projects; and
- Climate resilience.

### *Los Gatos Code of Ordinances*

Section 13.20.230 et seq., Materials Regulated, lists all hazardous waste, regulated substances, and other materials identified in the Federal and State regulations, including industrial regulations that apply to pharmaceutical substances and compounds used to make pharmaceutical and other industrial chemicals. USTs are also regulated in accord with the State Health and Safety code Section 25281(r). Furthermore, Section 13.20.305, guides the containment of hazardous materials and Section 13.20.310 et seq. regulates permitting, monitoring, and containment of hazardous materials storage facilities. Finally, the Town Code states that applicants for permits to use, store, or transport hazardous materials are required to prepare and have approved a hazardous materials management plan (HMMP).

### *Emergency Operations Plan*

The Town adopted an Emergency Operation Plan (EOP) in 2008 and updated it in 2015. The EOP identifies a range of hazards in the Town and provides guidance on effective emergency response approaches. It also addresses effective allocation of resources to protect people and property during an emergency and to aid in recovery afterward. It delineates responsibilities for each designated officer, including distribution of public information, safety inspections, and agency coordination (operations) (Town of Los Gatos 2015).

The EOC addresses the following topics:

- Aviation disaster;
- Civil disturbance;
- Dam failure;
- Earthquake;
- Extreme weather/storm, floods, landslides;
- Fire;
- Hazardous materials;
- Heat wave;
- Public health emergency;
- Terrorism;
- Transportation – Highway; and
- Wildfire/forest fire.

## 4.9.3 Impact Analysis

### a. Methodology and Thresholds of Significance

### Methodology

This section describes the potential environmental impacts of the 2040 General Plan relevant to hazards and hazardous materials. The impact analysis is based on an assessment of baseline conditions, including locations of hazardous materials use and storage, existing contaminated sites,

and emergency response and evacuation plan requirements. This analysis identifies potential impacts based on the predicted interaction between the affected environment and construction, operation, and maintenance activities related to the development that would be facilitated by the 2040 General Plan. However, the precise increase in hazardous materials transported in Los Gatos because of 2040 General Plan implementation cannot be predicted because specific development projects are not identified in the General Plan at a level of detail allowing such analysis. This analysis focuses on the potential nature and magnitude of risks associated with the accidental release, storage, transportation, and use of hazardous materials during operations of typical residential, industrial, and retail-commercial development projects. This analysis identifies and describes impacts of the 2040 General Plan and provides mitigation, as applicable.

## Significance Thresholds

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. For the purposes of this EIR, implementation of the 2040 General Plan may have a significant adverse impact if it would do any of the following:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. 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;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school;
4. Be located on a site which is included in a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create significant hazard to the public or the environment;
5. 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, result in a safety hazard or excessive noise for people residing or working in the project area;
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

An analysis of the risk of exposure to wildland fires resulting from implementation of the 2040 General Plan is contained in Section 4.17, Wildfire. Therefore, threshold 7 is addressed in Section 4.17, Wildfire.

| | |
|---|---|
| **Threshold 1:** | Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? |
| **Threshold 2:** | Would the projects associated with the 2040 General Plan 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? |

**Impact HAZ-1 IMPLEMENTATION OF THE 2040 GENERAL PLAN COULD RESULT IN AN INCREMENTAL INCREASE IN THE OVERALL ROUTINE TRANSPORT, USE, AND DISPOSAL OF HAZARDOUS MATERIALS IN LOS GATOS AND INCREASE THE RISK OF HAZARDOUS MATERIALS RELEASES. COMPLIANCE WITH APPLICABLE REGULATIONS RELATED TO HAZARDOUS MATERIALS AND COMPLIANCE WITH GENERAL PLAN POLICIES WOULD MINIMIZE THE RISK OF RELEASES AND EXPOSURE TO THESE MATERIALS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

Development facilitated by the 2040 General Plan would increase the number of residents and workers that live and work in Los Gatos. Accordingly, implementation of the 2040 General Plan would increase the number of people in Los Gatos who could be exposed to a potential accidental release of hazardous materials. Development facilitated by the General Plan would increase residential density in opportunity areas, some of which are near major arterial streets, such as Winchester Avenue and University Avenue. Industrial and commercial uses on or nearby these arterials may require the routine transport of hazardous materials for business operations. Therefore, development facilitated by the 2040 General Plan would increase the number of people, including residents, near transportation corridors where hazardous materials may be routinely transported.

As shown in Table 2-4 in Section 2, Project Description, buildout of the 2040 General Plan would facilitate approximately 156,400 square feet of manufacturing development in Los Gatos. This industrial development, along with commercial and mixed-use development facilitated by the 2040 General Plan would incrementally increase the number of business storing, using, transporting, and/or disposing of hazardous material in Los Gatos. Commercial and industrial land uses could use and store hazardous materials in proximity to residential uses. Specifically, mixed-use development facilitated by the 2040 General Plan would result in new residential units adjacent to commercial and industrial land uses, which could use hazardous materials. Therefore, buildout of the 2040 General Plan could increase hazardous materials exposure for residents. The risk of exposure would also increase for workers, because the General Plan increases the number of jobs in Los Gatos through 2040, including industrial and commercial jobs that may require the use of hazardous materials.

### *Hazardous Materials Transport*

Hazardous materials may be transported into and throughout Los Gatos on SR 85, SR 17, Blossom Hill Road, Los Gatos-Saratoga Road (SR 9), Los Gatos Boulevard, Winchester Boulevard, parts of Quito Road, and other arterial, collector, and local streets. Accidents on these roadways could result in the release of hazardous materials. The U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, regulates the transportation of hazardous materials, as described in Title 49 of the CFR. Under State law, Title 13 of the CCR regulates the transportation of hazardous materials by designating appropriate hazard labels shipping preparation, vehicle loading, and hazardous materials registration, among other requirements. Documentation of compliance with hazardous materials regulations codified in CCR titles 8, 22, and 26 is required for all hazardous materials and hazardous waste transport. Individual contractors and property owners must comply

with all applicable Federal and State laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste, including but not limited to, Title 49 of the CFR. Adherence to applicable regulations and laws would reduce the potential hazards associated with the transport of hazardous materials, including accidental release of hazardous materials during transport.

In addition to mandatory adherence to laws and regulations, the 2040 General Plan contains the following goals and policies that would apply to the routine transport, use, or disposal of hazardous materials and any accidents that may occur relative to these activities.

**Goal HAZ-13.** The potential for injuries, damage to property, economic and social displacement, and loss of life resulting from hazardous materials is eliminated.

> **Policy HAZ-13.1. Water and Air Supply Protection.** Work with public agencies to prevent the introduction of hazardous materials into the water and air supply.
>
> **Policy HAZ-13.3. Hazardous Materials Storage Monitoring.** Support Santa Clara County Fire Department in monitoring the storage of hazardous materials.

**Goal MOB-15.** Provide for the safe and efficient movement of goods to support commerce, industry, and the community.

> **Policy MOB-15.1. Minimize Truck Conflicts.** Minimize potential conflicts between trucks, truck loading and unloading areas, and pedestrian, bicycle, and transit travel on streets designated as truck routes.
>
> **Policy MOB-15.2. Minimize Environmental Impacts**. Maximize the efficiency of goods movement while working to minimize related environmental impacts.

Figure 4-4 in the Mobility Element indicates designated truck routes that would reduce the possibility of accidents involving trucks carrying hazardous materials to occur throughout the Town. If hazardous materials accidents occur on roadways in Los Gatos, the SCCFD would dispatch the HazMat Unit to investigate the situation, report, and request assistance from specialists, as SCCFD is a participating agency with the County of Santa Clara Hazardous Materials Compliance Division. The unit is available 24 hours each day and has a specially equipped vehicle to support clean-up efforts, when necessary.

### *Hazardous Materials Use and Disposal*

Although the overall quantity of hazardous materials used and requiring disposal in Los Gatos could incrementally increase as a result of implementation of the 2040 General Plan, all new development that uses hazardous materials would be required to comply with the regulations, standards, and guidelines established by the USEPA, the State of California, and codified in the Town Code of Ordinances related to storage, use, and disposal of hazardous materials.

As described in the Regulatory Setting discussion, CalEPA certifies the SCCFD as the CUPA, and as the CUPA agency, SCCFD performs inspections to prevent exposure to environmental health hazards for businesses and residents in Los Gatos. The SCCFD oversees numerous businesses in Los Gatos that store, use or handle hazardous materials or generate hazardous waste.

Businesses that handle certain chemicals over threshold quantities are required to develop a Hazardous Materials Business Plan (HMBP) and other Uniform Program information online. Each year this information is updated using the same form and updating any fields for which the

information has changed (SCCFD 2021). The HMBP also details a facility's potential to cause an accident, and the mitigation measures that can be implemented to reduce this potential for an unplanned release. The HMBP must consider the proximity to sensitive populations in schools, residential areas, hospitals, long-term health care facilities, and child day care facilities. The HMBP must also consider external events such as seismic activity. Mandatory implementation of RMPs would reduce the potential hazard to residents and the public in mixed-use development from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Similarly, the HMBP would prevent or significantly reduce risks to residential and other uses located close to commercial or industrial development facilitated by the 2040 General Plan.

For employees who work with hazardous materials, the amount of hazardous materials handled at any one time are generally small, reducing the potential consequences of an accident during handling. Business-specific practices would be required to comply with Federal and State laws to eliminate or minimize the potential consequence of hazardous materials accidents. For example, employees who would work around hazardous materials are required to wear appropriate protective equipment, and safety equipment is routinely available in all areas where hazardous materials are used. California Building and Fire Code requirements detail standards for the safe management of materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Compliance with all applicable Federal, State, and local requirements related to the storage of hazardous materials would maximize containment through safe handling and storage practices described above and provide for prompt and effective cleanup if an accidental release occurs.

In addition to mandatory adherence to laws and regulations, and compliance with programs, the Safety Element of the 2040 General Plan includes and associated policies, listed below, that would reduce the potential for accidental exposure and hazards associated with the use and disposal of hazardous materials, as follows.

**Goal HAZ-13.** The potential for injuries, damage to property, economic and social displacement, and loss of life resulting from hazardous materials is eliminated.

> **Policy HAZ-13.2. Site Assessment Requirement.** Require Phase I site assessments for all properties where toxins are suspected.
>
> **Policy HAZ-13.4. Alternative Practices.** Minimize the use of toxic and hazardous materials in Los Gatos, promoting sustainable materials and practices where possible.
>
> **Policy HAZ-13.5. Household Hazardous Waste**. Expand and promote household hazardous waste programs to safely dispose of items such as paint, gasoline, engine oil, batteries, and cleaners.

### *Demolition and Redevelopment Activities*

The 2040 General Plan facilitates and encourages infill development throughout the Town to accommodate "Missing Middle" and higher density housing types. Demolition of existing uses on identified sites that could be necessary to facilitate future development could require site assessment and remediation. If buildings and structures were constructed prior to the 1970s, lead and asbestos could be present and released into the environment during demolition activities. The California Department of Public Health, Cal/OSHA and the Bay Area Air Quality Management District (BAAQMD) regulate lead and asbestos abatement necessary for construction and redevelopment projects. CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based

materials such that exposure levels do not exceed Cal/OSHA standards. Under this rule, construction workers may not be exposed to lead at concentrations greater than 50 micrograms per cubic meter of air averaged over eight hours exposure must be reduced to lower concentrations if the workday exceeds eight hours. Similarly, CCR Section 1529 sets requirements for asbestos exposure assessments and monitoring, methods of complying with requirements related to exposure, personal protective equipment, communication of hazards, and medical examination of workers.

The control of asbestos during demolition or renovation of buildings is regulated under the Federal Clean Air Act. The Federal Clean Air Act requires a thorough inspection for asbestos where demolition will occur and specifies work practices to control emissions, such as removing all asbestos-containing materials, adequately wetting all regulated asbestos-containing materials, sealing the material in leak tight containers and disposing of the asbestos-containing waste material as expediently as practicable (USEPA 2019). Compliance with the mandatory requirements of CCR and the Federal Clean Air Act would reduce the potential hazards and risks associated with release of lead and asbestos.

## Summary

Compliance with existing applicable regulations, programs, standards such as the California State Fire Code and Building Code, and implementation of 2040 General Plan goals and policies would minimize risks from routine transport, use, and disposal of hazardous materials, including potential hazards from the accidental release of hazardous materials. Oversight by the appropriate Federal, State, and local agencies and compliance by new development with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of the public's potential exposure to these materials. Therefore, impacts from a hazard to the public or the environmental through routine transport, use or disposal of hazardous materials, or from accidental release or exposure to these materials would be less than significant.

## Mitigation Measures

No mitigation measures are required

## Significance after Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 3:** | Would the projects associated with the 2040 General Plan emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school? |

### Impact HAZ-2 IMPLEMENTATION OF THE 2040 GENERAL PLAN COULD RESULT IN HAZARDOUS EMISSIONS OR HANDLING OF HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS WITHIN 0.25 MILE OF AN EXISTING OR PROPOSED SCHOOL, BUT COMPLIANCE WITH EXISTING REGULATORY REQUIREMENTS WOULD MINIMIZE RISKS TO SCHOOLS AND STUDENTS, RESULTING IN A LESS THAN SIGNIFICANT IMPACT.

The 2040 General Plan would facilitate residential, office, commercial, and industrial development throughout Los Gatos, but with particular focus in the opportunity areas. Residential and office uses typically do not emit hazardous materials or substances but may generate limited amounts of HHW in the form of paint, cleaning products, batteries, and other typical products used in homes and offices. Since the 2040 General Plan does not detail specific development projects, it is not possible to know the quantity of hazardous materials proposed for use by future commercial and industrial developments in Los Gatos. Commercial and industrial development facilitated by the 2040 General Plan could, however, include uses that generate and emit hazardous materials, substances, or contaminated water, such gas stations, dry cleaners, and light industrial uses. Accidental release or combustion of hazardous materials at new commercial and industrial developments could endanger residents or students in the surrounding community. This future commercial and industrial development could occur within a 0.25-mile radius of existing public and private schools in Los Gatos.

Hazardous materials and waste generated from future development would not pose a health risk to nearby schools because businesses that handle or have on-site storage of hazardous materials would be required to comply with the provisions of the California Fire Code adopted by the Town (Los Gatos Code Chapter 12, Article II) and the SCCFD CUPA requirements that comply with provisions set forth in the California Health and Safety Code, Division 20, Chapter 6.95, articles 1 and 2. As described in the Regulatory Setting above, all businesses that handle more than a specified amount of hazardous materials are required to submit a HMBP to a regulating agency, in this case, the SCCFD.

## Mitigation Measures

No mitigation measures are required.

## Significance after Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 4:** | Would the projects associated with the 2040 General Plan be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? |

### Impact HAZ-3 IMPLEMENTATION OF THE 2040 GENERAL PLAN COULD FACILITATE DEVELOPMENT ON HAZARDOUS MATERIALS SITES. COMPLIANCE WITH APPLICABLE REGULATIONS RELATING TO SITE CLEANUP AND THE 2040 GENERAL PLAN POLICIES WOULD MINIMIZE HAZARDS FROM DEVELOPMENT ON CONTAMINATED SITES. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Existing sites in Los Gatos that may contain hazardous land uses or contamination from land uses that were on the sites previously generators of hazardous waste, such as gas stations, dry cleaners, and industrial uses. As noted in Table 4.9-3, there are active or open sites containing or potentially containing hazardous materials contamination within the Town limits. Development facilitated by the 2040 General Plan on these sites could expose construction workforce and future occupants of the new uses to hazardous materials, including new development or redevelopment on the sites listed in Table 4.9-3.

Development in Los Gatos at the sites listed in Table 4.9-3 would be subject to investigation, remediation, and cleanup under the supervision of the RWQCB, the Santa Clara Valley Water District, or DTSC, likely before construction activities could begin. The 2040 General Plan Safety Element contains Goal HAZ-13 and corresponding policies, which relate to reducing the potential risk from contaminated sites.

**Goal HAZ-13.** The potential for injuries, damage to property, economic and social displacement, and loss of life resulting from hazardous materials is eliminated.

Goal HAZ-13 and its related policies would reduce the potential for release of hazardous substances through inter-organization cooperation, site assessments, and hazardous materials storage monitoring. Additionally, it would minimize the use of toxic and hazardous materials in Los Gatos, promoting sustainable materials and practices where possible and promoting household hazardous waste disposal programs.

It is possible that USTs in use prior to permitting and record keeping requirements may still be present at the sites. If an unidentified UST is uncovered or disturbed during construction activities, it would be removed under permit from SCCFD. If removal could undermine the structural stability of existing structures or foundations, or if it would impact existing utilities, the tank might be closed in place without removal. Tank removal activities could pose health and safety risks, such as exposing workers, tank handling personnel, and the public to tank contents or vapors. Potential risks, if any, posed by USTs would be minimized by managing the tank according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the Environmental Programs Division.

The extent to which groundwater may be affected from a UST, if at all, depends on the type of contaminant, the amount released, the duration of the release, and depth to groundwater. If groundwater contamination is identified, the RWQCB or the Santa Clara Valley Water District would need to characterize the vertical and lateral extent of the contamination and remediation activities prior to the commencement of any construction activities that would disturb the subsurface. If contamination exceeds regulatory action levels, the developer would be required to undertake remediation procedures prior to grading and development under the supervision of the RWQCB,

depending upon the nature of any identified contamination. Compliance with existing State and local regulations and implementation of the 2040 General Plan policies identified above would reduce impacts to less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance after Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 5:** | For projects associated with the 2040 General Plan 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area? |

### Impact HAZ-4 THERE ARE NO AIRPORTS WITHIN TWO MILES OF LOS GATOS AND THE TOWN IS NOT IN AN AIRPORT INFLUENCE AREA. THERE WOULD BE NO IMPACT.

There are no public or private airports within the Town Planning Area. The nearest is Norman Y. Mineta San Jose International Airport, approximately 11 miles northeast of the Town. Moffett Airfield in Mountain View is approximately 16 miles north of Los Gatos. This means that Los Gatos is entirely outside the area of influence for the airport and for Moffett Airfield. Implementation of projects associated with the General Plan would not be affected by excessive noise hazards in airport land use plan areas or that result from proximity to airports. There would be no impact.

## Mitigation Measures

No mitigation measures are required.

## Significance after Mitigation

There would be no impacts without mitigation.

| | |
|---|---|
| **Threshold 6:** | Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? |

### Impact HAZ-5 THE 2040 GENERAL PLAN POLICIES FOR DISASTER RESPONSE ARE GUIDED BY LOCAL AND REGIONAL EMERGENCY RESPONSE PLANS AND SUPPORT EFFECTIVE RESPONSE TO NATURAL AND MANMADE DISASTERS. THEREFORE, THE 2040 GENERAL PLAN WOULD NOT INTERFERE WITH THESE TYPES OF ADOPTED PLANS AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Development facilitated by the 2040 General Plan would accommodate future population growth and would increase vehicle miles travelled in Los Gatos. This could lead to increased congestion during emergency evacuations. The Town adopted an Emergency Operations Plan in Furthermore, the General Plan Land Use Element has policies about redeveloping existing, historic architecture, identified by the County as needing retrofitting for earthquake safety in the Operational Area Hazard Mitigation Plan (Santa Clara County 2017).

The 2040 General Plan Hazards and Safety Element contains goals and policies that address emergency response, all of which are designed to align with programs set forth in the County-wide Hazard Mitigation Plan. They are as follows:

**Goal HAZ-1.** The community is prepared for natural and manmade disasters and can respond quickly and effectively.

**Policy HAZ-1.1. Emergency Preparedness Planning**. Coordinate and incorporate emergency preparedness planning efforts to ensure integration of the Los Gatos General Plan, Santa Clara County Operational Area Hazard Mitigation Plan, Los Gatos Emergency Operations Plan, and development review process.

**Policy HAZ-1.2**. **Evacuation Routes**. Incorporate the Los Gatos Flood Evacuation Plan into the Los Gatos Emergency Operations Plan. Review the map annually and update if necessary to ensure continued safe and efficient evacuation procedures are in place.

**Policy HAZ-1.3. Agency Coordination**. Participate in local and regional emergency preparedness and response efforts to represent the Town's needs and interests in regional emergency management planning.

**Policy HAZ-1.4. Community Information and Education**. Expand community awareness of hazards by providing and supporting training, informational campaigns, and community education on potential risks in Los Gatos and how to prepare for or mitigate them.

**Policy HAZ-1.5**. **Emergency Services**. Regularly review the adequacy of emergency services in the Town. Plan and develop law enforcement infrastructure and technology according to overall need and Town growth.

In addition to 2040 General Plan policies, the Los Gatos Fire Department and Santa Clara County Fire Department provide fire and emergency response services. In partnership with the Town Santa Clara County Fire Department prepared a Comprehensive Emergency Operational Plan (EOP) that describes how the Town will effectively prepare for, respond to, recover from, and mitigate natural or human-caused disasters. The EOP is to be reviewed and updated periodically to ensure relevancy. Implementation of the 2040 General Plan policies and implementation programs associated with emergency planning and response, in addition to the Town's EOP, would ensure that implementation of the 2040 General Plan would result in less than significant impacts relating to implementation of adopted emergency response and evacuation plans.

### Mitigation Measures

No mitigation measures are required.

### Significance after Mitigation

Impacts would be less than significant without mitigation.

## 4.9.4 Cumulative Impacts

Cumulative impacts associated with hazards and hazardous materials are generally site-specific. As such, the programmatic level of this document does not allow for a project-level geographic scope for considering cumulative impacts. Cumulative buildout of the 2040 General Plan is considered in this analysis. Cumulative buildout of the 2040 General Plan could expose new residents and structures to hazardous materials impacts in the Town. Because of the programmatic nature of the

General Plan, potential hazardous materials-related issues would be required to address these issues on a case-by-case basis through project-specific environmental review and adherence to the mitigation measures therein. The proposed General Plan's contribution to a cumulative impact from exposure to hazards and hazardous materials would not be cumulatively considerable. Therefore, cumulative impacts would not be significant.

# 4.10 Hydrology and Water Quality

This section evaluates the potential environmental effects related to hydrology and water quality associated with implementation of the proposed project. It discusses the regional and local watershed characteristics, including water quality, drainage and infiltration patterns, and flood hazards. The analysis includes a review of surface water, groundwater, flooding, storm water, and water quality. Water supply and wastewater conveyance are discussed in Section 4.17, *Utilities and Service Systems*. Issues regarding wetlands and potentially jurisdictional waters are discussed in Section 4.4, *Biological Resources*.

## 4.10.1 Setting

### a. Surface Hydrology

#### *Natural Drainage Systems*

The Town of Los Gatos Planning Area is located in the Guadalupe Watershed and the Santa Clara Valley Groundwater sub-basin. The sub-basin runs parallel to the northwest trending Coast Ranges and is approximately 22 miles long and 15 miles wide, with a surface area of 225 square miles. It is bounded by the Diablo Range on the east and the Santa Cruz Mountains on the west, extending from the northern border of Santa Clara County to the groundwater divide near the City of Morgan Hill. The sub-basin receives approximately 15.0 inches of rainfall per year. January is the wettest month with an average rainfall of 3.0 inches.

The Town has several surface water channels within its limits. Los Gatos Creek, San Tomas Aquinas Creek, and Smith Creek flow south to north through the Town, and Ross Creek flows in a northeasterly direction. A large valley in Los Gatos is also drained northward to the San Francisco Bay by tributaries including the Guadalupe River and Los Gatos Creek. Other unnamed natural water courses are also located within the Town limits.

#### *Man-Made Drainage Systems*

The Town of 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 that cross the Town. For further information on stormwater management infrastructure and practices, see *Section 4.17, Utilities and Service Systems*.

### b. Regional Groundwater

The dominant geohydrologic feature in the Los Gatos Planning Area is a large inland valley composing the South Bay Drainage Unit. The Santa Clara Valley Groundwater sub-basin is a structural trough parallel to the northwest trending Coast Ranges. A confined zone within the northern areas of the sub-basin is overlaid with a series of clay layers, resulting in a low permeability zone. The southern area is an unconfined zone, or forebay, where the clay layer does not restrict recharge.

#### *Groundwater Management*

The groundwater sub-basin is managed by the Santa Clara Valley Water District (SCVWD), whose primary objective is to recharge the groundwater basin, conserve water, increase water supply, and

prevent waste or reduction of the SCVWD's water supply. Historically, over-extraction of the groundwater basin has resulted in occurrences of subsidence within Santa Clara County. Subsidence occurs when underground water levels drop, and clay layers compact, resulting in a loss of aquifer capacity. In order to avoid any further subsidence and loss of aquifer capacity, the SCVWD has attempted to maintain the basin by augmenting natural percolation of rainfall and local stream runoff with imported water. The SCVWD has maintained a recharge program consisting of 18 major recharge systems, including instream and offstream facilities.

In addition, the SCVWD operates a treated groundwater recharge/surface water re-injection program that promotes the reuse of treated groundwater from the clean-up of contaminated sites and recharge of groundwater from local and imported surface water. In 2017, the groundwater recharge/re-injection program generated approximately 265 acre-feet (AF) per day of recharge. SCVWD also reduced groundwater demands by approximately 192,000 AF in 2017 through treated and recycled water deliveries and water conservation programs. Based on the efforts of the SCVWD, the groundwater elevation in the groundwater basin has been rising steadily for the past 40 years. Groundwater storage at the end of 2017 reached 338,900 AF, with 25,700 AF added in 2017. As stated in the 2017 SCVWD Annual Groundwater Management Report, the groundwater supply has reached a "normal" stage (stage 1) of the District's Water Shortage Contingency Plan and indicates good water supply conditions.

## c. Groundwater Quality

Groundwater quality in the Santa Clara Valley sub-basin is generally good. As described in the SCVWD 2017 Annual Groundwater Report, the median aquifer zone Total Dissolved Solids (TDS) were below 400 milligrams per liter (mg/L) for all groundwater management areas, and median nitrate values were well below the drinking water standard of 10 mg/L in the Santa Clara Plain (3.06 mg/L). Nitrate values were higher in the Coyote Valley and Llagas sub-basin (7.2 and 5.2 mg/L, respectively). Nitrate was detected above the drinking water standard in about 30 percent of South County water supply wells tested in 2017, which SCVWD continues to address.

Natural interactions between water, the atmosphere, rock minerals, and surface water influence groundwater quality within the groundwater sub-basin. However, man-made compounds, such as nitrogen-based fertilizer, solvents, and fuel products, can also affect groundwater quality. The most significant threat to water quality in wells owned by San Jose Water Company (SJWC) is from commercial water pollutants such as those from automobile uses, dry cleaners, and underground storage tanks, although some may be vulnerable to pollutants such as metal plating and finishing, electrical and electronics manufacturing, and chemical/petroleum processing.

A few water quality problems have been detected in the sub-basin. High mineral salt concentrations have been identified in the upper aquifer zone along San Francisco Bay, the lower aquifer zone underlying Palo Alto, and the southeastern portion of the forebay area of the Santa Clara Valley sub-basin. Nitrate concentrations in the South County (Coyote and Llagas sub-basins) are elevated and high nitrate concentrations are sporadically observed in the Santa Clara Valley sub-basin.

Santa Clara County is also home to 23 Superfund sites north of the Town of Los Gatos and bordering the South San Francisco Bay. Superfund sites are lands that have been contaminated by hazardous waste and identified by the U.S. Environmental Protection Agency (USEPA) for cleanup due to risk to human or environmental health and are included on the National Priorities List (NPL). Despite the number of Superfund sites within the County, there are few groundwater supply impacts from

chemicals at these sites. Additional information on this and other hazardous material concerns is discussed in *Section 4.9, Hazards and Hazardous Materials*.

In a normal year, less than half of Santa Clara County's water is drawn from local groundwater aquifers or rainwater captured in the reservoirs operated by the SCVWD. More than half of the supply is brought into the County through the State Water Project, the Federal Central Valley Project, and San Francisco's Hetch Hetchy system. Local rainfall, or runoff, flows into the 10 SCVWD reservoirs for storage and blending with the imported water before groundwater recharge or treatment. Water usage and consumption is discussed in Chapter 6, Public Facilities, Services, and Infrastructure of the 2040 General Plan.

## d. Regional Water Quality

There are a variety of practices in place by both SCVWD and SJWC to ensure high water quality is maintained in the sub-basin. Surface water may be affected by septic systems and imported water could be impacted by a variety of pollutants from land use practices, such as agricultural and urban runoff, recreational activities, livestock grazing, as well as residential and industrial development. In addition, local sources are vulnerable to potential contamination from commercial stables and historic mining practices. According to SJWC's 2017 Annual Water Quality Report, contaminants that may be present in source water include:

- Microbial contaminants, such as viruses and bacteria which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;
- Inorganic contaminants, such as salts and metals, that can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;
- Pesticides and herbicides that may come from a variety of sources such as agriculture e, urban stormwater runoff, and residential uses;
- Organic chemical contaminants, including synthetic and volatile organic chemicals that are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, agricultural application, and septic systems; and
- Radioactive contaminants that can be naturally-occurring or be the result of oil and gas production and mining activities.

Continuous monitoring, physical barriers to runoff, and proper water treatment are used throughout the wastewater treatment and water conveyance system to maintain water quality standards. Drinking water standards are met at public water supply wells without the use of treatment methods.

SJWC tests over 200 water quality parameters of groundwater, mountain surface water, and SCVWD surface water. These covers both primary public health and secondary aesthetic (taste, odor, and color) requirements, and include testing of lead, fluoride, selenium, nitrate, and turbidity, among others. The State Division of Drinking Water does not require annual testing of some parameters because concentrations change infrequently. SJWC's 2017 Annual Water Quality Report shows that the averages for all three water sources met primary and secondary standards.

### *Listed Water Bodies*

Section 303(d) of the 1972 Federal Clean Water Act requires that states develop a list of water bodies that do not meet water quality standards, establish priority rankings for waters on the list

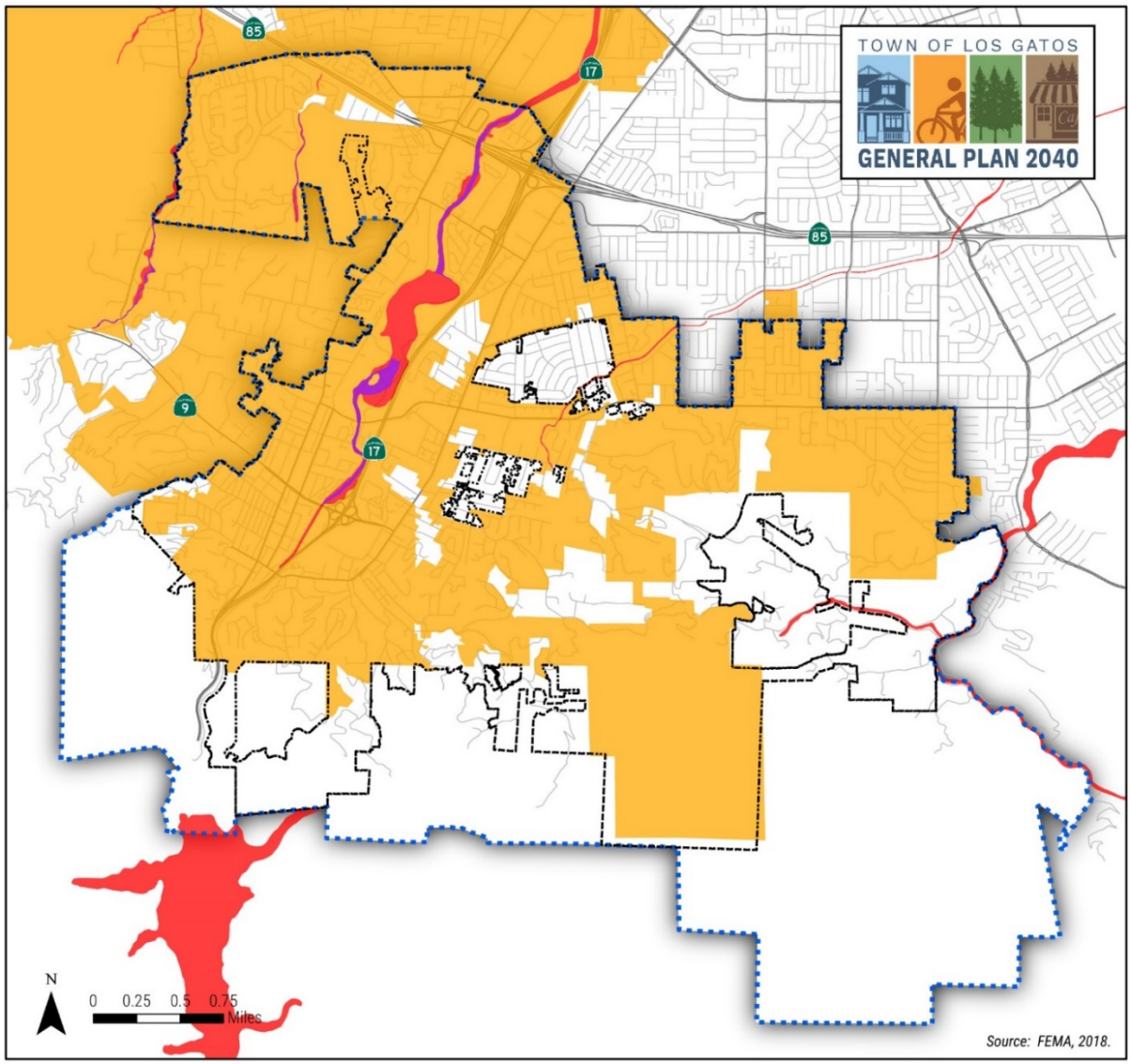
and develop action plans, called Total Maximum Daily Loads (TMDL), to improve water quality. The list of impaired water bodies is typically revised every two years. The only listing for water bodies in the Town is Los Gatos Creek, which contains high concentrations of diazinon, an ant and cockroach insecticide. The potential source of diazinon is urban runoff and storm sewers. The USEPA developed a TMDL to address diazinon in urban creeks in 2007. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements and enforces this TMDL, primarily through the National Pollutant Discharge Elimination System (NPDES) and its stormwater management program.

## a. Flood Hazards

Flood hazards occur when the amount of rainfall exceeds the infiltration capacity of the surrounding landscape or the conveyance capacity of the storm water drainage system. The Federal Emergency Management Agency (FEMA) delineates regional flooding hazards as part of the National Flood Insurance Program. FEMA identifies flood hazard risks through its Flood Insurance Rate Map (FIRM) program. Higher flood risk zones are called Special Flood Hazard Areas; these areas have a 1 percent chance or greater of flooding in any given year (also called the 100-year flood). Figure 4.10-1 shows the portions of the planning area that are located within the 100-year and 500-year FEMA designated flood hazard zones.

Additional flood hazards are posed by tsunamis and seiches. A tsunami is a wave generated by the sudden displacement of a large amount of water. Tsunamis can be triggered by earthquakes, volcanic eruptions, or similar events that occur under the water or the shore. Impacts of tsunamis can be both immediate and long-term. Seiches are a related hazard that can occur when a sudden displacement event or very strong winds happen in an enclosed or semi-enclosed body of water such as a lake or bay. Los Gatos is not susceptible to seiche.

**Figure 4.10-1 Flood Zones**



## 4.10.2 Regulatory Setting

### a. Federal Regulations

#### *Federal Water Pollution Control Act (Clean Water Act)*

The Federal Water Pollution Control Act, or Clean Water Act (CWA), was enacted in 1972 with the intent of restoring and maintaining the chemical, physical and biological integrity of the waters of the United States. In 1987 the CWA was amended to establish the National Storm Water Program. The program was established in two phases, incorporating a prioritized approach to stormwater. Phase I of the program required discharges from Municipal Storm Sewer Systems (MS4s) serving populations over 100,000 (including the Santa Clara Valley area) to be covered under a NPDES permit. Phase II of the program reduced the population threshold to 10,000 and reduced the area of construction disturbance that requires permit coverage from five acres to one acre.

#### *National Pollutant Discharge Elimination System Program*

CWA Section 402 establishes the NPDES permit program, which sets nationwide permitting requirements for discharging pollutants into waterways. The limits vary by category of industry and based on a level of treatment that is achievable using the best available technology. CWA Section 402 prohibits the discharge of pollutants into waters of the United States from any point source without an NPDES permit. To regulate storm water (non-point source) discharges, the EPA developed a two-phased NPDES permit program, commonly referred to as Phase I and Phase II. The Phase I program for Municipal Sanitary Storm Sewer Systems (MS4s) requires operators of "medium" and "large" MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a stormwater management program as a means to control polluted discharges from these MS4s. Stormwater discharges from MS4s in urbanized areas are a concern because of the high concentration of pollutants found in these discharges. The NPDES Phase II permit program also requires the development and implementation of stormwater management plans to reduce such discharges. The Phase II program is based on the use of federally enforceable NPDES permits. The Phase II program encourages the use of general permits; provides flexibility for regulated operators to determine the most appropriate stormwater controls; allows for the recognition and inclusion of existing NPDES and non-NPDES stormwater programs in Phase II permits; includes public education and participation efforts as primary elements of the small MS4 program; attempts to facilitate and promote watershed planning and to implement the stormwater program on a watershed basis; and works toward a unified and comprehensive NPDES stormwater program with Phase I of the program.

#### *National Flood Insurance Program*

The National Flood Insurance Program (NFIP) is a program administered by FEMA to provide subsidized flood insurance for property owners in communities. The NFIP established regulations that limit development in flood-prone areas. The boundaries of flood-prone areas are demined by FEMA's Flood Insurance Rates Maps, which provide flood information and identify the flood hazard in the community. In certain high-risk areas, federally regulated or insured lenders require property owners to have flood insurance before issuing a mortgage.

## b. State Regulations

### *Assembly Bill 746*

In January 2018, Assembly Bill 746 went into effect requiring water utilities to collect lead samples in all daycare, preschool, and kindergarten through 12th grade schools on public property to ensure students have access to safe drinking water. If a private school wishes to have their water sampled, the head of the school may also request lead testing from their water provider. SJWC has sampled 193 of the 345 schools in its service area as of May 2018. Of the 940 samples, four were above the action level, all of which were promptly resolved. SJWC plans to test all public schools within its service area by July 2019.

## c. Local Regulations

### *San Francisco Bay Regional Water Quality Control Board*

The San Francisco Bay and its tributaries are under the jurisdiction of the San Francisco Bay RWQCB. San Francisco RWQCB has issued a county-wide NPDES stormwater permit to the Town of Los Gatos along with 12 other communities, Santa Clara County, and the Santa Clara Valley Water District, all of which comprise the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Under the permit, the SCVURPPP and its co-permittees have developed an Urban Runoff Management Plan.

All members of SCVURPPP share a common Municipal Regional NPDES permit to discharge stormwater into local creeks and South San Francisco Bay. The first countywide NPDES permit was issued in 1990 and revised in 1995 and 2001. The NPDES permit was revised and adopted again in October of 2009. The current Municipal Regional NPDES permit requires the Town to manage new development and redevelopment-related increases in peak runoff flow, volume, and duration ("hydromodification"), where such hydromodification is likely to cause increased erosion, silt pollution generation, or other adverse impacts to local rivers and creeks. The Municipal Regional NPDES permit requires the permittees to rely primarily on landscaped-based treatment measures.

### *San Francisco Bay Area Stormwater Management Agency Programs*

Discharge of surface runoff generated from the Town of Los Gatos contributes to discharges into watercourses which in turn flow to the South San Francisco Bay. The San Francisco Bay Area Stormwater Management Agencies Association (BASMAA) has a program to assist in the management of stormwater runoff discharged to the San Francisco Bay Area. The BASMAA's program covers a broader area including the Santa Clara Valley which includes the Town of Los Gatos.

### *Santa Clara Valley Water District (SCVWD)*

SCVWD (Valley Water) was created as a result of the Santa Clara Valley Water District Act (SCVWD Act) of the California State Legislature. The mission of the SCVWD is to provide a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost effective, and environmentally sensitive manner. The SCVWD Act identifies the following as the purpose and authority of the SCVWD:

- To protect Santa Clara County from flood and stormwater;

- To provide comprehensive conservation and management of flood, storm and recycled waters for all beneficial uses;
- To increase and prevent the waste of the water supply in the SCVWD; and
- To enhance, protect, and restore streams, riparian corridors, and natural resources in connection with other purposes of water supply and flood protection.

The SCVWD Integrated Water Resources Planning Study and Urban Water Management Plan addresses long-term water supply planning in the SCVWD.

SCVWD Chapter 83-2 of Ordinance 06-01 requires a permit for construction activities near a stream. It is intended to secure the health, safety, and welfare of people by facilitating prudent floodplain management, protecting water quality, securing maintenance of watercourses, and prohibiting injury to SCVWD property and facilities. The ordinance also defines the SCVWD's permitting jurisdiction on streams and describes the requirements and procedure to obtain a permit for construction or encroachment activities on a stream. The Town adopted Ordinance 06-01 in 2007.

### *Santa Clara Valley Water District Groundwater Management Plan*

Nearly half of the water used in Santa Clara County is pumped from the Santa Clara and Llagas subbasins, with some communities relying solely on groundwater. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A growing portion of the County's water supply is recycled water. The SCVWD operates and maintains 10 surface water reservoirs, 169,000 acre-feet total reservoir storage capacity, 17 miles of raw surface water canals, 393 acres of groundwater recharge ponds, 91 miles of controlled in-stream recharge, 142 miles of pipelines, three pumping stations, three drinking water treatment plants, and the Silicon Valley Advanced Water Purification Center.

### *San Jose Water Company (SJWC)*

Los Gatos Creek Maintenance Program. SJWC operates a long-term Los Gatos Creek Maintenance Program to manage the upper Los Gatos Creek Watershed, intended to provide guidance, minimize potential environmental impacts, and monitor progress from 2016 to 2026. It covers five reservoirs, seven intake structures, several pipelines, 100 roadside culverts, and 6,000 acres of land. The Maintenance Program also addresses how SJWC will meet State and Federal water regulations.

### *San Jose Water Company (SJWC) Water Conservation Plan*

SJWC worked with the California Public Utilities Commission (CPUC) to develop a Water Conservation Plan (WCP) that was approved by the CPUC on August 12, 2009. This WCP was created in response to the SCVWD's 15 percent mandatory water conservation requirement through June 2010. The Plan focuses on reducing outdoor water waste, which can comprise over 50 percent of a household's water usage.

### *Los Gatos Town Code Chapter 12, Grading, Erosion and Sediment Control*

The purpose of Chapter 12 is to promote and protect the public interest by regulating land disturbances, landfill, and soil storage in connection with the clearing and grading of land for construction. Chapter 12 establishes administrative procedures, minimum standards of review and implementation and enforcement procedures for the protection and enhancement of the water

quality of watercourses, water bodies and wetlands, both natural and manmade. This is accomplished by controlling erosion, sedimentation, increases in surface runoff, and related environmental damage caused by construction-related activities.

## 4.10.3 Impact Analysis

### Methodology and Thresholds of Significance

#### *Methods*

This section describes the potential environmental impacts of implementation of the 2040 General Plan associated with hydrology and water quality. The impact analysis is based on an assessment of baseline conditions for the Town, including climate, topography, watersheds and surface waters, groundwater, and floodplains, as described above under Section 4.10.1, *Setting*. This analysis identifies potential impacts based on the predicted interaction between the affected environment and construction, operation, and maintenance activities related to the predicted development that would occur under the 2040 General Plan.

#### *Significance Thresholds*

The following thresholds of significance are based on Appendix G to the *CEQA Guidelines*. For purposes of this EIR, implementation of the 2040 General Plan may have a significant adverse impact if it would do any of the following:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious pavements, in a manner which would:
    a. Result in substantial erosion or siltation on- or off-site;
    b. Substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site;
    c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
    d. Impede or redirect flows.
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

| | |
|---|---|
| **Threshold 1:** | Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? |
| **Threshold 5:** | Would the project conflict with or obstruct implementation of a water quality control plan? |

**Impact HWQ-1 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD RESULT IN AN INCREASE IN POLLUTANTS IN STORMWATER AND WASTEWATER, AND ALTER DRAINAGE PATTERNS. COMPLIANCE WITH NPDES PERMIT REQUIREMENTS, LOS GATOS MUNICIPAL CODE REQUIREMENTS, AND 2040 GENERAL PLAN GOALS AND POLICIES WOULD PREVENT SUBSTANTIAL EROSION AND SILTATION, AND DISCHARGES OF POLLUTANTS, INCLUDING POLLUTION ASSOCIATED WITH DRAINAGE, EROSION, AND STORMWATER, AND MINIMIZE ADVERSE EFFECTS ON WATER QUALITY. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

## Construction

Construction activities facilitated by the 2040 General Plan could include road improvements and realignments, installation and realignment of utilities, demolition of existing structures for replacement, new development, and the potential replacement and/or improvement of drainage facilities. Construction activity could result in the alteration of existing drainage patterns and soil erosion due to earth-moving activities such as stockpiling, excavation and trenching for foundations and utilities, dredging, paving, soil compaction and moving, cut and fill activities, and grading. Disturbed soils would be susceptible to erosion from wind and rain, resulting in sediment transport via stormwater runoff from the construction sites. The types of pollutants contained in runoff from construction sites would be typical of urban and suburban areas, and may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported to downstream drainages and ultimately into collecting waterways, contributing to degradation of water quality.

Potential water quality impacts would be specific to individual construction locations. Local topography, the amount of soil disturbance, the duration that disturbed soil would be exposed, the amount of rainfall and wind that would occur during construction, and the proximity of the nearest water body all affect the potential for water quality degradation during construction.

Individual construction activities that disturb one or more acres would be subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2012-0006-DWQ (Construction General Permit). Permit conditions require development of a stormwater pollution prevention plan (SWPPP), which describes the site, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-storm water management controls. Inspection of construction sites before and after storms is also required to identify storm water discharge from the construction activity and to identify and implement erosion controls, where necessary. Compliance with the Construction General Permit is reinforced through the Los Gatos Municipal Code (Chapter 22), the Town's Storm Drain Master Plan, and adherence to the San Francisco Bay RWQCB Basin Plan. The water quality objectives of the Basin Plan are incorporated into individual NPDES permits authorized by the San Francisco Bay RWQCB. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan. Pursuant to the Los Gatos Municipal Code, all persons undertaking construction activities are required to implement appropriate BMPs as measures for post-construction stormwater. Development or redevelopment

projects that may require implementation of BMPs are required to submit a maintenance plan or manufacturers maintenance guide for those devices as part of project submittal. Projects that result in the creation, addition, or replacement of two thousand five hundred feet of impervious surface are required to comply with the Town's stormwater control section of engineering standards.

The Town uses the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) developed a stormwater management guidance document, the C.3 Stormwater Handbook, that outlines the procedure for the Town's fulfillment of the NPDES Construction General Permit Order 2009-0009-DWQ. As part of the Permit the Town is required to incorporate construction site storm water runoff control elements into the Stormwater Management Program. This includes the development and implementation of a construction outreach and education strategy that includes enforceable ordinance requirements for erosion and sediment control, soil stabilization, dewatering, source controls, pollution prevention measures and prohibited discharges.

In addition, the Town engineer or designee has the authority to inspect erosion and sediment control measures and facilities associated with projects requiring a Town permit. The Town engineer or designee is authorized to issue a notice of violation and/or stop work order for violations of the Town's grading, erosion control, and stormwater discharge requirements. Likewise, the San Francisco Bay RWQCB or its designee may conduct periodic or routine monitoring of construction BMPs and erosion control measures implemented pursuant to the SWPPP required under the Construction General Permit at project sites.

Compliance with the regulations and policies discussed above would reduce the risk of water degradation within the Town from soil erosion and other pollutants related to construction activities. Because violations of water quality standards would be minimized, impacts to water quality from construction activities facilitated by the 2040 General Plan would be less than significant.

## Operation

### *Stormwater*

Development facilitated by the 2040 General Plan would result in long-term alterations to drainage patterns in the planning area, such as changes in ground surface permeability due to new paving, and changes in topography due to grading and excavation. If uncontrolled, operation of future development facilitated by the 2040 General Plan could result in the addition of sediment and silt, and contaminants such as oil, grease, metals, and landscaping chemicals (pesticides, herbicides, fertilizers, etc.) into the Town's stormwater drainage system, and ultimately untreated discharge into the Pacific Ocean and San Francisco Bay. Such a discharge could be a potential violation of MS4 General Permit, depending on the pollutant and quantity discharged.

As described in Section 4.10.2, *Regulatory Setting*, the Town operates its storm drain system under the NPDES General Permit for Storm Water Discharges, Order No. 2009-0009-DWQ (MS4 General Permit). The purpose of this permit is to implement and enforce BMPs to reduce the discharge of pollutants from municipal separate storm sewer systems, such as the Town's storm drain system. To ensure compliance with the permit requirements and conditions of the MS4 General Permit, Los Gatos Municipal Code Chapter 22 outlines regulations regarding illicit discharge and stormwater management control in the Town's building regulations. Los Gatos Municipal Code Section 22.30.015 states that no person shall discharge or cause to be discharged into the storm drain system any materials that cause or contribute to violation of applicable water quality standards,

other than stormwater, to the maximum extent practicable. Los Gatos Municipal Code Sections 22.30.035 require BMPs during project construction or as measures for post-construction stormwater control, including maintenance to ensure proper operation. Compliance with these requirements would also minimize erosion and siltation that could adversely affect water quality in the planning area.

### *Wastewater Discharge*

In additional to stormwater runoff, polluted wastewater could be discharged by development facilitated by the 2040 General Plan. In general, new development and redevelopment projects would be required to discharge wastewater to existing sanitary sewer systems. The West Valley Sanitation District (WVSD) of Santa Clara County provides wastewater collection service for Los Gatos. The Town of Los Gatos wastewater collected by WVSD is then transported to a treatment facility operated by the SCVWD. Wastewater is conveyed through approximately 415 miles of main and trunk sewers and 187 miles of sewer laterals, for a total of 602 miles of sewer lines. The WVSD serves approximately 46,300 connections serving a population of approximately 109,000 people, including the entire population of the Town of Los Gatos. The SCVWD operated wastewater treatment plant (WWTP), the San Jose-Santa Clara Regional Wastewater Facility processes an average of 100 million gallons of wastewater per day with a capacity of up to 167 million gallons per day (MGD).

In addition to compliance with mandatory CWA requirements (NPDES Construction General Permit and MS4 General Permit), Los Gatos Municipal Code requirements, and the San Francisco Bay RWQCB's requirements for stormwater management, implementation of the following 2040 General Plan goals and policies would minimize erosion and siltation, prevent substantial discharges of contaminated stormwater to the municipal storm drain system or surface waters, and reduce the potential for violations of water quality standards or waste discharge requirements:

### *Environment and Sustainability Element*

**Goal ENV-16.** Protect and conserve watersheds and water quality.

**Policy ENV-16.1. Avoid Water Contamination from New Development.** Require all applicants to demonstrate that new development will not contaminate surface water and/or groundwater.

**Policy ENV-16.3. Valley Water.** Cooperate with Valley Water and other agencies to protect watersheds and riparian habitats from degradation.

**Policy ENV-16.4. Conserve Existing Creeks.** Conserve existing creeks and avoid disturbances to these areas.

**Policy ENV-16.5. Creek Dedication.** Require that the approval of a development adjacent to a designated creek includes a condition that the creek be dedicated to the Town in fee with a maintenance easement granted to Valley Water.

**Policy ENV-16.6. Alternative Paving Materials and Designs.** Encourage alternative paving materials and designs to limit driveways, parking areas, and parking lots in all zones. 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-16.7. Parking Lot Drainage.** Implement bioswales and other innovations so runoff from parking lots drain into landscaped areas and rainwater percolates into the ground.

**Policy ENV-16.8. Open Space and Recreation Prioritization.** Require that open space and recreation is the priority land use designation for lands immediately adjacent to reservoirs, creeks, and streams.

**Policy ENV-16.9. Stormwater Runoff.** Reduce pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land use activities.

**Policy ENV-16.10. Street Sweeping.** Conduct regular street-sweeping to collect trash and road surface pollutants before they enter stormwater drainage systems.

**Policy ENV-16.11. Sustainable Landscaping Practices.** Support low water landscaping practices and limited artificial fertilizer and pesticide application on public and private properties.

**Goal ENV-17.** Protect and conserve water resources and infrastructure in a manner that sustains plant and animal life, supports urban activities and recreation, and protects public health and safety.

**Policy ENV-17.6. Groundwater.** Participate in the regulation of groundwater use to protect it as a natural resource and conserve it for potential use during extended drought.

**Policy ENV-17.7. Subsurface Water.** Conserve and maintain subsurface water resources by exploring ways to reduce the impacts of development dewatering and other excavation activities.

**Policy ENV-17.8. Low-Impact Development.** Encourage Low-Impact Development (LID) measures to limit the amount of impervious surface in new development and to increase the retention, treatment, and infiltration of urban stormwater runoff. LID measures should also apply to major remodeling projects and to public and recreation projects where possible.

Compliance with NPDES permits requirements, Los Gatos Municipal Code requirements, and the 2040 General Plan goals and policies would minimize erosion and siltation and reduce the risk of discharge of pollutants to avoid violations of water quality standards or waste discharge requirements. Implementation of these 2040 General Plan goals and policies would also ensure that the runoff from development envisioned in the 2040 General Plan would not exceed the capacity of the Town's existing and future storm drain system and minimize potential flooding impacts. Therefore, impacts would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 2:** | Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? |
| **Threshold 5:** | Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? |

**IMPACT HWQ-2 CONSTRUCTION AND OCCUPANCY OF NEW STRUCTURES UNDER THE 2040 GENERAL PLAN COULD RESULT IN THE DEPLETION OF GROUNDWATER SUPPLIES OR THE INTERFERENCE WITH GROUNDWATER RECHARGE. IMPLEMENTATION OF THE GOALS AND POLICIES OF THE 2040 GENERAL PLAN WOULD MAXIMIZE THE POTENTIAL FOR INFILTRATION AND ENSURE THE SUSTAINABLE USE OF GROUNDWATER AND WOULD REDUCE THIS IMPACT TO A LESS-THAN-SIGNIFICANT LEVEL.**

Construction activities carried out under the 2040 General Plan could lower the local groundwater level during dewatering activities if it is necessary to remove water from the aquifer table. This potential impact would be temporary, local, and minor. Water supply wells serving the Town would be unaffected by any construction-related dewatering activities. Water use during construction, such as for dust suppression or concrete mixing, would be temporary and minimal and would not substantially lower the groundwater level in the Santa Clara Valley Subbasin.

Development facilitated by the 2040 General Plan could potentially interfere with groundwater recharge through the creation of new impervious surfaces. For new developments and redevelopment projects, the amount of new impervious surfaces would be reduced through Low Impact Development (LID) goals and policies in the 2040 General Plan and would not substantially interfere with groundwater recharge or redirect runoff such that it results in on- or off site flooding. This impact would be less than significant.

Implementation of the proposed project could potentially increase the demand for water resources. As described in Section 4.17, *Utilities and Service Systems*, the Town's potable water supply has been provided primarily from mountain surface water treated at a SJWC treatment facility. Additional sources of water supply include regional groundwater and imported surface water purchased from SCVWD. Growth in the Town of Los Gatos that would be facilitated by the 2040 General Plan has been incorporated into the SCVWA 2015 Urban Water Management Plan (UWMP). Future water demand in Los Gatos is projected to be met by SCVWD's current water supply (SCVWD 2016). The SJWC has rights to pump water from the aquifers in the service area when it is in compliance with Valley Water permitting requirements. Therefore, projected growth under the 2040 General Plan would not result in a depletion of groundwater supplies in the Santa Clara Valley Subbasin.

In addition, the 2040 General Plan contains several goals and policies that would encourage groundwater infiltration and promote the use of recycled water and other water conservation efforts. Implementation of the following 2040 General Plan goals and policies would maximize water conservation and reduce the potential for depletion of groundwater resources:

### *Environment and Sustainability Element*

**Goal ENV-17.** Protect and conserve water resources and infrastructure in a manner that sustains plant and animal life, supports urban activities and recreation, and protects public health and safety.

> **Policy ENV-17.6. Groundwater.** Participate in the regulation of groundwater use to protect it as a natural resource and conserve it for potential use during extended drought.

*Public Facilities, Services, and Infrastructure Element*

**Goal PFS-4.** Minimize the amount of stormwater runoff, as well as protect and improve the water quality of runoff.

> **Policy PFS-3.1. Water Drainage Analysis in CEQA Review.** Require CEQA review analysis for all development projects consisting of single and cumulative impacts on water drainage (runoff) and contamination (water quality) in all areas, but particularly in or adjacent to hillsides, riparian corridors, and important undeveloped watersheds.
>
> **Policy PFS-3.2. Non-Point Source Pollution Control Programs.** Provide non-point source pollution control programs to reduce and control the discharge of pollutants into the storm drain system.

Compliance with Sustainable Groundwater Management Act requirements, implementation of the SCVWD UWMP, and adherence to the General Plan 2040 goals and policies would maximize groundwater infiltration and increase water use efficiency within the Town associated with construction and operation of new developments to the maximum extent practicable. Therefore, this impact would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 3:** | Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious pavements, in a manner which would:<br>a. Result in substantial erosion or siltation on- or off-site;<br>b. Substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site;<br>c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or<br>d. Impede or redirect flows. |
| **Threshold 4:** | Would the project risk release of pollutants due to project inundation in a flood hazard zone? |

### Impact HWQ-2 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN COULD BE SUBJECT TO FLOOD HAZARDS AND COULD IMPEDE OR REDIRECT FLOOD FLOWS TO ADJACENT AREAS. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE LOS GATOS MUNICIPAL CODE WOULD REQUIRE NEW DEVELOPMENT TO BE DESIGNED AND CONSTRUCTED SUCH THAT THE RISK AND DAMAGE OF FLOODING IS NOT EXACERBATED BY IMPLEMENTATION OF THE 2040 GENERAL PLAN. IMPACTS RELATED TO FLOODING AND FLOOD HAZARDS WOULD BE LESS THAN SIGNIFICANT.

As shown in Figure 4.10-1, portions of the planning area would be subject to a 100-year flood zone, including areas west of SR 17 and adjacent to Los Gatos Creek, San Tomas Aquinos Creek, Smith Creek, and Ross Creek, are located within the 100-year floodplain. Other portions of the Town are within the 500-year floodplain. Development in these areas could be subject to flood hazards and/or could impede or redirect flood flows to adjacent areas.

Compliance with applicable provisions of the Los Gatos Municipal Code would minimize the risk and exposure to flood hazards. Los Gatos Municipal Code Chapter 29, Article IX includes requirements and provisions for reducing losses from flooding, including construction standards to minimize flood risks associated with new development. Specific requirements and provisions for construction in flood-prone areas include practices such as anchoring, construction material and methods that minimize flood damage, and elevation and floodproofing.

Los Gatos Municipal Code Section 29.90.070 requires that a development permit be obtained before construction or development begins in a Special Flood Hazard Area as designated by Los Gatos Municipal Code Section 29.90.040. The development permit must show plans that outline the flood characteristics and flood hazard reduction on the site, including elevation of the area in question, existing structures on site, utilities, grading, proposed fill, and location of the regulatory information. The application for a development permit is reviewed by the designated Floodplain Administrator, who determines whether the "site is reasonably safe from flooding" and whether development would adversely affect the carrying capacity of areas where base flood elevations have been determined.

Required compliance with applicable sections of the Los Gatos Municipal Code would ensure new structures would not impede or redirect flood flows within a 100-year flood hazard area, such that a flood hazard would be increased elsewhere. In addition, the following goals and policies in the Public Safety Element of the 2040 General Plan would minimize flood risk:

**Goal HAZ-3.** The potential for injuries, damage to property, economic and social displacement, and loss of life resulting from flood hazards to the greatest extent possible

**Policy HAZ-3.1. Designated Floodways:** Adopt designated floodways for all major streams utilizing the full floodplain concept as a first priority and the modified floodplain concept as a second priority for any floodplain development.

**Policy HAZ-3.2 Land Uses in Floodplain Areas:** Limit the intensity of land use in flood hazard zones and areas of known recurrent localized flooding. Locate critical or public facilities above the 500-year floodplain or protect such facilities up to the magnitude 500-year flood.

**Policy HAZ-3.3. Flood Hazard Consideration in Site Planning:** Require site planning and building design to mitigate identified flood and inundation hazards.

**Policy HAZ-3.4. FEMA 100-Year Flood Zones:** Require new development and substantial improvements to meet federal standards when within FEMA designated 100-year flood zones in the Los Gatos area, as shown in Figure 8.3 or most current FEMA mapping.

**Policy HAZ-3.5. Land Dedicated for Flood Protection:** Obtain fee title to all land required to be dedicated for flood protection.

**Policy HAZ-3.6. Peak Stormwater Run-off:** 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.

**Policy HAZ-3.7. Flood Protection Facilities:** Cooperate with the Santa Clara Valley Water District to develop and maintain additional flood protection retention facilities in areas where they are needed or where the design capacity of existing retention facilities cannot be restored.

**Policy HAZ-3.8. Precipitation Changes.** Monitor and respond to the risk of flooding caused by climate change-related changes to precipitation patterns, groundwater levels, and storm surges

Implementation of these goals and policies and compliance with applicable laws and regulations, including flood hazard mitigation construction guidelines outlined in the Los Gatos Municipal Code, such that risk of loss, injury or death involving flooding in the planning area is not exacerbated by the 2040 General Plan. Therefore, impacts related to flooding and flood hazards would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| **Threshold 4:** | In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? |
|---|---|

**Impact HWQ-3 THE TOWN OF LOS GATOS IS NOT WITHIN AN AREA AT RISK FROM INUNDATION BY SEICHE OR TSUNAMI, AND THEREFORE WOULD NOT BE AT RISK OF RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION. THERE WOULD BE NO IMPACT.**

As stated in Section 4.10.1, *Setting*, the Town of Los Gatos is not located in a tsunami or seiche zone. Therefore, development facilitated by the project would not risk release of pollutants due to tsunami or seiche inundation of the planning area. There would be no impacts related to flood flows or project inundation.

### Mitigation Measures

No mitigation measures would be required.

### Significance After Mitigation

No mitigation required.

## 4.10.4 Cumulative Impacts

The analysis in this section examines impacts of the 2040 General Plan on hydrology and water quality throughout the cumulative impact analysis area and is cumulative in nature. Some types of hydrologic impacts are localized and not cumulative in nature. For example, affects to flood zones and exposure of people to a significant risk of loss, injury, or death involving flooding (including flooding as a result of the failure of a levee or dam), seiche, or tsunami are typically independent and the determination as to whether they are adverse is specific to the project and location where they are created.

Some types of impacts to hydrology and water quality that may be additive in nature, and thus cumulative, include violation of water quality standards, interference with groundwater recharge, increased erosion, increased non-point source pollution, and increased runoff. Cumulative development would increase erosion and sedimentation resulting from grading and construction, as well as changes in drainage patterns which could degrade surface and ground water quality. Cumulative development would also increase the amount of impervious surfaces, potentially reducing groundwater recharge. In addition, new development would increase the generation of urban pollutants that may adversely affect water quality in the long term.

Development of individual projects in the Los Gatos Watershed (the cumulative impact area) would be required to comply with applicable water quality regulations, as discussed in Section 4.10.2, *Regulatory Setting*, and Impact HWQ-1 above. Compliance with these existing requirements would reduce impacts associated with pollutants discharged during construction and operation of project and adverse changes to water quality throughout the cumulative impact area. Therefore, cumulative impacts related to water quality would be less than significant.

As discussed in Impact HWQ-2, development of individual projects throughout the cumulative impact area would increase impervious surfaces and reduce groundwater recharge in the planning area, but compliance with applicable policies related to impervious surfaces would reduce impacts throughout the cumulative impact area. Similarly, as discussed in Impact HWQ-3 and Impact HWQ-4, compliance with applicable laws and regulations would minimize the potential for flooding from alteration to the drainage patterns, flood hazards, tsunamis, and seiches. Therefore, cumulative

impacts related to groundwater recharge, changing drainage patterns, and flooding would be less than significant.

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# 4.11 Land Use and Planning

This section addresses the Town's land use characteristics, including both the overall land use pattern and a more detailed analysis by major land use type, and analyzes existing plans and opportunity areas with development potential in order to determine the land use and planning effects of the 2040 General Plan. The area of analysis is the Planning Area as described in Section 2, *Project Description*.

## 4.11.1 Setting

### a. Existing Land Use Pattern

Los Gatos is predominantly built-out community, but changes are contemplated during the planning horizon to address evolving community needs. This is particularly true regarding the need to provide housing to meet all income and stage-of-life needs. To help plan for the future, Los Gatos used the Town's Regional Housing Needs Allocation (RHNA), developed by the Association of Bay Area Governments, as a predictor of the housing needed to meet future demands. This focused the Town to reevaluate and plan for a more diverse housing mix for a changing population. Proactively planning for the anticipated land use changes and ensuring growth is sustainable over the next 20 years is a priority of the 2040 General Plan and the community.

Los Gatos is characterized as a suburban residential community, with many fully-developed residential neighborhoods that include schools and parks throughout the Town with well-maintained single-family homes. Residential land use comprises the largest category of land use, making up more than 40 percent of the Planning Area. Parks/Open Space and Private Recreation is the next largest category, covering a combined 36.11 percent of Town land. Commercial and Industrial uses account for 2.8 percent of the Town and roughly 6 percent of the Town's land is vacant. Public/quasi-public uses and roadways make up the remainder of the Town. Figure 2-5 in Section 2, *Project Description*, shows the Land Use Map from the Town's current 2020 General Plan. The general distribution of land uses within the Town is shown in Table 4.11-1.

**Table 4.11-1 Existing Land Use within the Planning Area**

| Land Use | | Acres | Percent of Total |
|---|---|---|---|
| **Residential** | | **4738.36** | 40.54% |
| LDR[1] | Low-Density Residential | 4460.93 | 38.17% |
| MDR[2] | Medium-Density Residential | 200.32 | 1.71% |
| HDR | High-Density Residential | 77.10 | 0.66% |
| **Commercial and Industrial** | | **326.90** | 2.80% |
| O | Office Professional | 136.38 | 1.17% |
| NC | Neighborhood Commercial | 133.40 | 1.14% |
| SC | Service Commercial | 10.55 | 0.09% |
| CBD | Central Business District | 4.18 | 0.04% |
| LI | Light Industrial | 42.39 | 0.36% |

| Land Use | | Acres | Percent of Total |
|---|---|---|---|
| **Public/Quasi Public and ROW** | | 1710.56 | 14.64% |
| P | Public/Quasi Public | 415.74 | 3.56% |
| ROW | Streets/Right-of-Way/Utilities | 1294.85 | 11.08% |
| **Parks/Open Space and Recreation** | | 4220.77 | 36.11% |
| PR | Private Recreation | 144.87 | 1.24% |
| OS | Parks/Open Space | 4075.90 | 34.87% |
| **Vacant** | | 691.43 | 5.92% |
| V | Vacant | 691.43 | 5.92% |
| **Total** | | **11688.02** | **100.00%** |

Source: Town of Los Gatos, 2018; Mintier Harnish, 2018

[1] Low Density Residential (LDR) includes Hillside Residential designations

[2] The Town of Los Gatos has two mobile home parks that are designated Medium-Density Housing by the Santa Clara County Assessor's Office.

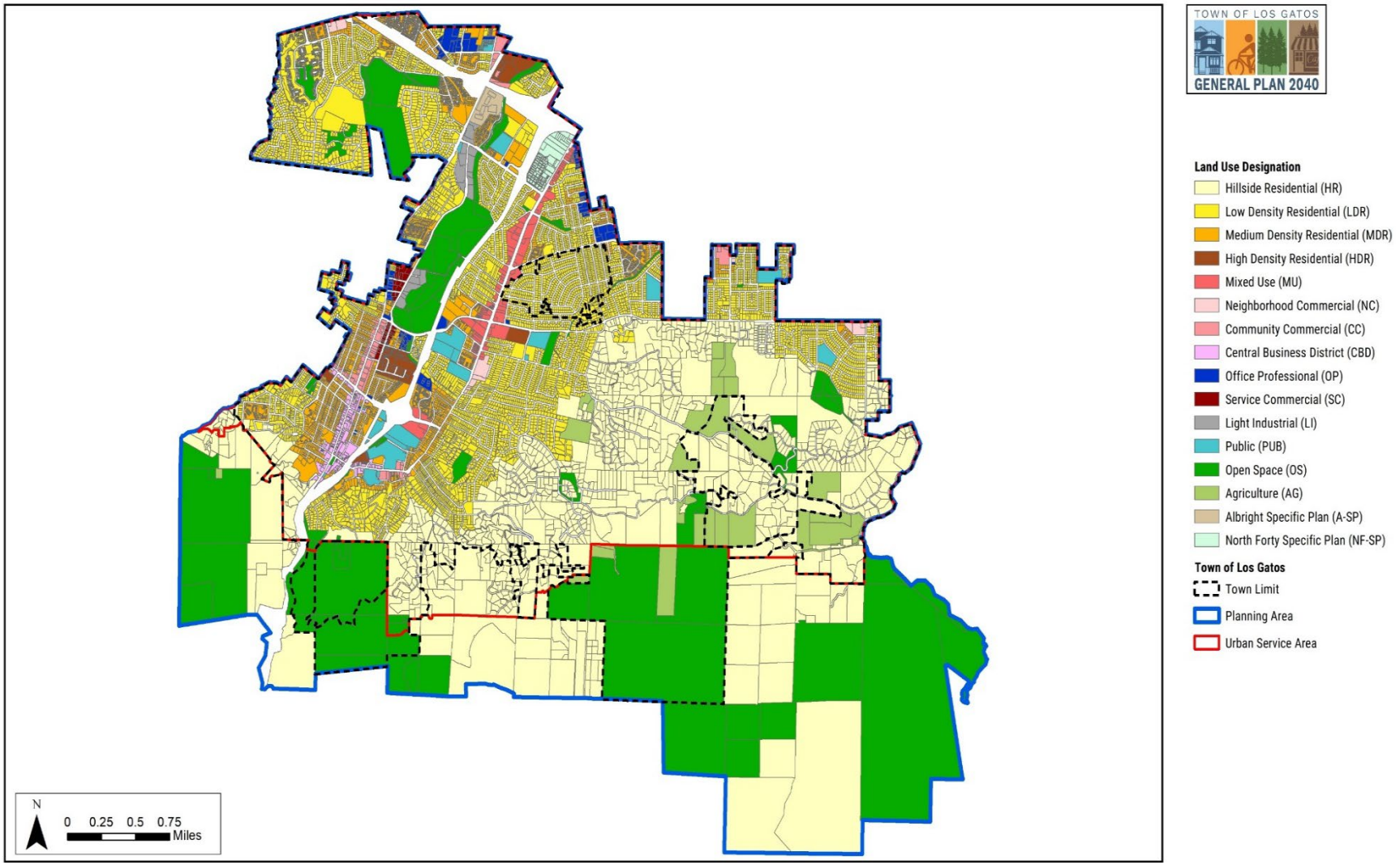
As discussed in Section 4.14, *Population and Housing*, and shown in Table 4.11-2 provides a description of the total residential buildout possible under the 2040 General Plan. In addition, Figure 4.11- 1 shows the proposed land use designations of the 2040 General Plan. Together, these provide for development potential adequate to cover the Town's projected housing needs based on the Town's expected 2023-2031 Regional Housing Needs Allocation (RHNA). Based on current persons per household in Los Gatos and an average household size of 2.4 persons, this increase in units will increase the community's population by 8,971 persons.

### Table 4.11-2 General Plan Residential Buildout

| Land Use Designation | | Density Range (du/ac) | Typical Density (du/ac) | Assumed Redevelopment | New Housing (Vacant Land) | New Housing (Redevelopment) |
|---|---|---|---|---|---|---|
| LDR | Low Density Residential | 1 to 12 | 12 | 5% | 283 | 84 |
| MDR | Medium Density Residential | 14 to 24 | 20 | 10% | 224 | 343 |
| HDR | High Density Residential | 30 - 40 | 36 | 15% | 110 | 268 |
| NC | Neighborhood Commercial | 10 to 20 | 18 | 10% | 26 | 91 |
| CC | Community Commercial | 20 to 30 | 26 | 15% | - | 156 |
| MU | Mixed Use | 30 - 40 | 36 | 20% | 126 | 605 |
| CBD | Central Business District | 20 to 30 | 26 | 15% | 21 | 113 |
| OP | Office Professional | 30 to 40 | 36 | 15% | 4 | 255 |
| SC | Service Commercial | 20 to 30 | 26 | 15% | 10 | 44 |
| | Subtotal | | | | 804 | 1,959 |
| | **Housing Units, New and Redeveloped** | | | | | **2,763** |
| | Housing Units, ADUs | | | | | 500 |
| | Housing Units, Existing Projects | | | | | 475 |
| | **TOTAL NEW** | | | | | **3,738** |

Source: Town of Los Gatos, 2021; Draft Land Use Element

**Figure 4.11-1 Land Use Diagram**



Low-density residential is the most common land use in the Town of Los Gatos, making up approximately 38 percent (4,450.92 acres) of the total land use. Low-density residential is found in nearly all areas of the Town, with exception of the Hillside open space areas and the commercial corridors along Los Gatos Boulevard and North Santa Cruz Avenue.

Open space occupies 34.87 percent (4,075.90 acres) of the Town, characterized mainly by large tracts on the southern half of the Planning Area. Parks scattered throughout the Town, make up the remaining open space land. Significantly, Oak Meadow Park and Vasona County Park are two large adjacent parks bound by University Avenue to the west, State Route (SR) 17 to the east, and Blossom Hill Road to the south. Vasona County Park stretches north along University Avenue and is connected to both the northern and southern Town boundaries by the Los Gatos Creek Trail.

Medium-density residential makes up 1.71 percent (200.32 acres) of the Town, and is generally located adjacent to SR 17, SR 85, and commercial uses along Santa Cruz Avenue.

High-density residential land uses account for 0.66 percent (77.10 acres) of the land uses in the Town and is generally located near major arterials and office and commercial uses. Large high-density residential areas can be found near the office professional uses on the northern edge of the Planning Area near Winchester Boulevard and Knowles Road, and at the intersection of SR 17 and Blossom Hill Road. Additional high-density residential uses are located east of the neighborhood commercial uses along University Avenue.

Low-, medium-, and high-density residential uses provide all of the land for housing in Los Gatos. Residential uses are located throughout the Town, with the exception of the open space areas on the southern portion of the Planning Area. The areas surrounding Santa Cruz and University Avenues contain a mix of residential, commercial, and industrial uses. Generally, medium- and high-density residential are clustered near major arterials and shopping centers to provide easy access to services, as well as, provide a buffer to single-family land uses. For example, medium- and high-density uses surround the Town's central business district and the neighborhood commercial area along Santa Cruz Avenue.

## b. Existing Plans and Studies

### *Los Gatos 2020 General Plan*

The Town's current 2020 General Plan was adopted on September 20, 2010 and guides how land in the Town may be developed and used by designating each parcel of land for a particular use or combination of uses and by establishing broad development policies. Land use designations identify both the types of development, such as residential, commercial, and industrial, that are permitted and the density of allowed development, such as the minimum or maximum number of housing units permitted on an acre of land or the amount of building square footage allowed. Goals and Policies within the 2020 General Plan related to land use prioritize the preservation of the Town's character through the coordination of thoughtful planning and public participation.

### *Hillside Specific Plan*

The Hillside Specific Plan was created to address existing and future hillside development within the Town and Santa Clara County, and to make recommendations for the future development of the Planning Area. The Hillside Specific Plan was adopted by the Town Council on August 7, 1978 and adopted by the County Board of Supervisors on March 19, 1979. The planning vision sought to preserve the natural environment in Los Gatos by ensuring that any development in the hillside

areas would: maintain the existing open, wooded, rural character; be in harmony with the natural setting; conserve landforms and other features of the natural landscape; preserve wildlife habitat and movement corridors; and protect and preserve viewsheds and the ridgelines of the mountains.

### *Hillside Development Standards and Guidelines*

Developed by the Town of Los Gatos and adopted in 2012, the Hillside Development Standards and Guidelines (HDS&G) is a tool that provides guidance to homeowners, builders, and design professionals in preparing proposals for hillside areas. It also serves as a guide for the Town Council, Planning Commission, Development Review Committee, and Town staff during the review and approval process.

The HDS&G acknowledges that:

- The rural, natural open space character of the hillsides is an important component of the Town's character and charm.
- The hillsides are geologically and environmentally sensitive areas.
- Development in the hillsides has the potential to affect, and be affected by, the environment. Awareness of a site's natural constraints will result in development that is sensitive to the environment, incorporates safeguards to maximize public safety, and minimize changes to the visual quality of the hillsides.
- Property owners should have the opportunity to build, expand, or remodel. However, such changes must recognize and respect the constraints associated with hillside development.

The HDS&G identifies a hillside planning area that includes HR (Hillside Residential) and RC (Resource Conservation) zoning, and some lots with R-1 (Residential, Single-Family) zoning. The R-1 lots are included because of the presence of a hillside environment and/or steep slopes.

The overall goal of the HDS&G is to work hand in hand with the Town's discretionary development review process to achieve design excellence that fosters sustainable development and preserves the natural environment.

### *Los Gatos Boulevard Plan*

The Los Gatos Boulevard Plan was adopted in the Fall of 1997. The Plan principles establish a partnership among residents, businesses, property owners, and the Town government and develop the boulevard as a distinct area that enhances the quality of life for the people of Los Gatos. The Plan vision and goals are to preserve Los Gatos history and highlight its individuality, character, and natural environment; promote commercial activity that is complimentary to the Town character; provide local employment and access to goods and services; increase accessibility to the boulevard through various forms of transportation; and provide links between neighborhoods and commercial areas.

### *Albright Specific Plan*

Approved by voter initiative Measure A on June 3, 2014, the Albright Specific Plan established a 21.6-acre special planning area located at 90-160 Albright Way and 14600 Winchester Boulevard (Figure 4.11-2). The Specific Plan proposes to develop up to 485,000 square feet of new office/research and development space (including office serving amenities), one parking garage, surface parking areas, new access driveways, and new landscaping and open space. The project involves the removal of ten existing buildings totaling approximately 250,000 square feet of

office/research and development space, and the construction of four new office/research and development buildings at full build out. The Specific Plans established the following vision for the project:

> *The Albright Specific Plan Area will include high quality office buildings, suitable for corporate headquarters, in a campus setting. The Specific Plan will ensure that the Area will be designed to create an attractive, welcoming environment for employees and to promote alternative modes of commuting by taking advantage of superior transit access and connections with the Los Gatos Creek Trail. The development of the Area with Class A facilities, spacious outdoor areas, and the Area's proximity to a variety of transportation modes will make this a highly attractive location for major businesses and will continue to promote the Town of Los Gatos as a place for innovation, creativity, and an exceptional quality of life.*

The successful voter initiative approved the adoption of the Albright Specific Plan, as well as amendments to the Town's General Plan, Land Use Map, and Zoning Code to rezone the project area from Controlled-Manufacturing (CM) into The Albright Specific Plan Zone, allowing for site-specific zoning regulations. Rezoning the project area was necessary to approve the construction of the project's four proposed buildings, as each exceeds the 35-foot maximum height restriction in CM zones.

### *North 40 Specific Plan*

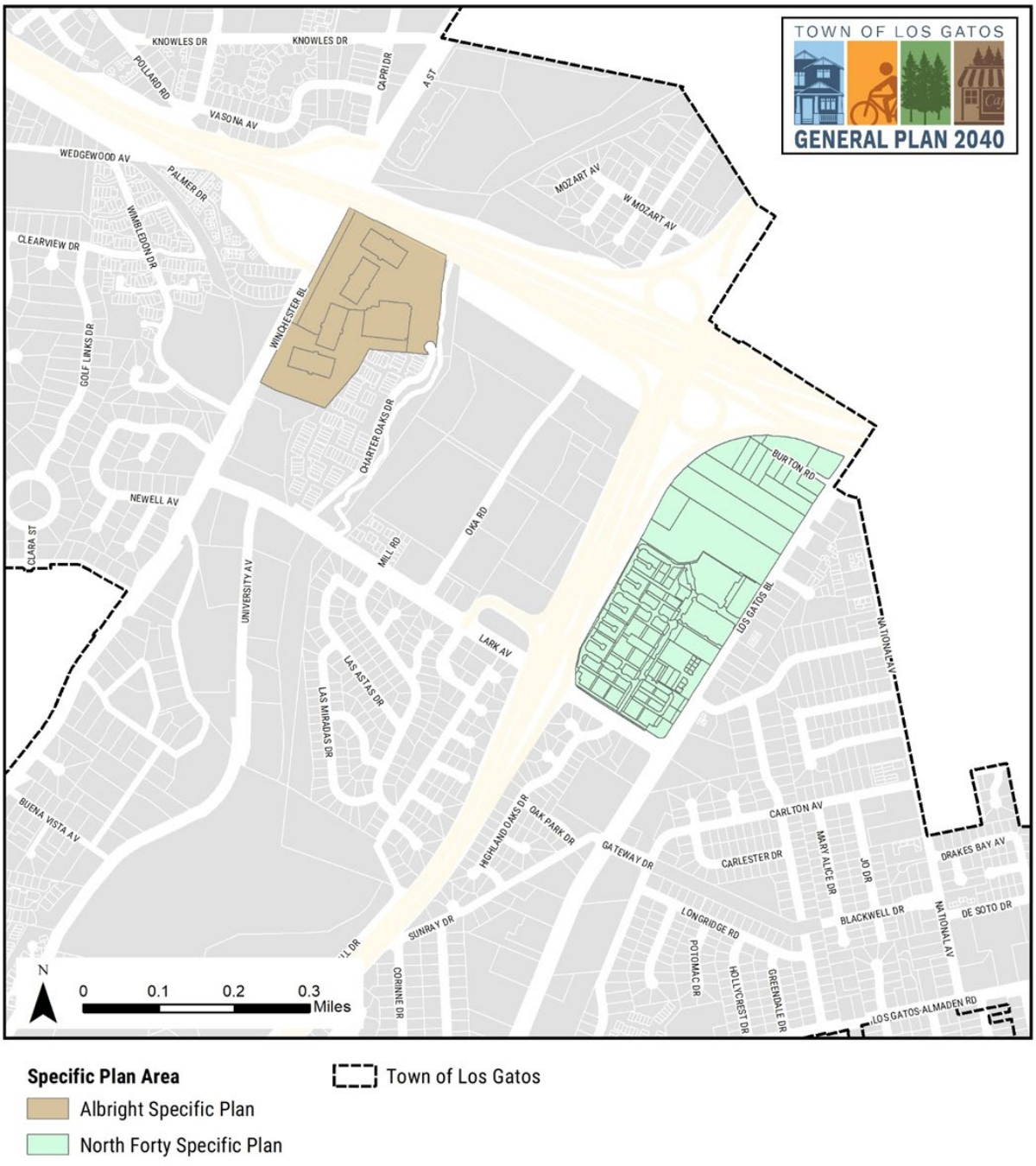
The North 40 Specific Plan was adopted by the Los Gatos Town Council on June 17, 2015. The Specific Plan area is approximately 42 acres and is bounded by SR 17, SR 85, Los Gatos Boulevard, and Lark Avenue (Figure 4.11-2). On March 5, 2012, the Town Council adopted the following Vision Statement and Guiding Principles for the North 40 Specific Plan area:

> ***Vision Statement:*** *The North 40 reflects the special nature of our hometown. It celebrates our history, agricultural heritage, hillside views, and small-town character. The North 40 is seamlessly woven into the fabric of our community, complementing other Los Gatos residential and business neighborhoods. It is respectful of precious community resources and offers unique attributes that enrich the quality of life of all of our residents.*
>
> ***Guiding Principles:***
>
> - *The North 40 will look and feel like Los Gatos.*
> - *The North 40 will embrace hillside views, trees, and open space.*
> - *The North 40 will address the Town's residential and/or commercial unmet needs.*
> - *The North 40 will minimize or mitigate impacts on Town infrastructure, schools, and other community services.*

The Specific Plan provides a maximum allowable development capacity for the entire Specific Plan area of 270 residential units and 501,000 SF for non-residential uses.

Approved by Town Council in August 2017, Phase I of the North 40 Specific Plan includes 237 of the 270 residential units allowed within the Specific Plan area, plus a request for a State Density Bonus of an additional 83 housing units for a total of 320 housing units. Phase I also includes approximately 66,800 SF of commercial space.

**Figure 4.11-2 Specific Plan Locations**




## *Los Gatos Bicycle and Pedestrian Master Plan*

The Los Gatos Bicycle and Pedestrian Master Plan (BPMP) was adopted in March 2017. The vision for the BPMP is to: increase bicycling and walking by residents, visitors, and employees; enhance the Town's reputation as a bicycle and pedestrian friendly community; create a bicycle and pedestrian network that expands access to community destinations; create a balance to access in the roadway network for all modes of transportation; balance the needs of recreational bicyclists, commuters, transit users and students; provide safe access throughout the community for the mobility impaired;

and support and expand sustainable transportation options for the Town, while improving public health and benefiting the local economy. The BPMP establishes metrics to monitor projects and programs.

### *Los Gatos Sustainability Plan*

The Los Gatos Sustainability Plan was adopted on October 15, 2012. The Plan played a key role in the implementation of the 2020 Los Gatos General Plan, which focused on sustainability. Sustainability is defined as using resources in the present in a manner that does not compromise the choices and quality of life of future generations. The Plan is a long-range strategy to achieve sustainability in transportation, land use, energy, water, solid waste, and open space. The plan addresses major sources of greenhouse gas (GHG) emissions in Los Gatos and presents a long-term strategy at reaching GHG emission reduction targets.

## 4.11.2 Regulatory Setting

### a. State Regulations

### *California Government Code Section 65300*

California Government Code Section 65300 regulates the substantive and topical requirements of general plans. State law requires each town, city, and county to adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning." The California Supreme Court has called the general plan the "constitution for future development." The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private.

### *California Government Code Section 65301*

Section 65301 of the California Government Code requires a general plan to address the geographic territory of the local jurisdiction and any other territory outside its boundaries that bears relation to the planning of the jurisdiction. The jurisdiction may exercise judgment in determining what areas outside of its boundaries to include in the planning area. The Governor's Office of Planning and Research (OPR) General Plan Guidelines state that the planning area for a Town should include (at minimum) all land within the Town limits and all land within the Town's sphere of influence.

### *Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act)*

The Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) is the most significant reform to local government reorganization law since the 1963 statute that created a LAFCO in each county. The law established procedures for local government changes of organization, including city or town incorporation, annexation to a city, town, or special district, and consolidation of towns, cities, or special districts (Section 56000, et seq.). LAFCOs have numerous powers under the CKH Act, but those of prime concern are the power to act on local agency boundary changes and to adopt SOIs for local agencies. The law also states that to update an SOI, LAFCOs are required to first conduct a review of the municipal services provided in the county.

While LAFCO does not have any direct land use authority, the CKH Act assigns LAFCOs a significant role in planning issues by requiring them to consider a wide range of land use and growth factors when they consider proposals. California Government Code Section 56001 specifically states that "the logical formation and determination of local agency boundaries is an important factor in

promoting orderly development and in balancing that development with sometimes competing State interests of discouraging urban sprawl, preserving open space and prime agricultural lands, [and] efficiently extending government services."

### *Government Code Section 65860(a)*

State law requires that general law city or town zoning ordinances be consistent with the general plan. A zoning ordinance is consistent with an adopted general plan only if the various land uses authorized by the zoning ordinance "are compatible with the objectives, policies, general land uses, and programs specified in such a plan" (Government Code Section 65860(a)). State law also provides that in the event a zoning ordinance becomes inconsistent with a general plan by reason of amendment to such a plan, the zoning ordinance must be amended within a reasonable time so that it is consistent with the general plan as amended [Government Code Section 65860(a)]. The Town of Los Gatos is a general law town and is, therefore, required to have zoning consistency.

## b. Regional Regulations

### *ABAG/MTC Plan Bay Area 2040*

Plan Bay Area 2040 was jointly adopted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) on July 26, 2017 as a strategic update to Plan Bay Area (2017). The Plan builds on earlier work to develop an efficient transportation network, provide more housing choices, and grow in a financially and environmentally responsible way. Plan Bay Area 2040 works to serve as a roadmap to help Bay Area towns, cities, and counties preserve community character while adapting to the challenges of future population growth.

Plan Bay Area is a result of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375), which requires each of the State's 18 metropolitan areas to reduce greenhouse gas emissions through coordinated transportation and land use planning with the goal of more sustainable communities. The law requires that the SCS promotes compact, mixed-use commercial and residential development. To meet the goals of SB 375, Plan Bay Area accommodates 80 percent of the region's future housing needs in Priority Development Areas (PDAs). These are neighborhoods within walking distance of frequent transit service, offering a wide variety of housing options, and featuring amenities such as grocery stores, community centers, and restaurants. There are no identified PDAs within the Town of Los Gatos.

At this time, ABAG and MTC are undertaking another update to Plan Bay Area, which is currently in draft and expected to be completed in late 2021. The Plan Bay Area 2050 update is designed to accommodate the anticipated growth of 1.5 million new homes and 1.4 million new jobs (AMBAG 2021). It builds on the work of the 2040 Plan by weaving together transportation, housing, economic and environmental strategies, alongside an expanded set of growth geographies, to advance critical climate and equity goals. Additionally, it includes infrastructure investments in walking, biking, public transportation, and critical sea level protections. One of the main focuses of the 2050 Plan is to expand housing and transportation opportunities while improving affordability for all residents.

## c. Local Regulations

### *Town of Los Gatos General Plan*

Decisions involving the future growth of a state are made and will continue to be made at the local level, and should be guided by effective planning processes, including the General Plan. Decisions should precede within the framework of officially approved statewide goals and policies directed toward land use, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, and other related physical, social, and economic factors (California Government Code 65030.1).

### *Town of Los Gatos Zoning Ordinance*

Zoning is the primary tool used to implement a community's general plan. A major difference between a general plan and zoning ordinance is that the general plan provides general guidance on the location, type, and density of new growth and development over the long term, while the zoning ordinance provides detailed development and use standards for each parcel of land. The zoning ordinance divides the community into zoning districts and specifies the uses that are permitted, conditionally permitted, and in some instances, which uses are specifically prohibited within each district.

Typically, a zoning ordinance consists of text and a map delineating districts for such basic land uses as residential, commercial, and industrial, and establishing special regulations for historic preservation, floodplains, hillside development, and other specific concerns. For each of the basic land uses, the zoning ordinance text typically includes an explanation of the purpose of the zoning district; a list of principals permitted and conditionally permitted uses; and standards for minimum lot size, density, height, lot coverage, setback, and parking. The zoning ordinance also typically describes procedures for processing discretionary approvals.

The Los Gatos Zoning Ordinance includes 13 zoning districts and four overlay zones. Each district has developed standards that are designed to protect and promote the health, safety, and general welfare of the community and to implement the policies of the General Plan. The zoning districts only apply to land within the Town limits and the standards serve to preserve the character and integrity of existing neighborhoods. Within a typical district there are regulations related to land use, lot size, coverage, building heights, parking, and landscaping.

The 13 zoning districts and four overlay zones established by the Los Gatos Zoning Ordinance are:

- **Residential Zones**
  - Resource Conservation Zone (RC)
  - Hillside Residential Zone (HR)
  - Single-Family Residential Zone (R-1)
  - Duplex Residential Zone (R-D)
  - Multiple Family Residential Zone (R-M)
  - Single Family Residential Downtown Zone (R-1D)
  - Mobile Home Residential Zone (RMH)
- **Office and Commercial Zones**
  - Office Zone (O)
  - Neighborhood Commercial Zone (C-1)

- Central Business District Commercial Zone (C-2)
- Restricted Highway Commercial Zone (CH)

- **Industrial Zones**
  - Commercial-Industrial Zone (LM)
  - Controlled Manufacturing Zone (CM)
- **Overlay Zones and Historic Preservation**
  - Planned Development Overlay Zone
  - Historic Preservation and Landmark and Historic Preservation Overlay Zone (LHP)
  - Public School Overlay Zone (PS)
  - Affordable Housing Overlay Zone

## 4.11.3 Impact Analysis

### a. Methodology and Thresholds of Significance

The analysis in this section focuses on the compatibility of land uses identified in the General Plan with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental impacts. This section also analyzes whether development facilitated by the 2040 General Plan or its policies would physically divide communities.

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. For purposes of this EIR, implementation of the proposed 2040 General Plan may have a significant adverse impact if it would do any of the following:

1. Physically divide an established community; or
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### b. Project Impacts and Mitigation Measures

| **Threshold 1:** | Would the project physically divide an established community? |
|---|---|

**Impact LU-1 IMPLEMENTATION OF THE PROPOSED GENERAL PLAN WOULD PROVIDE FOR ORDERLY DEVELOPMENT IN THE TOWN OF LOS GATOS AND WOULD NOT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

The Town of Los Gatos has limited land available for new development. The Town is characterized as a suburban residential community and has many fully-developed residential neighborhoods that include schools and parks throughout the Town with well-kept single-family homes. Medium- and high-density residential neighborhoods, retail, and commercial uses are generally located near major arterial roadways. Office parks and light industrial uses are condensed on the northern edge of Town, along Winchester Boulevard and on University Avenue adjacent to Oak Meadow Park. The location of retail, light industrial, and office spaces near arterial roads provides ease of access to services.

Under the Zoning Code of Ordinances, Los Gatos has a capacity for 926 new residential units and 951,886 SF of non-residential floor area. As shown in Table 4.11-2, out of the total development capacity of non-residential square footage of 951,886 SF, approximately 70%, or 679,797 square

feet, is from pending and approved projects. Residential growth is anticipated to result in up to 13 new single-family residences and 409 new multi-family housing units. The increased land uses are anticipated to generate 1,810 new jobs in the Town by the year 2040 in the service, industrial, retail, and office divisions.

### Table 4.11-3 Development Capacity Summary

| Zoning Districts | Expected Units | | Total | Population | Non-Residential Square Footage | Employment |
|---|---|---|---|---|---|---|
| | Single-Family | Multi-Family | | | | |
| Pending and Approved Projects | 13 | 409 | 422 | 1,012 | 679,797 | 1,810 |
| Vacant Land | 265 | 239 | 504 | 1,204 | 272,089 | 673 |
| **Total** | | | **926** | **2,216** | **951,886** | **2,483** |

Source: Town of Los Gatos, 2019

Due to the built-out nature of the Town, the General Plan encourages strategic growth. Unlike many communities where growth is primarily on vacant land, Los Gatos would see a higher percentage of change through redevelopment of lands that have development potential. The General Plan would continue to allow the Town to develop and grow to meet the needs of current and future residents, businesses, and visitors. The following goals and policies from the 2040 General Plan would allow growth while enhancing the Town's aesthetics and character.

**Goal LU-3.** Provide for a more diverse Town by incorporating balanced development that meets the needs of a changing population.

**Goal LU-4.** Use infill sites to accommodate new development.

**Goal LU-8.** Provide residents, businesses, and visitors with a range of commercial activities and services.

**Goal LU-9.** Enhance Downtown Los Gatos as the historic center of the Town, with goods and services for residents, while maintaining the existing Town identity, environment, and commercial viability.

**Goal LU-10.** Ensure a mix of commercial land use types to support the economic vitality of the community and continue to serve the needs of Town residents.

**Goal LU-11.** Encourage Employment Center designations to provide space for light industrial, office, and research and development to increase access to local jobs.

**Goal LU-16.** Create well-defined nodes of activity containing an integrated mix of commercial, office, and residential uses that enable Los Gatos residents to live close to businesses and services, reduce automobile use, and increase bike and pedestrian activity.

The above goals and their corresponding policies encourage thoughtful development within Los Gatos that would promote growth through infill development, development variety, and a mix of uses within the Town. They also acknowledge a changing population through creating a diversity of commercial, retail, and employment opportunities while preserving the Town's existing historic character.

### *Neighborhood Connectivity*

In addition to the above community development goals, the General Plan also considers future neighborhood connectivity. The Town of Los Gatos and SOI has a car-centric design which has led to increased use of land for parking, the isolation of neighborhoods by placement of wide arterial streets, and the concentration of essential services and shopping in a more distant, regional context. To plan for more complete neighborhoods, the General Plan considers the "15-minute Town" concept which has been developed to create ease of access and proximity to goods and services. For Los Gatos, the desire is to have goods and services within a distance that would support easy access by walking or biking. To support these different modes of travel, a distance of one mile from a residence was used to represent easy access for filling basic, daily needs. This design has three defining features:

- **Proximity**. Uses must be in close proximity to each other.
- **Diversity**. Land uses need to provide a mix of residential and commercial services.
- **Density**. Success requires a density of residential uses to support the commercial services.

As part of the Town's future, the 2040 General Plan will shift focus to reestablishing more complete neighborhood areas that meet the daily needs of residents to be located within a one-mile distance. The following goal and policy will provide guidance on neighborhood connectivity.

**Goal LU-2.** Provide for an urban fabric that supports a robust housing mix and convenient access to goods and services that meet daily needs.

> **Policy LU-2.1. Mixed Uses and Convenience.** Promote a mix of compatible uses in and adjacent to residential neighborhoods to serve the basic, daily needs of nearby residents. This should include neighborhood shopping and services available within one mile of all non-hillside residential areas in the following categories:
>
> - Convenience retail;
> - Access to healthy food choices;
> - Health services;
> - Schools;
> - Parks and open space;
> - Access to transit; and
> - Employment opportunities.

**Goal LU-7.** Encourage a variety of development types that integrates a mix of residential, commercial, and/or office uses to meet the Town's housing goals for growth, while enabling residents to live close to businesses and services.

> **Policy LU-7.1 Encourage Mixed-use Development.** Implement and promote a land use pattern that facilitates the development of projects that mix residential, commercial, and/or employment uses to enable residents to live within one mile of businesses and employment; promotes walking, biking, and transit use; and increases opportunities for community gathering and social interaction.
>
> **Policy LU-7.2 Mixed-use Objectives.** The Town shall require mixed-use projects to comply with the following objectives:
>
> - Include a mix of residential uses as a significant component of the project;
> - Provide a blend of uses that are physically and functionally integrated through site layout, architectural design, and landscaping to create a synergy between different uses and a unique sense of place;
> - Feature compact design;

- Increase economic vitality;
- Feature a pedestrian-oriented design; and
- Include an attractive and accessible public realm that encourages community members to gather and socialize.

The above General Plan policies would maintain existing communities within the Town of Los Gatos and would ensure that future development does not disrupt or divide established communities.

Overall, the 2040 General Plan would promote orderly development in Los Gatos by encouraging growth in designated focused areas and maintain the Town character through the enhancement of infill development and neighborhood connectivity. It encourages strategic growth through the aforementioned goals and policies which identify the Town's direction for future change and development and serve as the primary policy guidance for ensuring that new land uses are logically organized and developed in a way that is sustainable and enhances Los Gatos' unique identity. Therefore the 2040 General Plan would not physically divide an established community and impacts would be less than significant.

## Mitigation Measure

Impacts would be less than significant; therefore, mitigation is not required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 2:** | Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? |

### Impact LU-2 IMPLEMENTATION OF THE PROPOSED PROJECT WOULD BE GENERALLY CONSISTENT WITH APPLICABLE REGIONAL LAND USE PLANS, POLICIES, OR REGULATIONS SUCH AS ABAG/MTC'S PLAN BAY AREA 2040. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Several regionally and locally adopted land use plans, policies, and regulations apply to development under the 2040 General Plan. These include Plan Bay Area 2040 (ABAG 2017), BAAQMD's 2017 Clean Air Plan, and the Town's Sustainability Plan. Consistency of the 2040 General Plan with the 2017 Clean Air Plan is discussed under Impact AQ-2 of Section 4.2, *Air Quality*. Los Gatos is not near any private or public airports and is not located within Airport Land Use Plan.

Plan Bay Area 2040 is a long-range land use and transportation plan for the San Francisco Bay Area region. The plan contains ten goals with performance targets to meet these goals that seek to promote healthy and safe communities by reducing impacts from air pollution, protecting open space and agriculture, and increasing active transportation. Table 4.11-2 includes the seven Plan Bay Area goals and their related performance targets as well as whether the 2040 General Plan would be consistent with the goal.

## Table 4.11-4 General Plan Consistency with Plan Bay Area 2040 Goals

| Plan Bay Area Goals | 2040 General Plan Consistency |
|---|---|
| **Goal 1: Climate Protection** | |
| **Target.** Reduce per-capita $CO_2$ emissions from cars and light-duty trucks by 15 percent. | **Consistent.** The GHG goals and policies within the 2040 General Plan support climate protection. Goal ENV-9 of the Environment and Sustainability Element supports local and regional efforts in the Town's response to climate change. Policy ENV-9.1 seeks to reduce the Town's contribution to GHG emissions to achieve target reductions in GHG emission levels from operation of Town facilities and services to 40 percent below 1990 levels by 2030. Additionally, Policy ENV-9.2 requires adaption measures to be included in all documents. Policies ENV-9.3 and ENV-9.4 seek to raise awareness surrounding climate change through supporting initiatives and collaborating with local organizations. Furthermore, the Environment and Sustainability Element contains policies ENV-9.7 and ENV-9.8 which promote employer incentive programs and local employment opportunities that reduce the consumption of fuel. The General Plan goes further in Policies ENV-9.11 through ENV-9.15 by requiring green building standards within the Town such as GreenPoint Guidelines, Title 24 requirements, and requiring new development to meet the goals of the Sustainability Plan. Therefore, the Town's 2040 General Plan would be consistent with this goal. |
| **Goal 2: Adequate Housing** | |
| **Target.** House 100 percent of the region's projected growth by income level without displacing current low-income residents and with no increase in commuters over the Plan baseline year. | **Consistent.** The Land Use Element of the 2040 General Plan includes provisions for providing adequate housing. The Housing Element, adopted by the Town in 2015, provides further guidance for new residential development, including housing for lower-income households and residents with special housing needs, and the Land Use Element contains policies guiding the design of new residential development. Policy LU-1.1, Mixed Residential Neighborhoods, states that the Town shall encourage creation of mixed residential neighborhoods through new and innovative housing types that meet the changing needs of Los Gatos households and expand housing choices in all neighborhoods. These housing types include, but are not limited to, single-family dwelling units, multi-family dwelling units, accessory dwelling units, small and micro units, use of pre-fabricated homes, and clustered housing/cottage housing. The Town's Housing Element expands on this with Goal HOU-1, which expands the choice of housing opportunities for all economic segments of the community by supporting the development of affordable housing in a variety of types and sizes, including a mixture of ownership and rental housing. Specifically, Policy HOU-1.1 which seeks to develop and utilize all available housing funding resources in order to provide the maximum amount of affordable housing as feasible. The Housing Element also includes Goal HOU-3, which preserves existing residential opportunities, including the existing affordable housing stock. Further, Goal HOU-6 seeks to mitigate Town governmental constraints to affordable and special needs housing development. Much of the residential development and employment growth that would be facilitated by the 2040 General Plan would occur near existing transportation systems and businesses, reducing the need for commuting by vehicle. Therefore, the Town's 2040 General Plan would be consistent with this goal. |
| **Goal 3: Healthy and Safe Communities** | |
| **Target.** Reduce adverse health impacts associated with air quality, road safety, and physical inactivity by 10 percent. | **Consistent.** Air Quality goals and policies within the 2040 General Plan promote the reduction of particulate matter thereby supporting health and safe communities. Goal ENV-8 and accompanying policy ENV-8.2 of the Environment and Sustainability Element would guide the Town to coordinate with and support the Air District, MTC, State, and Federal planning efforts and programs aimed at reducing air pollution, including ongoing monitoring and management of major pollutants affecting Los Gatos and the region, with a particular focus on $PM_{2.5}$ and $PM_{10}$ (Particulate Matter). Policy ENV-8.3 requires the Town decreases vehicle miles traveled (VMT) whenever the environmental review document concludes that the traffic generated by a |

| Plan Bay Area Goals | 2040 General Plan Consistency |
|---|---|
| | development project would result in adverse impacts from air and noise pollution. Policies ENV-8.4 and ENV-8.5 seek to increase the installation of electric vehicle charging stations and support education surrounding reducing particulate emissions from vehicles. Further, Policy ENV-8.6 support MTC recommendations for the reduction of auto pollutants including encouraging the use of clean, alternative energy sources for transportation, wherever practical. Therefore, the 2040 General Plan would be consistent with this goal of reducing adverse health impacts associated with air quality.<br>The Mobility Element of the 2040 General Plan contains policies that address safety and promote active transportation. Goal MOB-4 encourages the development of a comprehensive and integrated transportation network with infrastructure and design features that allow safe and convenient travel for all users. In addition, Goal MOB-1 supports the reduction of vehicle miles and the management of vehicle congestion through a complete transportation network. Goals MOB-7 and MOB-10 seek to optimize the transportation system to meet the needs of its users while mitigating transportation impacts from new development. MOB-6 seeks to increase public transit opportunities for all types of trips. Specifically, policies MOB-6.4 and MOB-6.7 seek to improve and encourage the use of public transportation. Additional goals and policies in the Mobility Element promote traffic "calming", adequate parking, goods movements, and the overall reduction of vehicle dependency, without compromising safety.<br>Goal MOB-2, Pedestrian and Bicycle Facilities, seeks to provide continuous, safe, and efficient bikeway and pedestrian facilities. Policies MOB-2.1, MOB-2.3 and MOB-2.7 provide for improvements to create a safe pedestrian environment in Town and to prioritize safety in sidewalk and bicycle lane design, including separating sidewalks from vehicle travel lanes where possible and supporting Safe Routes to Schools. The Mobility Element of the 2040 General Plan contains goals and policies that promote the expansion of the bicycle network, integrated with recreational trails, paths, and sidewalks, to create an interconnected network for both bicyclists and pedestrians. Therefore, the General Plan would be consistent with this goal. |
| **Goal 4: Open Space and Agricultural Preservation** | |
| **Target.** Direct all non-agricultural development within the urban footprint (existing urban development and UGBs). | **Consistent**. A principal philosophy of the 2040 General Plan is the prioritization of infill development, which would minimize the loss of open space and support rural and agricultural uses within the Town and SOI. The goals and policies of the Open Space, Parks, and Recreation Element and Environmental and Sustainability Element of the 2040 General Plan place high value on environmental resources and is committed to the preservation of open space and agricultural lands. Goals OSP-1 seeks to expand open space areas within the Town of Los Gatos, particularly lands which provide recreational uses. In addition, OSP-2 and ENV-3 preserve hillside areas and agricultural land. Specifically, Goal OSP-4 and Policy ENV-3.1 promote open space and agricultural land preservation through all new development. Policy OSP-1.2 and 1.3 support efforts and coordination for the acquisition of open space from Federal, State, and other governmental entities, as well as private sources, and to require new developments to form open space easements where appropriate. Therefore, the 2040 General Plan would be consistent with this goal. |
| **Goal 5: Equitable Access** | |
| **Target**. Increase the share of affordable housing in PDAs, Transit Priority Areas (TPA), or high-opportunity areas by 15 percent.<br>**Target**. Decrease the share of low-income residents' | **Consistent.** The Land Use Element of the 2040 General Plan includes provisions for providing adequate affordable housing. The Housing Element specifically addresses the issues facing affordable and accessible housing through various policies and programs. Policies LU-3.3 and LU-3.5 development of affordable, smaller housing options and the development of Missing Middle and higher density housing. In addition, the Town's Housing Element provides further guidance on development of affordable housing through Goal HOU-2 which requires the Town maintains and/or adopts appropriate land use regulations and other development tools to encourage |

| Plan Bay Area Goals | 2040 General Plan Consistency |
|---|---|
| household income consumed by transportation and housing by 10 percent<br>**Target**. Do not increase the share of low- and moderate-income renter households in PDAs, TPAs, or high-opportunity areas that are at risk of displacement. | the development of affordable housing that is compatible with the neighborhood and the community. Additionally, Policy HOU-4.2 requires the Town Continue to provide assistance to service providers who support special needs households such as seniors, persons with disabilities (including developmental challenges), and the homeless, such as Project Sentinel, Santa Clara County Housing Authority, and Santa Clara County Office of Supportive Housing. In addition, Policy MOB-6.6 of the General Plan Mobility Element seeks to provide and expand transit services for seniors, school children, low-income people, and people with disabilities. The Town's Housing Element was designed to ensure that the Town is meeting its State Regional Housing Need Allocation and serves as a guide for residential development in the Town. The Housing Element identifies and analyzes existing and projected housing needs to preserve, improve, and develop housing for all economic segments in the community. Therefore, the Town's 2040 General Plan would be consistent with this goal. |
| **Goal 6: Economic Vitality** | |
| **Target.** Increase by 38 percent the number of jobs in predominantly middle-wage industries.<br>**Target.** Reduce per-capita delay on the Regional Freight Network by 20 percent.<br>**Target.** Increase by 20 percent the share of jobs available within 30 minutes by auto or within 45 minutes by transit in congested conditions. | **Consistent**. The 2040 General Plan does not contain an Economic Development Element but supports the continued growth of the local economy and overall improvement in the quality of life for Los Gatos residents through goals and policies within other elements. Land Use Element Policy LU-8.3 encourages the retention of locally-owned businesses and independent stores and shops that are consistent with Los Gatos' character and scale. In addition, Policy LU-8.4 seeks to provide local jobs by encouraging development that maintains and expands resident-oriented services and/or creates employment opportunities for local residents. Therefore, the 2040 General Plan would be consistent with this goal. |
| **Goal 7: Transportation System Effectiveness** | |
| **Target.** Increase non-auto mode share by 10 percent.<br>**Target.** Reduce per-rider transit delay due to aged infrastructure by 100 percent.<br>**Target.** Reduce vehicle operating and maintenance costs due to pavement conditions by 100 percent. | **Consistent**. The Mobility Element of the 2040 General Plan promotes an efficient circulation system for all modes of travel by providing ample connections locally and regionally. Los Gatos is well-situated to capitalize on its existing infrastructure and proximity to regional transportation infrastructure that connect the Town to San Jose and Silicon Valley. The goals and policies of this Element address a balanced transportation network that will support and encourage walking, bicycling, and transit ridership while continuing to improve automobile travel. Policies MOB-6.2 and MOB-6.3 require the coordination of Los Gatos with different transportation agencies to facilitate the transfer of passengers between multiple modes of travel through infrastructure improvements and enhanced education. Specifically, Policy MOB-6.1 and MOB-6.9 which support Valley Transportation Authority (VTA)'s services in Los Gatos and VTA's Vasona Light Rail Extension project to the Town. Complete streets goals and policies would provide "complete streets" with facilities and amenities that meet the needs of all users, regardless of their age or ability, or whether they are walking, bicycling, taking transit or driving. The Complete Streets goals and policies support providing an interconnected street network while retrofitting and maintaining streets, and bridge maintenance. Therefore, the 2040 General Plan would be consistent with this goal. |

Source: ABAG/MTC 2017

As shown in Table 4.11-2, the 2040 General Plan would be generally consistent with the goals contained in the Plan Bay Area 2040. As concluded within this impact discussion, as well as

discussion in Section 4.3, *Air Quality*, and Section 4.8, *Greenhouse Gas Emissions/Climate Change*, implementation of the proposed project would be generally consistent with applicable adopted plans, regulations, or policies. Impacts would be less than significant.

## Mitigation Measures

Impacts would be less than significant without mitigation.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 3:** | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. |

**Impact LU-3 IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT CONFLICT WITH EXISTING SPECIFIC PLANS, OVERLAY ZONES, HISTORIC DISTRICTS, OR COMMUNITY PLACE DISTRICTS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

Los Gatos has two Specific Plans and four Overlay Zones which are key implementation mechanisms for the General Plan. All provisions of specific plans adopted by the Town must be consistent with the General Plan. The Town and its SOI are not subject to a Local Coastal Program, Airport Influence Area, or other plan adopted to mitigate an environmental impact.

### *Specific Plans*

The Town of Los Gatos has a unique identity that the General Plan also seeks to enhance by providing a policy framework for the preservation of resource lands and community character. A principal philosophy of Los Gatos is to manage growth to retain the Town's small size and historic atmosphere and respect natural resources. To support this, the General Plan incorporates two specific plans; the Albright Specific Plan and the North 40 Specific Plan. These plans address existing and future development within the Town to ensure that that any development would maintain the existing residential setting, be in harmony with surrounding natural features, and preserve the small-town character of Los Gatos, while continuing to meet the needs of its residents. Within the General Plan, Goal LU-13 supports the use of Specific Plans for strategic new growth areas with complex land use programs. This goal ensures that the Town can accommodate growth in a measured and thoughtful fashion while ensuring consistency with existing Specific Plans. Policy LU-13.1 requires that specific plans are prepared, implemented, amended, and updated consistent with the General Plan.

### *Overlay Zones*

In addition to the above Specific Plans, the General Plan also considers the use of Overlay Zones. There are four overlay zones in the Town Code; Affordable Housing, Landmark and Historic Preservation, Planned Development, and Public School Overlay Zones. These zones serve different purposes in guiding the Town's future zoning policies:

- **Affordable Housing (AHOZ) Overlay Zone**. This zone is intended to increase the supply and the mix of housing types, tenure, and affordability within the Town of Los Gatos. Through

appropriate densities, concessions, and fee deferrals or waivers, the affordable housing overlay zone encourages the development of housing affordable to all income levels on property within the Town that was deemed to be most appropriate for such uses.

- **Landmark and Historic Preservation (LHP) Overlay Zone**. This zone is designated by Town Council and is applied to individual sites and structures in areas deemed to have architectural and/or historical significance. The properties or buildings may be those that provide significant examples of architectural styles of the past, are landmarks in the history of architecture in the Town, are unique and irreplaceable assets to the Town, or provide for future generations examples of the physical surroundings in which past generations lived. In every district, the transformation of these structures is tightly regulated, and the demolition of contributing structures is restricted.
- **Planned Development (PD) Overlay Zone**. The PD overlay zone is intended to ensure orderly planning and quality design that will be in harmony with the existing or potential development of the surrounding neighborhood. The Planned Development Overlay is a specially tailored development plan and ordinance which designates the zoning regulations for the accompanying project, sets specific development standards, and ensures that the zoning and the General Plan are consistent. Commercial, residential, or industrial property or a mixture of these uses may be considered for a Planned Development Overlay.
- **Public School (PS) Overlay Zone**. The PS overlay zone permits a variety of community-related and education-related uses, including, but not limited to, museums, community centers, playgrounds, and nursery schools. Any land owned by a public school district (regardless of underlying zone) may be designated PS.

The use of these zones ensures that development facilitated by the General Plan is consistent with development goals of the Town and existing communities and resources are protected. The following goals and corresponding policies provide guidance on the use of overlay zones in the community:

**Goal LU-14.** Implement overlay zones for specific areas requiring additional zoning protections.

**Policy LU-14.1. Using Overlay Zones.** Apply an overlay zone on properties requiring additional direction relative to the use and development of properties within each zone, consistent with this General Plan.

**Policy LU-14.2. Planned Development Overlays.** Development proposals that meet the requirements of the Planned Development Overlay Zone may be processed as a planned development.

**Policy LU-14.3. Public School Overlay.** Use the Public School Overlay Zone to keep closed school sites in public ownership and to preserve the playing fields as developed recreation spaces.

**Policy LU-14.3. School Site Reuse.** Allow redevelopment of unused school sites commensurate with the surrounding residential neighborhood and availability of services.

**Goal LU-15.** Provide for the protection of Los Gatos' cultural heritage through the protection and maintenance of historic resources.

**Policy LU-15.1. Historic Districts and Landmarks.** Maintain maps and an inventory on the Town's website of Landmark and Historic Preservation (LHP) overlay zones and landmarks.

**Policy LU-15.2. Preserve Public Landmarks.** Actively work to preserve public landmarks.

**Policy LU-15.3. Support the Preservation of Historical Resources.** Support public and private efforts to preserve the use of historic sites and structures.

### *Community Place Districts*

Within the plan area, there are eight Community Place Districts (districts). These districts were identified as having the capacity to accommodate additional mixed-use development that would combine residential development with new and existing commercial services and offices. Each of the eight districts are centered on a major intersection or corridor. Although there are development opportunities in locations throughout Town, these eight locations were selected because they have the existing infrastructure necessary to support new mixes of land use and additional housing. Each location has unique opportunities and challenges that are addressed in the 2040 General Plan to create vibrant new community places. Additionally, the General Plan accommodates growth in these areas through the following goals and policies:

**Goal LU-15.** Create well-defined nodes of activity containing an integrated mix of commercial, office, and residential uses that enable Los Gatos residents to live close to businesses and services, reduce automobile use, and increase bike and pedestrian activity.

**Policy LU-16.1. Integrated Approach.** Require Community Place Districts to include integrated site planning techniques that emphasize connectivity, shared access, bike and pedestrian facilities, and protection of adjacent uses.

**Policy LU-16.2. Mixed-Use Design Requirements.** Require new mixed-use development in designated Community Place Districts to provide:

- Active uses behind sidewalks;
- Limit the number of access driveways;
- Use build-to lines when placing buildings on the site to minimize street-facing building setbacks; and
- Provide public ground floor spaces adjacent to sidewalks.

**Policy LU-16.3. Vertical Mixed-Use Along Arterials.** Require mixed-use developments in designated Community Place Districts along an arterial street-frontage to include vertical mixed-use unless a project proponent can demonstrate that a vertical mixed-use frontage is not contextually appropriate given the location, scale, size, shape, or other characteristic of the site and its surroundings.

The above policies and goals ensure that future development facilitated by the plan is consistent with existing Specific Plans within the Town and its SOI. A guiding principle of the 2040 General Plan to accommodate anticipated growth by streamlining development into built areas. This aligns with both the Albright and North 40 Specific Plans. In addition, the General Plan promotes growth that preserves existing communities and their character within the Town which supports existing zoning regulations. The General Plan does not conflict with existing any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project and impacts would be less than significant.

## Mitigation Measure

Impacts would be less than significant without mitigation.

| **Threshold 4:** | Conflict with any applicable habitat conservation plan or natural community conservation plan. |
|---|---|

**Impact LU-4 THERE ARE NO HABITAT CONSERVATION PLANS OR NATURAL COMMUNITY CONSERVATION PLANS APPLICABLE TO THE 2040 GENERAL PLAN. THEREFORE THE 2040 GENERAL PLAN WOULD HAVE NO IMPACTS.**

As discussed in Section 4.4, *Biological Resources*, the Town is outside the planning area for the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP). With the exception of Vasona Lake County Park and the riparian area on either side of Los Gatos Creek downstream of Vasona Lake County Park, none of the Town or SOI is included in the SCVHP Plan Area. The 2040 General Plan maintains a designation of Open Space for Vasona Lake County Park, which would not conflict with the SCVHP. Regardless, the Town is not subject to the SCVHP. There are no other adopted Habitat Conservation Plans or Natural Community Conservation Plans applicable to the Plan Area (CDFW 2019). Therefore, the 2040 General Plan would have no impact.

### Mitigation Measure

There would be no impact.

### Significance After Mitigation

No mitigation is required.

## 4.11.4 Cumulative Impacts

The cumulative impacts assessment for land use and planning evaluates the potential for cumulative projects to conflict with land use plans and policies in such a way that the environmental impact of these conflicts when combined with impacts of the 2040 General Plan would be significant. The cumulative impacts assessment area consists of the Town of Los Gatos and its Sphere of Influence (SOI). This is an appropriate geographic scope for the cumulative analysis because the General Plan occurs entirely within these areas and therefore cannot possibly conflict with land use plans and policies of jurisdictions outside of Los Gatos.

Due to the programmatic nature of the General Plan, a project-level analysis of land use impacts is not feasible. The cumulative analysis of land use and planning impacts uses development facilitated by the implementation of the General Plan as a guide. The cumulative impacts of the General Plan would not physically divide established neighborhoods and communities because they are not linear infrastructure projects, such as new freeways which present barriers to crossing or buried gas pipeline, which are often fenced and prohibit movement. The General Plan facilitates infill and strategic development that grows alongside existing land uses. The proposed General Plan contains goals and policies that support a connected network of pedestrian and bicycle trails that connects neighborhoods and communities in Los Gatos. Because the General Plan would not divide established neighborhoods or communities and would connect cumulative projects with established neighborhoods or communities, it would not cumulatively contribute to impacts associated with dividing communities.

Development facilitated by the 2040 General Plan would be subject to environmental review, and pursuant to CEQA, and would be required to identify potentially significant impacts that would be mitigated to the extent possible. This would reduce the potential for conflicts with land use plans and programs such that significant environmental impacts would be avoided or minimized, and the

cumulative impact would be less than significant. Therefore, impacts of the 2040 General Plan would not be cumulatively considerable.

# 4.12 Noise

This section analyzes noise and vibration impacts from buildout of the 2040 General Plan. Impacts related to noise and vibration from construction, building operations, and traffic are addressed.

## 4.12.1 Setting

### a. Overview of Noise and Vibration Measurement

### Noise

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013a).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz and less sensitive to frequencies around and below 100 Hertz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dBA; reducing the energy in half would decrease the noise level by 3 dBA (Crocker 2007).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not "sound twice as loud" as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud ([10.5x the sound energy] Crocker 2007).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in level as the distance from the source increases. The manner in which noise reduces with distance depends on factors such as the type of sources (e.g., point or line, the path the sound will travel, site conditions, and obstructions). Noise levels from a point source typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance (e.g., construction, industrial machinery, ventilation units). Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013a). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013a). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this "shielding" depends on the size of the object and the frequencies of the noise levels. Natural terrain features such as hills and dense woods, and man-made features such as buildings and walls, can

significantly alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to noise as well. The FHWA's guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. One of the most frequently used noise metrics is the equivalent noise level (Leq); it considers both duration and sound power level. Leq is defined as the single steady A-weighted level equivalent to the same amount of energy as that contained in the actual fluctuating levels over time. Typically, Leq is summed over a one-hour period. $L_{max}$ is the highest RMS sound pressure level within the sampling period, and $L_{min}$ is the lowest RMS sound pressure level within the measuring period (Crocker 2007).

Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is usually measured using Day-Night Average Level ($L_{dn}$), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours; it is also measured using Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013a). Noise levels described by $L_{dn}$ and CNEL usually differ by about 1 dBA. The relationship between the peak-hour Leq value and the $L_{dn}$/CNEL depends on the distribution of traffic during the day, evening, and night. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 dBA, while areas near arterial streets are in the 50 to 60-plus CNEL range. Normal conversational levels are in the 60 to 65-dBA $L_{eq}$ range; ambient noise levels greater than 65 dBA $L_{eq}$ can interrupt conversations (Federal Transit Administration [FTA] 2018).

## Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hz. The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (FTA 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Discontinuities in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2013b). When a building is impacted by vibration, a ground-to-foundation coupling loss will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or RMS vibration velocity. The PPV and RMS velocity are normally described in inches per second. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2013b).

## b. Sensitive Receivers

Noise-sensitive receptors are land uses that are considered more sensitive to noise than others. Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. The existing 2020 General Plan defines noise sensitive receivers as residences, hospitals, schools, libraries, parks, and other similar land uses (Los Gatos, Town of 2010). Sensitive land uses generally should not be subjected to noise levels that would be considered intrusive in character. Noise sensitive residential areas are located throughout Los Gatos, specifically in quiet areas lacking major noise sources and located away from arterial roadways, such as eastern and southern Los Gatos. However, residences and hotels located in the urban core or near freeways and other arterials may experience elevated noise levels.

## c. Existing Noise Conditions and Sources

The predominant source of noise in the Town, as in most communities, is vehicular traffic. Motor vehicle noise is of concern because it is characterized by a high number of individual events, which often create a sustained noise level, and because of its proximity to noise-sensitive uses. Roadways with the highest traffic volumes and speeds produce the highest noise levels. Roadways in the Town with the highest traffic volumes include State Route (SR) 9, SR 17 and SR 85. Additional sources include major arterials, such as Blossom Hill Road, Lark Avenue, Los Gatos-Saratoga Road (SR 9), Los Gatos Boulevard, and Winchester Boulevard. SR 17 bisects the Town of Los Gatos and SR 85 traverses the northern portion of the Town. Many residences are located adjacent to these roadways. There are also several schools and churches near SR 17, Los Gatos Boulevard, Blossom Hill Road, and Winchester Boulevard.

Commercial and industrial land uses located near residential areas currently generate occasional noise impacts. The primary noise sources associated with these facilities are delivery trucks, air compressors, generators, outdoor loudspeakers, and gas venting. Other significant stationary noise sources in the Town include construction activities, street sweepers, and gas-powered leaf blowers. Airports, fire and police stations, hospitals, schools, and parks also generate occasional stationary noise impacts. Most of the noise impacts from these stationary sources are temporary and intermittent.

## 4.12.2 Regulatory Setting

### a. Federal Regulations

*Federal Transportation Administration Vibration Impact Criteria*

The Vibration Impact Criteria thresholds adopted by the Federal Transit Administration are designed to identify acceptable noise levels for noise-sensitive buildings, residences, and institutional land uses near railroads. Vibration is measured in vibration velocity in decibels (VdB). The thresholds that apply to residences and buildings where people normally sleep (e.g., nearby residences) are 72 VdB for frequent events (more than 70 events of the same source per day), 75 VdB for occasional events (30 to 70 vibration events of the same source per day), and 80 VdB for infrequent events (less than 30 vibration events of the same source per day).

*Federal Aviation Regulations (FAR) Part 150, Airport Noise Compatibility Planning*

Advisory in nature, FAR Part 150 prescribes a system for measuring airport noise impacts and presents guidelines for identifying incompatible land uses. Completion of an FAR Part 150 plan by the airport proprietor is a prerequisite for obtaining Federal Aviation Administration funding for noise abatement projects.

*Title 23 of the Code of Federal Regulations, Part 772*

The Federal Highway Administration (FHWA) requires new Federal or Federal-aid highway construction projects, or alterations to existing highways that significantly change either the horizontal or vertical alignment and/or increases the number of through-traffic lanes, to abatement noise per Title 23 of the Code of Federal Regulations. FHWA considers noise abatement for sensitive receivers such as picnic areas, recreation areas, playgrounds, active sport areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals when "worst-hour" noise levels approach or exceed 67 dBA $L_{eq}$. Caltrans has further defined what would constitute approaching the noise abatement criteria (NAC) to be 1 dBA below the NAC (e.g., 66 dBA $L_{eq}$ is considered approaching the NAC for Category B activity areas).

### b. State Regulations

*California Code of Regulations (Title 24)*

Known as the California Building Code, Title 24 contains standards for allowable interior noise levels associated with exterior noise sources. The standards state that, "Interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room." The standards apply to new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family residences. The code goes on to indicate that: "Residential structures to be located where the annual $L_{dn}$ or CNEL exceeds 60 dB shall require an acoustical analysis showing that the proposed design will achieve the prescribed allowable interior level. For public use airports or heliports, the $L_{dn}$ or CNEL shall be determined from the airport land use plan prepared by the County in which the airport is located. For all other airports or heliports, or public use airports or heliports for which a land use plan has not been developed, the $L_{dn}$ or CNEL shall be determined from the noise element of the general plan of the local jurisdiction."

### *California Code of Regulations (Title 21)*

The State Division of Aeronautics has adopted standards for airport-related noise. The standards establish an acceptable noise level of 65 dB for uses near airports. This standard applies to persons residing in urban residential areas where houses are of typical California construction and may have windows partially open.

### *California Department of Transportation Construction Vibration*

The California Department of Transportation (Caltrans) has adopted guidance for construction vibrations. Caltrans uses a vibration limit of 12.7 mm/sec Local Regulations (0.5 inches/sec) Peak Particle Velocity (PPV) for buildings that are structurally sound and designed to modern engineering standards.

### *California Government Code Section 65302(f)*

California Government Code Section 65302(f) requires all general plans to include a Noise Element that addresses noise-related impacts in the community. The State Office of Planning and Research (OPR) has prepared guidelines for the content of the Noise Element, which includes the development of current and future noise level contour maps. These maps must include contours for the following sources:

- Highways and freeways;
- Primary arterials and major local streets;
- Passenger and freight on-line railroad operations and ground rapid transit systems;
- Commercial, general aviation, heliport, and military airport operations, aircraft flyovers, jet engine teststands, and all other ground facilities and maintenance functions related to airport operation;
- Local industrial plants, including, but not limited to, railroad classification yards; and
- Other stationary ground noise sources identified by local agencies as contributing to the community noise environment.

## c. Local Regulations

### *Los Gatos Town Code*

Chapter 16, Article 2 of the Los Gatos Town Code establishes noise disturbance curfews, maximum exterior and interior noise levels for residential, commercial, and industrial zones by time of day. Section 16.20.035 permits construction noise between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. to 4:00 p.m. on Saturdays with a valid Town permit if construction meets at least one of two noise limitations as follows: 1) no individual piece of equipment exceeds 85 dBA at 25 feet, or 2) the noise level at an point outside the property shall not exceed 85 dBA. Additionally, the Town has restrictions for noise from amplification devices, powered equipment, and street sales.

### *Los Gatos 2020 General Plan*

The Los Gatos 2020 General Plan Noise Element contains the Town's goals and polices related to community noise. 2020 General Plan Action NOI-6.1 identifies noise sensitive land uses. The 2020 General Plan Figure NOI-1 defines acceptable limits of noise for various land uses throughout the

community, as shown in Table 4.12-1. These standards specify the maximum exterior noise levels allowable for developments. Generally, for residential areas, these exterior noise guidelines apply to backyards. These standards and criteria are incorporated into the land use planning process to reduce future noise and land use incompatibilities.

In addition to the acceptable noise compatibility standards, Los Gatos has established outdoor noise limits, which represent long-range community goals for different land use designations within the Town. These outdoor noise limits are shown in Table 4.12-2

The existing Los Gatos General Plan Noise Element also requires new residential projects and other noise sensitive receptors to provide for an interior CNEL of 45 dB. Furthermore, new development is encouraged to maintain the existing ambient noise level.

### Table 4.12-1 Land Use Noise Compatibility Criteria

| | Community Noise Exposure Ldn or CNEL, dB | | | |
|---|---|---|---|---|
| **Land Use Category** | **Normally Acceptable** | **Conditionally Acceptable** | **Normally Unacceptable** | **Clearly Unacceptable** |
| Residential – Low Density Single Family, Duplex, Mobile Homes | 50-60 | 55-70 | 70-75 | 75-85 |
| Residential – Multi Family | 50-65 | 60-70 | 70-75 | 75-80 |
| Transient Lodging – Motels, Hotels | 50-65 | 60-70 | 70-80. | 80-85 |
| Schools, Libraries, Churches, Hospitals, Nursing Homes | 50-65 | 60-70 | 70-80 | 80-85 |
| Auditoriums, Concert Halls, Amphitheaters | 50-70 | N/A | N/A | 65-85 |
| Sports Arena, Outdoor Spectator Sports | N/A | 50-75 | N/A | 70-85 |
| Playgrounds, Neighborhood Parks | N/A | 50-70 | 68-75 | 73-85 |
| Golf Courses, Riding Stables, Water Recreation, Cemeteries | N/A | 50-75 | 70-80 | 80-85 |
| Office Buildings, Business Commercial and Professional | 50-70 | 68-78 | 75-85 | N/A |
| Industrial, Manufacturing Utilities, Agriculture | 50-75 | 70-80 | 75-85 | N/A |

Source: Town of Los Gatos, 2010

### Table 4.12-2 Outdoor Noise Limits, Los Gatos Town Code

| Land Use Category | Maximum Ldn Value | Maximum Leq 24 Value | Comparable Noise Source | Response |
|---|---|---|---|---|
| Residential | 55 dBA | | Light auto traffic (100 feet) | Quiet |
| Commercial | | 70 dBA | Freeway traffic (50 feet) | Telephone use difficult |
| Industrial | | 70 dBA | Freeway traffic (50 feet) | Telephone use difficult |
| Open Space: Intensive (Developed Park) | | 55 dBA | Light auto traffic (100 feet) | Quiet |
| Open Space: Passive (Nature Park) | | 50 dBA | Light auto traffic (100 feet) | Quiet |

| Land Use Category | Maximum Ldn Value | Maximum Leq 24 Value | Comparable Noise Source | Response |
|---|---|---|---|---|
| Hospital | | 55 dBA | Light auto traffic (100 feet) | Quiet |
| Educational | | 55 dBA | Light auto traffic (100 feet) | Quiet |

Source: Town of Los Gatos, 2010

## 4.12.3 Impact Analysis

### a. Methodology and Thresholds of Significance

In accordance with Appendix G of the *CEQA Guidelines,* a significant noise impact would occur if new development facilitated by the 2040 General Plan would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
2. Generate excessive groundborne vibration or groundborne noise levels; or
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels

Threshold 3 is addressed in Section 4.9, *Hazards and Hazardous Materials*. As described therein, there are no airports or private airstrips within the Town.

### Construction Noise

Construction noise from development facilitated by the 2040 General Plan is based on reference noise levels for various pieces of construction equipment reported by the FTA's *Noise and Vibration Impact Assessment* (2018). It is conservatively assumed that construction equipment typically operates as close as 25 feet from the nearest noise-sensitive receivers. Construction noise level estimates do not account for the presence of intervening structures or topography, which could reduce noise levels at receptor locations. New development facilitated by the 2040 General Plan would have a significant impact if temporary construction noise during permitted daytime hours could expose noise-sensitive receptors to significantly adverse noise levels, or if construction would not meet one of the standards in Section 16.20.035 of the Los Gatos Town Code.

### Groundborne Vibration

The Town has not adopted a significance threshold to assess vibration impacts during construction. The general human response to different levels of groundborne vibration velocity levels is described in Table 4.12-3.

**Table 4.12-3 Human Response to Different Levels of Groundborne Vibration**

| Vibration Velocity Level | Human Reaction |
|---|---|
| 65 VdB | Approximate threshold of perception for many people. |
| 75 VdB | Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable. |
| 85 VdB | Vibration acceptable only if there are an infrequent number of events per day. |

Source: FTA 2018

To determine vibration impacts during project construction, vibration levels were calculated at vibration-sensitive receptors using VdB and compared to the FTA guidelines set forth in the *FTA Transit Noise and Vibration Assessment* (2018). The following vibration thresholds are established by the FTA for the disturbance of people:

- 65 VdB for buildings where low ambient vibration is essential for interior operations, such as hospitals and recording studios;
- 72 VdB for residences and buildings where people normally sleep, including hotels; and
- 75 VdB for institutional land uses with primary daytime use, such as churches and schools.

These thresholds apply to "frequent events," which the FTA defines as vibration events occurring more than 70 times per day. The thresholds for frequent events are considered appropriate because of the scale and duration of the construction activity facilitated by the 2040 General Plan. In addition, this analysis applies the following FTA thresholds in Table 4.12-4 for potential structural damage to buildings from construction vibration:

**Table 4.12-4 Vibration-Related Building Damage Thresholds**

| Building Category | Approximately $L_v$ (VdB) |
|---|---|
| I. Reinforced-concrete, steel or timber with no plaster | 102 |
| II. Engineered concrete and masonry with no plaster | 98 |
| III. Non-engineered timber and masonry buildings | 94 |
| IV. Buildings extremely susceptible to vibration damage | 90 |

Notes: $L_v$ = root mean square velocity in decibels (VdB) re 1 micro-inch/second

Source: FTA 2018

## On-site Operational Noise

On-site activities at new development facilitated by the 2040 General Plan would have a significant impact if it would expose neighboring land uses to noise levels exceeding the Town's standards in Section 16.20.010 through Section 16.20.030 of the Los Gatos Town Code, as described above in the Regulatory Setting.

## Increase in Traffic Noise

Projected traffic volumes in the year 2040, provided by Fehr & Peers, were used to qualitatively describe future noise levels resulting from project traffic. The traffic impact analysis prepared by Fehr & Peers is provided as Appendix TRA.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |

**IMPACT N-1 CONSTRUCTION OF INDIVIDUAL PROJECTS FACILITATED BY THE 2040 GENERAL PLAN WOULD TEMPORARILY GENERATE INCREASED NOISE LEVELS, POTENTIALLY AFFECTING NEARBY NOISE-SENSITIVE LAND USES. PROVISIONS IN THE LOS GATOS TOWN CODE AND 2040 GENERAL PLAN POLICIES WOULD LIMIT NOISE DISTURBANCE TO THE EXTENT FEASIBLE. CONSTRUCTION NOISE MAY STILL EXCEED NOISE STANDARDS TEMPORARILY, BUT EXCEEDANCES WOULD NOT BE SUBSTANTIAL. IMPACTS WOULD BE SIGNIFICANT BUT MITIGABLE.**

Noise from individual construction projects carried out under the 2040 General Plan would temporarily increase ambient noise levels at 25 feet and at adjacent property lines. Since there are no specific plans or time scales for individual development projects that would be carried out under the 2040 General Plan, it is not possible to determine exact noise levels, locations, or time periods for construction of such projects, or construction noise at adjacent properties. Section 16.20.035 of the Los Gatos Town Code permits construction noise between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. to 4:00 p.m. on Saturdays with a valid Town permit. Pursuant to the Section 16.20.035, no individual piece of construction equipment may exceed 85 dBA at 25 feet, and the noise level outside of the property where construction is occurring may not exceed 85 dBA. Sensitive noise receptors in areas where more future development/redevelopment is anticipated to occur would be exposed to the highest levels of construction noise for the longest duration. These areas include the downtown core and the corridors along Pollard Road, Winchester Boulevard, Lark Avenue, Los Gatos Boulevard, Union Avenue, Harwood Road, and North Santa Cruz Avenue.

Construction activities, including traffic, demolition, and reconstruction, would generate noise. Table 4.12-5 illustrates typical noise levels associated with construction equipment at a distance of 25 feet. At a distance of 25 feet from the construction site, noise levels similar to those shown in Table 4.12-5 would be expected to occur with individual development projects. Noise would typically drop off at a rate of about 6 dBA per doubling of distance. Therefore, noise levels would be about 6 dBA lower than shown in the table at 50 feet from the noise source and 12 dBA lower at 100 feet from the noise source. Construction in Los Gatos would be unlikely to involve the operation of pile drivers. Pile foundations are generally used under two situations: 1) when there is a layer of weak soil at the ground surface that cannot support the weight of a building; or 2) when a building has very heavy, concentrated loads, such as in a high-rise structure, bridge, or water tank (Understand Building Construction n.d.). The 2040 General Plan does not envision new infrastructure such as bridges and water tanks, and it does not envision the construction of high-rise buildings.

**Table 4.12-5 Typical Noise Levels for Construction Equipment**

| | Estimated Noise Levels at Nearest Sensitive Receptors (dBA Leq) | | |
|---|---|---|---|
| **Equipment** | **25 feet** | **50 feet** | **100 feet** |
| Air Compressor | 86 | 80 | 74 |
| Backhoe | 86 | 80 | 74 |
| Concrete Mixer | 91 | 85 | 79 |
| Dozer | 91 | 85 | 79 |
| Grader | 91 | 85 | 79 |
| Jack Hammer | 94 | 88 | 82 |
| Loader | 86 | 80 | 74 |
| Paver | 91 | 85 | 79 |
| Pile-drive (Impact) | 107 | 101 | 95 |
| Pile-driver (Sonic) | 101 | 95 | 89 |
| Roller | 91 | 85 | 79 |
| Saw | 82 | 76 | 70 |
| Scarified | 89 | 83 | 77 |
| Scraper | 91 | 85 | 79 |
| Truck | 90 | 84 | 78 |

Source: FTA 2018

As shown in Table 4.12-5, excluding pile drivers, noise levels from construction activity could approach 94 dBA Leq at 25 feet from construction equipment. This would exceed the threshold of 85 dBA established in the Los Gatos Town Code Section 16.20.035. Construction noise would exceed ambient noise levels and may temporarily disturb people at neighboring properties. However, implementation of the following goals and policies contained in the 2040 General Plan would reduce construction noise and associated impacts.

## Environment and Sustainability Element

**Policy ENV-20.1. Road Construction Noise.** Ensure that the construction of roadways or roadway improvements consider noise level standards for scheduling and construction methods to the maximum extent feasible.

**Policy ENV-20.3. Noise Control Measures.** Require that stringent noise control measures accompany construction of new County, State, and Federal roads and highways by constructing aesthetically pleasing sound walls, berms, and dense landscaping where appropriate.

**Goal ENV-21.** Ensure that construction and maintenance equipment noise does not adversely affect land uses.

**Policy ENV-21.1. Noise Attenuation, Town Equipment.** Require that stringent noise control measures accompany construction of new County, State, and Federal roads and highways by constructing aesthetically pleasing sound walls, berms, and dense landscaping where appropriate.

**Policy ENV-21.2. Noise Attenuation, Private Equipment.** Monitor and modify Town ordinances, as appropriate, to control nuisance noise from maintenance equipment used in the community.

## Hazards and Safety Element

**Policy HAZ-8.1. Road Construction Noise.** Ensure that roads constructed or improved by the Town of Los Gatos shall meet Town noise level standards or, in some situations, the Los Gatos Noise Ordinance, to the maximum extent feasible.

**Policy HAZ-8.3. Noise Control Measures.** Require that stringent noise control measures accompany construction of new County, State, and Federal roads and highways, preferably by depressing them. Consider constructing aesthetically pleasing sound walls and berms, and landscaping. Solicit funds to modify existing noise-sensitive buildings where appropriate.

**Goal HAZ-9.** Equipment noise does not adversely affect land uses.

**Policy HAZ-9.1. Noise Producing Equipment Purchases.** Consider noise ratings in the purchase of Town equipment, prioritizing the most sound-efficient products.

**Policy HAZ-9.2. Contracted Services Noise.** Ensure that services contracted or performed by the Town not cause unreasonable noise problems.

**Policy HAZ-9.4. Noise Attenuation Equipment Requirement.** Continute to ensure that Town-owned and operated equipment and equipment operated under contract with the Town contain state-of-the-art noise attenuation equipment.

The temporary nature of construction noise and the 2040 General Plan goals and policies, listed above, would reduce construction noise impacts. Noise attenuation equipment could reduce noise from 5 to 15 dBA depending on the type of equipment (Nett Technologies n.d; Acoustical Surfaces, Inc n.d.). This could reduce the noise experienced by receptors 25 feet away to 83 dBA (94 dBA – 15 dBA = 83 dBA). However, Policy HAZ-9.4, which requires noise attenuation equipment, pertains only to Town equipment and equipment used for contracts with the Town. Private development projects could use equipment that exceeds 85 dBA outside of a given construction property. Therefore, it is not guaranteed that implementation of the 2040 General Plan policies would reduce construction noise impacts. Impacts would be potentially significant but mitigable. Mitigation Measure N-1 and analysis on a project-by-project basis and would be required.

## Mitigation Measures

### *N-1 Construction Noise Reduction*

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

- **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.

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

## Significance After Mitigation

Implementation of 2040 General Plan policies, Los Gatos Town Code requirements, and Mitigation Measure N-1, would reduce potential impacts but not to a less than significant level. Mitigation Measure N-1, and policies, would not necessarily reduce equipment noise to 85 dBA at 25 feet or at properties adjoining a project site. However, Mitigation Measure N-1 would reduce construction noise such that temporary increases in noise would not be substantial. Combined with Los Gatos Town Code requirements, which requires most construction to occur during daytime, when most people are awake or away from residences at work, impacts would be reduced to less than significant.

| | |
|---|---|
| **Threshold 1:** | Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |

**IMPACT N-2 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD INTRODUCE NEW ON-SITE NOISE SOURCES ASSOCIATED WITH RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL LAND USES AND WOULD CONTRIBUTE TO INCREASES IN TRAFFIC NOISE. THE CONTINUED REGULATION OF ON-SITE NOISE, CONSISTENT WITH THE LOS GATOS TOWN CODE, AND IMPLEMENTATION OF GOALS AND POLICIES IN THE 2040 GENERAL PLAN WOULD MINIMIZE DISTURBANCE TO ADJACENT LAND USES. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

## On-Site Operational Noise

Noise generated by on-site activities for new development would be subject to the Town's maximum allowable exterior noise levels, contained in Chapter 16, Article 2 of the Los Gatos Town Code. Stationary noise sources at new residential and mixed-use development would include ground-level and rooftop ventilation and heating (HVAC) systems. New development in commercial and industrial areas could introduce noise associated with loading activity and industrial equipment. Existing noise sensitive receptors could be affected by the buildout and operational noise occurring on-site at properties developed or redeveloped under the 2040 General Plan.

The Environment and Sustainability Element and the Hazards and Safety Element of the 2040 General Plan includes the following goals and policies that would reduce excess noise generated by new development.

## Environment and Sustainability Element

**Goal ENV-18.** Consider existing and future noise levels when making land use decisions in order to protect people from exposure to excessive noise levels, as defined for each land use type. Particular attention will be given to protecting noise sensitive land uses.

**Policy ENV-18.1. Acoustical Analysis Requirement.** Applicants for proposed new non-residential development projects shall submit an acoustical analysis prepared by a licensed acoustician for their project as part of the environmental review process.

**Policy ENV-18.4. Residential and Noise-Sensitive Site Design Noise Consideration.** Protect existing and proposed residential areas from noise by requiring appropriate site and building design, sound walls, a minimum landscape buffer of five feet, and/or the use of noise attenuating construction techniques and materials.

**Policy ENV-18.5. Noise Restrictions in Commercial and Industrial Developments.** For commercial and industrial developments adjacent to residential neighborhoods, additional restrictions beyond the Noise Ordinance by up to 10 percent shall be applied in designated areas to reduce noise intrusions in residential districts.

## Hazards and Safety Element

**Goal HAZ-6.** Noise from new development and new land uses does not adversely affect neighboring land uses.

**Policy HAZ-6.1. Acoustical Analysis Requirement.** Applicants shall submit an acoustical analysis for their project as part of the Environmental Review process. All input related to noise levels shall use the adopted standard of measurement shown in Table 8-2. (Table 8-2 of the 2040 General Plan)

**Goal HAZ-10.** Residential land uses are not adversely affected by noise.

**Policy HAZ-10.1. Residential Site Design Noise Consideration.** 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.

**Policy HAZ-10.2. Noise Restrictions in Commercial and Industrial Developments.** For commercial and industrial developments adjacent to residential neighborhoods, additional restrictions beyond the Noise Ordinance may be applied in designated areas to reduce noise intrusions in residential districts to an acceptable level.

**Goal HAZ-11.** Sensitive receptors such as residences and schools are not exposed to unacceptable noise levels.

**Policy HAZ-11.1. Noise-Sensitive Land Uses.** Deny land use applications and traffic impacts that expose sensitive land uses or sensitive noise receptors to unacceptable noise levels.

Implementation of the 2040 General Plan's policies, as well as requirements codified in Chapter 16, Article 2 of the Los Gatos Town Code, would reduce potential on-site noise impacts to a less than significant level.

## Off-Site Operational Noise

The 2040 General Plan allows for higher density land uses than currently permitted leading to additional vehicle trips on area roadways. As described in Section 4.13, Population and Housing,

implementation of the 2040 General Plan would accommodate new residential development and an associated increase in population residing in Los Gatos. By generating new vehicle trips, new development would incrementally increase the exposure of land uses along roadways to traffic noise.

Buildout of the 2040 General Plan would result in over 27,000 new daily vehicle trips on area roadways studied for the Transportation Analysis (Appendix C), as well as increased VMT (refer to Section 4.15, *Transportation*). The total existing daily trips occurring on area roadways are 279,700 trips. Therefore, implementation of the 2040 General Plan would result in less than an approximately 10 percent increase in vehicle trips on area roadways as a whole. A 40 percent increase in trips equates to a noise increase of less than 1.2 decibels. As discussed in Section 4.12.1, a 3-dBA increase is considered noticeable. Therefore, 1.2-dBA increase in noise would not be perceptible. Although the increase could be more than 10 percent on some streets, depending on the specific uses and locations of development that would be allowed under the 2040 General Plan, a doubling of traffic volumes would be required to reach the threshold of noticeability (a 3-dba increase in noise levels). A doubling of traffic volumes (i.e., a 100 percent increase) is not anticipated under the 2040 General Plan. Additionally, the market share of electric vehicles, which are quieter than traditional gasoline vehicles, is anticipated to increase over time, especially in response to Executive Order B-48-18, which promotes the use of zero-emission vehicles, electric vehicle charging stations, and hydrogen refueling infrastructure. The increased use of electric vehicles would decrease traffic noise compared to anticipated levels assuming only gasoline-powered vehicles. However, electric vehicles do generate some roadway noise because of tire friction on the road surface.

Additionally, the Mobility Element of the 2040 General Plan contains the following goals and policies that would encourage active transportation modes, such as walking and bicycling, and would encourage the use of public transit, thereby reducing traffic noise in Los Gatos.

## Mobility Element

**Goal MOB-1.** Reduce vehicle miles and manage vehicle congestion through a complete transportation network.

> **Policy MOB-1.4. Employer Shuttle Services.** Encourage employers with over 100 employees to develop shuttle services (i.e., corporate busing) to transport employees to and from the worksite. Entities may form transportation management associations (TMAs) to pool resources to fund TDM measures.

**Goal MOB-2.** Provide continuous, safe, and efficient bikeway and pedestrian facilities.

> **Policy MOB-2.1. Roads for Both Bicycles and Vehicles.** Roads designated as bicycle routes (Class III) shall be constructed and maintained to be safe for both bicycles and vehicles.

> **Policy MOB-2.4. Identify Areas to Improve Bicycle and Pedestrian Facilities.** Ensure all planning processes, such as master plans and specific plans, identify areas where bicycle and pedestrian improvements can be made, such as new connections, increased sidewalk width, improved crosswalks, provision of pedestrian crossings every half mile on all arterial and collector roadways, improved lighting, and adding new street furniture, benches, and seating to promote walkable environments. This will also include providing median refuges, bike-friendly signals, enhanced bulb-outs, and wayfinding signage to popular local destinations for cyclists and pedestrians along bikeways and at major street crossings.

**Policy MOB-2.6. Through-Access for Bicyclists and Pedestrians.** Require all developments with a frontage greater than 300 feet to provide through-access for bicyclists and pedestrians to adjacent developments, paths, or bicycle facilities.

**Policy MOB-2.12. Downtown Pedestrian Environment.** Support pedestrian upgrades to sidewalks and connections between developments to create a more walkable Downtown.

**Goal MOB 3.** Provide a well-designed and well-maintained system of trails that connect the Town and open space areas.

**Policy MOB-3.2. Safe, Continuous, and Interconnected Trails.** Trails shall be safe, continuous, and interconnected with other trails and parking areas, designed for bicyclists and/or pedestrians and be consistent with other relevant plans, including the Los Gatos Bicycle and Pedestrian Master Plan.

**Goal MOB 5.** Support a non-driving Los Gatos by reducing reliance on the automobile and promoting alternative modes of transportation.

**Policy MOB-5.1. Encourage Non-Driving Transportation Modes.** Encourage the use of non-driving transportation modes such as walking, bicycling, transit, a shuttle system and other forms of personal mobility that are energy conserving and non-polluting.

**Goal MOB 6.** Increase public transit opportunities for all types of trips.

**Policy MOB-6.7. Encourage Use of Transit.** Encourage public transit use by requiring all new developments to provide bus shelters and on-going maintenance as part of their developments, when appropriate.

Implementation of the above goals and policies would reduce vehicle trips and associated traffic noise to the extent feasible. Traffic volumes on local streets would not increase by 100 percent, and therefore increases in traffic noise would be less than perceptible. Increases in roadway noise would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

**Threshold 2:** Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

**IMPACT N-3 CONSTRUCTION OF INDIVIDUAL PROJECTS FACILITATED BY THE 2040 GENERAL PLAN COULD TEMPORARILY GENERATE GROUNDBORNE VIBRATION, POTENTIALLY AFFECTING NEARBY LAND USES. COMPLIANCE WITH THE LOS GATOS TOWN CODE WOULD LIMIT VIBRATION DISTURBANCE ON RESIDENTIAL RECEPTORS AND HOTELS WHERE SLEEPING RECEPTORS COULD BE PRESENT. IMPACTS WOULD BE POTENTIALLY SIGNIFICANT BUT MITIGABLE.**

Construction of individual projects facilitated by the 2040 General Plan could intermittently generate groundborne vibration on and adjacent to construction sites. Buildings in the vicinity of a construction site respond to vibration with varying degrees ranging from imperceptible effects at the lowest levels, to low rumbling sounds and perceptible vibrations at minor levels, and up to minor damage at the highest vibration levels. Table 4.12-6 lists groundborne vibration levels from various types of construction equipment at various distances.

**Table 4.12-6 Vibration Source Levels for Construction Equipment**

| Equipment | | Approximate Vibration Level (VdB) | | | |
|---|---|---|---|---|---|
| | | 25 feet from Source | 50 feet from Source | 100 feet from Source | 200 feet from Source |
| Caisson Drilling | | 87 | 78 | 69 | 60 |
| Jackhammer | | 79 | 70 | 61 | 52 |
| Large Bulldozer | | 87 | 78 | 69 | 60 |
| Loaded Truck | | 86 | 77 | 68 | 58 |
| Pile Driver (impact) | Upper range | 112 | 103 | 94 | 84 |
| | Typical | 104 | 95 | 86 | 77 |
| Pile Driver (sonic) | Upper range | 105 | 96 | 87 | 78 |
| | Typical | 93 | 84 | 75 | 65 |
| Small Bulldozer | | 58 | 48 | 39 | 30 |
| Vibratory Roller | | 94 | 85 | 76 | 67 |

Source: FTA 2018

As shown in Table 4.12-6, the strongest vibration during construction would involve the use of pile drivers and vibratory rollers. As described above for Impact N-1, construction in Los Gatos would generally not involve the use of pile drivers. Vibration levels from vibratory rollers could approach 94 VdB at a distance of 25 feet and 87 VdB at 50 feet. Section 16.20.035 of the Los Gatos Town Code permits construction noise between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. to 4:00 p.m. on Saturdays with a valid Town permit. Therefore, construction and related vibration would occur during daytime hours when most people are normally awake and less sensitive to vibration.

Vibration levels during daytime construction activity could potentially exceed the threshold of 75 VdB for institutional land uses like schools, churches, or offices with primary daytime use. In addition, the use of vibratory rollers could generate vibration levels that equal or exceed the thresholds of 90 VdB for buildings extremely susceptible to vibration damage and 94 VdB for non-engineered timber and masonry buildings. Additionally, land uses more likely to notice vibration

could be susceptible during construction activities. According to the FTA, these land uses include institutional, educational, and office uses (FTA 2006). The 2040 General Plan does not include goals or policies that pertain specifically to vibration. Therefore, construction of development envisioned in the 2040 General Plan would have potentially significant impacts regarding vibration. Implementation Mitigation Measure N-2 would be required.

Operation of development envisioned in the 2040 General Plan would not generate new substantial sources of vibration. The General Plan envisions increased density in some areas of Los Gatos, as well as changes to land use within select and limited areas of Los Gatos. However, increased density and the land uses envisioned in the 2040 General Plan would not generate substantial vibration. Therefore, operational impacts would be less than significant.

### Mitigation Measures

*N-2 Construction Vibration Reduction*

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

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

### Significance After Mitigation

Implementation of Mitigation Measure N-2 would reduce potential impacts to a less than significant level.

| | |
|---|---|
| **Threshold 3:** | For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |

Impacts related potential hazards associated with airports and airstrips, including noise hazards, are discussion in Section 4.9, *Hazards and Hazardous Materials*. As described therein, the nearest airport to the Plan Area is the Norman Y. Mineta San José International Airport approximately 6.5 miles to the north in San José.

## 4.12.4 Cumulative Impacts

The Town of Los Gatos is surrounded by existing rural and urban uses, such as rural areas of the Santa Cruz Mountains to the south and urbanized areas of San Jose to the north. Beyond the land use changes proposed by the 2040 General Plan, no substantial or widespread changes to the existing rural land uses in the Santa Cruz Mountains near Los Gatos are proposed. Therefore, no substantial construction noise or vibration is anticipated that would combine with construction noise and vibration facilitated by buildout of the 2040 General Plan. However, it is anticipated that some construction would occur in urbanized areas near Los Gatos. Construction in these areas could combined with construction noise generated from development envisioned in the 2040 Los

Gatos General Plan. However, construction noise is generally limited to the area immediately around a construction site. In other words, it is rare for construction of two projects to generate noise that combines, concurrently, at a sensitive receptor. Additionally, the same is true of the vibration generated from construction. As described above for Impact N-2, construction of development envisioned in the 2040 General Plan would have potentially significant but mitigable impacts. Therefore, the 2040 General Plan, alone, would have less than significant cumulative impacts related to vibration.

# 4.13 Population and Housing

This section addresses the potential population growth and housing displacement impacts associated with implementation of the 2040 General Plan. Data used to prepare this section were taken from the United States Bureau of the Census (U.S. Census), the California Department of Finance (DOF), and the 2015 Los Gatos Housing Element. Population, housing, and employment data are available on a city, county, regional, and state level. This EIR uses data collected at the Town and County level to focus the analysis specifically on Los Gatos.

## 4.13.1 Setting

### a. Population

*Existing Population and Housing Units*

The population in Los Gatos has grown slowly over the last decade. In 2000, the U.S. Census recorded 28,592 persons living in Los Gatos; in 2010 the Census reported 29,413, reflecting less than 3 percent growth (Bay Area Census 2010). The 2015 Los Gatos Housing Element documented the population of the Town being 30,532 in 2014, slightly less than 4 percent increase (Town of Los Gatos 2015a). Population as of July 1, 2019 was 30,222, a one percent decrease since the 2015 Housing Element was prepared (U.S. Census 2021). In 2021, the population was 30,832, a 2 percent growth rate from the previous two years and 1 percent since the preparation of the 2015 Housing Element. By comparison, the household population in Santa Clara County as a whole has grown at a rate of 1.2 percent annually.

### a. Households and Dwelling Units

DOF and the U.S. Census define a household is defined as a group of people who occupy the same housing unit (e.g., apartment, home; U.S. Census Bureau 2021). Household and dwelling unit counts differ, as the number of dwelling units includes occupied and unoccupied. Not everyone lives in a household: some people live in group quarters, such as board and care facilities; a few are homeless. Under this general definition, small households consisting of one to two persons traditionally reside in units with zero to two bedrooms; family households of three to four persons per household normally reside in units with three to four bedrooms. Large households of five or more persons per household typically reside in units with four or more bedrooms. However, the number of units in relation to the household size may also reflect preference and economics. Many small households obtain larger units and some large households live in small units for economic reasons.

In 2021, Los Gatos had an average household size of 2.4 persons per household, lower than countywide household size of 3.0 persons per household. In 2000, 11,988 housing units were in the Town, and 2010, there were 13,050 housing units, an increase of 1,062 units over 10 years or an average of 10.6 units per year. In 2014, 13,185 housing units existed in the Town an increase of 135 units over four years, or roughly 34 units each year (Town of Los Gatos 2015). Vacancy rates can be an indicator of demand for housing in a community. In 2014, Los Gatos had a vacancy rate of 3.0 percent (Town of Los Gatos 2015), but current rates are closer to 6.6 percent, higher than Santa Clara County as a whole, at 4.6 percent (DOF 2021). Housing trends and population growth in the Town are detailed in Table 4.13-1.

**Table 4.13-1 Population, Households, and Housing Trends**

| | 2010 | 2015 | 2021 | Absolute Change 2010-2015 | Absolute Change 2015-2021 |
|---|---|---|---|---|---|
| Population | 29,413 | 30,667 | 30,832 | 1,254 | 165 |
| Households | 29,063 | 30,317 | 30,486 | 1,254 | 169 |
| Housing Units | 13,050 | 13,228 | 13,637 | 178 | 409 |

Source: DOF 2021

### *Projected Household Growth*

Plan Bay Area 2040, adopted jointly by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) on July 26, 2017, is a 24-year regional transportation and land use roadmap for future growth and is the strategic update to Plan Bay Area, which was adopted in 2013. Plan Bay Area 2040 guides the nine-county region in meeting the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the State's 18 metropolitan planning organizations to develop a Sustainable Communities Strategy (SCS) as part of their long-range Regional Transportation Plan (RTP). ABAG also establishes a Regional Housing Needs Assessment (RHNA) allocation for each of its member jurisdictions. This targeted approach to identifying housing need is a mechanism to meter the region's growth so that it effectively addresses and tempers supply and demand.

Plan Bay Area 2040 projects growth of 619 additional housing units that could be occupied by new residents between 2010 and 2040 (ABAG 2016). Based on the annual housing unit estimates from the DOF, Los Gatos added about 100 households (occupied housing units) between 2010 and January 1, 2018 (DOF 2021). Even though the housing unit count increased by around 250, the vacancy rate increased from 5.3 to 6.5 percent during this period. If 619 housing units were developed and occupied by residents new to Los Gatos, Plan Bay Area estimates a population increase of 1,486 new residents in Los Gatos by 2040. However, over the last five years, only 135 new units were developed, which is 21.8 percent of the total RHNA allocation.

Of note, since Los Gatos lacks a major transit hub or station, Plan Bay Area does not assume any so-called Priority Development Areas (PDA) in Los Gatos. PDAs are places where intensified investment, new homes, and job growth can occur proximate to transit facilities (ABAG 2016).

### *Residential Buildout Potential*

In accordance with CEQA, a program-level EIR is obligated to analyze the maximum potential buildout allowed under the subject plan or program. It has been calculated that the Los Gatos 2040 General Plan accommodates a potential for 3,738 dwelling units by the year 2040, and the EIR has used this figure to calculate and project environmental impacts. The 3,738 dwelling unit number includes six main components:

1. Projects that are currently in the pipeline for development and that have had initial approval by the Town total 475 units;
2. Potential development on vacant land totals 804 units;
3. Potential redevelopment of dwellings in mixed-use formats at select underutilized commercial and industrially designated sites, totals 1,264 units;

4. Potential redevelopment of medium to high density housing on existing sites, totals 611 units;
5. Potential development of missing middle housing in existing neighborhoods, totals 84 units;
6. Potential development of accessory dwelling units within residential districts consistent with State Law throughout the Town, totals 500 units.

It is important to note that there is no guarantee that all of the allowable residential potential in the proposed 2040 General Plan will actually be built because construction is done by private land owners subject to market forces (such as land prices, construction costs, etc.).

## 4.13.2 Regulatory Setting

There are no Federal regulations applicable to population and housing in Los Gatos. State, regional, and local regulations are discussed below.

### a. State Regulations

*State Housing Element*

State housing element statutes (Government Code Sections 65580-65589.9) mandate that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, State housing policy rests largely upon the effective implementation of local general plans and in particular, housing elements. Additionally, Government Code Section 65588 dictates that housing elements must be updated at least once every eight years.

### b. Regional

*Regional Housing Needs Assessment*

California's Housing Element law requires that each county and city develop local housing programs to meet their "fair share" of future housing growth needs for all income groups, as determined by the DOF. The regional councils of government, including ABAG, are then tasked with distributing the State-projected housing growth need for their region among their city and county jurisdictions by income category. This fair share allocation is referred to as the Regional Housing Needs Assessment (RHNA) process. The RHNA represents the minimum number of housing units each community is required to plan for through a combination of (1) zoning "adequate sites" at suitable densities to provide affordability, and (2) housing programs to support production of below-market rate units. Table 4.14-2 shows Los Gatos' allocation from the 2015-2023 RHNA, distributed among the four income categories.

**Table 4.13-2 Town of Los Gatos Regional Housing Needs Assessment 2015-2023**

| Income Group | Fifth Cycle (2015-2023) RHNA Allocation (units) |
|---|---|
| Very Low: up to 50 percent of area median income | 201 |
| Low: between 51 and 80 percent of area median income | 112 |
| Moderate: between 81 and 120 percent of area median income | 132 |
| Above Moderate | 174 |
| **Total** | **619** |

Source: ABAG 2013

### *Association of Bay Area Governments*

As discussed in Section 4.11, *Land Use and Planning*, the Town of Los Gatos is within the ABAG planning area. ABAG functions as the Metropolitan Planning Organization for Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, and Solano Counties, and is responsible for implementing the RTP/SCS, which is called Plan Bay Area 2040 (ABAG 2017). Plan Bay Area 2040 is a long-range integrated transportation and land-use/housing strategy for the San Francisco Bay Area through 2040.

At this time, ABAG and MTC are undertaking another update to Plan Bay Area, expected to be completed in late 2021. The Plan Bay Area 2050 update is designed to accommodate the anticipated growth of 1.5 million new homes and 1.4 million new jobs, including the sixth cycle RHNA allocations, which will require an update to the Housing Element (ABAG 2021).

## c. Local Regulations

### *Los Gatos Housing Element*

The Housing Element is one of the seven required elements of the General Plan. The Town adopted the 2015-2023 Housing Element in May 2015 as part of the State's fifth Housing Element planning cycle. The 2040 General Plan Update incorporates the adopted 2015 Housing Element. No substantive changes are being proposed to the Housing Element as part of its incorporation into the 2040 General Plan Update.

The purpose of the Housing Element is to identify and analyze existing and projected housing needs to preserve, improve, and develop housing for all economic segments of the community. The Housing Element is divided into two parts, the Housing Element itself and a Technical Appendix with detailed supporting data. The Housing Element identifies the nature and extent of the Town's housing needs along with objectives, policies, and implementation programs intended to meet identified needs. The Technical Appendix provides a detailed report on the Town's population and housing stock characteristics including a housing needs assessments and projected housing needs, as well as a housing sites inventory and constraints to housing analysis. The following goals are from the 2015 Housing Element and are designed to address the housing needs of Los Gatos, including preserving affordable housing units. Please refer to the 2015 Housing Element for a full list of all policies and actions associated with these goals (Town of Los Gatos 2015a):

**Goal HOU-1.** Expand the choice of housing opportunities for all economic segments of the community by supporting the development of affordable housing in a variety of types and sizes, including a mixture of ownership and rental housing.

**Goal HOU-2.** Maintain and/or adopt appropriate land use regulations and other development tools to encourage the development of affordable housing that is compatible with the neighborhood and the community.

**Goal HOU-3.** Preserve existing residential opportunities, including the existing affordable housing stock.

**Goal HOU-4.** Ensure that all persons have equal access to housing opportunities.

**Goal HOU-5.** Retain and expand affordable housing opportunities for seniors.

**Goal HOU-6.** Mitigate Town governmental constraints to affordable and special needs housing development.

**Goal HOU-8.** Ensure that the Town has sufficient resources and takes appropriate measures to implement the Housing Element.

**Goal HOU-9.** Maintain the Town's 2005 jobs-to-household ratio of 1.5 jobs per household.

## 4.13.3 Impact Analysis

### a. Methodology and Thresholds of Significance

Population and housing trends in the Town were evaluated by reviewing the most current data available from the U.S. Census Bureau, DOF, the current Los Gatos General Plan, ABAG Plan Bay Area 2040, and the 2015-2023 RHNA as reported and discussed in the 2015 Housing Element. Impacts related to population are generally social or economic in nature. Under CEQA, a social or economic change is not considered a significant effect on the environment unless the changes are directly linked to a physical change.

The following thresholds are based on Appendix G to the CEQA Guidelines. For purposes of this EIR, implementation of the 2040 General Plan may have a significant adverse impact if it would do any of the following:

1. Induce substantial unplanned population growth in an area either directly or indirectly; or
2. Displace substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere.

For purposes of this analysis, substantial population growth is defined as growth exceeding ABAG population forecasts for the Town of Los Gatos. Substantial displacement would occur if allowed land uses would displace more residents than would be accommodated through growth facilitated by the 2040 General Plan.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold:** | Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? |

**Impact PH-1 IMPLEMENTATION OF GENERAL PLAN 2040 WOULD FACILITATE THE CONSTRUCTION OF NEW HOUSING IN LOS GATOS THAT COULD INCREASE TOWN'S POPULATION IN EXCESS OF ABAG POPULATION FORECASTS. CURRENT GROWTH AND DEVELOPMENT TRENDS IN LOS GATOS DO NOT PREDICT FULL BUILDOUT AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

According to the 2040 General Plan Land Use Element, General Plan 2040 implementation may allow up to 3,738 new residential units by 2040 (Table 4.13-3). This additional housing could result in 8,971 new residents by 2040. This would increase the total population to approximately 42,021 persons, which would be 27.1 percent above ABAG's 2040 population forecast of 33,050 (ABAG 2019).

**Table 4.13-3 General Plan Residential Buildout**

| Land Use Designation | | Density Range (du/ac) | Typical Density (du/ac) | Assumed Redevelopment | New Housing (Vacant Land) | New Housing (Redevelopment) |
|---|---|---|---|---|---|---|
| LDR | Low Density Residential | 1 to 12 | 12 | 5% | 283 | 84 |
| MDR | Medium Density Residential | 14 to 24 | 20 | 10% | 224 | 343 |
| HDR | High Density Residential | 30 - 40 | 36 | 15% | 110 | 268 |
| NC | Neighborhood Commercial | 10 to 20 | 18 | 10% | 26 | 91 |
| CC | Community Commercial | 20 to 30 | 26 | 15% | - | 156 |
| MU | Mixed Use | 30 - 40 | 36 | 20% | 126 | 605 |
| CBD | Central Business District | 20 to 30 | 26 | 15% | 21 | 113 |
| OP | Office Professional | 30 to 40 | 36 | 15% | 4 | 255 |
| SC | Service Commercial | 20 to 30 | 26 | 15% | 10 | 44 |
| | Subtotal | | | | 804 | 1,959 |
| | **Housing Units, New and Redeveloped** | | | | | **2,763** |
| | Housing Units, ADUs | | | | | 500 |
| | Housing Units, Existing Projects | | | | | 475 |
| | **TOTAL NEW** | | | | | **3,738** |

Source: Town of Los Gatos, 2021; Draft Land Use Element

ABAG is in the process of adopting an updated regional Plan Bay Area 2050, which will contain the sixth cycle housing requirements and new population estimates for the region. Draft housing allocations are a little less than 2,000 units as of the writing of this report. If they were all built and occupied by new residents, this would result in a population increase of 4,800 new residents, for a total Town population of 37,850. This is approximately 13 percent more than the 2040 population estimates.

The growth anticipated under the 2040 General Plan is intended to meet regional housing needs allocation over the long term, along with services and potential development near jobs, such as retail, light industrial, and other employment sources along major transportation corridors. Development accommodated by the 2040 General Plan anticipates a wide range of types of development, including mixed-use and redevelopment of under-utilized sites. These projections do not reflect actual growth trends, however. If housing development continues at its current rate, fewer than 40 new housing units would be developed each year, for a total of 320 new units over the eight-year planning cycle. Even doubling this number, if the market supported such an increase, would result in less than a quarter the number of units allowed in the 2040 General Plan Land Use Element.

Goal LU-4 and related policies in the Land Use Element of the 2040 General Plan, listed below, would concentrate planned residential development and associated population growth in infill areas.

**Goal LU-4:** Use infill sites to accommodate new development.

> **Policy LU-4.1. Infill Projects in Context.** Require that infill projects are compatible with the surrounding neighborhoods, demonstrate that the development meets the criteria contained in the Town's Development Policy for Infill Projects, and enhance the surrounding neighborhoods when possible (e.g., improve circulation).

In addition to the above goal, Policy LU-5.1 promotes infill residential development and redevelopment to significantly increase housing opportunities for a more diverse population by focusing on smaller units and shifting the balance from predominantly single-family homes to a broader mix of housing types. As discussed in Section 4.11, *Land Use and Planning*, the 2040 General Plan encourages a more connected network between housing and jobs which would allow residents to live closer to their places of employment. Growth under the 2040 General Plan would result in a more balanced jobs-housing ratio in 2040 by increasing housing available in Los Gatos. Therefore, such growth would not result in any adverse effects associated with an increased imbalance of jobs and housing in the town.

One of the fundamental purposes of General Plan 2040 is to direct future development in such a way that preserves the character of the Town while minimizing pressure to develop on the remaining open space in the Town and directing growth and redevelopment to infill areas, consistent with General Plan 2040 Goal LU-4 and Policies LU-4.1 and LU-5.1, listed above. Therefore, impacts would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| **Threshold:** | Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? |
|---|---|

### Impact PH-2 IMPLEMENTATION OF GENERAL PLAN 2040 WOULD NOT RESULT IN THE DISPLACEMENT OF SUBSTANTIAL NUMBERS OF HOUSING OR PEOPLE. TO THE CONTRARY, GENERAL PLAN 2040 WOULD FACILITATE THE DEVELOPMENT OF NEW HOUSING IN ACCORDANCE WITH STATE AND LOCAL HOUSING REQUIREMENTS, WHILE PRESERVING EXISTING RESIDENTIAL NEIGHBORHOODS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The General Plan 2040 would facilitate development in Los Gatos through 2040. Policies LU-4.1 and LU-5.1, listed above, promote infill development and redevelopment of underutilized parcels while maintaining or enhancing the positive qualities of the surrounding neighborhoods. The new units facilitated by General Plan 2040 would be in accordance with State and local housing requirements.

Goal CD-2 and the 42 associated policies in the Community Design Element of General Plan 2040 would encourage all development in Town to be designed holistically and sustainably to create welcoming and human-scaled neighborhood communities. In addition to Goal CD-2, the Community Design Element also contains Goal CD-1 and associated policies, listed below, which would provide guidance on maintaining neighborhood cohesiveness through the anticipated 2040 growth.

**Goal CD-1:** Maintain a Town of diverse and well-structured neighborhoods that meet the community's needs for interconnected, high-quality, and inclusive living environments.

> **Policy CD-1.1. Building Element Proportion.** Require building elements to be in proportion, including building massing and height, with existing development in the neighborhood.
>
> **Policy CD-1.2. Gated Communities.** Prohibit the creation of gated communities in an effort to promote social cohesiveness and inclusivity and maintain street network efficiency, adequate emergency response times, and convenient travel routes for all street users.
>
> **Policy CD-1.3. Enhance Neighborhood Character.** Enhance established neighborhoods by requiring new development to respect and respond to those existing physical characteristics of buildings, streetscapes, open spaces, and urban form that contribute to the overall age-friendly aspects and character of the neighborhood.
>
> **Policy CD-1.4. Memorable Places Through Infill Development.** Promote infill development projects that create memorable places throughout the Town through high-quality architecture, pedestrian oriented streetscapes, and age-friendly designed public spaces.

In addition to the above community development policies, the General Plan addresses meeting the needs of all Los Gatos residents through the development of missing middle housing. This housing, which lies between the low end of Low Density Residential (LDR - 1-12 units/acre) and the high end of Medium Density Residential (MDR- 14-24 units/acre) is often referred to as "Missing Middle" housing and can include a mix of housing types including duplexes, triplexes, fourplexes, cottage courts/clusters, and townhomes. As part of the 2040 General Plan, a goal, policies, and implementation programs are included to support the development of Missing Middle Housing within existing Los Gatos neighborhoods. Within the Land Use Element of the 2040 General Plan, Policy LU-1.2 provides guidance on the creation of missing middle housing:

> **Policy LU-1.2. Missing Middle Housing.** Support housing types and designs that increase density while remaining consistent with the building scale and character present in existing

neighborhoods. This includes multi-family units or clustered residential buildings that provide relatively smaller, less expensive units within existing neighborhoods.

In summary, General Plan 2040 would facilitate the development of approximately 2,763 new dwelling units, while maintaining Town character and meeting the needs of its residents. Because the number of new dwelling units would not displace existing residents, and because the policies of General Plan 2040 promote infill development and preservation of existing neighborhoods, impacts would be less than significant.

### Mitigation Measures

No mitigation measures are required.

### Significance After Mitigation

Impacts would be less than significant without mitigation.

## 4.13.4 Cumulative Impacts

Cumulative development in the Town of Los Gatos in combination with development proposed under the 2040 General Plan would result in increased population, job, and housing projections. Implementation of the 2040 General Plan would increase density and intensity of existing land uses resulting in increased growth. While the 2040 General Plan provides the possibility to develop at this increased rate and density that could result in population growth exceeding ABAG targets, current market development and occupancy rates suggest that the level of development accommodated in the 2040 General Plan would be unlikely to be reached. Instead, the 2040 General Plan accommodates a range of housing options for the future that make it more possible that the ABAG population targets may be reached. Therefore, the 2040 General Plan would not result in a considerable incremental contribution to cumulative impacts associated with population and housing. Cumulative impacts would be less than significant.

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# 4.14 Public Services and Recreation

This section assesses potential impacts to public services, including fire and police protection, public schools, libraries, and parks and recreation facilities, from the 2040 General Plan. Impacts to water and wastewater infrastructure and solid waste collection and disposal are discussed in Section 4.16, *Utilities and Service Systems*.

## 4.14.1 Setting

### a. Fire Protection

The Town of Los Gatos is susceptible to threat from both urban and wildland fires. Fire Protection Services are provided to the Town by the Santa Clara County Fire Department (SCCFD).

### Santa Clara County Fire Department

The SCCFD provides Insurance Services Office (ISO) Class 2/2Y services for Santa Clara County, California and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga, as well as the unincorporated areas adjacent to these communities. The Town of Los Gatos works with the SCCFD to protect Town residents and property from injury and damage resulting from fire hazards. SCCFD is a California Fire Protection District serving more than 226,000 residents and 128.3 square miles of territory.

The SCCFD provides the following services:

- Fire suppression;
- Emergency medical response;
- Rescue activities;
- Building plan review;
- Code enforcement;
- Hazardous materials regulation;
- Fire and life safety inspections for new construction, commercial businesses, multi-family residential buildings, and schools;
- Community preparedness program;
- Emergency medical services; and
- Public education.

SCCFD includes 15 fire stations, an administrative headquarters, a maintenance facility, five other support facilities, 19 pieces of apparatus, and three command vehicles. The Department employs over 327 fire prevention, suppression, investigation, administration, and maintenance personnel, augmented with a trained volunteer staff. SCCFD maintains a 24-hour emergency response staff of 66 firefighters and officers.

The Town of Los Gatos is home to the Administrative Headquarters and the Winchester Fire Station, Shannon Fire Station, and Los Gatos Fire Station. The Redwood and Quito stations located adjacent to Los Gatos also provide fire protection services to the Town. Each of these five stations provides emergency medical service (EMS), Advanced Life Support (ALS), and responds to all types of fires (wildland, structure, vehicle, etc).

### *Calls for Service*

In 2017 the Department responded to 19,404 calls for service. Approximately 60 percent of these calls were for emergency medical services. Fires and Hazardous Conditions, and Rescues make up less than seven percent of calls for service in the district. The percent of total calls in 2017 is consistent with other recent years.

### *Service Standards*

SCCFD uses performance measures to track performance against service standard goals. Performance measure results are published each year in the Department's Annual Report. In 2017, SCCFD met or exceeded nearly all its service standard goals. The Department needs improvement to meet emergency response time standards for structure fires responses, as they fell short of OSHA standard 2-in/2-out and on-scene effective firefighting force response time goals. Table 4.14-1 contains the department's performance measure standards and results from 2017.

**Table 4.14-1 SCCFD Performance Measures**

| Category | Standard | Result | Conclusion |
|---|---|---|---|
| Customer Service | Maintain a rating at or above 95% | 97% | Standard met |
| Community Education | Make contact with 20% of more of the population served | 29% | Standard exceeded |
| Fire Prevention | Limit commercial fires to 4 per 1000 occupancies inspected | 0.26 per 1000 | Standard exceeded |
| | Limit hazardous materials responses to 1 per 100 permitted occupancies. | 0.85 per 1000 | Standard exceeded |
| Emergency Response Times | EMS Calls: 90% of the time, a fire company with one paramedic arrives in under 8 minutes. | In the metropolitan and urban areas, County Fire arrived in 7 minutes 34 seconds or less. | Standard met |
| | Structure Fire Calls: 90% of the time, the first unit arrives in under 8 minutes. | In the metropolitan and urban areas, County Fire arrived in 7 minutes 52 seconds or less. | Standard met |
| | Structure Fire Calls: Establish OSHA firefighter safety standard "2- in/2-out" on structural fires in less than 9 minutes from dispatch of alarm at least 90% of the time | In the metropolitan and urban areas, County Fire established "2-in/2-out" in 10 minutes 6 seconds or less. | Standard not met |
| | Structure Fire Calls: Have an effective firefighting force on-scene in less than 15 minutes from dispatch of alarm at least 90% of the time | In the metropolitan and urban areas, County Fire established an effective response force in 17 minutes 36 seconds or less. | Standard not met |
| Emergency Medical Services | Obtain return of spontaneous circulation (ROSC) on cardiac arrest patients in the field at least 15% of the time. | 26% | Standard exceeded |
| | 911 dispatchers screen for pre-arrival instructions in at least 65% of EMS calls and provide instructions as warranted. | 68% | Standard met |

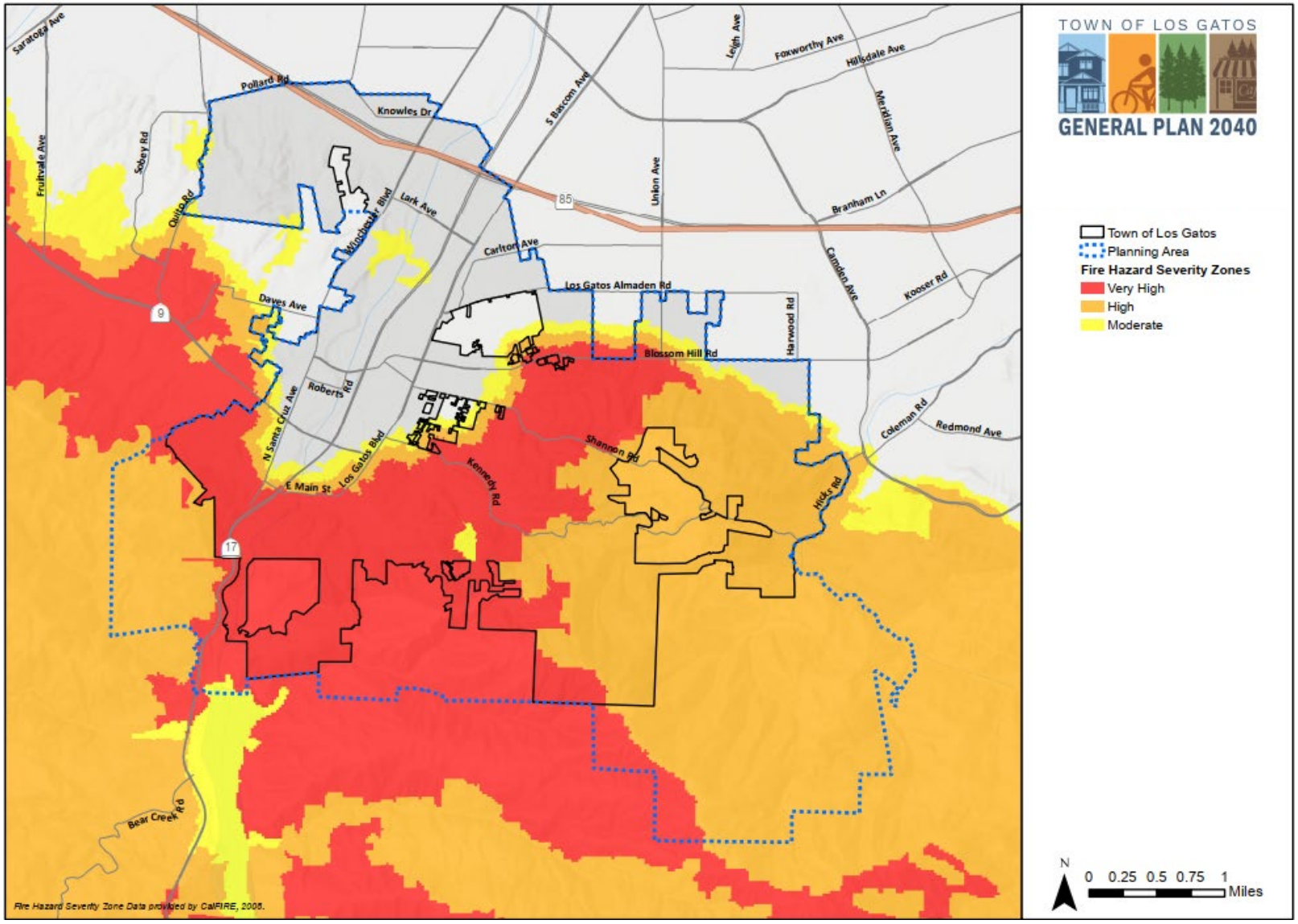
| Category | Standard | Result | Conclusion |
|---|---|---|---|
| Safety | Limit the number of reported job-related employee illnesses and injuries to less than 0.33 per capita. | 0.20 | Standard exceeded |
| Finance | Receive a "Clean" opinion on audited financial statements and comply with generally accepted accounting standards including any new pronouncements. | Successfully received a clean opinion from an outside CPA on District's comprehensive annual financial report and the department complies with current GASB standards. | Standard met |
| | Limit employee usage of sick leave, including all protected leaves, to less than 50% of annual accrual rate. | 42% | Standard exceeded |

### *Wildfire*

Santa Clara County has a high potential for devastating wildland fires. Wildfires bring significant health and safety risks. They can destroy communities, create serious health risks, cause significant erosion, and damage watersheds. Sensitive species habitat can be damaged, destroyed, or overrun with invasive species, and smoke can cause health issues requiring medical treatment. Additionally, the economic loss can be enormous as residential, business, tourism, and recreational uses are impacted.

The California Department of Forestry and Fire Protection (CAL FIRE) identifies the majority of the County within the "high" fire severity zone, with smaller portions falling within the "moderate" and "very high" fire severity zones. Significantly, CAL FIRE identifies the wildland-urban interface on the southern portion of Los Gatos (Los Gatos Hillside Area) as very high-risk area. Figure 4.14-1 illustrates the fire hazard severity zones in the Los Gatos Planning Area.

**Figure 4.14-1 Fire Hazard Severity Zones in Los Gatos**



*Community Wildfire Protection Plan*

In 2016, Santa Clara County lead the development of a countywide strategic plan, the Santa Clara County Community Wildfire Protection Plan (CWPP), to assist in protecting human life and reducing property loss due to wildfire. The CWPP outlines countywide issues and strategies and provides detailed information and specific projects for each of the 14 at risk communities within the County. For the Los Gatos Hillside Area, the CWPP provides community and parcel-level risk assessment, identifies critical infrastructure and community values at risk, creates mitigation projects and priorities to proactively address wildfire risk. The CWPP is maintained by SCCFD.

## b. Police Protection

Police protection for the Town of Los Gatos is provided by the Los Gatos-Monte Sereno Police Department. The Town is characterized as a relatively safe community with limited crime.

The Police Department was established in 1926 to provide police protection services to the Town of Los Gatos. In 1995, the Town entered into a contract to provide police protection services to the City of Monte Sereno as well, resulting in the renaming of the department as the Los Gatos-Monte Sereno Police Department. In fiscal year (FY) 2015/16, the Town entered into a restructured, ten-year agreement (effective July 1, 2015), to provide law enforcement services to the City of Monte Sereno. This agreement allows for consideration of ongoing updates in law enforcement practices and more closely reflects the workload and modernized service delivery models for both the Town and the City of Monte Sereno.

The Police Department serves a combined population of approximately 34,000 residents, as well as the non-resident workforce and visitors to Los Gatos and Monte Sereno. The Police Department works with several other local law enforcement agencies, including the California Highway Patrol, Campbell Police Department, San Jose Police Department, and Santa Clara County Sheriff's Office.

The Police Department provides the following core services:

- Response to emergency and non-emergency calls for service from quality of life issues to property crimes and crimes against persons;
- Identification of criminal activity, including the thorough investigation and prosecution of crimes;
- Dispatch and records services;
- Recruiting, hiring, and training of personnel;
- Crime prevention and community outreach;
- Traffic safety and enforcement, including safe routes to school, bike rodeos, helmet usage, and placement of radar trailers throughout the community;
- Maintenance of lost or stolen property, records, and criminal evidence;
- Community problem-solving and engagement;
- School Resource Officer services; and
- Administration and fiscal management.

In FY 2018/19, total Town net operating expenditures for the Police Department are budgeted at $14,976,514. This is approximately 35 percent of the Town's total net operating expenditures. Of the budgeted expenditures, $831,440 is the contracted cost for the City of Monte Sereno.

### *Facilities*

The Los Gatos-Monte Sereno Police Department has two primary locations in Los Gatos. The Police Operations building, located on Los Gatos Boulevard near Blossom Hill Road, houses patrol operations and detective services. The operations captain, patrol sergeants, evidence technician, and other support personnel are located at this site. This facility also houses a briefing room, training room, prisoner processing facility, and the Town's Emergency Operations Center (EOC).

All other police services are located at the Los Gatos Civic Center complex, located at 110 East Main Street in Los Gatos. This facility serves as headquarters for police administration, records, and dispatch. This facility contains the following bureaus, units, and operational teams:

- Detective Bureau;
- Records and Communications Bureau;
- Personnel and Community Services Bureau;
- Crime Analysis;
- School Resource and D.A.R.E.;
- Traffic and Motorcycle Unit;
- Canine Team;
- SWAT and Hostage Negotiation Teams;
- Bicycle Patrol Team; and
- Evidence Team.

### *Service Standards*

The Police Department has a performance objective of "providing a safe environment through timely response and police assistance." The Police Department categorizes calls as Priority 1, Priority 2, and Priority 3. Priority 1 calls involve either a serious emergency or public safety hazard. Priority 2 calls are those that require immediate response but are not considered an emergency. Priority 3 calls are other non-emergency calls. While most calls responded to by the Police Department relate to incidences of vandalism, domestic disputes, theft, and burglary, the Police Department does receive and respond to crimes of violence, including robbery, sexual assault, violent assault, and murder. During 2017, there were 10,400 calls to 911 and a total of 45,033 incidents addressed. The Town reports that response time for Priority 1 calls averaged 4 minutes and 13 seconds.

### *Staffing*

The Police Department is led by Chief Peter Decena. The department, comprised of 58 sworn and civilian personnel and over 50 community volunteers, is responsible for all incorporated areas of Los Gatos and Monte Sereno. Patrol Teams consist of a Sergeant, a Corporal, and officers. There are currently four patrol teams (Watch 1, Watch 2, A Team, and B Team) with shift rotations every six months.

## c. Schools

Six different school districts serve the residents of the Town of Los Gatos. These are the Los Gatos Union School District, the Los Gatos-Saratoga Joint Union High School District, the Campbell Union School District, the Campbell Union High School District, the Cambrian Union Elementary District,

and Union Elementary School District. Each district is currently near capacity and will need to expand facilities in order to serve the student population in 2040.

### *Los Gatos Union School District*

The Los Gatos Union School District has four elementary schools and one middle school providing educational services to the children of Los Gatos. All the elementary schools serve kindergarten through grade five. Raymond J. Fisher Middle School serves students in grades six through eight. Total district enrollment in the 2017-2018 school year was 3,160 students. Table 4.14-2 outlines district schools and enrollment.

**Table 4.14-2 Los Gatos Union School District Schools and Enrollment (2017-2018 School Year)**

| School | Address | Enrollment |
|---|---|---|
| Blossom Hill Elementary School | 16400 Blossom Hill Road | 605 |
| Daves Avenue Elementary School | 17770 Daves Avenue | 538 |
| Lexington Elementary School | 19700 Old Santa Cruz Highway | 151 |
| Van Meter Elementary School | 16445 Los Gatos Blvd. | 578 |
| Raymond J. Fisher Middle School | 19195 Fisher Avenue | 1,288 |
| **Total** | | **3,160** |

Source: California Department of Education, Dataquest, 2018.

### *Los Gatos-Saratoga Union High School District*

The Los Gatos-Saratoga Union High School District has two high schools, Los Gatos High and Saratoga High, which serve over 3,400 students from unincorporated Santa Clara County as well as the communities of Los Gatos, Monte Sereno, and Saratoga. Each school consists of grades nine through 12. Los Gatos High School is located within the Town of Los Gatos at 20 High School Court. Saratoga High School is located in the City of Saratoga. The District offers alternative education programs for students who need or desire an alternative instructional approach. These programs allow students to complete high school in a productive and purposeful way. To enroll in an alternative program, students must be recommended by an administrator. District offices are located at 17421 W. Farley Road, Los Gatos.

Total district enrollment in the 2017-2018 school year was 3,425. In school year 2017-2018, 2,061 students were enrolled at Los Gatos High and 1,354 students were enrolled at Saratoga High. Table 4.14-3 contains school location and enrollment information.

**Table 4.14-3 Los Gatos-Saratoga Union High School District Schools and Enrollment (2017-2018 School Year)**

| School | Address | Enrollment |
|---|---|---|
| Los Gatos High | 20 High School Court, Los Gatos | 2,061 |
| Saratoga High | 20300 Herriman Ave., Saratoga | 1,354 |
| **Total** | | **3,425** |

Source: California Department of Education, Dataquest, 2018.

### *Campbell Union School District*

Nearly 7,300 students from the communities of Campbell, Los Gatos, Monte Sereno, San Jose, Santa Clara, and Saratoga attend the nine schools within the Campbell Union School District. The four schools within the District that serve the Town of Los Gatos are Capri Elementary, Forest Hill Elementary, Marshall Lane Elementary, and Rolling Hills Middle School. Each elementary school serves students in kindergarten through fifth grades. Rolling Hills Middle School serves students in grades five through eight.

All schools are located near the northwest border of the Town. Rolling Hills Middle School and Capri Elementary School are located within the City of Campbell. Forest Hill Elementary School is located within the City of San Jose. Marshall Lane Elementary School is located within the City of Saratoga. Table 4.14-4 contains school location and enrollment information for each school serving residents of Los Gatos.

**Table 4.14-4 Campbell Union School District Schools Serving Los Gatos (2017-2018 School Year)**

| School | Address | Enrollment |
|---|---|---|
| Rolling Hills Middle | 1585 More Avenue, Campbell | 1,024 |
| Capri Elementary | 850 Chapman Drive, Campbell | 663 |
| Forest Hill Elementary | 4450 McCoy Avenue, San Jose | 646 |
| Marshall Lane Elementary | 14114 Marilyn Lane, Saratoga | 551 |
| **Total** | | **2,884** |

Source: California Department of Education, Dataquest, 2018.

### *Campbell Union High School District*

Campbell Union High School District serves 8,043 students at seven campuses: Branham, Del Mar, Leigh, Prospect, and Westmont High Schools. The District also has an alternative school, Boynton High School, which serves a variety of special needs in the community and a school that focuses on at-risk youth, Camden Community Day School. Both Prospect and Westmont High Schools serve the Town of Los Gatos. Prospect High School is located at 18900 Prospect Road in Saratoga, while Westmont High School is located at 4805 Westmont Avenue in the City of Campbell. In 2017-2018, 1,469 students were enrolled in Prospect High School and 1,615 students were enrolled at Westmont High.

### *Cambrian Union Elementary School District*

Cambrian Elementary School District serves approximately 3,591 students enrolled in four elementary schools (K-5 grades) and one middle school (serving 6-8 grades). The Farnham Elementary School, located in San Jose at 15711 Woodard Road, is the only school in this district that serves Los Gatos students. In the 2017-2018 school year, Farnham had 524 enrolled students.

### *Union Elementary School District*

Union Elementary School District has six elementary schools and two middle schools. All the elementary schools serve kindergarten through grade five. Dartmouth Middle and Union Middle schools serve students in grades six through eight. Total district enrollment in the 2017-2018 school year was 5,791 students. Table 4.14-5 contains school location and enrollment information.

**Table 4.14-5 Union Elementary School District Schools and Enrollment (2017-2018 School Year)**

| School | Address | Enrollment |
|---|---|---|
| Alta Vista Elementary | 200 Blossom Valley Drive, Los Gatos | 655 |
| Carlton Avenue | 2421 Carlton Avenue, San Jose | 694 |
| Guadalupe Elementary | 6044 Vera Cruz Drive, San Jose | 598 |
| Lietz Elementary | 5300 Carter Avenue, San Jose | 614 |
| Noddin Elementary | 1755 Gilda Way, San Jose | 644 |
| Oster Elementary | 1855 Lencar Way, San Jose | 629 |
| Dartmouth Middle | 5575 Dartmouth Drive, San Jose | 952 |
| Union Middle | 5175 Union Avenue, San Jose | 1,005 |
| **Total** | | **5,791** |

Source: California Department of Education, Dataquest, 2018.

### *West Valley Community College*

Located within the City of Saratoga and serving Los Gatos residents, West Valley Community College offers career programs, professional certificates, and degree programs with preparation for transfer to four-year colleges and universities.

## Private Schools

Private schools provide educational services based on individually set criteria (e.g., academic performance, religious affiliation). There are seven private schools in Los Gatos. Table 4.14-6 lists school locations and grade levels served.

**Table 4.14-6 Private Schools in Los Gatos**

| School | Address | Grade Levels Served |
|---|---|---|
| Fusion Academy | 50 University Ave. | 6-12 |
| Hillbrook School | 300 Marchmont Drive | PreK-8 |
| Stratford School | 220 Kensington Way | PreK-5 |
| Mulberry School | 220 Belgatos Road | PreK-5 |
| St. Mary Catholic School | 30 Lyndon Avenue | PreK-5 |
| Yavneh Day School | 14855 Oka Road #100 | K-8 |
| Los Gatos Christian School | 16845 Hicks Road | PreK-5 |
| **Total** | | |

Source: NCES, 2018

# d. Public Libraries

## Los Gatos Public Library

The Town of Los Gatos is the primary service provider for library services. The Town has one public library located within the Town's Civic Center complex. The two-story, 30,000 square foot LEED Gold-certified library was opened in 2012, replacing the original 1964-built civic center library. The

library has more than 32,000 active cardholders and served more than 277,000 visitors in FY 2017-2018.

The library includes a separate space for children's story-telling programs; a separate teen room; reading and study areas for users of all ages; computer areas for research, Internet access, and technology education; laptop areas; additional self-checkout machines; and space for the Town's extensive history collection. The new library has open, airy seating areas filled with natural light, and added space for adult and youth book collections and multi-media collections.

Los Gatos Library The current library collection consists of books, ebooks, audiobooks, magazines and periodicals, newspapers, DVDs, CDs, CD ROMs, video cassettes, microfilm, and reference materials. The collection includes 155,000 physical items and 923,000 digital items. The library also subscribes to computerized databases which provide access to thousands of archived newspapers, periodicals, primary source documents, reference works and media files. These databases are accessible on library computers and remotely using a library card number. Reference Librarians are available to assist in locating materials in the Library.

In addition to reference and checkout services, the Library offers: story-times; after-school programs; volunteer reading programs; book discussion groups; knitting groups; computer and internet access; wireless internet access; internet classes; summer reading programs; and Friends of the Library programs, featuring special speakers, artists, and performers. In 2020, the Library held 895 community programs serving 25,000 people, including adults, youth, teens, and community audiences. All programs are open to the public and are free of charge.

### El Camino Hospital Health Library

The El Camino Hospital operates a Health Library and Resource Center at its Los Gatos campus on the main floor. The library's vision is to help patients, families, and the community access resources and information to make informed choices about their health. Library use is free of charge. Clinical and consumer health books, DVDs, and audiovisual materials are available. Services are available in person or by phone. If you visit or call, you will be assisted by the same professional research librarians who support the information needs of physicians and nurses at the hospital. The Health Library and Resource Center also offers a number of wellness prevention services to the entire community. Affiliation with El Camino Hospital is not required to participate in these services. Services include: Blood Pressure Screening, Ask a Pharmacist; Consult a Dietician; and Eldercare Services.

## e. Parks and Recreational Facilities

The Town contains approximately 254 acres of parkland, nearly seven miles of multi-use trails and over 65 acres of lawn area. Parks and trails provide amenities for activities such as biking, hiking, horseback riding, picnics and barbeques, play, basketball, baseball, and tennis.

### Parks

Of 37 total public and private parks and recreation facilities in the Town of Los Gatos, 18 are publicly owned and operated parks. Publicly owned parks are shown in Table 4.14-7, and mapped in Figure 4.14-2: Parks and Trails, Figure 4.14-3: Open Space, and Figure 4.14-4: Recreational Facilities. Figure 4.14-5 shows the service areas for each park, representing neighborhoods that are walking distance from public parkland. There are notable areas where there are service gaps for access to parks, especially south of Blossom Hill Road to Shannon Road. Out of the 18 designated parks, one is

owned and operated by the Santa Clara County Parks and Recreation Department and the remaining 17 are operated by the Town of Los Gatos Parks and Public Works Department (PPW). In addition, Los Gatos Creek County Park is located in Campbell and jointly operated by the Town and three other local jurisdictions.

Under the California Quimby Act, municipalities can establish a goal of providing 3 to 5 acres per 1,000 residents for the provision of parks and recreational services. As a condition of approval of a final tract or parcel map, municipalities can require dedication of land, the payment of in-lieu fees, or a combination of both to be used for the provision of parks and recreational services. With 254 acres of parkland excluding trails and lawns, and a 2017 population of approximately 30,724 residents, the Town exceeds the Quimby Act goal by providing 8.4 acres per 1,000 residents.

**Table 4.14-7 Publicly Owned Parks in Los Gatos**

| # | Park | Acreage | Features |
|---|---|---|---|
| 1 | Bachman Park | 3.26 | Bachman Park is a neighborhood park located east of downtown. The park has a playground, picnic tables, basketball court, and a large grassy field. |
| 2 | Balzer Field | 1.38 | Balzer Field is a downtown baseball field with picnic tables and restrooms along the Los Gatos Creek Trail. It is often used for Little League baseball. |
| 3 | Belgatos Park | 8.54 | Belgatos Park is a 17-acre park with two miles of trails. It contains a playground, picnic tables, lawn area, and restroom facilities. Trails within the park connect the Santa Rosa Open Space and Heintz Open Space and are open for hikers, bicyclists, and equestrians. |
| 4 | Blossom Hill Park | 8.82 | Located in central Los Gatos east of Blossom Hill Elementary School, Blossom Hill Park is a fully developed neighborhood park with six lighted tennis courts, a baseball field, playground area, picnic tables and barbeque pits, restroom facilities, and large lawn areas. |
| 5 | Fairview Plaza | 0.25 | Fairview Plaza is a small island in the center of a historic neighborhood. It is one of the Town's oldest parks, deeded in 1915. |
| 6 | Forbes Flour Mill | 0.83 | Forbes Flour Mill was originally a four-story flour mill built in 1854 by James Forbes. The site operated as a mill until 1887 when it became a power plant, and later, a PG&E substation. The mill was designated a California Historic Landmark in 1950. It was the site of the History Museum of Los Gatos from 1965 until 2014. The museum's collection moved to New Museum Los Gatos in 2015. |
| 7 | Howes Playlot | 0.54 | Howes Playlot is a small playground with a paved gazebo and grassy field located in a residential neighborhood at the center of Town. |
| 8 | La Rinconada Park | 8.64 | La Rinconada Park is a forested, creekside park with a half-mile trail meandering along Smith Creek. Recreational features include an unlit tennis court, lawn areas, picnic tables and barbeque pits, and a playground. |
| 9 | Live Oak Manor Park | 4.27 | Live Oak Manor Park is neighborhood park located south of Lark Avenue off of Los Gatos Boulevard. The park has a playground, basketball court, picnic tables, and large lawn. |
| 10 | Los Gatos Creek County Park | 31.66 | The Los Gatos Creek County Park is jointly operated by the Town of Los Gatos, the County of Santa Clara Parks Department, the City of Campbell, and the City of San Jose. It is located along the Los Gatos Creek Trail in Campbell. The park contains two fenced areas for large and small offleash dogs. This the closest park to Los Gatos that allows dogs off leash. |

| # | Park | Acreage | Features |
|---|---|---|---|
| 11 | Los Gatos Creekside Sports Park | 2.71 | The Creekside Sports Park has a large artificial turf field, which can be rented or publicly used when available. It is located adjacent to Vasona Lake County Park on the northwest side of Town. |
| 12 | Novitiate Park | 6.90 | Novitiate Park is the northern access point to St. Joseph's Hill Open Space Preserve and surrounding trails. Trails are available for hiking, bicycling, and equestrian use. The park contains open grassland, oak woodland, and bird watching. The park was originally part of the Novitiate Fathers' eight-acre vineyard. |
| 13 | Oak Hill Playlot | 0.73 | Oak Hill Playlot is a small, partially shaded neighborhood playground with a small lawn and picnic tables. It is located 500 feet west of Live Oak Manor Park across Los Gatos Boulevard. |
| 14 | Oak Meadow Park | 10.94 | Oak Meadow Park includes a large lawn area, picnic tables and barbeque pits, a playground, and bocce ball courts. The park is home to the Billy Jones Wildcat Railroad and Bill Mason Carousel and can be reserved for large groups. Oak Meadow Park is adjacent to Vasona Lake County Park and connected to Downtown Los Gatos via the Los Gatos Creek Trail. |
| 15 | Pageant Grounds | 1.62 | The Pageant Grounds are located behind the Town Civic Center and contain a stone grotto, lawn area, and picnic area. In the past, the Grounds hosted an annual pageant from 1919 to 1930 using a built-in stage and orchestra pit. |
| 16 | Town Plaza | 0.76 | The Town Plaza is located at the southwest quadrant of the Town and anchors the historic business district. The Town Plaza has an interactive water fountain and an exhibit of the Town's historic railroad years along a walkway. It also hosts weekly jazz performances during summer. |
| 17 | Vasona Lake County Park | 150.94 | Vasona Lake County Park is in western Los Gatos along Vasona Lake and Los Gatos Creek and adjacent to Oak Meadow Park. It is a 110-acre park with 45 acres of lawn for recreational activities and six percolating ponds. It contains picnic tables, reservable group areas, rental paddle and row boats, and offers fishing, bird watching, and summer concerts. The Youth Science Institute and a native plant trail are located on the north end of the park. While located within Town limits, the park is operated by the County of Santa Clara. |
| 18 | Worcester Park | 11.94 | Worchester Park is an 11-acre woodland park located near the center of Town, with three hiking and bicycling trails. |

Source: Town of Los Gatos, 2019

**Figure 4.14-2 Los Gatos Parks and Trails**

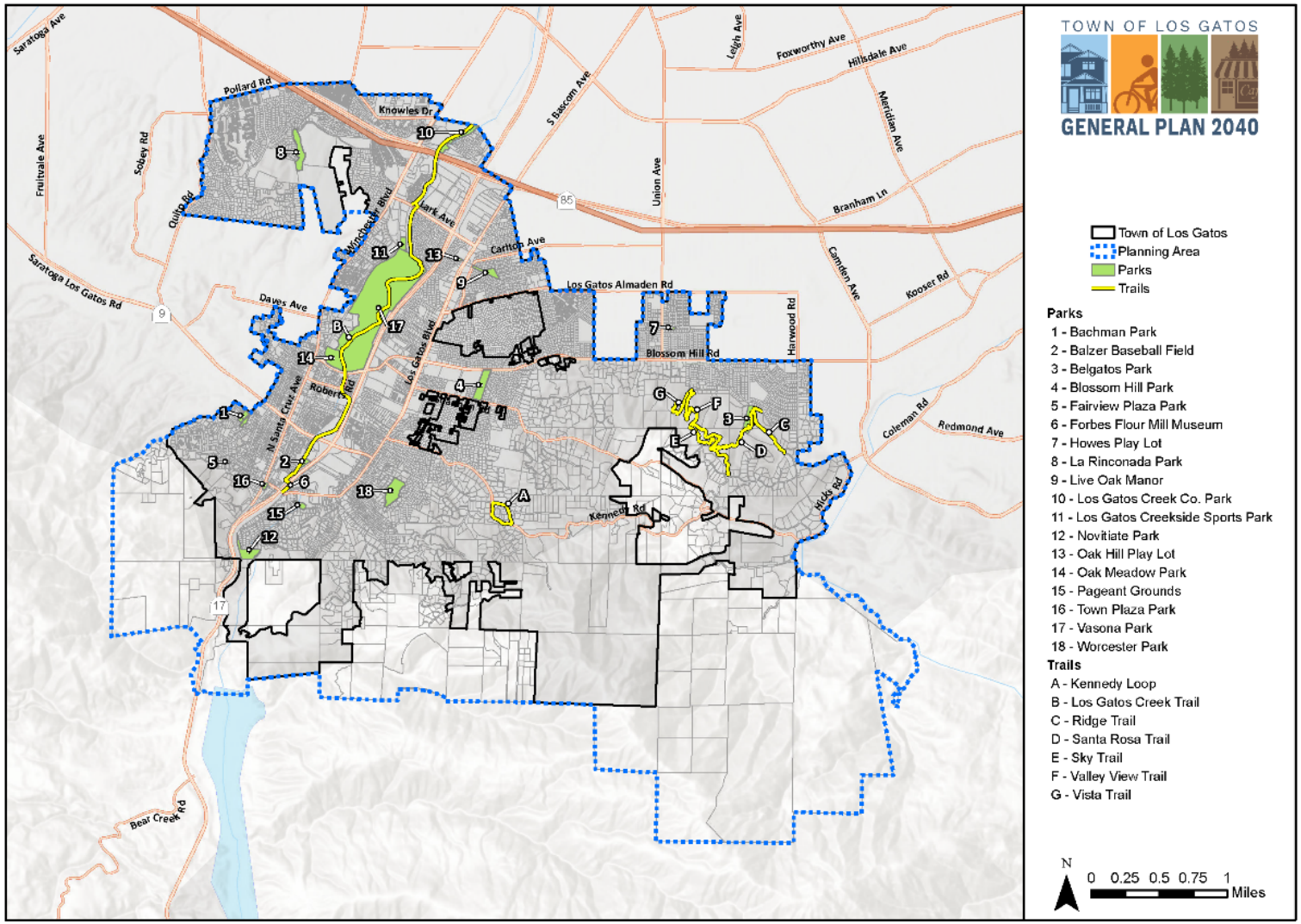


**Figure 4.14-3 Los Gatos Open Space**

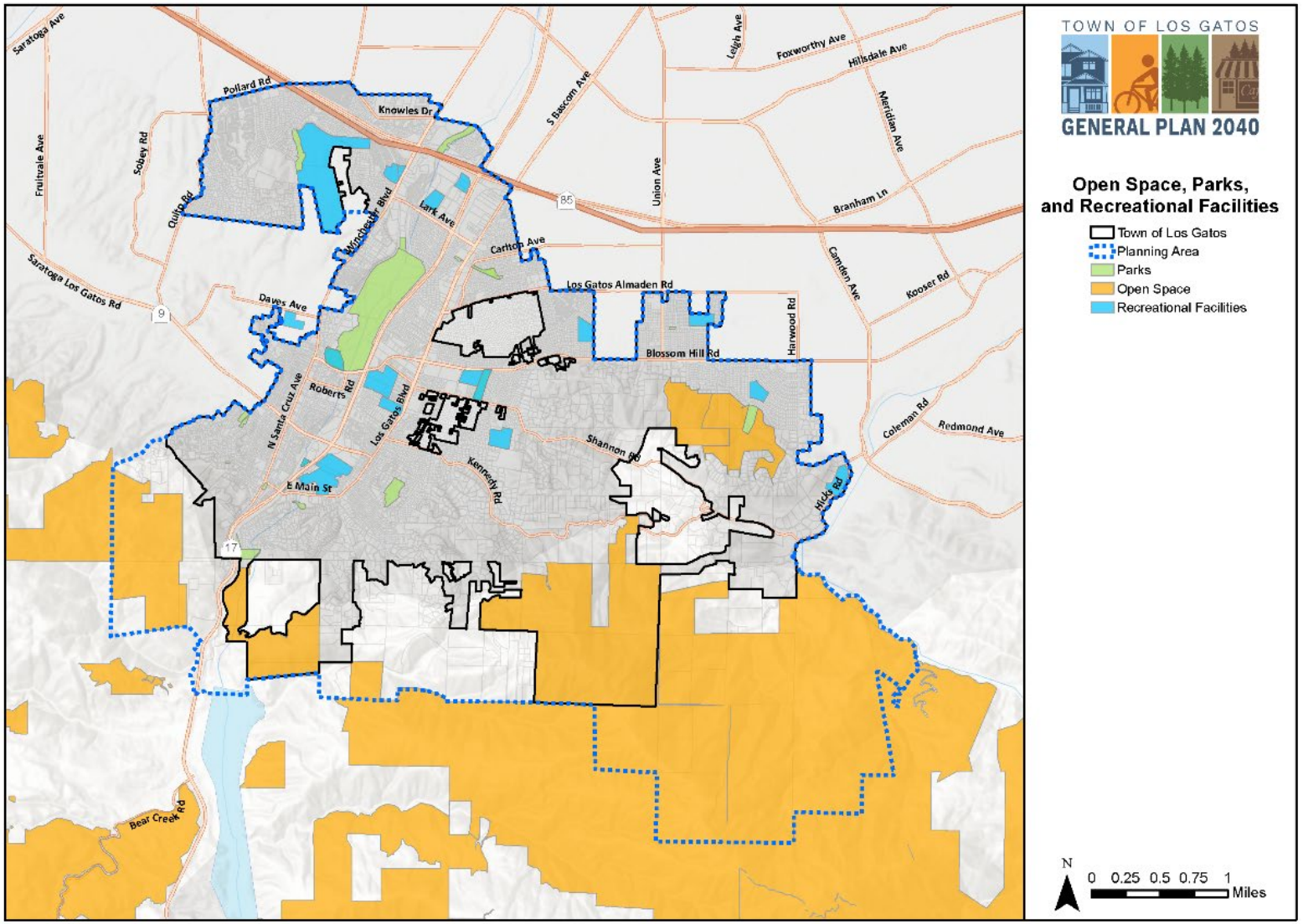


**Figure 4.14-4 Los Gatos Recreational Facilities**

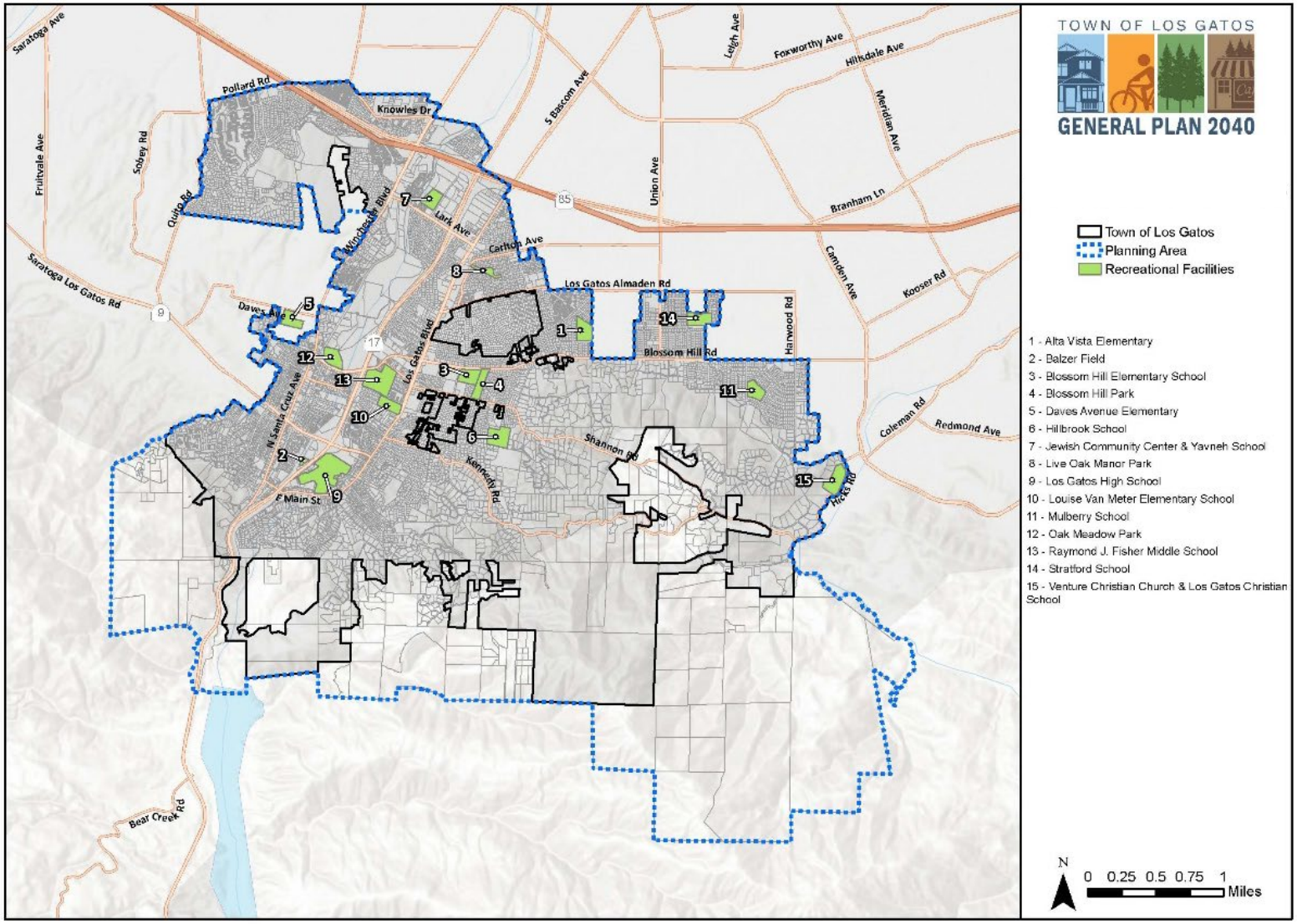
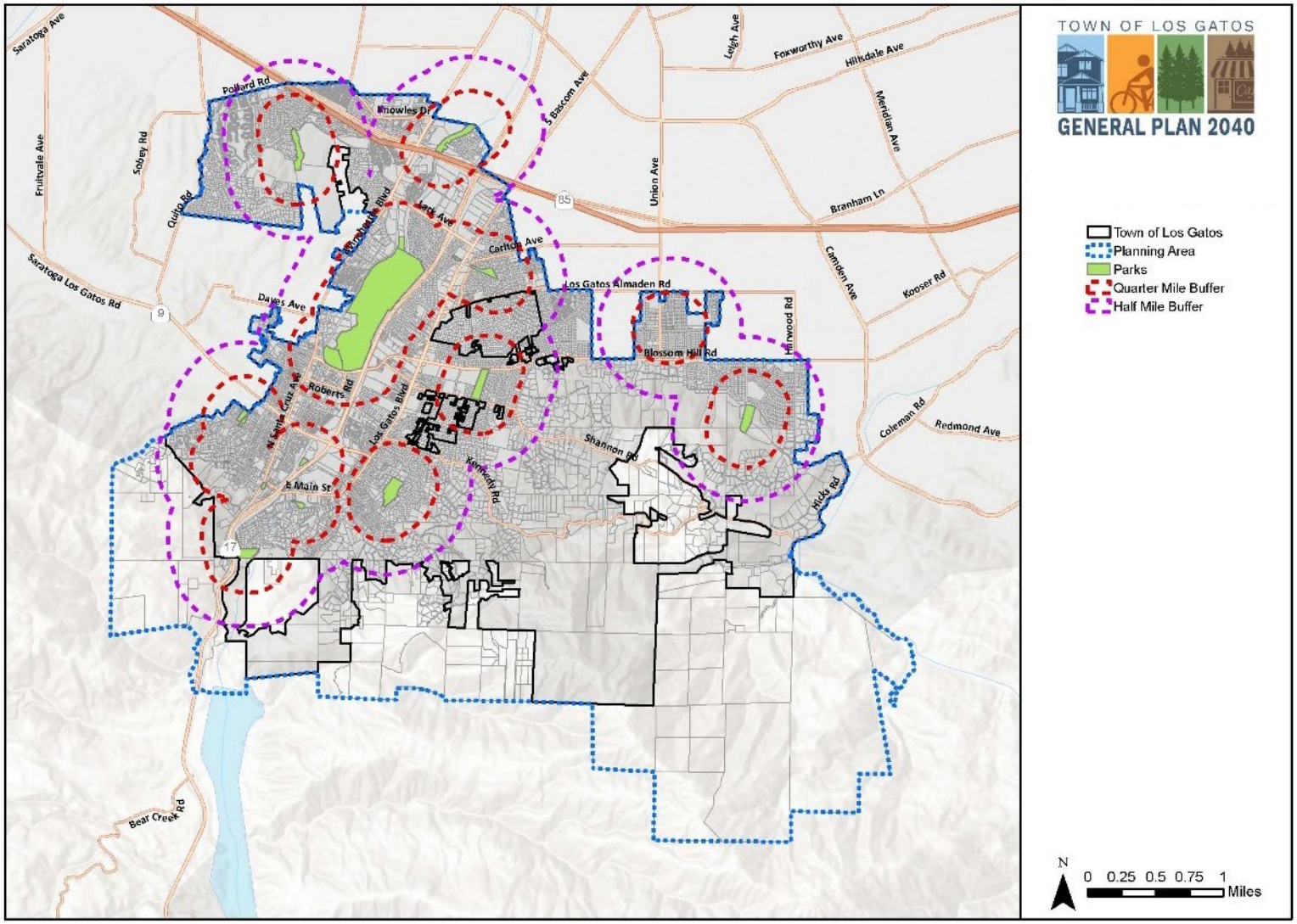


**Figure 4-14.5 Los Gatos Parks Service Areas**



## Recreational Facilities

Recreational facilities exist throughout the Town of Los Gatos serving residents of all ages. Fifteen recreational facilities with one or more sports fields exist within the Town of Los Gatos. Eleven of these contain baseball fields and ten contain multi-use field areas for organized scheduled events. These facilities provide a total of approximately 507,700 square feet of multi-use field space within Los Gatos. Twelve of these facilities are owned and operated by the Los Gatos or Campbell school districts, the Town of Los Gatos, and the Los Gatos-Saratoga Joint Union High School District. Three are privately owned facilities operated by the Jewish Community Center of Silicon Valley, Mulberry School, and Stratford School. For facilities not under the Town's operational control, the Town can only coordinate with the owners and other public agencies managing each facility.

Leagues utilizing recreational facilities in Los Gatos throughout the year include:

- LGS Recreation;
- Los Gatos Unified Soccer League;
- Los Gatos Little League;
- Los Gatos-Saratoga Softball Association;
- Los Gatos Pony League;
- Union Little League;
- Pacific Union Academy; and
- Branham Hill Girls Softball League.

LGS Recreation and the Los Gatos Unified Soccer League each utilize seven facilities for athletic activities, and Los Gatos Little League holds games and practices at five facilities.

Additional recreation facilities that do not include baseball or multi-use sports fields are La Rinconada, which has a golf course, country club, and fitness center, Bay Club Courtside, and Los Gatos Swim and Racquet Club.

# 4.14.2 Regulatory Setting

## a. Federal Regulations

### *Federal Fire Prevention and Control Act of 1974*

The National Fire Incident Reporting System (NFIRS) is a system established by the National Fire Data Center of the United States Fire Administration (USFA) to carry out the intentions of the Federal Fire Prevention and Control Act of 1974. The Act authorizes the USFA to gather and analyze information on the magnitude of the Nation's fire problem, as well as its detailed characteristics and trends. The Act further authorizes the USFA to develop uniform data reporting methods, and to encourage and assist State agencies in developing and reporting data.

### *National Fire Protection Association, Standard 901*

The National Fire Protection Association Standard 901 provides the latest guidelines to help fire departments and other fire protection organizations effectively share data with other agencies. This standard provides common language and definitions that define and describe elements and

classifications used by many fire departments in the United States and other countries to describe fire damage potential and experience during incidents.

### *Americans with Disabilities Act*

The Americans with Disabilities Act requires that public agencies take all practicable efforts to make facilities accessible and usable by all people. The act applies to open space and recreational resources, requiring that, where practicable, the Town's recreational buildings and park trails accommodate wheelchairs, strollers, walkers, and children.

### *National Park and Recreation Association Standards*

The National Park and Recreation Association is a nonprofit organization dedicated to the advancement of public parks, recreation, and conservation. The organization focuses on conservation, health and wellness, and social equity in public spaces. The association regularly publishes the Commission for Accreditation of Park and Recreation Agencies Standards for National Accreditation, a report that provides an authoritative assessment tool for park and recreation agencies. This report is aimed at providing established benchmarks for policy makers, agency staff, the general public, and taxpayers to evaluate existing open space and recreation as well as recommended goals and policies to improve these resources.

## b. State Regulations

### *California Commission on Peace Officer Standards and Training*

The California Commission on Peace Officer Standards and Training (POST) advocates for, exchanges information with, sets selection and training standards for, and works with law enforcement and other public and private entities. POST was established by the Legislature in 1959 to identify common needs that are shared by representatives of law enforcement.

### *Quimby Act*

As a condition of approval of a final tract or parcel map, the California Quimby Act allows a city or town to require dedication of land, the payment of in-lieu fees, or a combination of both to be used for the provision of parks and recreational services. Under the act, cities and towns can require land or in-lieu fees for a minimum of three acres per 1,000 residents, with the possibility of increasing the requirement to a maximum of five acres per 1,000 residents if the city or town already provides more than three acres per 1,000 residents.

## c. Local Regulations

### *Town of Los Gatos Parks and Public Works Department (PPW)*

The PPW department maintains Town parks and infrastructure to ensure that parks are ready for use and provide residents, businesses, and visitors the highest quality services possible. The PPW also administers park fees and reservations through an online reservation system. Outside of park and facilities maintenance, the PPW department maintains and improves streets and other Town infrastructure such as lights and buildings with an annual capital budget.

The Parks Commission advises the Town Council on parks, trails, open space, grounds, and trees policies. It has seven voting members including one youth and six adults. The Commission receives public input and advises on:

- Policies and procedures on park, trail, open space, and street tree programs;
- Inventories of park, trail, open space, and street tree services that exist or may be needed, and of the needs of the public regarding these services; and
- Coordination of park, trail, open space, and street tree services with the programs of other governmental agencies and voluntary organizations.

### *Los Gatos Town Municipal Code*

The Los Gatos Town Code guides planning activities to support the community's goals and vision. Chapter 19, Parks and Recreation support the development and protection of parks and recreation resources in the Town. It establishes the recreation and parks department to provide opportunities for wholesome, year-round public recreation service for all age groups. The PPW department is also responsible for development and maintaining park and recreation facilities, and the planning of facilities and standards.

## 4.14.3 Impact Analysis

### Methodology and Significance Thresholds

According to Appendix G to the State CEQA Guidelines, impacts related to public services from the proposed project would be significant if it would:

1. Result in substantial adverse physical impacts associated with the need for or provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other objectives for:
    a. Fire Protection;
    b. Police Protection;
    c. Schools;
    d. Parks; or
    e. Other Public Facilities.

Impacts related to recreation from the proposed project would be significant if it would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

## Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1a:** | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives? |
| **Threshold 1b:** | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives? |
| **Threshold 1c:** | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? |
| **Threshold 1e:** | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities, or the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives? |

**Impact PSR-1 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD RESULT IN AN INCREASE IN THE TOWN'S POPULATION. THIS WOULD INCREASE DEMAND FOR FIRE, POLICE, SCHOOL, AND OTHER TOWN SERVICES AND POTENTIALLY CREATE THE NEED FOR NEW POLICE, FIRE, SCHOOL, OR OTHER SERVICE FACILITIES. HOWEVER, COMPLIANCE WITH POLICIES IN THE 2040 GENERAL PLAN, PAYMENT OF TOWN REQUIRED PUBLIC FACILITIES IMPACT FEES, AND MANAGEMENT OF FUTURE GROWTH WOULD AVOID ADVERSE ENVIRONMENTAL EFFECTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED FIRE, POLICE, SCHOOL, OR OTHER PUBLIC FACILITIES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

Development facilitated by the proposed 2040 General Plan would result in an increase to the Town's population, which would result in an incremental increase in demand for fire and police protection, schools, and other public services such as library services, potentially creating the need for new or expanded facilities supporting these public services.

The additional development and increased population in Los Gatos resulting from the proposed 2040 General Plan, would increase the demand for police and fire services. As future buildout occurs under the 2040 General Plan, the Town would evaluate operations and deployment of police and fire services to efficiently use resources. New development would be required to comply with all applicable Federal, State, and local regulations governing the provision of police services, including compliance with the California Commission on Peace Officer Standards and Training; and fire protection services, including adequate fire access, fire flows, and number of hydrants. This includes consistency with the current California Fire Code, which contains project-specific requirements such as construction standards in new structures and remodels, road widths and configurations designed to accommodate the passage of fire trucks and engines, and requirements for sprinkler systems and minimum fire flow rates for water mains. The SCCFD would review building and facility plans through the Town's development review and building permit processes.

SCCFD personnel would also inspect new and remodeled buildings and facilities to ensure that the structures would meet State and local fire codes and standards.

Given the demand for fire and police services in the Town, fire and police staffing needs in Los Gatos are likely to increase which could require the construction of new facilities. The location and potential impacts of new or expanded facilities are unknown at this time and separate environmental review would be required. Therefore, an evaluation of the physical effects of such facilities would be speculative at this time. The 2040 General Plan would facilitate development primarily in areas of Los Gatos that are currently developed. Therefore, construction of new emergency service facilities, if required, would likely occur on previously disturbed or developed areas. New development is required to pay fees as determined by the Town of Los Gatos in the Los Gatos Municipal Code Section 9.30.745 and 9.30.750 for fire protection and contribute their fair share to the cost of funding Town fire services.

The 2040 General Plan Facilities Element includes the following goals and policies that would ensure adequate fire and police protection are provided in Los Gatos.

**Goal PFS-17.** Reduce the potential for injuries, damage to property, economic and social displacement, and loss of life resulting from crime.

**Policy PFS-17.1. Adequate Police Services.** Support the Los Gatos-Monte Sereno Police Department to maintain adequate police staffing, performance levels, and facilities that serve the Town's existing and future population.

**Policy PFS-17.2. Additional Crime Prevention Measures.** Pursue community policing and other crime prevention measures for increased public safety.

**Goal PFS-18.** Promote coordination between land use planning and law enforcement.

**Policy PFS-18.1. Site Planning for Crime Prevention.** Emphasize the use of physical site planning as an effective means of preventing crime. Open spaces, landscaping, parking lots, parks, play areas, and other public spaces shall be designed with maximum possible visual and aural exposure to community residents.

**Policy PFS-18.2. Reduce Law Enforcement Hazards Through Project Review.** Identify and mitigate law enforcement hazards during the project review and approval process.

**Goal PFS-19.** Provide adequate fire protection and emergency medical response services to Town residents and businesses.

**Policy PFS-19.1. First Response Travel Time.** Work with the SCCFD to ensure that first response travel time is maintained and enhanced where possible.

**Policy PFS-19.2. Emergency Response Facilities and Personnel.** Work with the SCCFD to continue to increase the emergency response facilities and personnel necessary to meet residential and employment growth in the Town.

**Policy PFS-19.3. Fire Safety Requirements for New Developments.** New development shall be required to incorporate adequate emergency water flow, fire resistant design and materials, and evacuation routes.

**Policy PFS-19.4. Emergency Vehicle Accessibility.** New development shall be accessible to emergency vehicles and shall not impede the ability of service providers to provide adequate emergency response.

**Goal PFS-20.** Promote coordination between land use planning and fire protection.

**Policy PFS-20.1. Adequate Roadways for Fire-Fighting Apparatus.** Build and require roadways that are adequate in terms of width, radius, and grade to accommodate SCCFD fire-fighting apparatus, while maintaining Los Gatos's neighborhoods and small-town character.

**Policy PFS-20.2. Fire Hazard Mitigation in Project Review.** Identify and mitigate fire hazards during the project review and approval process.

**Policy PFS-20.3. Fire-Related Design Requirements.** New development shall satisfy fire flow and hydrant requirements and other fire-related design requirements as established by the Town and recommended by the SCCFD.

**Policy PFS-20.4. Fire Suppressing Systems and Materials.** Ensure compliance with California Fire and Building Code requirements for the installation of interior emergency sprinkler systems, fire-resistant building materials, early warning systems, and sufficient water supply systems for fire suppression in new development and remodels.

**Policy PFS-20.5. Secondary Emergency Access.** Identify and secure secondary emergency access in new and, when feasible, existing development in locations that are identified as Very High Fire Hazard Areas on the Town's Wildland Fire Severity Zone Map, as recommended by the SCCFD.

As shown in Table 4.14-8, development facilitated by the 2040 General Plan would result in an increase of approximately 2,617 K-12 age students. The generation rate used for this analysis is considered conservative, as it assumes all school-age children would attend public schools and does not account for private schools or homeschooling. These additional students would increase enrollment in schools in Los Gatos, potentially requiring the construction of new or expanded existing school facilities. All school districts would need to add or expand facilities to meet the needs of the projected student population in 2040. Therefore, the 2,617 additional students would exceed the capacity of the schools in the Town and the 2040 General Plan would result in the need for new or expanded schools, the construction of which could result in adverse impacts to the environment.

**Table 4.14-8 Projection of Students from New Residential Development**

| Grade Level | Projected # New Units | Student Yield Rates | Projected Students |
|---|---|---|---|
| K-12 | 3,738 | 0.7 | 2,617 |

Source: California Department of General Services 2008

Note: Student yield rates comprise the student generation rate for Unified school districts of 0.7 per single family residence set by the State of California Office of Public School Construction.

However, all future development associated with the 2040 General Plan would be required to pay school impact fees which, pursuant to Section 65995(3)(h) of the California Government Code (SB 50, chaptered August 27, 1998), are "deemed to be full and complete mitigation of the impacts of any legislative or adjucative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Payment of school impact fees would reduce impacts to less than significant.

The additional increase in population in Los Gatos would also result in increased demand for public services such as libraries. The Town of Los Gatos is the primary service provider for library services

and had one public library within the Town's Civic Center complex. The additional population in Los Gatos could increase demand for library services.

Given the existing demand for library services in the Town, Town library staffing needs are likely to increase. However, the Town library was recently upgraded in 2012 and resulted in an increase of approximately 16,000 square feet. The existing library is therefore, estimated to be able to meet demand from an increase in population. In the event construction of new facilities would be required, the location and potential impacts of new or expanded facilities are unknown at this time and separate environmental review would be required. An evaluation of the physical effects of such facilities would be speculative at this time. The 2040 General Plan would facilitate development in areas of Los Gatos that are currently developed. Therefore, construction of new library facilities, if required, would likely occur on previously disturbed or developed areas. Impacts would be less than significant.

Compliance with the goals and policies in the 2040 General Plan and payment of Town-required public facilities and school developer fees, would offset the increased demand of developments on public services and facilities. New public service facilities that would be constructed in the Town would require project-specific environmental analysis and implementation of any necessary project-specific mitigation prior to being considered for approval. Therefore, this impact would be less than significant.

## Mitigation Measures

No mitigation would be required.

## Significance after Mitigation

Impacts would be less than significant.

| | |
|---|---|
| **Threshold 1d:** | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? |
| **Threshold 2:** | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? |
| **Threshold 3:** | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? |

### Impact PSR-2 DEVELOPMENT ASSOCIATED WITH THE 2040 GENERAL PLAN WOULD ADD POPULATION TO THE TOWN THAT WOULD INCREASE USE OF PARKS AND RECREATION FACILITIES. HOWEVER, PARK FACILITIES HAVE ADEQUATE CAPACITY AND WITH COMPLIANCE WITH THE 2040 GENERAL PLAN POLICIES, IMPACTS RELATED TO CONSTRUCTION OF PARK FACILITIES WOULD BE LESS THAN SIGNIFICANT.

Development facilitated by the proposed 2040 General Plan would result in an increase to the Town's population which would result in an incremental increase in demand on existing public parks or other recreational facilities. There are approximately 254 acres of accessible open space and parkland, excluding trails and lawns, providing an existing park service ratio of approximately 8.4 acres per 1,000 residents for the existing population of 30,724. Although there are 35 State- and

privately-owned parks in and around the Town that provide additional recreational opportunities to Town residents and visitors, State- and privately-owned facilities are not typically relied upon as Town recreational facilities that count toward the applicable Quimby Act parkland standard of three acres per 1,000 residents. The 2040 General Plan would not expand the Town-owned public parks and recreational areas. Therefore, based on the 2040 projected population of 39,221 the park service ratio would be reduced to approximately 6.2 acres per 1,000 people under buildout conditions.

The 2040 General Plan Open Space, Parks, and Recreation Element includes the following goals and policies that would facilitate development in a manner that provides for the parks and recreational service needs while achieving the vision for the community.

**Goal OSP-1.** Expand open space areas within the Town of Los Gatos, particularly lands which provide recreational uses.

**Policy OSP-1.1. Passive Recreation Open Space.** Acquire and maintain open space areas in order to define the Town's southern boundary as passive recreation open space.

**Policy OSP-1.2. Acquisition Coordination.** Promote coordination with all levels of government and non-governmental organizations to identify and pursue available resources for the acquisition and development of open space areas by both the Town and by other agencies and organizations.

**Goal OSP-3.** Make open space areas within the Town accessible to all residents and visitors to the Town.

**Policy OSP-3.1. Open Space Access.** Open Space access shall protect the safety, privacy, and security of adjacent residential areas.

**Policy OSP-3.2. Open Space Connections.** Improve connections between passive open space areas and on-street bicycle facilities and multi-use trails.

**Policy OSP-3.3. Open Space Access for the Physically Disabled.** All open space areas and related facilities shall provide adequate access for those with accessibility issues.

**Policy OSP-3.4. Open Space Access from all Residential Development.** Provide access from all residential developments to open space, where appropriate.

**Policy OSP-3.5. Access to Open Space Areas.** All open space areas shall have access by trails or maintained streets, with adequate protection of rare and sensitive plants and animals and their habitats.

**Goal OSP-4.** Consider the provision of recreation and open space in all development decisions.

**Policy 4.1. Private Open Space in New Development.** Promote private open space in all planning decisions for new development.

**Policy 4.4. Design of Common Recreation Space Facilities.** Consider health, welfare, and public safety in the design of common recreation space facilities.

**Policy 4.5. Common Recreation Space in Residential Developments.** Provide permanent common recreation space in all residential developments.

**Goal OSP-5.** Preserve and enhance Los Gatos Creek, Los Gatos Creek Trail, and Ross Creek as open space amenities.

**Policy 5.2. Los Gatos Creek Trail Accessibility.** Ensure that Los Gatos Creek Trail is accessible to and safe for all users.

**Goal OSP-6.** Provide recreational facilities that address the needs of the community.

**Policy 6.1. Recreation Space Acquisition.** Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities.

**Policy 6.2. Recreational Amenities and Programs.** Encourage the development of amenities and programs in parks and other recreational facilities that cater to a variety of ages and address the needs of families.

**Policy 6.3. Shared Recreational and Sports Facilities.** Continue to work with the LGS Recreation, local school districts, and faith communities to provide shared recreational and sports facilities.

**Policy 6.4. Community Gardens.** Encourage community gardens on appropriate public and private properties.

**Policy 6.5. Active Recreation Spaces.** Consider including more varied, active recreation spaces in new and/or existing recreational facilities.

**Policy 6.6. Off-Leash Dog Recreation Areas.** Actively pursue opportunities for dedicated off-leash dog recreation areas and/or for allowing off-leash dog times at specific parks.

**Policy 6.7. Town Park Standards.** Provide five acres of parkland per 1,000 population, in order to meet the community needs for active and passive recreation.

**Policy 6.8. Accessibility of Developed Parks.** All developed parks shall provide disabled access and facilities unless access and facility improvements would be detrimental to public safety or welfare.

**Goal OSP-7.** Create and maintain open space areas and parks that complement and enhance natural habitats and neighborhoods.

**Policy 7.1. Town Parks and Trails.** Promote a system of Town parks and trails.

**Policy 7.2. Quasi-Public Areas.** Maximize the use of public utility easements, flood control channels, school grounds, and other quasi-public areas for recreational uses and playfields.

**Policy 7.3. Informal Gathering Spaces.** Encourage the development of informal gathering spaces for local residents and visitors in appropriate locations throughout the Town.

**Policy 7.4. Maintain Landscaping and Tree Preservation.** Maintain the Town's high standards for landscaping and tree preservation, helping to maintain cohesiveness between existing neighborhoods and surrounding open space areas while reducing disturbances to adjacent natural habitats.

**Policy 7.5. Landscaping.** Utilize private and public landscaping to help open space and park areas along Town streets blend with their surroundings.

**Policy 7.6. Coordination on Public School Open Space Areas.** Work with the Los Gatos Union School District and Los Gatos-Saratoga Union High School District to preserve open space, recreational facilities, and promote reuse of facilities for community and housing when school facilities are deemed no longer necessary.

**Policy 7.8. Recreation Space for Young Children.** Encourage new multi-family residential development of eight units or more to include tot lots or similar shared off-street recreation space for young children.

**Policy 7.9. Park Visibility.** Ensure all parks are visible from a public right-of-way whenever possible and are clear of unnecessary visual impediments (such as vegetation) that reduce visual connections and observation.

Implementation of these 2040 General Plan goals and policies, would ensure that growth in the Town would not result in adverse environmental effects associated with the physical deterioration of public parks and recreational facilities. The Town of Los Gatos currently exceeds the parkland ratio of 3 acres per 1,000 persons established by the Quimby Act and would continue to exceed this ratio with buildout of the 2040 General Plan. Therefore, the proposed 2040 General Plan would not contribute to the need for new or expanded park or recreational facilities. This impact would be less than significant.

### Mitigation Measures

No mitigation is required.

## 4.14.4 Cumulative Impacts

The scope for potential cumulative impacts to public services and recreation includes all projects within the same service area. The analysis in this section examines the potential impacts to public services and parks and recreational facilities in Los Gatos as a result of all potential buildout in the service areas for these resources. Therefore, the analysis of impacts to these services and associated facilities is cumulative in nature. The 2040 General Plan would result in less than significant impacts to fire, police, school, public parks and recreation, and other public services and facilities. Therefore, the 2040 General Plan would result in less than significant cumulative impacts to these resources.

# 4.15 Transportation

This section evaluates the potential impacts on the local and regional circulation system that would result from implementation of the 2040 General Plan. This includes an analysis of the potential for the proposed General Plan to increase local and regional traffic vehicle miles travelled (VMT), increase in hazards due to a design feature, interfere with emergency access, or conflict with applicable alternative transportation programs. This section is based in part on a Transportation Analysis prepared by Fehr & Peers for the 2040 General Plan. The Transportation Analysis, dated June 2021, is included as Appendix C to this EIR.

## 4.15.1 Setting

### a. Los Gatos Roadway Network

### Regional Highway System

The three major highways that run through Los Gatos are State Route (SR) 9, also known as Los Gatos-Saratoga Road within the Town, SR 17, and SR 85. SR 9 is a major surface street while SR 17 and SR 85 are freeways. There are three freeway interchanges within the Town, one in the northern end of Los Gatos at Lark Avenue and two towards the southern end at Los Gatos-Saratoga Road and South Santa Cruz Avenue. SR 17 runs north-south through the Town, connecting Los Gatos to San José and Santa Cruz, and provides regional access to Interstate (I) 880 and SR 85. SR 9 runs east-west through the southern end of Los Gatos, connecting to SR 17, and south through the Santa Cruz Mountains to SR 1. SR 85 runs east-west through the northern end of Los Gatos and provides regional access to US 101, Mountain View, and south San Jose, I 280, I 880/SR 17, and SR 87.

### Existing Regional Functional Roadway Classifications

In Los Gatos, the local street system is organized into a hierarchy of six roadway types according to the existing Los Gatos Street Design Standards and the 2020 Los Gatos General Plan. The Los Gatos Street Design Standards classify all streets within the Town according to their functional classification.

Functional classifications of roadway networks categorize streets by purpose, location, and typical land uses to which they provide access. The functional classification system does not typically consider travel characteristics and travel priorities for cyclists, pedestrians, transit users, and vehicles of certain areas of Los Gatos. Because streets oftentimes have multiple functions, defining street “typologies” beyond the existing functional roadway classifications could better support a multimodal transportation network. This concept is described further in the Complete Streets section (see Section 4.3) of the Background Report.

The functional roadway classifications for Los Gatos include arterial streets, collector streets, neighborhood collector streets, hillside collector streets, local streets, and special design streets. The hierarchy is based on the degree of mobility and amount of local access provided by each roadway.

### *Arterial Streets*

Arterial streets typically accommodate two or more lanes of traffic in each direction, providing access to the regional highway system, collector roads, and local streets. Examples of arterial streets include Los Gatos Boulevard and Winchester Boulevard.

### *Collector Streets*

Collector streets provide circulation within and between neighborhoods. Collector streets usually serve short trips from local and neighborhood streets and distributing traffic to the arterial network. Examples of collector streets are Main Street, University Avenue, and North Santa Cruz Avenue.

### *Neighborhood Collector Streets*

Neighborhood collector streets predominantly carry traffic generated within a neighborhood and distributes traffic to collector and arterial streets. Examples of neighborhood collector streets include Alberto Way, Tait Avenue, and Wedgewood Avenue.

### *Hillside Collector Streets*

Hillside collector streets serve properties located in hillside areas, carrying traffic to either arterial streets, collectors, or neighborhood collectors. An example of a hillside collector street is Kennedy Road.

### *Local Streets*

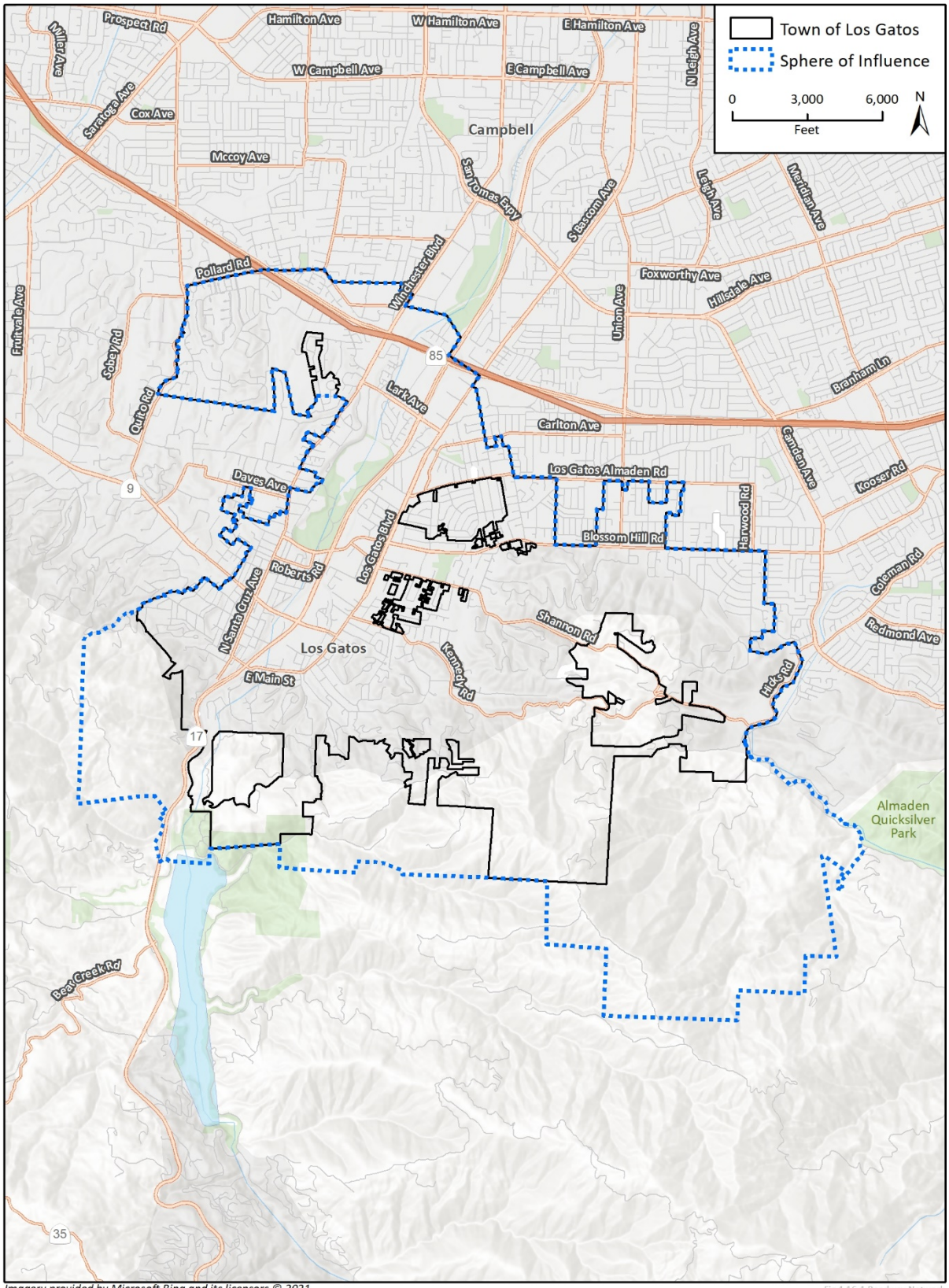
Local streets support local and neighborhood traffic movement. Local streets typically carry traffic from individual properties to collector and arterial streets and are not designed to accommodate through traffic. Most local streets are in residential neighborhoods. An example of a local street is Pine Avenue and Union Avenue within the Town of Los Gatos.

### *Special Design Streets*

Special design streets are used when warranted by unique land use, circulation, or environmental conditions. These streets can either be arterial streets, collectors, existing local hillside streets, or scenic residential streets. An example of a special design street is North Santa Cruz Avenue. Features typically considered when designing special design streets include:

- Retention of existing physical amenities;
- Protection of existing trees within the right-of-way; and
- Special treatment of transition sections when conforming to standard street sections.

**Figure 4.15-1 Roadway Network**

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*Additional data provided by CalFire, 2021.*

Fig 4.16-1 Roadway Network

## Planned Roadway Improvements

The Town uses the Los Gatos Streets Program that lists all Capital Improvement Program (CIP) projects by year, including the street improvement programs that assign roadway improvement projects. The Street Improvements section (2021) contains a list of the Town Capital Improvement Program projects that improve roadway function. Typical street improvement projects include sidewalks, curbs, gutters, storm drains, the undergrounding of utilities, intersection improvements, sidewalk and median ramps, crosswalk enhancements, street lighting, and retaining walls. The proposed roadway improvements in Los Gatos funded under this program include:

- Hernandez Avenue Storm Drain;
- Shannon Road Pedestrian and Bikeway Improvements;
- Bicknell Road Storm Drain;
- Highway 17/9 Interchange and Capacity Improvements;
- Downtown Streetscape Revitalization/Economic Recovery Efforts;
- E. Main Street Speed Table/Raised Crosswalk;
- VMT Mitigation Program;
- Kennedy Sidewalk – Los Gatos Boulevard to Englewood;
- Winchester Boulevard Complete Streets Final Design;
- Blossom Hill Road Traffic Study; and
- Other storm drain, parking, traffic signal, and safety improvement projects throughout Los Gatos.

## Safe Routes to School Planned Roadway Facilities

Los Gatos partnered with the Los Gatos Union School District, the Los Gatos-Saratoga Joint Union High School District, and Hillbrook School to conduct a traffic study around local schools to evaluate all modes of transportation. The Town Council approved the final traffic study, which was published in 2016. The final traffic study identified capital projects that the Town can prioritize as part of their CIP. Some planned Roadway facility projects from the traffic study are:

- Shannon Road Resurfacing and Pathway Improvements;
- Shannon Road Speed Tables;
- Shannon Road Speed Limit;
- Daves Avenue and Poppy Lane Left Turn Lane Installation;
- Poppy Lane Driveway Reconfiguration;
- Poppy Lane Right Turn Lane Improvements;
- Los Gatos Boulevard Capacity Improvements;
- Los Gatos Boulevard Frontage-Driveway Circulation;
- Egress Nino Avenue Driveway-Sight Distance Improvements;
- Blossom Hill Road and Roberts Road Improvements;
- Los Gatos Boulevard Corridor Improvements;
- Los Gatos Boulevard and SR 9 Intersection Improvement;
- Los Gatos Boulevard Widening-South of Loma Alta Avenue;
- E. Main Street and Pleasant Street- Jackson Street Sight Distance Improvements;

- Hilow Road Improvements;
- New York Avenue Street Resurfacing; and
- Chicago Avenue-Right Turn Only Restriction.

## b. Multimodal System

### Public Transit

Los Gatos is currently served by the following local bus routes operated by Valley Transportation Authority (VTA). Route 27 connects Good Samaritan Hospital to Kaiser San Jose and runs to Civic Center and through downtown Los Gatos. Route 37 provides service between West Valley College to Capitol Light Rail Station in San Jose and includes stops along Pollard Road in the north-western most portion of the Town. Routes 61 and 62 extend north and connect the Good Samaritan Hospital to the Sierra and Piedmont Station. In addition, the last stop of VTA's Mountain View - Winchester light rail line, Winchester Station, is approximately one and a half miles from the Town of Los Gatos and is accessible via Route 27.

In addition to the VTA transit network, the Town tested a new School Bus Pilot Service between January 2019 and March 2020, with two routes serving students from North Los Gatos and the Mountains to Los Gatos High School, Fisher Middle School and Blossom Hill Elementary School. Low ridership led to cancellation of the program.

Of the routes that serve Los Gatos, Routes 61 and 62 are the more frequently used routes with approximately 1,500 and 1,400 average weekday boardings for the entire route. VTA light rail train waiting for passengers to board at the Winchester Station in the City of Campbell. Employer-based shuttles play a role in Los Gatos transit as they provide connections to major employers in the area, such as Netflix, Apple, Google, and Facebook. There are a number of employer-based shuttle services located in Los Gatos, as well as in adjacent cities. One example is the Google Commute Program, which provides free shuttle service for Google employees between the Town and Google Mountain View Campus. Netflix shuttles employees into Los Gatos from locations such as San Francisco, Mountain View, the East Bay, and Santa Cruz.

#### *Future Transit Services and Facilities*

VTA's Fiscal Year 2018-19 Transit Service Plan adopted in May 2017 outlines the redesign of the transit network to increase ridership and to improve cost-effectiveness. The redesigned transit network will provide a better balance between the service frequency and coverage in VTA's service area. The redesigned system is called the Next Network. Next Network has three goals: improve connectivity with the Milpitas and Berryessa BART stations, improve overall system ridership, and improve farebox recovery.

VTA's revised Next Network plans were implemented by VTA in 2019. Improvements include an extension of Route 27 to Winchester Transit Center via Los Gatos Boulevard through Downtown. The original Routes 48 and 49 were replaced with Route 27, with increased frequency on weekdays and Saturdays. Route 61 replaced Route 62 and is changing alignment from Mabury Road to Berryessa Road between Berryessa BART Station and Capitol Avenue. This realignment has increased the frequency of buses on weekends and extend evening operating hours.

## Rail Transportation

VTA's Vasona Light Rail Extension Project was initially envisioned to extend 6.9 miles from Downtown San Jose to Los Gatos, with nine stations and four park & ride lots. The project was split into two phases during the planning process. The first phase, a 5.3-mile portion that opened in 2005, extended light rail service from Downtown San José to the Winchester Station in the City of Campbell. Phase II of the project would extend the tracks south along Winchester Boulevard to Vasona Junction in the Town of Los Gatos. This second phase is described as the Future Vasona Light Rail Extension.

### *Future Light Rail Extensions*

The Future Vasona Light Rail Extension is a planned 1.6-mile light rail extension that will extend from Downtown San José, through Winchester Station in Campbell, and terminate at a station and park & ride lot known as Vasona Junction in Los Gatos. In 2018, VTA engaged a consulting firm to complete a Conceptual Engineering Services Study. The construction cost of the Phase Two project remains unfunded, so the time frame of this project is currently uncertain. VTA is also actively working on the SR 85 Transit Guideway Study, which is evaluating and gathering public input on transportation alternatives for the 23.7-mile corridor that connects from the SR 85/US 101 interchange in Mountain View, through the Town of Los Gatos, and to the SR 85/US 101 interchange in South San Jose. Transportation alternatives being considered include Bus Rapid Transit service and infrastructure, Light Rail Transit, and other possible future transportation technologies. The Future Vasona Light Rail Extension and SR 85 Transit Guideway Study have the potential to increase transit ridership in Los Gatos and will link the Town with other mass transit facilities in Silicon Valley and the greater Bay Area region. Since these projects will have an important consequence on transportation within the Town, there is an opportunity for Los Gatos to take advantage of this connection to mass transit through land use and transportation network decisions that maximize transit.

## Pedestrian Facilities

Los Gatos has many amenities that make walking an important and accessible way to travel, including areas with gentle terrain, temperate weather, and numerous walkable destinations. Pedestrian facilities in the Town include sidewalks, pathways, trails, and crosswalks. Signals, lighting, trees, and curb ramps also contribute to the quality of the pedestrian environment. Sidewalks and pathways in a well-designed pedestrian network should accommodate existing and expected pedestrian volumes. Sidewalk design should incorporate ample buffering between pedestrians and vehicle traffic to safely provide accessible travel routes for everyone, including accessible space for wheelchairs and strollers. Traffic signals should allow for adequate crossing time for pedestrians of all ages and abilities. Improvements to the pedestrian network should comply with the Americans with Disabilities Act (ADA), by including audible signals and curb ramps.

Downtown Los Gatos is widely regarded as a walkable, attractive destination for pedestrians. The sidewalk infrastructure in Los Gatos is generally in fair condition, which suffers from an ever-increasing deferred-maintenance backlog of deteriorating sidewalk sections. There are some notable gaps in lighting, sidewalks, and crossing infrastructure throughout Los Gatos. This includes stretches of Winchester Boulevard from north of Daves Avenue to Lark Avenue, Los Gatos Boulevard east of Downtown Los Gatos (between Alpine Avenue to Loma Alta Avenue, south side of Los Gatos Boulevard), north of Lark Avenue to the Town's northern border, and Blossom Hill Road from Linda

Avenue to the Town's eastern border at Leigh Avenue. In some cases, sidewalks are present only on one side of the roadway, as is the case along SR 9 when crossing SR 17 to Los Gatos Boulevard.

### *Pedestrian Network Improvements*

To create a more accessible multi-modal network, some improvements have been recommended in areas with high pedestrian volumes surrounding key pedestrian destinations. This includes Downtown, school walking routes, and commercial corridors adjacent to residential neighborhoods. Multi-modal improvements would enhance pedestrian safety, accessibility, and encourage pedestrian mobility.

The Los Gatos Bicycle and Pedestrian Master Plan recommends several pedestrian network improvements in the Town, which are currently funded as part of the 2021 Capital Improvement Project list. The following pedestrian segments that are slated for improvements include:

- Shannon Road/Los Gatos Boulevard/Cherry Blossom Lane Sidewalk Improvements.
- Kennedy Road Sidewalk Improvements.
- SR 17 Bicycle and Pedestrian Overcrossing at Blossom Hill Road.

### *Safe Routes to School Planned Pedestrian Facilities*

In 2016, Los Gatos partnered with the Los Gatos Union School District, the Los Gatos-Saratoga Joint Union High School District, and Hillbrook School to conduct a study of traffic around local schools to evaluate all modes of transportation (see Page 4-5). The study identified capital projects that could be prioritized in future Town Capital Improvement Programs. Below are some planned pedestrian facility projects from the traffic study:

- East Main Street Speed Tables and/or Mid-Block Crosswalk Bulb-outs;
- Blossom Hill Trail Connector to LGUSD District Offices Feasibility Study;
- Los Gatos Boulevard and Shannon Road Intersection Improvements;
- Blossom Hill Road and Cherry Blossom Lane Intersection Improvements;
- Blossom Hill Road and Los Gatos Boulevard Intersection Improvements;
- Shannon Road and Shady View Lane Intersection Improvements;
- Blossom Hill Road and Cherrystone Drive-Hillbrook Drive Flashing Beacon;
- Cherry Blossom Lane Sight Distance Improvements;
- Daves Avenue Crosswalk Improvements;
- Fisher Avenue and Nino Avenue Intersection Improvements
  - Raised Crosswalk;
  - LED Enhanced STOP Signs; and
  - Van Meter School Pathway Widening;
- Daves Avenue and Kavin Lane Intersection Improvements;
- SR 9 and Massol Enhanced Crosswalk Improvements; and
- Westchester Drive and Blossom Valley Drive Intersection Improvements;
  - Pedestrian Ramp Installation and Catch Basin Relocation;
  - High Visibility Crosswalk Marking; and
  - LED Enhanced STOP Sign.

## Bicycle Facilities

The Town has a bicycle facility network that provides a combination of dedicated and shared street space for bicycling. Los Gatos is situated on relatively level terrain with a temperate climate that makes biking an accessible and convenient way to travel. The following section describes existing conditions of Los Gatos bicycle facilities and identifies future cyclist needs.

The existing bicycle network in Los Gatos is composed of approximately 13 miles of bikeways. There are about four miles of Class I Bike Paths, five miles of Class II Bike Lanes, and three miles of Class III Bike Routes. A Class IV bikeway is located along a portion of Blossom Hill Road in Los Gatos. Bicycle facilities include:

- Class I Bike Paths
  - Los Gatos Creek Trail
- Class II Bike Lanes
  - Winchester Boulevard
  - Main Street
  - Los Gatos Boulevard
  - Blossom Hill Road
  - Los Gatos - Almaden Road
- Class III Bike Routes
  - University Avenue (SR 9 and Blossom Hill Road)
- Class IV Bikeways
  - Blossom Hill Road

The Class II bike lane on Winchester Boulevard will be made into a Class IV bikeway in the second half of 2021.

### *Existing Bicycle Parking*

There are bike racks around the Town primarily located at bus stops, schools, along the Los Gatos Creek Trail, in Downtown, and around retail centers. Often bicycle parking is not available near trail access points, such as the Ridge Trail at Heintz Open Space.

### *Planned Bicycle Facilities*

The Santa Clara Countywide Bicycle Plan synthesizes other local and County plans into a comprehensive 20-year cross-county bicycle corridor network and expenditure plan. The long-range countywide transportation plan and the means by which projects compete for funding and prioritization are documented in the Valley Transportation Plan (VTP) 2040 (adopted in 2014). VTA has adopted the Santa Clara Countywide Bicycle Plan (May 2018), which is a planned bicycle network of 24 routes of countywide or intercity significance.

The Los Gatos Bicycle and Pedestrian Master Plan (2020) identifies several network recommendations and prioritization projects for Class I, II, III, and IV bikeways, which includes several Safe Routes to School Projects. Future bicycle facilities are shown on Figure 4.5-5. Some future bicycle network projects include:

- Class I Bike Paths:

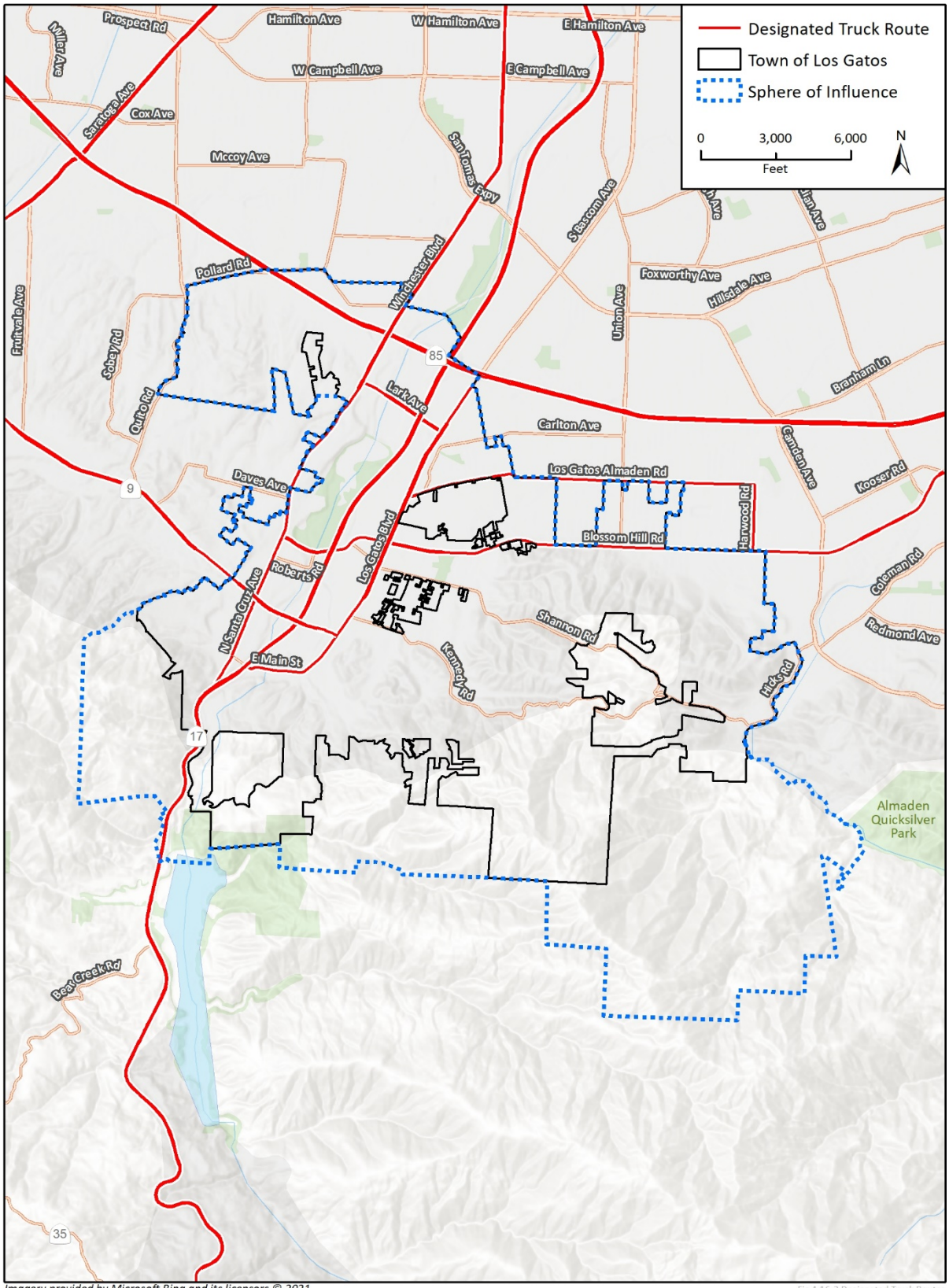
  - Union Pacific Railroad right of way from Winchester Boulevard (just south of SR 85) to Western Town Limits
- Class II Bike Lanes:
  - Pollard Road from Knowles Drive to Quito Road
  - More Avenue from Pollard Road to Bicknell Road
  - Knowles Drive from Pollard Road to the Los Gatos Creek Trail
  - Bicknell Road from Quito Road to More Avenue
  - Union Avenue from Thomas Drive to Los Gatos-Almaden Road
  - Blossom Hill Road from Camino Del Cerro to the Eastern Town Limits
  - Los Gatos Saratoga Road (SR 9) from University Avenue to Los Gatos Boulevard
- Class III Bike Routes:
  - Sharrows on Cherry Blossom Lane between Los Gatos-Almaden Road and Blossom Hill Road
  - Sharrows on Camino Del Cerro between Los Gatos Almaden Road and Blossom Hill Road
  - Sharrows on Santa Cruz Avenue between Main Street and Shelburne Way
  - Sharrows on Miles Avenue between University Avenue and Balzer Field entrance to Los Gatos Creek Trail
  - Sharrows on Marchmont Drive and Hilow Road between Englewood Avenue and Shannon Road
- Class IV Cycle Tracks/ Protected Bike Lanes:
  - Winchester Boulevard from Albright Way to the Northern Town Limits
  - Lark Avenue from Winchester Boulevard to Los Gatos Boulevard
  - Los Gatos Boulevard from Northern Town Limits to Shannon Road
  - Roberts Road East from Blossom Hill Road to Los Gatos Boulevard

## c. Goods Movement

The Town of Los Gatos relies on efficient and reliable truck routes to accommodate and facilitate goods movement. Figure 4.15-2 shows the designated truck routes through Los Gatos. The following roadways are truck routes through Los Gatos (Section 10.30.410 of Los Gatos Code of Ordinances):

- SR 17, SR 85, and Los Gatos-Saratoga Road (SR 9);
- Los Gatos Boulevard, north of Saratoga Avenue;
- North Santa Cruz Avenue, north of Los Gatos-Saratoga Avenue;
- Los Gatos-Saratoga Avenue;
- Winchester Boulevard;
- Los Gatos- Almaden Road;
- Blossom Hill Road; and
- Lark Avenue.

**Figure 4.15-2 Existing Truck Routes**

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*Additional data provided by CalFire, 2021.*

Fig 4.16-2 Designated Truck Routes

## d. Vehicle Miles Traveled

Vehicle miles traveled (VMT) is a measure used extensively in transportation planning for a variety of purposes. It measures the amount of travel for all vehicles in a geographic region over a given period of time, such as a 24-hour period or a one-year period. It is calculated as the sum of the number of miles traveled by each vehicle. VMT can be quantified as a combined total or by service population, such as VMT per capita. The generation of VMT is influenced by several factors that may or may not be affected by Town goals, policies, and plans. These influential factors include, but are not limited to:

- The location of the Town regionally (i.e., location within Santa Clara County and the Bay Area Region);
- The diversity, density, and locations of land uses internal and external to the Town;
- Access to destinations (accessibility) and speed of travel/congestion (mobility) along automobile, bicycle, pedestrian, and transit systems; and
- Costs of travel (e.g., gas prices, transit fares, auto/bike maintenance costs).

The most common method of calculating VMT is through a travel forecasting model. A travel forecasting model uses specialized software and is designed to reflect the interactions between different land use and roadway elements in a large area. The San Mateo City and County Association of Government (C/CAG) and Santa Clara Valley Transportation Authority (VTA) Bi-County transportation model ("VTA Model") were used to determine daily VMT in Los Gatos. The VTA Model includes the regional roadways and major arterials of the nine-county Bay Area, the Association of Monterey Bay Area Governments (AMBAG) region (Santa Cruz County, Monterey County and San Benito County), and portions of the San Joaquin (Central) Valley. There is additional transportation network detail and refined transportation analysis zones (TAZs)[1] in San Mateo County and Santa Clara County. The VTA Model land use inputs are based on Association of Bay Area Governments (ABAG) 2017 land use projections (Plan Bay Area 2040 land use projections), 2010 Census socio-economic data (with some additional refinements in 2019), and a future regional transportation infrastructure consistent with Plan Bay Area 2040 (July 2017). Existing total VMT, service population, and VMT per service population are shown in Table 4.15-1. The existing service population shown in Table 4.15-1 varies from existing service population in other sections of this EIR because the service population in this section of the EIR uses the sum of population and employment for each TAZ within the Town and SOI, including unincorporated "islands" of property in Los Gatos. It is appropriate to include this portion of the population in the VMT analysis because this portion of the population must use roadways in Los Gatos to travel to and from their properties, thus contributing to VMT in the Town.

[1] Transportation analysis zones, also referred to as TAZs, are small geographic areas within the VTA Model. As defined by *NCHRP Report 716, Travel Demand Forecasting: Parameters and Techniques*, TRB, 2012, "TAZ boundaries are usually major roadways, jurisdictional borders, and geographic boundaries and are defined by homogeneous land uses to the extent possible."

**Table 4.15-1 Existing Vehicle Miles Traveled and Service Population**

| Measure | Los Gatos |
|---|---|
| Existing VMT in Los Gatos (A)[1] | 2,044,940 |
| Existing Residents of Los Gatos (B)[2] | 36,850 |
| Existing Jobs/Employment in Los Gatos (C)[2] | 19,300 |
| Existing Service Population of Los Gatos (B+C=D)[2] | 56,150 |
| Existing VMT per Service Population (A/D=E)[3] | 36.4 |

Notes:

1. Existing VMT in Los Gatos is rounded to the nearest 10.

2. Existing residents and jobs/employment in Los Gatos is based on population reported for each Traffic Analysis Zone using in the VTA Countywide Model that is also within the Town or its SOI, including TAZs for unincorporated parcels within the Town. Accordingly, the existing residents and jobs/employment, and thus the service population, used in this table this section of the EIR varies from existing or service population used in other sections of the EIR. It is appropriate to use TAZ population for the Transportation Section because people residing in TAZs in the Town or SOI must use roads within the Town for vehicle travel, regardless if the property they reside on is within incorporated or corporated areas, thus contributing to Town VMT.

3. Existing VMT per Service Population is rounded to the nearest tenth.

Source: Fehr & Peers 2021

## 4.15.2 Regulatory Setting

### a. Federal Regulations

#### *Americans with Disabilities Act of 1990*

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive rights and protections to individuals with disabilities. The goal of the ADA is to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. To implement this goal, the United States Access Board, an independent Federal agency created in 1973 to ensure accessibility for people with disabilities, has created accessibility guidelines for public rights-of-way. While these guidelines have not been formally adopted, they have been widely followed by jurisdictions and agencies nationwide in the last decade. The guidelines, last revised in July 2011, address various issues, including roadway design practices, slope and terrain issues, pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. The guidelines apply to all proposed roadways in the project area.

#### *Federal Highway Administration*

The Federal Highway Administration (FHWA) is the agency of the United States Department of Transportation (DOT) responsible for the Federally funded roadway system, including the interstate highway network and portions of the primary State highway network. FHWA funding is provided through the Fixing America's Surface Transportation (FAST) Act. Federal funds can be used to fund eligible local transportation improvements in Los Gatos, such as projects to improve the efficiency of existing roadways, traffic signal coordination, bikeways, pedestrian facilities, and transit system upgrades.

## b. State Regulations

### *Senate Bill 743*

Senate Bill (SB) 743, which was signed into law by Governor Brown in 2013, tasked the State Office of Planning and Research (OPR) with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." It also states that alternative measures of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see Pub. Resource Code, § 21099, subd. (b)(2)). In addition to new exemptions for projects that are consistent with specific plans, the draft SB 743 guidelines replace congestion-based metrics, such as auto delay and level of service, with Vehicle Miles Traveled as the basis for determining significant impacts, unless the guidelines provide specific exceptions.

### *The California Complete Streets Act*

The California Complete Streets Act (AB 1358) was signed into law in 2008. AB 1358 requires any substantive revision of the circulation element of a city or county's general plan to identify how the jurisdiction will safely accommodate the circulation of all users of the roadway including pedestrians, bicyclists, children, seniors, individuals with disabilities, and transit riders, as well as motorists. The 2040 General Plan places a greater emphasis on bicycle, pedestrian, and transit circulation and planned improvements compared with the current Los Gatos 2020 General Plan.

Subsequently, Assembly Bill (AB) 1358 (in effect since January 2011), requires any substantive revision of the circulation element of a city or county's general plan to identify how they will safely accommodate the circulation of all users of the roadway including pedestrians, bicyclists, children, seniors, individuals with disabilities, and transit riders, as well as motorists.

#### CALTRANS DEPUTY DIRECTIVE 64-R1: COMPLETE STREETS – INTEGRATING THE TRANSPORTATION SYSTEM

In 2001, The California Department of Transportation (Caltrans) adopted Deputy Directive 64-R1; a policy directive related to non-motorized travel throughout the State. In October 2008, Deputy Directive 64-R1 was strengthened to reflect changing priorities and challenges. Deputy Directive 64-R1 states:

> Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system. Providing safe mobility for all users, including motorists, bicyclists, pedestrians and transit riders, contributes to the Caltrans' mission/vision: "Improving Mobility across California."

Successful long-term implementation of this policy is intended to result in more options for people to go from one place to another, less traffic congestion and greenhouse gas (GHG) emissions, more walkable communities (with healthier, more active people), and fewer barriers for older adults, children, and people with disabilities.

#### DIRECTOR'S POLICY 22: DIRECTOR'S POLICY ON CONTEXT SENSITIVE SOLUTIONS.

Director's Policy 22, a policy regarding the use of "Context Sensitive Solutions" on all State highways, was adopted by Caltrans in November of 2001. The policy reads:

> The Department uses "Context Sensitive Solutions" as an approach to plan, design, construct, maintain, and operate its transportation system. These solutions use innovative and inclusive approaches that integrate and balance community, aesthetic, historic, and environmental values with transportation safety, maintenance, and performance goals. Context sensitive solutions are reached through a collaborative, interdisciplinary approach involving all stakeholders.

The context of all projects and activities is a key factor in reaching decisions. It is considered for all State transportation and support facilities when defining, developing, and evaluating options. When considering the context, issues such as funding feasibility, maintenance feasibility, traffic demand, impact on alternate routes, impact on safety, and relevant laws, rules, and regulations must be addressed.

The policy recognizes that "in towns and cities across California, the State highway may be the only through street or may function as a local street," that "these communities desire that their main street be an economic, social, and cultural asset as well as provide for the safe and efficient movement of people and goods," and that "communities want transportation projects to provide opportunities for enhanced non-motorized travel and visual quality." The policy acknowledges that addressing these needs will assure that transportation solutions meet more than just traffic and operational objectives.

### *Sustainable Community Strategy (SB 375)*

SB 375 requires a Sustainable Community Strategy (SCS) to be developed in coordination with a Regional Transportation Plan (RTP). Combined, the RTP/SCS suggests land use goals and implements transportation plans that will reach goals for reducing the California Air Resources Board (CARB) GHG emissions. It must follow realistic planning assumptions; consider local general plans; and consider land use and the use of natural resources and be consistent with the adopted Regional Housing Needs Allocation (RHNA) for the region. An SCS must be able to reach CARB's GHG goals. It requires collaborative work between local agencies and MPOs to match the targets for the *2017 Congestion Management Program Document* (CMP), which was prepared for Santa Clara County by the Valley Transportation Authority (VTA) (2017).

The CMP is a systematic way to control congestion in the transportation system mandated by the State (Government Code 65089). It designates roadway networking, service standards, and establishes sustainable land use development to determine and control multi-jurisdictional transportation impacts. Local agencies in compliance with the CMP can receive Federal, State, and local transportation funding.

## c. Regional and Local Regulations

### *Santa Clara Countywide Bicycle Plan*

The Santa Clara Countywide Bicycle Plan synthesizes other local and County plans into a comprehensive 20-year cross-County bicycle corridor network and expenditure plan. The long-range countywide transportation plan and the means by which projects compete for funding and

prioritization are documented in VTP 2040. VTA adopted the Santa Clara Countywide Bicycle Plan in 2018.

### *Valley Transportation Plan (VTP) 2040*

As the Congestion Management Agency for Santa Clara County, VTA is responsible for the development of a long-range countywide transportation plan, called VTP 2040. VTP 2040 provides programs, projects, and policies for roadways, transit, Intelligent Transportation Systems (ITS) and Systems Operations Management, bicycle and pedestrian facilities, and land use and transportation integration. VTP 2040 projects serve as VTA's recommendations for the RTP known as the Plan Bay Area. VTA 2040 was adopted by VTA's Board of Directors in September of 2014. Measure B is a countywide half-cent 30-year sales tax measure approved on the November 2016 ballot, is a critical element of Envision Silicon Valley to fund their transportation priority projects. VTA is currently working on criteria for allocating funds in the various categories.

### *VTA Next Network Project*

VTA is currently redesigning its transit service as part of the Next Network Project. The project has three goals: improve connectivity with the Milpitas and Berryessa BART stations (opening in 2019), improve overall system ridership, and improve farebox recovery. To meet these goals, VTA and its consultant have identified three conceptual alternatives that provide different ratios of high-ridership service and high-coverage service. VTA circulated a proposed draft plan to committees and members of the public in early 2017. Changes identified in the Next Network project will be incorporated in VTA's next transit service plan, which went into effect in 2017 with implementation tied to the opening of BART in San Jose.

### *VTA Complete Streets Program*

VTA, in a collaborative effort with its member agencies and partner agencies, Caltrans, and the VTA, is in the process of developing a Complete Streets Program for Santa Clara County. The main objective of this program is to formulate a process for instituting incremental complete street improvements in Santa Clara County.

### *Los Gatos Bicycle and Pedestrian Master Plan*

The Los Gatos Bicycle and Pedestrian Master Plan (2017) was created to provide the Town with a roadmap for enhancing bicycle and pedestrian mobility throughout the Town by identifying and prioritizing projects, policies, and programs that will help make Los Gatos a more comfortable place to bike and walk. In 2020 the Town Council approved the Bicycle and Pedestrian Master Plan (BPMP) update. The 2020 BPMP Update includes the Town's top priority bicycle and pedestrian improvement projects as Connect Los Gatos Projects.

### *Los Gatos Traffic Impact Policy*

The Los Gatos Traffic Impact Policy (2014) is intended to guide Town staff and the development community in implementing traffic impact provisions (Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees). Projects that are determined by the Town to generate one or more net new Average Daily Trip are subject to this policy. Projects that generate 20 or more Peak Hour Trips shall be required to complete a comprehensive Traffic Impact Analysis (TIA) report. The Town Traffic Engineer will determine the need for a traffic impact study based on the net increase in traffic and the traffic conditions in the nearby area.

# 4.15.3 Impact Analysis

## a. Methodology and Thresholds of Significance

### Methods

The analysis presented herein is derived primarily from a Transportation Analysis prepared by Fehr & Peers for the 2040 General Plan, included as Appendix C to this EIR. The Transportation Analysis, dated June 2021, assesses the transportation impacts of the 2040 General Plan, including impacts to transit and active transportation facilities and VMT. The Transportation Analysis also discloses the LOS, or traffic delay, that would result from implementation of the 2040 General Plan at select roadway intersections. Pursuant to Section 15064.3 of the State CEQA Guidelines, traffic delay resulting from a land-use project shall not constitute a significant environmental impact for purposes of CEQA. Because this EIR is intended to identify and mitigate potentially significant impacts of the proposed project, LOS is not discussed in the impact analysis.

As described in the Transportation Analysis, the VMT analysis was conducted during a typical weekday prior to the March 2020 shelter-in-place policy enacted to slow the spread of the COVID-19 pandemic. The VMT analysis was conducted for the following three scenarios:

- **Scenario 1: Existing Conditions.** Year 2018 existing conditions based on existing vehicle volumes.
- **Scenario 2: Cumulative 2040 without Project Conditions.** Year 2040 cumulative vehicle volumes based on forecasts from the VTA regional travel model, including land uses and transportation network infrastructure adopted in the Town of Los Gatos 2020 General Plan.
- **Scenario 3: Cumulative 2040 with Project Conditions**. Year 2040 cumulative vehicle volumes based on forecasts from the VTA regional travel model, including land uses and transportation network infrastructure proposed in the 2040 General Plan.

The VTA Model was used to develop daily VMT for the proposed 2040 General Plan and the planning area. The VTA Model extends beyond the Bay Area regional boundary to the south into the AMBAG region (e.g., Santa Cruz County, Monterey County and San Benito County) and east into San Joaquin County. However, the travel model stops at the Bay Area regional boundary and does not include inter-regional travel to Mendocino County, Lake County, Yolo County, and Merced County, which shortens the vehicle travel to those counties. This truncation results in a lower total project-generated VMT estimate for the region and Santa Clara County and affects baseline regional or county baseline VMT values used to establish VMT thresholds. Accordingly, the California statewide travel demand model (CSTDM) was used to estimate and forecast trip lengths that occur outside the VTA Model boundary. These trip lengths were appended to the external stations[2] and are reflected in the VMT estimates and forecasts contained in the Transportation Analysis.

Project-generated VMT is the VMT from all vehicle trips for all trip purposes and types. Project-generated VMT per service population is the metric used to evaluate how the Town VMT changes (increases or decreases) between the baseline and with Project scenario, considering both VMT increases due to land use growth and VMT changes due to changes in travel behavior. Project-

[2] External stations are located on the major transportation routes into and out of the VTA Model boundary. These stations are used to load traffic generated from and/or destined to locations outside of the VTA Model boundary.

generated VMT values include VMT on all streets including centroid connectors[3], and travel outside of the VTA Model area. Project-generated VMT was generated by summing the "VMT from" and the "VMT to" a specified area using the following inputs:

- **Internal-internal:** The full length of all trips made entirely within the geographic area limits.
- **Internal-external:** The full length of all trips with an origin within the geographic area and destination outside of the area.
- **External-internal:** The full length of all trips with an origin outside of the geographic area and destination within the area.

To ensure the VMT rate was expressed properly, the project-generated VMT was divided by the service population (residential population, and employment population), the generators of both trip ends of the VMT. The VMT estimates were also presented on a per service population basis to account for both the effects of population and/or employment growth and the effects of changes in personal travel behavior. For example, population growth may cause an increase in VMT, while travelers changing their behavior by using different travel modes or decreasing their vehicle trip lengths (such as a higher percentage of Los Gatos residents working or shopping in Los Gatos) would cause decreases in VMT.

In addition to project-generated VMT, the 2040 General Plan's effects on VMT were also analyzed in the Transportation Analysis. Effects on VMT, also known as boundary VMT, captures all on-road vehicle travel on a roadway network within the physical limits of the selected geographic boundary for any purpose, and includes local trips as well as trips that pass through the area without stopping. The use of boundary VMT is a more complete evaluation of the potential effects of the proposed 2040 General Plan because it captures the combined effect of new VMT, shifting existing VMT to/from other jurisdictions, and/or shifts in existing traffic to alternate travel routes or modes. The boundary VMT (within Santa Clara County) per service population was used to evaluate the proposed 2040 General Plan's effect on VMT between the Cumulative 2040 without Project Conditions and Cumulative 2040 with Project Conditions.

## Significance Thresholds

The following thresholds of significance are based on Appendix G to the CEQA Statute and Guidelines. For the purposes of this EIR, implementation of the 2040 General Plan may have a significant adverse impact if it would:

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
2. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
3. Substantially increase traffic-related hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
4. Result in inadequate emergency access; or
5. 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 and highways.

[3] Centroids are points that identify the center of activity within a transportation analysis zone and connect that zone to the transportation network. A centroid connector is a feature of a travel model network that connects the centroid to the network and represent the local streets within a zone.

Section 15064.3 of *State CEQA Guidelines*, referenced in significance threshold 3 above, pertains to VMT. The Transportation Analysis uses the VMT significance thresholds documented in the *SB 743 Implementation Decisions for the Town of Los Gatos* (Town of Los Gatos 2021). The Town of Los Gatos established its VMT reduction rate based on the statewide VMT scenario prepared by CARB, the long-term expectation that VMT can grow by 6.5 percent in California and still achieve its GHG emissions goals by 2050. This analysis uses a threshold for project-generated VMT per service population of 11.3 percent below the Town's project-generated VMT per service population under Existing Conditions. Therefore, a VMT impact would occur if the project-generated VMT per service population would not result in at least a 11.3 percent reduction below Existing Conditions for the Town. An 11.3 percent reduction below Existing Conditions equates to a project-generated VMT per service population of 32.3 miles, as shown in Table 4.15-2.

Project-generated VMT per service population is used to evaluate if the VMT rate due to the proposed 2040 General Plan (i.e., the direct impacts) would be greater than a specified VMT threshold; however, it does not evaluate the effects on VMT on the entire roadway system. Therefore, a project-generated VMT threshold is also used for the analysis. With a service population growth to 66,400 in 2040[4], the project-generated VMT per service population allows an increase in the Town of Los Gatos VMT to 2,144,720, which is a 4.9 percent increase in the project-generated VMT, as shown in Table 4.15-2.

**Table 4.15-2 Project-Generated VMT Thresholds**

| Item/Metric | Miles[1] |
|---|---|
| Existing Conditions Project-Generated Vehicle Miles Traveled (A) | 2,044,940 |
| Existing Service Population (B)[2] | 56,150 |
| Project-Generated VMT per Service Population (A/B=C) | 36.4 |
| Project-Generated VMT per Service Population Threshold (C*88.7%=D) | 32.3 (11.3 percent reduction from Existing Conditions) |
| Project-Generated VMT Miles Threshold (2040 Service Population of 66,400*D=E) | 2,144,720 (4.9 percent increase from Existing Conditions) |

[1] Project-generated VMT and service population are rounded to the nearest 10, and project-generated VMT per service population and project-generated VMT per service population threshold to the nearest one-tenth.
[2] Existing service population is comprised of total population and jobs in Los Gatos, based on data in the VTA model.

Source: Fehr & Peers 2021 (see Appendix C)

[4] 2040 service population includes the 8,970-person increase in population plus the 1,280 increase in employment generated from implementation and build out of the 2040 General Plan added to existing baseline population. The Transportation Analysis uses baseline values from the VTA model, and therefore, the 2040 service population used in this section of the EIR is different from other EIR sections.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? |

**Impact T-1 DEVELOPMENT AND GROWTH ENVISIONED IN THE 2040 GENERAL PLAN WOULD INCREASE USE AND DEMAND OF EXISTING TRANSIT, ROADWAY, BICYCLE AND PEDESTRIAN FACILITIES IN LOS GATOS. THE 2040 GENERAL PLAN INCLUDES GOALS AND POLICIES THAT WOULD ENCOURAGE TRANSIT USE AND BICYCLING AND WALKING WHILE ALSO ENCOURAGING DEVELOPMENT OR EXPANSION OF EXISTING FACILITIES TO ACCOMMODATE INCREASED USE. THEREFORE, IMPACTS OF THE 2040 GENERAL PLAN WOULD BE LESS THAN SIGNIFICANT.**

### TRANSIT SYSTEM

Buildout of the proposed 2040 General Plan would increase the number of potential transit users on the various transit systems serving the Town. Increased users would result in a correlated increase in demand for transit. Additionally, roadway traffic congestion caused from population and employment growth in the Town facilitated by the 2040 General Plan could affect several transit corridors by increasing travel times and decreasing headway reliability for transit vehicles.

The Mobility Element of the proposed 2040 General Plan contains the following goals and policies that would support reducing traffic congestion and improving transit connectivity:

**Goal MOB-1.** Reduce vehicle miles and manage vehicle congestion through a complete transportation network.

> **Policy MOB-1.1. Require TDM for Development Proposals.** Require all development and redevelopment proposals with more than 10 housing units or over 5,000 square feet of non-residential square footage to include a detailed, sustainable, and measurable Transportation Demand Management (TDM) program with accountability requirements to ensure the TDM measures are achieved.
>
> **Policy MOB-1.3. Link Development and Transit.** Development near transit stops shall provide TDM programs or facilities that encourage transit use for all types of trips.
>
> **Policy MOB-1.4. Employer Shuttle Services.** Encourage employers with over 100 employees to develop shuttle services (i.e., corporate busing) to transport employees to and from the worksite. Entities may form transportation management associations (TMAs) to pool resources to fund TDM measures.

**Goal MOB-5.** Support a non-driving Los Gatos by reducing reliance on the automobile and promoting alternative modes of transportation.

> **Policy MOB-5.1. Encourage Non-Driving Transportation Modes.** Encourage the use of non-driving transportation modes such as walking, bicycling, transit, a shuttle system and other forms of personal mobility that are energy conserving and non-polluting.
>
> **Policy MOB-5.2. Development of Transportation Facilities by Private Entities.** Encourage private entities to develop and maintain publicly accessible transportation facilities, including transit, pedestrian, and bicycle facilities.

**Goal MOB-6.** Increase public transit opportunities for all types of trips.

**Policy MOB-6.1. Support Vasona Light Rail Extension.** Support VTA's Vasona Light Rail Extension project to the Town if/when allocated funds are available.

**Policy MOB-6.2. Land Uses at Transit Stops.** At transit stops, work with VTA and other agencies to prioritize land uses and patterns that generate high transit ridership and encourage affordable housing (i.e., senior housing, multi-family housing, and mixed-use with housing) in appropriate locations.

**Policy MOB-6.3. Inter-agency Coordination.** Coordinate with appropriate agencies to plan and develop adequate public transit services for everyone in the Town (i.e., bus, Santa Cruz express bus, rail, shuttle, light rail, streetcar, and on-demand transit).

**Policy MOB-6.4. Improve Transit Service.** Work with the VTA and commercial carriers to improve transit service for Los Gatos and increase ridership.

**Policy MOB-6.5. Public and Private Shuttles.** Work with transit agencies and major employers in the region to determine the feasibility of financing additional shuttles to improve connections to key destinations in the Town and throughout the region. Include pro rata funding contributions to Town managed shuttle services in all TDM plans.

**Policy MOB-6.6. Transit for Special Populations.** Coordinate with appropriate agencies to provide and expand transit services for seniors, school children, low-income people, and people with disabilities.

**Policy MOB-6.7. Encourage Use of Transit.** Encourage public transit use by requiring all new developments to provide bus shelters and on-going maintenance as part of their developments, when appropriate.

**Policy MOB-6.8. Support Regional Efforts.** Support State and County efforts to reduce vehicle use and encourage the use of public transit.

**Policy MOB-6.9. Santa Clara VTA Services.** Work with VTA to facilitate transit services in Los Gatos through the provision of bus stop amenities, such as basic route and schedule information, bus shelters, seating, and lighting.

**Policy MOB-6.10. Shared Parking.** Private or public parking developed near transit stops shall be designed to provide reciprocal access to adjacent parking areas to enhance parking availability at all times.

**Policy MOB-7.1. Consistency between Land Use and Transportation Planning.** The Town shall ensure that land use and transportation planning are cohesive, consistent, mutually supportive, and strive to reduce VMT. This includes:

- Promoting land use patterns that encourage people to walk, bicycle, or use public transit routinely for a significant number of their daily trips;
- Promoting TDM options;
- Using the Town's provision of public services to direct development to the most appropriate locations; and
- Promoting the infill of vacant land and redevelopment sites.

**Policy MOB-9.5. Regional Traffic on Regional Roadways.** Support efforts to keep regional traffic on regional roadways, such as SR 85 and SR 17, prioritizing opportunities for increased transit and greater roadway efficiency, over expanding roadway capacity.

**Policy MOB-15.1. Minimize Truck Conflicts.** Minimize potential conflicts between trucks, truck loading and unloading areas, and pedestrian, bicycle, and transit travel on streets designated as truck routes.

The 2040 General Plan goals and policies, listed above, encourage an increase in transit ridership, decrease dependence on motor vehicles, and reduce transit delays. While the 2040 General Plan would increase ridership and potentially cause more traffic delays on some roadways in Town, the existing transit circulation would be maintained in the future, consistent with the VTP 2040 (VTA 2014). The changes to the vehicle circulation system as part of the proposed 2040 General Plan would not interfere with existing transit facilities nor conflict with planned transit facilities and services or conflict with adopted transit plans, guidelines, policies, or standards. Additionally, the proposed 2040 General Plan is supportive of the transit use and goals. Therefore, the impact relative to disruption of existing or planned transit facilities or conflicts with transit program, plan, ordinance, or policy would be less than significant.

### ROADWAYS

The 2040 General Plan includes modifications to existing street facilities to create a more pedestrian- and bicycle-oriented street network. These modifications could cause existing and future local and regional traffic to circulate differently. The expected influence on existing and future traffic would be minimal because roadway modifications would conform to state and local standards and generally be implemented to improve circulation.

Overall, the 2040 General Plan would not conflict with existing or planned roadway facilities because the proposed street changes are additions of pedestrian and bicycle facilities with few if any reduction in vehicle lanes. The 2040 General Plan would not be expected to interfere with existing roadway facilities, conflict with planned roadway facilities, or conflict with adopted transportation plans, guidelines, policies, or standards. Therefore, the impact of the 2040 General Plan relative to disruption of existing or planned roadways or conflicts with a program, plan, ordinance or policy would be less than significant.

### BICYCLE FACILITIES

Implementation and buildout of the 2040 General Plan would increase residency in the Town. Increased residency or population could result in more bicycle use on existing facilities. The 2040 General Plan includes a complete streets network, new bicycle facilities, and mobility goals and policies to accommodate increased bicycle demands generated by the development envisioned in the 2040 General Plan. This network would accommodate bicycle demand generated by the land development. Examples of goals and policies in the 2040 General Plan that would encourage bicycle transportation modes while also ensuring bicycle facilities are adequate include:

**Goal MOB-2.** Provide continuous, safe, and efficient bikeway and pedestrian facilities.

**Policy MOB-2.1. Roads for Both Bicycles and Vehicles.** Roads designated as bicycle routes (Class III) shall be constructed and maintained to be safe for both bicycles and vehicles.

**Policy MOB-2.2. Improve Bicycling in the Town.** Support planning and design upgrades to bicycling infrastructure, support bicycling education, and encourage other programs to improve bicycling in the Town.

**Policy MOB-2.3. Support Regional Bicycle Network.** Support regional partners to create a complete and comprehensive bicycle network connecting the Town to other regional destinations.

**Policy MOB-2.4. Identify Areas to Improve Bicycle and Pedestrian Facilities.** Ensure all planning processes, such as master plans and specific plans, identify areas where bicycle and pedestrian improvements can be made, such as new connections, increased sidewalk width, improved crosswalks, provision of pedestrian crossings every half mile on all arterial and collector roadways, improved lighting, and adding new street furniture, benches, and seating to promote walkable environments. This will also include providing median refuges, bike-friendly signals, enhanced bulb-outs, and wayfinding signage to popular local destinations for cyclists and pedestrians along bikeways and at major street crossings.

**Policy MOB-2.5. Avoid Negative Impacts on Bicycle Use.** All new development shall be designed to enhance the safety or convenience of bicycle use through the Town.

**Policy MOB-2.6. Through-Access for Bicyclists and Pedestrians.** Require all developments with a frontage greater than 300 feet to provide through-access for bicyclists and pedestrians to adjacent developments, paths, or bicycle facilities.

**Policy MOB-2.7. Safe Routes to School.** Coordinate with all schools that serve Los Gatos to enhance safe bicycling and pedestrian facilities used to access the schools.

**Policy MOB-4.1. Limit Widening of All Roadways.** Limit widening of all roadways for vehicular use and prioritize improvements within the right-of-way for bicycle and pedestrian facilities to increase roadway capacity without impeding emergency access requirements.

**Policy MOB-5.1. Encourage Non-Driving Transportation Modes.** Encourage the use of non-driving transportation modes such as walking, bicycling, transit, a shuttle system and other forms of personal mobility that are energy conserving and non-polluting.

The 2040 General Plan would encourage bicycling by improving bicycle connectivity with a comprehensive community-wide network of on-street and off-street bicycle facilities as defined in the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (September 2020). Implementation of the 2040 General Plan would not interfere with existing bicycle facilities or conflict with planned bicycle facilities or adopted bicycle system plans, guidelines, policies, or standards. Furthermore, implementation of the 2040 General Plan would create new bicycle facilities consistent with the Town of Los Gatos Bicycle and Pedestrian Master Plan, which would have a beneficial effect on bicycle circulation and access. Therefore, the implementation of the 2040 General Plan would have a less than significant impact.

### PEDESTRIAN FACILITIES

Implementation and buildout of the 2040 General Plan would increase residency in the Town. Increased residency or population could result in more use and demand on existing pedestrian facilities. The 2040 General Plan includes a complete streets network, new pedestrian facilities, and mobility goals policies to accommodate increased pedestrian demands generated by the development envisioned in the 2040 General Plan. The 2040 General Plan would encourage walking by improving pedestrian facilities and connectivity with a safe and continuous pedestrian network to shorten walking distances and improve pedestrian connections to popular local destinations.

Implementation of the 2040 General Plan would not interfere with existing pedestrian facilities or conflict with planned pedestrian facilities or adopted pedestrian system plans, guidelines, policies, or standards. Furthermore, implementation of the 2040 General Plan would create new pedestrian facilities and have a beneficial effect on pedestrian circulation and access consistent with the Town of Los Gatos Bicycle and Pedestrian Master Plan. Therefore, the implementation of the 2040 General Plan would have a less than significant impact on pedestrian facilities.

## Mitigation Measures

Mitigation is not required.

## Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

**Threshold 2:** Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

### Impact T-2 DEVELOPMENT AND POPULATION GROWTH FACILITATED BY THE 2040 GENERAL PLAN WOULD INCREASE VMT IN LOS GATOS. VMT PER SERVICE POPULATION IN 2040 WOULD EXCEED APPLICABLE THRESHOLDS SPECIFIC TO THE TOWN. THEREFORE, THE 2040 GENERAL PLAN WOULD CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B). IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.

The population and employment growth facilitated from development envisioned in the 2040 General Plan would generate new vehicle trips. Each of these trips would result in VMT. As shown in Table 4.15-3, the population and employment growth resulting from the 2040 General Plan would increase project-generated VMT from 2,044,940 (Existing Conditions) to 2,552,780 (Cumulative 2040 with Project Conditions). For impact analysis purposes, the absolute increase is not the focus. The absolute increase is not the focus because the 2040 General Plan would accommodate a greater number of jobs and people by 2040 than currently exist, thereby causing more absolute VMT by default compared to existing conditions. Accordingly, the expectation is that the land use pattern and policies in the 2040 General Plan would result in reduced VMT per service population compared to existing conditions. As shown in Table 4.15-3, under the Cumulative 2040 with Project Conditions, the project-generated VMT per service population would be 38.4. A VMT of 38.4 is approximately 19 percent greater than the applicable VMT threshold of 32.3. Therefore, the project-generated VMT per service population would exceed the applicable threshold.

**Table 4.15-3 Project-Generated VMT**

| Scenario[1] | VMT | Service Population[2] | VMT Per Service Population |
|---|---|---|---|
| 2018-2019 Baseline | 2,044,940 | 56,150 | 36.4 |
| 2040 Proposed Project | 2,552,780 | 66,400 | 38.4 |

[1] Project-generated VMT and service population are rounded to the nearest 10, and project-generated VMT per service population and project-generated VMT per service population threshold to the nearest one-tenth.
[2.] Service population is comprised of total population and jobs in Los Gatos, based on data in the VTA model (baseline) and projected growth from the 2040 General Plan.

Source: Fehr & Peers 2021 (see Appendix C)

Because implementation of the 2040 General Plan would result in VMT per service population under that exceeds the threshold of 32.3 due to population and employment growth planned within the Town, impacts would be potentially significant.

## Mitigation Measures

### *T-1 VMT Reduction Strategies*

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

#### INDIVIDUAL SITE LEVEL

- **Encourage Telecommuting and Alternative Work Schedules:** This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMT for other travel purposes; thus, this strategy should consider the net change in the Town's project-generated VMT.
- **Provide Ride-Sharing Programs:** This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- **Provide Local Shuttles:** This strategy focuses on providing local shuttle service. The local shuttles would provide service to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the "first/last mile" problems. Alternatively, a demand responsive service could be provided as subsidized trips by contracting to private transportation network companies (TNCs) or taxi companies. Note that implementation of this strategy would require regional or local agency implementation.
- **Provide Employer-Sponsored Vanpool/Shuttle:** This strategy relies on employers purchasing or leasing vans or shuttles, and often subsidizing the cost of at least program administration, if not more. Vanpools typically service employee's commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer's purview.

#### TOWN-WIDE LEVEL

- **Provide Bicycle and Pedestrian Network Improvements:** This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on regional or local plans such as the *Bicycle and Pedestrian Master Plan* and Connect Los Gatos.
- **Provide Traffic Calming Measures:** This strategy combines the California Air Pollution Control Officers Association (CAPCOA) research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One potential change in this strategy over time is

that ebikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.

- **Implement Car-Sharing Program:** This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig.
- **Limit Parking Supply:** When combined with companion TDM measures, reduced parking supply discourages driving by limiting easy and convenient parking options. Implementation of this strategy may require reducing (or removing) minimum parking requirements and allowing developers to use shared parking strategies.
- **Unbundle Parking Costs from Property Cost:** Unbundling separates parking costs from property cost, for instance by not including a parking space in a residential unit's rent, or by requiring employers to lease each parking space separately from the building owner. This strategy ensures that the user understands that the cost of driving includes parking and can encourage people to use an alternative mode to save money.
- **Implement Market Price Public Parking (On-Street):** This strategy focuses on implementing a pricing strategy for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage "park once" behavior and may also result in area-wide mode shifts.

### REGIONAL LEVEL

- **Increase Density:** This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- **Increase Diversity of Urban and Suburban Developments:** This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
- **Increase Transit Accessibility:** This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- **Integrate Affordable and Below Market Rate Housing:** This strategy provides greater opportunities for lower income families to live closer to job centers since income effects probability that a commute will take transit or walk to work.
- **Increase Transit Service Frequency/Speed:** This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in Los Gatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.
- **Implement Area or Cordon Pricing:** This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enter the area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with

higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-quality transit infrastructure.

## Significance After Mitigation

The potential VMT reduction from implementing Mitigation Measure T-1 and utilizing strategies from the individual site, Town-wide, and regional measures discussed above is presented in Table 4.15-4. The reductions shown in Table 4.15-4 are presented as a range because strategies vary widely in effectiveness. Please see Appendix C for more information regarding the basis of the effectiveness of VMT strategies.

**Table 4.15-4 Summary of VMT Mitigation Strategies**

| | VMT Reduction Range | |
|---|---|---|
| **Reduction Scale** | **Low[1]** | **High[2]** |
| Individual Site Level | 0 | 6 percent |
| Town-Wide Level | 3 percent | 10 percent |
| Regional Level | 20 percent | 60 percent |

[1.] Low indicates a conservative estimate that is highly defensible and suitable for use in environmental analysis documents, or to mitigate a VMT impact. Not all strategies provide a quantifiable reduction suitable for environmental use.
[2.] High indicates a potential upper limit to reductions, and requires a very high level of investment in most cases.

Source: Fehr & Peers 2021 (see Appendix C)

As described above in the impact analysis, implementation of the 2040 General Plan would result in VMT per service population that is approximately 19 percent greater than the applicable VMT threshold of 32.3. To reduce VMT per service population by 19 percent, VMT reduction strategies at the regional level would be required, as shown in Table 4.15-4. However, implementation of regional strategies would require action on multiple agencies and municipalities in South San Francisco Bay and environs, such as cities of Campbell and San José or counties of Santa Clara and Santa Cruz. The Town is unable to ensure that other municipalities would participate in the regional VMT reduction strategies outlined in Mitigation Measure T-1. Therefore, it is not certain that a 19 percent reduction in VMT would be achievable. Accordingly, VMT impacts of the 2040 General Plan would be significant and unavoidable, even after implementation of mitigation.

| | |
|---|---|
| **Threshold 3:** | Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)? |

### Impact T-3 THE PROPOSED 2040 GENERAL PLAN IS A PROGRAM-LEVEL PLAN THAT DOES NOT DIRECTLY ADDRESS PROJECT-LEVEL DESIGN FEATURES. ROADWAY IMPROVEMENTS AND SITE ACCESS MEASURES WOULD BE DESIGNED AND REVIEWED IN ACCORDANCE WITH TOWN STANDARDS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The 2040 General Plan is a program-level document that does not directly address project-level design features or building specifications. Los Gatos maintains improvement standards that guide the construction of new transportation facilities to minimize design hazards for all users of the system. Through the environmental review process, land use proposals that would add traffic to streets not designed to current standards are evaluated. If needed, mitigation measures are identified therein, and the project is conditioned to construct or provide funding for an improvement that would minimize or eliminate the hazard. Typical improvements include shoulder widening, adding turn pockets, adding sidewalks or crosswalks, realigning sharp curves, prohibiting certain turning movements, signalizing intersections, and increasing sight distance, among other measures. New and upgraded roadways needed to accommodate new development would be designed according to applicable Federal, State, and local design standards. Development and infrastructure projects in Los Gatos would be required to comply with the 2040 General Plan, Los Gatos Municipal Code, and applicable State and local regulations. As a result, and in consideration of the proposed 2040 General Plan's policies regarding infrastructure safety, listed below, impacts would be less than significant.

The 2040 General Plan establishes the following goals and policies that are intended to result in roadway designs that safely accommodate all users:

**Goal MOB-2.** Provide continuous, safe, and efficient bikeway and pedestrian facilities.

> **Policy MOB-2.1. Roads for Both Bicycles and Vehicles.** Roads designated as bicycle routes (Class III) shall be constructed and maintained to be safe for both bicycles and vehicles.
>
> **Policy MOB-2.4. Identify Areas to Improve Bicycle and Pedestrian Facilities.** Ensure all planning processes, such as master plans and specific plans, identify areas where bicycle and pedestrian improvements can be made, such as new connections, increased sidewalk width, improved crosswalks, provision of pedestrian crossings every half mile on all arterial and collector roadways, improved lighting, and adding new street furniture, benches, and seating to promote walkable environments. This will also include providing median refuges, bike-friendly signals, enhanced bulb-outs, and wayfinding signage to popular local destinations for cyclists and pedestrians along bikeways and at major street crossings.
>
> **Policy MOB 2.6. Through-Access for Bicycles and Pedestrians.** Require all developments with a frontage greater than 300 feet to provide through-access for bicyclists and pedestrians to adjacent developments, paths, or bicycle facilities.
>
> **Policy MOB 2.11. Safe Pedestrian Access Along Unimproved Roadways**. Require adequate width of roadway clearance between edge of travel and/or edge of pavement for pedestrian mobility and safety.

**Goal MOB-4.** Encourage the development of a comprehensive and integrated transportation network with infrastructure and design features that allow safe and convenient travel for all users.

**Policy MOB-4.1. Complete Streets.** Apply complete streets principles in transportation projects within the Town as defined in the Town's Complete Streets Policy.

Policy MOB-4.3. Wide Sidewalks for Shared Use. Require wide sidewalks greater than five feet in width in commercial and mixed-use areas to allow shared use by pedestrians and non-motorized modes of transportation as directed by the Town Engineer

Policy MOB-4.5. Consider Special Populations. Consider the needs of people with disabilities, seniors, and children when designing trail facilities and bicycle and pedestrian facilities.

**Goal MOB-7.** Optimize the Town's transportation system to provide safe and efficient movement to meet the needs of all users.

**Policy MOB-7.1. Consistency between Land Use and Transportation Planning.** The Town shall ensure that land use and transportation planning are cohesive, consistent, mutually supportive, and strive to reduce VMT. This includes:

- Promoting land use patterns that encourage people to walk, bicycle, or use public transit routinely for a significant number of their daily trips;
- Promoting TDM options;
- Using the Town's provision of public services to direct development to the most appropriate locations; and
- Promoting the infill of vacant land and redevelopment sites.

**Policy MOB-7.3. Balance Needs of All Roadway Users**. Make effective use of the traffic-carrying ability of Los Gatos's arterials and collectors while providing multimodal support for users of all ages and abilities.

**Goal MOB-8.** Provide a safe, efficient, and well-designed roadway network transportation system.

**Policy MOB-8.1. Safety in Roadway Design and Management.** Support the safety of all roadway users of all ages and abilities in the design and management of roadways.

**Policy MOB-8.3.** Driveways and Curb Cuts. New development shall minimize the number of access points (driveway openings or other curb cuts) along Arterial streets to minimize impacts on circulation flow and safety while providing for safe ingress and egress from a location.

**Policy MOB-8.4.** Avoid Extended Single Access Roadways. Discourage single access roads that impede safe and continuous access for all roadway users.

**Policy MOB-8.5.** Street Improvements. Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash containers shall be designed to provide safe movement of all users and minimize disruption to the streetscape.

**Policy MOB-8.6.** Roundabouts. Consider using roundabouts as an alternative to signalized or traditionally controlled intersections.

**Goal MOB-9.** Mitigate the impact of cut-through traffic, with the objective of making it easy for residents to move throughout Town while ensuring Los Gatos remains a welcoming place for visitors.

**Policy MOB-9.1. Vehicle Traffic-Calming Devices.** Consider traffic-calming devices (i.e., lane narrowing, widening medians, or landscaping) to discourage cut-through vehicle traffic, where appropriate.

**Policy MOB-9.2.** Alternatives to Minimize Cut-Through Vehicle Traffic. Limit cut-through vehicle traffic to the extent feasible, while minimizing the impacts these limits have on the freedom of movement of residents and minimizing diversion of vehicle traffic to other neighborhood streets. Consider the use of alternative street surfacing materials, traffic diverters, special designs, and stop signs to prevent cut-through traffic on residential streets.

**Policy MOB-9.3.** Neighborhood Traffic-Calming Policy. Assist citizens in solving traffic concerns in residential neighborhoods in accordance with the latest Neighborhood Traffic-Calming Policy.

The above goals and policies are intended to result in roadway designs that safely accommodate all users including pedestrians, bikes, and vehicles. The 2040 General Plan does not directly propose any project features or incompatible uses that could increase hazards within the Town or SOI. This impact would be less than significant.

## Mitigation Measures

No mitigation required.

## Significance After Mitigation

This impact would be less than significant, and no mitigation measures are indicated.

**Threshold 4:** Would the project result in inadequate emergency access?

### Impact T-4 THE PROPOSED 2040 GENERAL PLAN IDENTIFIES CIRCULATION IMPROVEMENTS AND POLICIES THAT WOULD SUPPORT EMERGENCY ACCESS THROUGHOUT LOS GATOS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The 2040 General Plan does not propose specific development projects, therefore does not propose any developments that could result in inadequate emergency access. The purpose of the 2040 General Plan in terms of transportation is to improve the overall performance of the transportation network for all modes of transportation. The following General Plan policies would ensure that the development associated with the 2040 General Plan would not result in inadequate emergency access:

**Policy MOB-4.4. Limit Widening of All Roadways.** Limit widening of all roadways for vehicular use and prioritize improvements within the right-of-way for bicycle and pedestrian facilities to increase roadway capacity without impeding emergency access requirements.

**Policy MOB-12.1.** Hillside Emergency Vehicle Access. Establish and maintain a hillside road pattern that provides adequate access for residents and emergency vehicles in both normal and emergency situations without introducing new through access roads that would invite unwanted traffic into the area, induce further development, or threaten plant or animal habitats or migration patterns.

**Policy MOB-12.2.** Secondary Emergency Access. New discretionary housing approvals in locations that are identified as Very High Fire Hazard Areas on the Town's Wildland Fire Severity Zone Map shall provide secondary emergency access as required by the Santa Clara County Fire Department. Secondary access shall be provided first by loop roads, then by through-roads, and lastly by long cul-de-sac's with an emergency access connection to a public road. If secondary

access is not possible or acceptable, the intensity of land use should be evaluated based on limited access.

With implementation of the policies above, future projects would be assessed to ensure they result in adequate emergency access. In addition, mandatory development processes also require project review by emergency services, including police and fire, to ensure projects maintain adequate emergency access. This impact would be less than significant.

### Mitigation Measures

Mitigation is not required.

### Significance After Mitigation

Impacts would be less than significant, and no mitigation measures are indicated.

## 4.15.4 Cumulative Impacts

The cumulative impacts assessment area for potential cumulative VMT impacts consists of Santa Clara County. The boundary of Santa Clara County is an appropriate cumulative impacts assessment area because boundary VMT provides an evaluation of the potential effects of a project in combination with other VMT in the boundary, including shifting existing VMT to/from other jurisdictions and/or shifts in existing traffic to alternate travel routes or modes. In other words, boundary VMT captures on-road vehicle travel on a roadway network (i.e., VMT on the centroid connectors, and other streets and freeway segments in the travel model within the physical limits of the selected geographic boundary) for any purpose and includes local trips as well as trips that pass through the area without stopping. Therefore, using the boundary of Santa Clara County as a cumulative impacts assessment area captures VMT from other cities in the area of Los Gatos, such as Campbell, San José, Santa Cruz, and Cupertino, and other places in the South San Francisco Bay and its environs.

To evaluate the effect of the 2040 General Plan on VMT between the Cumulative 2040 and Cumulative 2040 with Project Conditions, the boundary VMT is divided by the service population (sum of residential population and employment population). The growth in boundary VMT captures the combined effect of:

- Shifts in existing VMT due to land use and transportation network changes in Santa Clara County;
- Shifts in existing traffic to alternate travel routes or modes; and
- New VMT from additional land use development in Santa Clara County.

As shown in Table 4.15-5, VMT in cumulative impacts assessment area would increase in 2040 with implementation of the 2040 General Plan compared to 2040 conditions without implementation of the General Plan. However, as Table 4.15-5 shows, Town travel activities are a relatively small portion of the Santa Clara County travel, as indicated by VMT per service population remaining unchanged regardless of the potential implementation of the 2040 General Plan. Because the 2040 General Plan would not increase VMT per service population within the cumulative impacts assessment area, VMT impacts of the 2040 General Plan would not be cumulatively considerable and impacts would be less than significant.

**Table 4.15-5 Cumulative VMT Impacts**

| Measurement | Cumulative 2040 without Project Conditions | Cumulative 2040 with Project Conditions | Percent Change |
|---|---|---|---|
| Vehicle Miles Traveled in Cumulative Impacts Assessment Area[1] | 48,838,530 | 48,989,410 | 0.3% |
| Service Population[1,2] | 3,856,430 | 3,863,930 | 0.2% |
| VMT per Service Population | 12.7 | 12.7 | 0 |

[1] VMT and service population are rounded to the nearest 10.
[2.] Service population is comprised of total population and jobs in Los Gatos, based on data in the VTA model (baseline) and projected growth from the 2040 General Plan.
Source: Fehr & Peers 2021 (see Appendix C)

Cumulative growth in the assessment area could result in potential conflicts with programs, plans, or policies addressing the circulation system. For example, development in the City of San José would increase residency in the assessment area, which could increase the demand and use of bicycle facilities in the assessment area, including facilities in the Town. However, the projections described in Section 3, *Environmental Setting*, are based on development envisioned in the general plans applicable to the assessment area. These other general plans generally contain policies supporting the development and maintenance of the circulation system in concert with growth. Accordingly, cumulative impacts would be less than significant. As described above in Impact T-1, the proposed 2040 General Plan would not conflict a program, plan, ordinance or policy addressing the circulation system. Therefore, impacts of the 2040 General Plan would not be cumulatively considerable.

Impacts related to traffic hazards, such as geometric design features or incompatible uses, are generally site specific. For example, the design of an intersection is specific to that intersection and not affected by development elsewhere, away from that intersection. Therefore, the 2040 General Plan would have no impacts related to traffic hazards beyond the SOI. Likewise, development elsewhere in the cumulative impacts assessment area, such as development in San José would not impact intersection in Los Gatos or contribute incompatible uses on roadways in Los Gatos. Therefore, cumulative impacts would be less than significant. As described above in Impact T-3, impacts of the 2040 General Plan related to traffic hazards would be less than significant. Accordingly, impacts of the 2040 General Plan would not be cumulatively considerable.

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# 4.16 Utilities and Service Systems

This section evaluates potential effects on utilities related to implementation of the 2040 General Plan by identifying anticipated demands and existing and planned service availability. For purposes of this EIR, utilities consist of (1) water supply; (2) wastewater; (3) storm drain facilities; (4) solid waste; (5) electric power; (6) natural gas; and (7) telecommunications facilities. Storm drain facilities are also analyzed in Section 4.9, *Hydrology and Water Quality.*

## 4.16.1 Setting

### a. Water Supply

The SJWC 2016 Urban Water Management Plan gives a projected water supply of 169,443 acre-feet per year (AF/yr) (55,213 million gallons) in 2040, as shown in Table 4.16-1.

**Table 4.16-1 Water Supply in Acre Feet**

| Water Source | 2020 | 2025 | 2030 | 2035 | 2040 |
|---|---|---|---|---|---|
| Purchased/Imported Water (Potable) | 76,670 | 79,383 | 82,256 | 85,377 | 88,651 |
| Groundwater (Potable) | 54,160 | 56,078 | 58,106 | 60,307 | 62,621 |
| Surface Water (Potable) | 9,606 | 9,606 | 9,606 | 9,606 | 9,606 |
| Surface Water (Raw) | 172 | 178 | 184 | 190 | 196 |
| Recycled Water | 4,072 | 6,853 | 8,350 | 8,369 | 8,369 |
| **Total** | **144,680** | **152,098** | **158,502** | **163,849** | **169,443** |

Source: SJWC, Urban Water Management Plan, Draft 2016. Numbers reflect water supply for entire SJWC service area SJWC has a 70-year master contract with SCVW

SJWC has a 70-year master contract with SCVWD, that is set to expire in the year 2051, for the purchase of treated water from the District. SJWC also has the water rights for most properties in its services district that allows SJWC to extract water from the aquifer. An average of approximately half of SJWC's long-term water supply is provided by the SCVWD each year, while approximately one-third is generally provided through groundwater. Approximately half of the Town's water supply is local surface water, and the majority of imported water serves the eastern Los Gatos area.

Groundwater generally has a higher mineral content than surface water but requires less treatment. To control bacteria, all surface water is filtered and disinfected with chlorine and/or chloramines at a treatment plant before it is distributed to customers. Groundwater pumped from deep wells is largely free of bacteria. The wells require disinfection primarily to prevent the growth of bacteria in the pipes and tanks of the water distribution system. Both groundwater and surface water sources are of excellent quality and are regularly tested to ensure compliance with safe drinking water standards.

## Treatment Facilities

SCVWD operates three water treatment plants: Rinconada Water Treatment Plant, Penitencia Water Treatment Plant, and Santa Teresa Water Treatment Plant. Water treatment for Los Gatos is provided by the Rinconada Water Treatment Plant located at 400 More Avenue in Los Gatos.

The Rinconada Water Treatment Plant was completed in 1967. The plant draws water from the South Bay Aqueduct and the San Luis Reservoir, which is treated and supplied to residential and commercial water dealers such as SJWC. The plant can provide up to 80 million gallons of water each day. The Rinconada Water Treatment Plant is currently under renovation to modernize the system and will result in an increase in capacity to 100 million gallons of water per day, improved water quality, and greater seismic stability.

## Water Demand

Table 4.16-2 provides a breakdown of the projected water demand, by land use type, for the period 2020 to 2040. Of the uses served, single-family residential development is projected to be responsible for almost half of the water usage in this period (approximately 45 percent), with commercial being the second-highest water consumer at approximately 34 percent of the total water use.

**Table 4.16-2 Projected Water Demand by Type in Acre Feet**

| Water Use | 2020 | 2025 | 2030 | 2035 | 2040 |
|---|---|---|---|---|---|
| Single family residential | 63,443 | 65,536 | 67,752 | 70,155 | 72,678 |
| Multifamily residential | 11,195 | 11,567 | 11,956 | 12,380 | 12,825 |
| Commercial | 48,369 | 49,965 | 51,653 | 53,485 | 55,409 |
| Industrial | 930 | 961 | 991 | 1,028 | 1,065 |
| Institutional / Government | 6,617 | 6,834 | 7,065 | 7,316 | 7,580 |
| Sales / Transfers / Exchanges (Potable) | 543 | 559 | 580 | 598 | 620 |
| Other | 199 | 206 | 212 | 221 | 230 |
| Sales / Transfers / Exchanges (Raw) | 172 | 178 | 184 | 190 | 196 |
| Losses | 9,139 | 9,440 | 9,759 | 10,106 | 10,471 |
| **Total** | **140,607** | **145,246** | **150,152** | **155,479** | **161,074** |

Source: SJWC, Urban Water Management Plan, Draft 2016.

Numbers reflect water supply for entire SJWC service area

SJWC has developed demand projections from 2015 to 2040 primarily based on population and per capita usage projections. SJWC assumed that per capita usage from 2015 to 2040 would be like the usage rate that was observed in 2010. Per capita usage in 2010 was slightly above 126 gallons per capita per day (gpcd). The SJWC 2015 Urban Water Management Plan (Draft) gives a projected water demand of 169,443 AF/yr (55,213 millions of gallons) in 2040. As shown on Table 4.16-3, SJWC anticipates adequate supplies for the years 2020 to 2040, relative to meeting projected system demands for water under average year conditions.

**Table 4.16-3 Normal Year Supply and Demand Comparison in Acre Feet**

| | 2020 | 2025 | 2030 | 2035 | 2040 |
|---|---|---|---|---|---|
| Supply Totals | 47,144 | 49,561 | 51,648 | 53,390 | 55,213 |
| Demand Totals | 47,144 | 49,561 | 51,648 | 53,390 | 55,213 |
| Difference | 0 | 0 | 0 | 0 | 0 |

Source: SJWC, Urban Water Management Plan, Draft 2016.

Numbers reflect water supply for entire SJWC service area.

## Conservation

The SCVWD has adopted an "Ensure Sustainability" strategy in its 2012 Water Master Plan. The strategy calls for securing baseline water supplies and infrastructure, optimizing the use of existing supplies and infrastructure, and increasing recycling and conservation. Through this plan, water conservation and recycled water usage is expected to increase to 8,369 AF/yr by 2040. The SCVWD also operates a treated groundwater recharge/recycling injection program that promotes the reuse of treated groundwater from the clean-up of contaminated sites, as discussed in Chapter 8 of the 2040 General Plan, Environmental and Sustainability.

SCVWD, SJWC, and the Town of Los Gatos all have water conservation programs in place, including but not limited to the following:

- Los Gatos provides online tools and resources for homeowners and business owners on the Town website, including information on rebates through SCVWD.
- Free water conservation equipment provided by SCVWD is available at the Parks & Public Works corporation yard.
- SCVWD hosts a variety of informational resources at watersavings.org, including video tutorials and a calendar of classes and workshops.

## b. Wastewater

Wastewater is water that has been affected by human use, including household, commercial, industrial, and agricultural activities. This water is conveyed through a wastewater system to a treatment plant, and may contain physical, chemical, and biological pollutants prior to treatment.

The Town of Los Gatos wastewater collection system is managed by the WVSD. The WVSD assumed ownership and maintenance responsibilities for the sewer system located within the Town of Los Gatos, including three pump stations, on November 1, 2005. The wastewater collected by WVSD is then transported to a treatment facility operated by the SCVWD. Los Gatos is served by the San Jose-Santa Clara Regional Wastewater Facility, which processes an average of 110 million gallons per day (MGD) of wastewater with a capacity of up to 167 MGD.

## Wastewater Collection

The WVSD owns and maintains a gravity sewer wastewater collection system serving the cities of Campbell, Monte Sereno, a portion of the City of Saratoga, the Town of Los Gatos, and intervening unincorporated portions of the County of Santa Clara. The WVSD serves approximately 46,300 connections serving a population of approximately 109,000 people, including the entire population of the Town of Los Gatos and its Planning Area. The WVSD's service area is approximately 28.3 square miles As of June 30, 2018, the collection system maintained and operated by the WVSD

consisted of approximately 415 miles of main and trunk sewers and 187 miles of sewer laterals, for a total of 602 miles of sewer lines. In 2017, WVSD's collection system transported an average daily flow of approximately 9.6 million gallons of wastewater, or about 3.5 billion gallons over the course of the year, to the San Jose-Santa Clara Regional Wastewater Facility for treatment, disposal, and reuse.

Mainline sewer pipe within the WVSD ranges in diameter from three to 39 inches, with nearly 88 percent of these lines comprised of pipes six and eight inches in diameter. The average age of sewer mainlines in the WVSD's collection system is 48 years old, with the oldest pipe installed in 1915 (103 years old).

It is estimated that WVSD has approximately 33,000 laterals, which equates to nearly 200 miles of lateral pipe. A large majority of these laterals are four inches in diameter, although some commercial properties have six-inch laterals. WVSD owns three small pump stations, two of which pump in tandem to lift wastewater from the Arroyo Del Rancho residential area, while the third serves the Alta Tierra residential area.

### *Planned Major Improvements*

Since the average age of the WVSD's system is around 48 years old, preventive maintenance by itself is insufficient to ensure the long-term viability of the system. The rehabilitation and replacement of the collection system is addressed through the WVSD's Capital Improvement Program (CIP) and is the largest spending component of the WVSD budget. The two major components of the WVSD's CIP are its sewer rehabilitation (long-term repair) projects and sewer repair service contract (short-term repair). Sewer rehabilitation projects typically address the rehabilitation or replacement of sewer mains, laterals, and manholes in a defined area or basin. These are planned out as part of a 5 and 10-Year CIP. Since there are several factors to consider in developing long term rehabilitation or replacement projects, considerably more effort is required to evaluate the need and priority of each CIP project. The WVSD utilizes a Risk Prioritization Model to analyze all these factors to produce a numerical risk rating to help evaluate and prioritize these projects. The WVSD's Multi-Year Sewer Repair Service Contract typically provides as needed repairs to isolated defects in a main or lateral pipeline. The determination and prioritization of repairs for the Multi-Year Sewer Repair Service Contract is primarily based on an evaluation of pipeline condition, maintenance history, and sewer stoppage/SSO history.

### *Sewer Rehabilitation*

Sewer rehabilitation projects account for a majority of the WVSD's CIP expenditure. The WVSD has completed a number of CIP Projects over the last two decades, rehabilitating or installing nearly 40 miles of mainline, 2,500 sewer laterals, and rehabilitation of hundreds of manholes. The rehabilitation rate, based on the above, is about 2.0 miles of mainline per year or about 0.5 percent. It is assumed that the current trend of using plastic pipe (HDPE or PVC) as a replacement to verified clay pipe (VCP) will help prolong the life of the collection system. In the FY2018-2023 5- Year CIP budget the WVSD has proposed to rehabilitate nearly 15 miles of pipe, amounting to 3 miles/year or (0.7 percent).

### *Sewer Repair*

Isolated main and lateral sewer repairs are addressed through the WVSD's Multi-Year Sewer Repair Service Contract. Over time, the budget for the multi-year service repair contracts have grown from $250,000 to the current annual budget of $1.3 million. The increase in funding was due in part to

the requirements of the River Watch Agreement to prioritize the repair of mainlines near waterways and to address the increase in laterals requiring repair due to a more aggressive lateral inspection program. To date these service contracts have resulted in over 330 main and lateral repairs, significantly reducing the potential for sewage overflows and stoppages.

### Treatment and Disposal

WVSD contracts with the San Jose-Santa Clara Regional Wastewater Facility for wastewater treatment and disposal. The San Jose-Santa Clara Regional Wastewater Facility is the largest advanced wastewater treatment facility in the United States. The facility serves 1.4 million residents and over 17,000 businesses that are located in eight cities and four sanitation districts:

- Cities of San Jose, Santa Clara, Milpitas;
- Cupertino Sanitary District (Cupertino), West Valley Sanitation District (Campbell, Los Gatos, Monte Sereno, and Saratoga); and
- County Sanitation Districts 2-3 and Burbank Sanitary District (both unincorporated).

The facility has the capacity to treat 167 MGD utilizing an advanced, tertiary wastewater system. In 2017, average dry weather influent flow was 107.3 MGD, well below the plant's 167 MGD capacity.

The facility's permit to treat and discharge wastewater into the San Francisco Bay is regulated by the National Pollutant Discharge Elimination System (NPDES), administered by the Federal Environmental Protection Agency. According to the 2017 Annual Self-Monitoring Report, in 2017, the facility-maintained 100 percent compliance with all NPDES effluent limitations.

Roughly one MGD of digester effluent is pumped to area sludge lagoons where the material consolidates for 3 to 4 years. Floating dredges pump consolidated biosolids to solar drying beds for one summer drying season. Dried material is trucked to adjacent Newby Island Landfill where biosolids are used as Alternate Daily Cover.

In fiscal year 2016-2017, the WVSD collected and conveyed 9.6 MGD of wastewater to the treatment plant. The plant, located near Zanker Road in north San Jose, collects and treats wastewater from local municipalities and sanitation districts and discharges the treated wastewater into the San Francisco Bay. WVSD accounts for approximately 10 percent of the treatment flow at the plant.

## c. Storm Drainage Systems

### Stormwater

The Town's stormwater system is managed and maintained by the Town's Parks and Public Works Department. The Town's stormwater system includes a series of surface and underground drains to direct rainwater to the creeks and tributaries that eventually flow to the San Francisco Bay. Impermeable surfaces such as streets and parking lots are generally designed to channel water into this drainage system, serving as a part of the overall system by directing water to prevent flooding and standing water.

The Town of Los Gatos Storm Drain Master Plan outlines drainage design criteria and baseline requirements to ensure that the required level of protection is provided and will meet various jurisdictional agency requirements. According to the Storm Drain Master Plan, much of the Town's storm drainage system is outdated, shallow, and undersized. Additionally, the Town has several

areas where public waters flow through private property without benefit of any easements. The Town is working to upgrade these systems as resources are programmed and allocated.

In 2005, the Town completed drainage improvements at Causey Lane and North Santa Cruz Avenue, where street flooding tended to occur during heavy rain periods. These improvements have resulted in better access to the Downtown business district during the winter season.

All storm drainage in Los Gatos discharges into creeks that drain to the Guadalupe River in San Jose and ultimately to the southern San Francisco Bay. The discharge from these storm drains is not treated. Major creeks that flow through the Town include:

- Los Gatos Creek
- Limekiln Canyon Creek
- Guadalupe Creek
- Pheasant Creek
- Shannon Creek
- Smith Creek
- Almendra Creek
- Mistletoe Creek
- Ross Creek
- East Ross Creek
- Hicks Creek
- Creek 7039
- Daves Creek
- Trout Creek

## Permitting

Municipalities are required to obtain Municipal Separate Storm Sewer Systems (MS4) permits. These MS4 permits regulate stormwater discharges and are issued by the San Francisco Bay RWQCB. The required municipal permit for Los Gatos is a Phase II General MS4 permit which is for municipalities serving between 10,000 and 100,000 people.

The EPA's Phase II Rule also requires operators with MS4 permits to obtain a NPDES permit. The Town of Los Gatos coordinates regulating the NPDES permit with other county jurisdictions as part of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and West Valley Clean Water Program. The Town submitted a permit application in 2015 for reissuance of its permit to discharge stormwater runoff within regional jurisdictions. This permit was approved in November 2015 and is effective from January 1, 2016 to December 31, 2020.

In order to achieve compliance with the Phase II Rule, the Town is required to implement a stormwater management plan which describes actions relating to stormwater, including BMPs, measurable goals, and timetables for MCMs. To maintain beneficial use of the San Francisco Bay, the Town implements numerous MCMs and BMPs including:

- Public education and outreach programs;
- Public participation activities;
- Illicit discharge detection and elimination;

- Construction site stormwater runoff control;
- Post-construction storm water management; and
- Pollution prevention for municipal operations.

## Development Approval

New projects are evaluated by the Town's stormwater treatment consultant to certify compliance with the Town's NDPES permit. All development and redevelopment projects which create or replace more than 10,000 square feet of impervious area must incorporate stormwater management controls as described in the Town's Notice for Developers and Contractors, as well as prepare a Stormwater Site Plan including an Erosion and Sediment Control Plan. Staff reviews development applications to ensure they provide on-site storm drainage designs which are environmentally sound, enhance water quality, and preserve and protect coastal and bay waters and resources.

The Town of Los Gatos is also a member of SCVURPPP and the West Valley Clean Water Program which work together to develop projects to improve the watershed and to help local governments meet regulatory requirements. The SCVURPPP has developed a C.3 Stormwater Handbook that provides guidance and serves as a resource for developing and implementing stormwater control measures for projects. The handbook is intended to implement Section C.3 of the NPDES Permit that requires each permittee to control the flow of stormwater and stormwater pollutants from new development and redevelopment sites over which it has jurisdiction. Sections in the handbook describe site design measures, stormwater treatment guidance, infiltration guidelines, sizing criteria and worksheets, and standard specifications for small projects.

# d. Solid Waste and Recycling

## Solid Waste Providers and Facilities

The communities of Los Gatos, Monte Sereno, Saratoga, and Campbell are part of the West Valley Solid Waste Management Authority, a Joint Powers Authority (JPA). Established in 1998, the JPA is governed by a Board of Directors that reviews issues related to the solid waste management franchise, disposal, recycling, and yard waste services. It currently contracts with a private franchise, West Valley Collection and Recycling, LLC, to provide residential and commercial waste collection and recycling services to member jurisdictions. The JPA plans and implements regional solid waste and hazardous waste programs to achieve State-mandated solid waste diversion goals. The JPA meets quarterly at Monte Sereno City Hall.

### *Recycling*

The Town of Los Gatos established a recycling program in February 1990 and instituted single-stream recycling (recyclables are all placed by customers in one bin instead of separating by type) in March 2007. West Valley Collection and Recycling collects paper products, oil, cans, containers, glass, plastic, yard trimmings, and scrap metal for recycling. Batteries and electronic waste can be dropped off at the West Valley Collection and Recycling facility headquarters in San Jose, or at certain local electronics retailers. Household hazardous waste can also be scheduled for drop-off locally via the Santa Clara County Household Hazardous Waste Program. Sharps and medications can be dropped off at law enforcement agencies and at designated mail-back kiosks.

## Disposal Rates

The California Department of Resources Recycling and Recovery (CalRecycle) reports per capita disposal rates, measured in pounds per person (both residential population and employed population) to establish compliance with Assembly Bill 939 (see Section 4.17.2, *Regulatory Setting* for details). Disposal rates are reported for the Santa Clara Integrated Waste Management Account (IWMA) and are not separated by jurisdiction.

Between 2014 and 2017, per capita disposal rates for the IWMA ranged between 6.1 and 7.5 pounds, and disposal rates per employee ranged between 6.9 and 7.9 pounds, as shown in Table 4.16-4. Both trends fall below established State targets to reduce solid waste by 75 percent by 2020.

**Table 4.16-4 Santa Clara County Per Capita Disposal Rates, 2014 – 2017**

| Year | Disposal (tons) | Population | Per Capita Disposal (lb/person/day) | Employment | Employee Disposal (lb/person/day) |
|---|---|---|---|---|---|
| 2017 | 155,310 | 125,528 | 6.8 | 117,412 | 7.2 |
| 2016 | 168,237 | 123,640 | 7.5 | 116,396 | 7.9 |
| 2015 | 151,010 | 120,973 | 6.8 | 114,101 | 7.3 |
| 2014 | 135,823 | 121,229 | 6.1 | 108,405 | 6.9 |

Source: CalRecycle, 2018

CalRecycle also reports annual per capita disposal rates by jurisdiction to destination facilities. The Town of Los Gatos used 15 landfills for waste disposal from 2014 to 2017. The estimated waste collected within the Town of Los Gatos between 2014 and 2017 ranged from 17,329 tons/year to 24,978 tons/year. Similar to the IWMA as a whole, there was no clear trend toward increasing or decreasing the amount of waste collected during that time for the Town of Los Gatos (CalRecycle, 2018).

# e. Electricity and Natural Gas

## Providers

Pacific Gas and Electric (PG&E) supplies electricity and natural gas to customers in the Town of Los Gatos. PG&E is an investor-owned utility that provides electricity to most of the northern two-thirds of California. PG&E reports that it is ahead of schedule in meeting the California Renewables Standard of 33 percent by 2020 and is positioned to meet the 50 percent Renewables Standard mandate by 2030.

PG&E's energy portfolio in 2017 is shown in Table 4.16-5. About 78 percent of the energy provided by PG&E was from greenhouse gas-free sources, an increase of three percent from 2016.

**Table 4.16-5 PG&E 2017 Energy Portfolio**

| Electricity Source | Percentage of Power Mix |
|---|---|
| Non-emitting nuclear energy | 27% |
| Large hydroelectric | 18% |
| Renewable (wind, geothermal, biomass, solar, and small hydro) | 33% |
| Natural gas/other | 20% |
| Unspecified (untraceable) | 2% |

Source: PG&E 2017

### *Silicon Valley Clean Energy*

SVCE was formed in 2016 as a locally controlled electricity provider (community choice aggregator, or CCA) in Santa Clara County that provides service to the Town of Los Gatos and eleven other county communities, as well as the unincorporated county areas. Participating jurisdictions are given the option of purchasing environmentally friendly power generated by renewable sources like solar, wind, and geothermal at competitive rates. Residents are automatically enrolled in the default GreenStart option, providing 50 percent renewably-sourced energy; or can upgrade to GreenPrime, providing 100 percent renewably-sourced energy, from carbon free sources, such as solar and wind energy. PG&E delivers the energy via its distribution system. The Town has subscribed at the GreenPrime level since SVCE started offering service.

SCVE began providing energy to customers in two phases in April and July 2017. In the first half of 2018, the program avoided 1.1 billion tons of $CO_2$ emissions and collectively saved customers $20 million. There was an eligible participant enrollment rate of 97 percent.

## Natural Gas and Electricity

The natural gas system in Los Gatos consists of pipelines that deliver gas to the community and then into homes. The main gas pipeline runs underneath Winchester Boulevard south to University Avenue, then east under Roberts Road, just south of Vasona Lake County Park.

Electricity is provided through PG&E or through SVCE. Residents automatically receive electricity through SVCE, with the option to opt out and receive service from PG&E instead. As the power grid and associated infrastructure is owned by PG&E, they are responsible for all billing, maintenance, new service requests, and emergencies related to its grid. Four PG&E substations serve Los Gatos: the Los Gatos; Saratoga; Vasona; and Hicks substations.

PG&E is in the process of updating the grid infrastructure to incorporate “smart” technology including customer energy management tools, EV infrastructure access, and demand response transmission.

PG&E also offers the Solar Choice program, which allows customers to purchase up to 100 percent of their electricity from solar generated in California. PG&E reports that it is ahead of schedule in meeting the California Renewables Standard of 33 percent by 2020 and are positioned to meet the 50 percent Renewables Standard mandate by 2030.

### *Electricity and Natural Gas Consumption*

According to the 2017 PG&E Corporate Responsibility and Sustainability Report, retail customers purchased 68,400 gigawatt hours (GWh) of electricity in 2016. Of that, 49% was generated by

PG&E's own generation facilities, and the remaining was purchased under contracts or from the open market. In 2016, Silicon Valley (including Santa Clara and San Mateo Counties) used about 7,900 kilowatt hours (kWh) of electricity per person (Silicon Valley Institute for Regional Studies, 2018). This is about 18% above the San Francisco Bay Area average of 6,700 kWh per person. However, per household, Santa Clara County use approached the Bay Area average, with 6,500 kWh average use in 2017 and 6,400 kWh average use in 2016 (Center for Sustainable Energy, 2018). Overall electricity use countywide remained steady from 2014 to 2016. In 2017, PG&E provided 240 million kWh of electricity service to customers in Los Gatos's two central city zip codes. Residential uses made up 44 percent and 56 percent was for commercial use, with none listed for industrial use.

In 2017, PG&E provided 11 million therms of natural gas to customers in the Town of Los Gatos's two zip codes. Commercial use composed 24 percent of the total and residential use composed the remaining 76 percent. Countywide natural gas use grew steadily from 2014 to 2016 in both non-residential and residential sectors.

## f. Telecommunications

Telecommunications services are offered by a variety of companies in Los Gatos, including all major cellular service providers. These include AT&T, Comcast Xfinity, Verizon Wireless, Pacific Bell, Sprint Wireless, and T-Mobile. Frontier Communications is the central landline service provider in Town. There are also many small businesses within Town specializing in telecommunication services. According to a 5-year estimate from 2012 to 2016 by the U.S. Census Bureau, approximately 150 residents, or 1.2 ± 0.5 percent, have no telephone service. According to the Federal Communications Commission's (FCC) 2016 Broadband Progress Report, nearly all of Los Gatos has fixed wireless service.

### Internet

Broadband internet service is becoming an increasingly important aspect of community communications infrastructure. It can be used to promote social and economic development as well as human and technological capacity building. A community that is well-served with widespread access can foster participation in emerging economic sectors dependent upon high speed internet access. Broadband internet networks are now viewed as basic infrastructure and there is a public interest for communities to ensure that their residents and businesses have appropriate access.

Common characteristics used to measure the quality of broadband service in a community are the number of wireline and wireless providers, the type of broadband available (e.g., DSL, Fiber, Cable), and the data rate (download/upload speed).

Local internet service is available through Comcast Xfinity, Frontier, AT&T, Exede, Viasat, New Edge Networks, HughesNet, Cyberonic, and Sonic Telecom, among others. The US Census Bureau does not provide data on household internet availability. However, according to the FCC's 2016 Broadband Progress Report, 98 percent of California residents, including all of the Town of Los Gatos, has access to broadband internet with a download speed of 25 megabits per second (Mbps) or higher. The FCC's map of areas with a download speed of at least 25 Mbps and an upload speed of at least 3 Mbps (25 Mbps/3 Mbps) in 2016 shows extensive cable modem service in the Town of Los Gatos with surrounding DSL.

Broadband internet service speed is particularly high in Los Gatos, with speeds of at least 100 Mbps/5 Mbps throughout urbanized areas. This is substantially higher than less urbanized regions in the State, whose speed can be 10 Mbps/1 Mbps or 25 Mbps/3 Mbps.

## 4.16.2 Regulatory Setting

### a. Federal Regulations

#### *Clean Water Act*

The primary goals of the Federal Clean Water Act (CWA), 33 USC Sections 1251, *et seq*. are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for the management of water quality and the control of pollutant discharges. The CWA sets forth a number of objectives in order to achieve the above- mentioned goals. The CWA objectives include regulating pollutant and toxic pollutant discharges; providing for water quality which protects and fosters the propagation of fish, shellfish and wildlife; developing waste treatment management plans; and developing and implementing programs for the control of non-point sources pollution.

The NPDES permit program under Section 402(p) of the CWA controls water pollution by regulating stormwater discharges into the waters of the United States. California has an approved state NPDES program. The U.S. EPA has delegated authority for water permitting to the SWRCB, which has nine regional boards. The San Francisco Bay RWQCB regulates water quality in Region 2, which includes the Town of Los Gatos.

#### *Safe Drinking Water Act*

The Federal Safe Drinking Water Act (SDWA) establishes standards for contaminants in drinking water supplies. Contaminants regulated by the SDWA include metals, nitrates, asbestos, total dissolved solids, and microbes.

#### *National Flood Insurance Program*

As described by FEMA, the National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to property owners and by encouraging communities to adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures. Overall, the program reduces the socio-economic impact of disasters by promoting the purchase and retention of flood insurance.

#### *National Pollution Discharge Elimination System (NPDES) Permits*

The NPDES permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant. In California, the Federal requirements are administered by the SWRCB, and individual NPDES permits are issued by the RWQCBs.

### *Disposal of Biosolids*

Title 40 of the Code of Federal Regulations (CFR) Part 503, Title 23 California Code of Regulations, and standards established by the RWQCB regulate the disposal of biosolids.

### *Title 40 of the Code of Federal Regulations (CFR)*

Title 40 of the Code of Federal Regulations (CFR), Part 258 (Resource Conservation and Recovery Act RCRA, Subtitle D) contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the Federal landfill criteria. The Federal regulations address the location, operation, design, groundwater monitoring, and closure of landfills.

## b. State Regulations

### *California Water Code*

The California Water Code, a section of the California Code of Regulations, is the governing law for all aspects of water management in California. NMWD is a County water district operating under the provisions of Division 12 of the California Water Code, which establishes rules for their formation, internal organization, powers and purposes, and financial provisions.

### *Safe Drinking Water Act (1976)*

California enacted its own Safe Drinking Water Act in 1976. The California Department of Public Health (CDPH) [formerly the California Department of Health Services (CDHS)] has been granted primary enforcement responsibility for the SDWA. Title 22 of the California Administrative Code establishes CDPH authority and stipulates drinking water quality and monitoring standards. These standards are equal to or more stringent than the Federal standards.

### *Senate Bill 610*

Senate Bill (SB) 610 (2002) amended California Water Code to require detailed analysis of water supply availability for certain types of development projects. The primary purpose of SB 610 is to improve the linkage between water and land use planning by ensuring greater communication between water providers and local planning agencies, and ensuring that land use decisions for certain types of development projects are fully informed as to whether sufficient water supplies are available to meet project demands. SB 610 requires the preparation of a Water Supply Assessment (WSA) for a project that is subject to CEQA and meets certain requirements, including residential developments of more than 500 dwelling units.

### *Porter-Cologne Water Quality Control Act (California Water Code)*

The State of California is authorized to administer Federal or State laws regulating water pollution within the State. The Porter-Cologne Water Quality Control Act (Water Code Sections 13000, et seq.) includes provisions to address requirements of the CWA. These provisions include NPDES permitting, dredge and fill programs, and civil and administrative penalties. The Porter-Cologne Act

is broad in scope and addresses issues relating to the conservation, control, and utilization of the water resources of the State. Additionally, the Porter-Cologne Act states that the quality of all the waters of the State (including groundwater and surface water) must be protected for the use and enjoyment by the people of the State.

### *Recycled Water Regulations*

Within California, recycled water is regulated by the U.S. Environmental Protection Agency (U.S. EPA), the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCB), and CDPH. The SWRCB has adopted Resolution No. 77-1, "Policy with Respect to Water Reclamation in California." This policy states that the SWRCB and RWQCBs will encourage and consider or recommend for funding water reclamation projects that do not impair water rights or beneficial in-stream uses. The CDPH establishes the recycled water uses allowed in California and designates the level of treatment (i.e., un-disinfected secondary, disinfected secondary, or disinfected tertiary) required for each of these designated uses (Title 22, California Code of Regulations).

The Regional Water Quality Control Boards (RWQCBs) implement the SWRCB Guidelines for Regulation of Water Reclamation and issue waste discharge permits that serve to regulate the quality of recycled water based on stringent water quality requirements. The CDPH develops policies protecting human health and comments and advises on RWQCB permits. The RWQCB Region 2 office in Oakland regulates water quality for all waters that flow into the San Francisco Bay, which includes all rivers, streams, and tributaries within the nine-county San Francisco Bay region.

### *Title 22 of the California Water Code*

The California Water Code requires the CDPH to establish water reclamation criteria. In 1975, the former CDHS prepared Title 22 to fulfill this requirement. Title 22 regulates production and use of reclaimed water in California by establishing three categories of reclaimed water: primary effluent, which typically includes grit removal and initial sedimentation or settling tanks; adequately disinfected, oxidized effluent (secondary effluent) which typically involves aeration and additional settling basins; and adequately disinfected, oxidized, coagulated, clarified, filtered effluent (tertiary effluent) which typically involves filtration and chlorination. In addition to defining reclaimed water uses, Title 22 defines requirements for sampling and analysis of effluent and requires specific design requirements for facilities.

### *Urban Water Management Planning Act of 1983*

The California Urban Water Management Planning Act requires all publicly or privately-owned utilities that provide water service to more than 3,000 service connections or over 3,000 acre-feet per year to prepare an Urban Water Management Plan (UWMP). The UWMP is intended to support long-term resource planning and ensure suppliers have adequate supplies for existing and future demand. SB X7-7, passed in 2009, requires a reduction in 20 percent per capita water use by the year 2020. These water savings targets must be quantified in updated UWMPs.

### *Senate Bill 7x7 Statewide Water Conservation*

SB X7-7, which was enacted in 2009, requires all water suppliers to increase water use efficiency. The legislation sets an overall goal of reducing per capita water by 20 percent by 2020, with an interim goal of a 10 percent reduction in per capita water use by 2015.

### *CALGreen Building Code*

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11, Title 24, known as "CALGreen") was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations [CCR]) to apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure, unless otherwise indicated in this code, throughout the State of California. CALGreen established planning and design standards for sustainable site development including water conservation and requires new buildings to reduce water consumption by 20 percent. The mandatory provisions of the California Green Building Code Standards became effective January 1, 2011. The building efficiency standards are enforced through the local building permit process.

### *The California Plumbing Code*

The 2010 California Plumbing Code (Part 5, Title 24, CCR) was adopted as part of the California Building Standards Code. The general purpose of the universal code is to prevent disorder in the industry as a result of widely divergent plumbing practices and the use of many different, often conflicting, plumbing codes by local jurisdictions. Among many topics covered in the code are water fixtures, potable and non-potable water systems, and recycled water systems. Water supply and distribution shall comply will all applicable provisions of the current edition of the California Plumbing Code.

### *California Department of Resources Recycling and Recovery (CalRecycle)*

CalRecycle (formerly the California Integrated Waste Management Board) oversees, manages, and monitors waste generated in California. It provides limited grants and loans to help California cities, counties, businesses, and organizations meet the State waste reduction, reuse, and recycling goals. It also provides funds to clean up solid waste disposal sites and co-disposal sites, including facilities that accept hazardous waste substances and non-hazardous waste. CalRecycle develops, manages, and enforces waste disposal and recycling regulations, including AB 939 and SB 1016, both of which are described below.

### *The Integrated Waste Management Act – Assembly Bill 939*

AB 939 (Public Resources Code 41780) requires cities and counties to prepare integrated waste management plans (IWMPs) and to divert 50 percent of solid waste from landfills beginning in calendar year 2000 and each year thereafter. AB 939 also requires cities and counties to prepare Source Reduction and Recycling Elements (SRRE) as part of the IWMP. These elements are designed to develop recycling services to achieve diversion goals, stimulate local recycling in manufacturing and stimulate the purchase of recycled products.

### *California State Recycling Law – Assembly Bill 341*

AB 341 is California's Mandatory Recycling Law for commercial businesses, multifamily complexes, and public entities. AB 341 went into effect on July 1, 2012, and requires all businesses that generate four or more cubic yards of garbage per week and multifamily dwellings with five or more units to recycle. AB 341 also sets a statewide goal of 75 percent waste diversion.

### *California Mandatory Organics Recycling Law – Assembly Bill 1826*

AB 1826 is California's Mandatory Organics Recycling Law for commercial businesses and multifamily complexes. AB 1826 requires businesses to recycle organic waste on and after April 1, 2016. By January 1, 2016, local jurisdictions are required to implement an organic waste recycling program that diverts organic waste generated by businesses and multifamily residential dwellings consisting of five or more units. AB 1826 phases the mandatory recycling of commercial organic waste over time based on volume of waste generated by businesses. In April 2016, businesses generating over eight cubic yards of organic waste per week are required to arrange for organic waste recycling services; in January 2017, businesses generating over four cubic yards of organic waste per week will do the same. Additionally, jurisdictions are required to submit annual reports. In 2020, CalRecycle will conduct a formal review to determine if statewide organic waste disposal has been reduced by 50 percent of 2014 levels. If not, the mandate will expand to include businesses that generate over two cubic yards of organic waste per week.

### *Senate Bill 1016*

SB 1016 requires that the 50 percent solid waste diversion requirement established by AB 939 be expressed in pounds per person per day. SB 1016 changed the CalRecycle review process for each municipality's integrated waste management plan. After an initial determination of diversion requirements in 2006 and establishing diversion rates for subsequent calendar years, the Board reviews a jurisdiction's diversion rate compliance in accordance with a specified schedule. Beginning January 1, 2018, the Board will be required to review a jurisdiction's source reduction and recycling element and hazardous waste element once every two years.

### *2006 Universal Waste Law*

Since February 8, 2006, residents and small businesses in California have been prohibited from disposing of the following items in the garbage: batteries, electronic devices, fluorescent lights, and mercury thermostats.

## c. Local Regulations

### *Town of Los Gatos Storm Drain Master Plan*

The Town's Storm Drain Master Plan outlines design criteria for the storm drain system and establishes baseline requirements to ensure that the required level of protection is provided and will meet various jurisdictional agency requirements.

### *Los Gatos Town Code Chapter 22, Sewers and Sewage Disposal*

This chapter addresses stormwater pollution and establishes requirements for non-standard stormwater discharges. It prohibits the discharge of materials other than stormwater into the municipal storm drain system or watercourses. Prohibited materials include pollutants that violate or contribute to a violation of applicable water quality standards and any sewage, industrial waste, or other polluted waters or materials without a valid NPDES permit or written authority from the Federal EPA or its designated enforcement agent. The following are specific examples of the Chapter 22 Code:

- Section 22.30.020 establishes requirements for water protection.
- Section 22.30.025 establishes requirements for outdoor storage of materials.

- Section 22.30.030 establishes requirements for grease disposal and control.
- Section 22.30.035 establishes requirements for new development and redevelopment projects.

### *Los Gatos Town Code Section 22.30.035*

Major projects must provide proof of stormwater management practices to receive a building permit. Permit applications must identify potential for stormwater discharge and demonstrate intended on-site management techniques to control pollutant discharge. In addition, the Town will not issue a certificate of occupancy for a major development or redevelopment unless mitigation measures are determined to be adequately implemented and maintained in accordance with the NPDES permit.

### *Los Gatos Town Code Section 24.60.035*

Section 24.60.035 of the Los Gatos Town Code requires collection of fees for new buildings, improvements, and subdivisions for storm drainage. The fees are deposited into an account, depending upon the drainage basin where the new construction occurs. Improvements are also prioritized based on the needs of the drainage basin. In the case of a specific development project, drainage improvements must be installed to serve the development. In accordance with Section 24.60.045 of the Los Gatos Town Code, if improvements to the Town's existing system are made, the cost of these improvements is deducted from the drainage fees.

### *Town of Los Gatos Standards for Wireless Telecommunication Facilities*

Adopted in June 2003, this ordinance provides standards for telecommunication facilities and infrastructure, consistent with Federal standards, the Town General Plan, and Town Code. It provides standards for location, development and design; performance standards for noise and interference; radiofrequency emissions monitoring; and maintenance requirements. It also provides application, site alternative analysis, and permitting requirements.

## 4.16.3 Impact Analysis

### Methodology and Significance Thresholds

Implementation of the 2040 General Plan could have a significant effect on water supplies, wastewater, solid waste, stormwater conveyance, electric power, natural gas, or telecommunication facilities if demand associated with projected growth would result in any of the following conditions, as listed in Appendix G of the CEQA Guidelines:

1. Require or result in the construction of new water facilities or expansion of existing facilities, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects;
2. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
3. Result in a determination that the wastewater treatment provider does not have adequate capacity to serve projected demand in addition to existing commitments;
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

5. Fail to comply with Federal, State, and local statutes and regulations related to solid waste.

## Impact Analysis and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? |
| **Threshold 2:** | Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? |

### Impact U-1 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD INCREASE THE DEMAND FOR WATER SUPPLY AND WATER INFRASTRUCTURE. HOWEVER, THE SAN JOSE WATER COMPANY PROJECTS THAT TOWN WATER SUPPLY IS SUFFICIENT TO MEET THE PROJECTED WATER DEMAND UNDER BUILDOUT ASSOCIATED WITH THE 2040 GENERAL PLAN. THIS IMPACT WOULD BE LESS THAT SIGNIFICANT.

The following impact analysis is based on the San Jose Water Company's 2015 Urban Water Management Plan (UWMP), which outlines the availability of water supplies for the service area which includes the City of San Jose, the City of Cupertino, the City of Campbell, City of Monte Sereno, the City of Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. SJWC is currently undergoing an update to the 2015 UWMP (SJWC 2021). Pursuant to the 2015 SJWC UWMP, SJWC has enough water supply capacity to meet current demands. The plan projects usage out to 2040, the same year as the General Plan horizon. From 2020 to 2040, the plan predicts that there would be adequate supply to meet water demand in a normal year. Projected water demand in a normal year for the SJWC service area in 2040 is 55,213 acre-feet per year (AFY) and future water storage is predicted to be 55,213 AFY. Approximately half of SJWC's long-term water supply is provided by the SCVWD each year, while approximately one-third is generally provided through groundwater. Water supply for the Town of Los Gatos is comprised primarily of imported water which serves the eastern Los Gatos area and approximately half is local surface water.

Implementation of the proposed 2040 General Plan may result in changes to the Town's economy, demographics, and environment, resulting in increased strain on the SJWC's water supply. As shown in Table 2-3 and discussed in Section 2, Project Description, Los Gatos's population is estimated to be approximately 39,221 people in the year 2040 as a result of development facilitated by the 2040 General Plan. This represents an increase of 8,971 people (approximately 30 percent) from the estimated 2018 population of 30,250. Additionally, nonresidential square footage is estimated to increase by approximately 671,680 square feet under the 2040 General Plan. These increases to population and nonresidential uses would result in an incremental increase in the Town's water demand.

While water demand would increase, the SCVWD has adopted an "Ensure Sustainability" strategy in its 2012 Master Plan which calls for securing baseline water supplies and infrastructure, optimizing the use of existing supplies and infrastructure, and increasing recycling and conservation. Based on this plan, water conservation and recycled water usage for water supplies would be expected to increase to 8,369 AFY by 2040. The Town of Los Gatos has also implemented water conservation programs including online tools for homeowners and business owners, rebate information from

SCVWD, free water conservation equipment, and informational sources in an effort to reduce water demand.

Projected water demands are expected to exceed supply totals in the event of a multiple dry year scenario. Exceedances of water supply totals are estimated to be 21,437 AFY for the service area. In the event of a multiple dry year scenario, the SJWC would enact its Water Shortage Contingency Plan which includes four stages of action based on water supply condition. Therefore, SJWC would not have sufficient water supply to accommodate the demand of development and the population increase facilitated by the 2040 General Plan through 2040 under multiple-dry year conditions. However, increased reliance on recycled water supply and water conservation measures implemented by the SCVWD and SJWC would reduce demands. The Town would also impose water conservation tactics on new development to further reduce water demand.

The 2040 General Plan identifies a series of major strategies to ensure a sustainable water supply to support economic development, land use changes, and development in the Town through 2040 (the planning horizon). Specifically, the following 2040 General Plan goals and policies, which are consistent with the purpose of the UWMP to encourage the sustainable use and management of water supplies and infrastructure in the Town.

**Goal PFS-1**. Ensure an adequate water supply for the Town's human, wildlife, and plant populations.

**Policy PFS-1.1. Water Conservation Requirements.** Require that landscaping and hardscaping for all development is designed to minimize water usage and enhance water conservation.

**Policy PFS-1.2. Bay-Friendly Landscaping.** Require the use of the Bay-Friendly Landscaping Guidelines in addition to the landscaping standards in the GreenPoint Rated Building Guidelines for all new home construction and remodeled homes.

**Policy PFS-1.3. Water-Saving Devices.** 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 PFS-1.4. Water-Efficient Irrigation Management Systems.** Require all new development to install water-efficient irrigation management systems and devices, such as evapotranspiration or soil moisture-based irrigation controls.

**Policy PFS-1.5. Sustainable Water Use.** Encourage the use of recycled and reclaimed water.

**Policy PFS-1.6. Recycled Water.** Ensure proper provisions and conditions are in place for the use of recycled water in areas when this water becomes available.

Based on the water supply projections presented in the UWMP, the SJWC's water supply would be sufficient to meet the projected demand of the development envisioned in the 2040 General Plan. In addition, project-specific WSAs would be required to be prepared by proponents of any future large-scale (greater than 500 dwelling units or 500,000 square feet of commercial space) development project in the Town, in accordance with SB 610, to ensure adequate water supply is available to serve such projects.

Existing user fees fund the operations and maintenance of the SJWC's water system. However, expansion to the existing water system may be needed to service new development, which is funded by connection and development fees. Impacts from any required expansion of existing infrastructure required by new development in the Town would be further analyzed under separate

CEQA review when determinations are made on the type, scope, and location of the infrastructure improvements.

In summary, compliance with applicable 2040 General Plan goals and policies to encourage the sustainable use and management of water supplies in the Town, and continued compliance with water conservation measures would ensure that impacts associated with water demand would be less than significant.

## Mitigation Measures

No mitigation would be required.

## Significance After Mitigation

Impacts would be less than significant.

| | |
|---|---|
| **Threshold 1:** | Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects? |
| **Threshold 3:** | Would the project result in a determination that by the wastewater treatment provider which serves or may serve the project that it has does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? |

### Impact U-2 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD INCREASE DEMAND FOR WASTEWATER COLLECTION AND TREATMENT. HOWEVER, GOALS AND POLICIES IN THE 2040 GENERAL PLAN WOULD ENSURE SUFFICIENT WASTEWATER TREATMENT CAPACITY. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The projected growth envisioned in the 2040 General Plan would require an increase in wastewater capacity to meet the collection and treatment demand from new development. As discussed in Section 2, *Project Description*, the population of the Town was estimated to be 30,250 in 2018. The increase of 8,971 residents proposed under the 2040 General Plan equates to a 30 percent increase above the existing population. The Town's wastewater is collected and treated by the West Valley Sanitation District (WVSD) which then transports wastewater to the San Jose-Santa Clara Regional Wastewater Facility (WWTP). The WWTP treats an average of 110 MGD, with a design capacity of up to 167 MGD.

Because approximately 67 percent of the WWTP capacity currently remains, the expected population growth of approximately 30% envisioned in the 2040 General Plan would not exceed the SCVWD WWTP capacity. Existing flows as well as future additional wastewater flows in the Town as a result of population growth under the 2040 General Plan would be met by the existing capacity of the SCVWD WWTP.

The sewer collection system within the Town has deficiencies that limit the amount of wastewater that can be conveyed through the Town. However, the WVSD's Capital Improvement Plan has ongoing plans for the replacement and upgrade of old sewer lines and lift equipment. User fees fund general maintenance and the correction of deficiencies in the existing system. New development within the Town as part of the 2040 General Plan would be required to pay impact

fees for system expansion that would accommodate the increased growth of the Town envisioned as part of the 2040 General Plan. Impact fees on new development would ensure that the wastewater collection system within the Town receives necessary upgrades to accommodate the additional population. Development under the WVSD Capital Improvement Plan and facilitated by the 2040 General Plan would occur in developed areas of the Town where these facilities exist and relocation, if applicable, would generally occur in previously disturbed or developed areas.

In addition, the following goals policies in the 2040 General Plan would ensure proper management of wastewater systems and infrastructure for new development and redevelopment in the Town.

**Goal PFS-2.** Meet all wastewater treatment demands and Federal and State regulations.

**Policy PFS-2.1. West Valley Sanitation District.** Support WVSD to maintain wastewater conveyance, treatment, and disposal infrastructure in good working condition, in order to supply municipal sewer service to the Town's residents and businesses.

**Policy PFS-2.2. Development Beyond Public Water and Sewer Systems.** For individual home site development where public water and sanitary sewer systems are not available, development shall be discouraged. Development may be allowed with private water systems and septic tank systems when such systems are shown to be adequate, with the condition that the property owner enters into an agreement to connect to the public water system and sanitary sewer system when they become available.

**Policy PFS-2.3. Septic Tank Inspection.** Require that all septic tank systems be inspected to prevent surface flow of septic tank seepage.

**Policy PFS-2.4. New Septic Systems.** Require that any new septic system is reviewed and approved by the Santa Clara County Department of Environmental Health prior to installation.

On-going upgrades to the sewer system within the Town under the WVSD Capital Improvement Plan and 2040 General Plan would ensure adequate wastewater systems and infrastructure would be available to meet future demands and would generally occur in previously disturbed or developed areas. Therefore, impacts from physical disturbance for new or expanded wastewater systems and infrastructure would be less than significant.

## Mitigation Measures

No mitigation would be required.

## Significance After Mitigation

Impacts would be less than significant.

| | |
|---|---|
| **Threshold 1:** | Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? |

### Impact U-3 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD INCREASE THE DEMAND FOR ELECTRIC POWER, NATURAL GAS, TELECOMMUNICATIONS, AND STORMWATER FACILITIES. HOWEVER, DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD OCCUR IN DEVELOPED AREAS OF THE TOWN WHERE THESE FACILITIES EXIST AND RELOCATION, IF APPLICABLE, WOULD GENERALLY OCCUR IN PREVIOUSLY DISTURBED OR DEVELOPED AREAS. THIS IMPACT WOULD BE LESS THAT SIGNIFICANT.

Development facilitated by the 2040 General Plan would create additional demand for electricity, natural gas, and telecommunication facilities. Development under the 2040 General Plan would comply with existing energy efficiency regulations, and 2040 General Plan policies and actions would encourage new development to take advantage of voluntary energy efficiency programs. As described in Section 4.5, *Energy*, development facilitated by the 2040 General Plan would not result in inefficient or wasteful use of energy. Development facilitated by the 2040 General Plan would occur within the already developed and urbanized areas of the Town where electric, natural gas, and telecommunications infrastructure are present. Therefore, the 2040 General Plan would not require expansion or relocation of electric power, natural gas, or telecommunication facilities such that significant environmental effects would result. However, individual projects developed under the 2040 General Plan would require new connections to the existing infrastructure, the impacts of which would be further analyzed under separate CEQA review as part of each individual project.

As described in Impact HWQ-2 in Section 4.9, *Hydrology and Water Quality*, development facilitated by the 2040 General Plan would create new impervious surfaces, which would result in increased stormwater runoff to the Town's municipal storm drain system. Because the 2040 General Plan is focused on infill development, the conversion of open space and permeable surfaces to impervious surfaces would be minimized. Additionally, the amount of new impervious surfaces would be reduced through implementation of Best Management Practices, including Low Impact Development (LID) approaches, aimed at reducing stormwater runoff to ensure downstream storm drain capacity is not exceeded.

The 2040 General Plan contains the following actions that would minimize the potential for utility infrastructure to result in environmental impacts:

**Goal PFS-6.** Encourage development that reduces the use of non-renewable energy resources and expands the use of renewable resources and alternative fuels.

**Policy PFS-6.1. Energy Conservation in Development.** Encourage the use of energy conservation techniques and technology in existing and proposed developments to improve energy conservation.

**Policy PFS-6.2. Renewable Energy Sources.** Encourage the use of renewable energy sources and alternative fuels.

**Policy PFS-6.3. Energy Efficiency in Non-Residential Uses.** Promote, incentivize, and recognize energy efficiency efforts of local non-residential uses.

**Policy PFS-6.4. Passive Solar Heating and Cooling.** Require new subdivisions to examine the feasibility of incorporating site layouts that allow for passive solar heating and cooling.

**Policy PFS-6.5. Solar Orientation.** Require new development to incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping, and sun screens.

**Goal PFS-7.** Promote green buildings that minimize consumption of energy and natural resources.

**Policy PFS-7.1. Sustainable Practices in Design and Construction.** 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.

**Policy PFS-7.2. Energy Efficiency Requirement.** Require higher levels of energy efficiency as house size increases.

**Policy PFS-7.3. Reduce Use of Nonrenewable Resources.** Encourage reductions in the use of nonrenewable resources in building construction, maintenance, and operations.

**Policy PFS-7.4. Green Roofs and Community Gardens.** Encourage new multi-family construction to include green roofs and common space for community gardens.

**Policy PFS-7.5. Sustainability in New Town-Owned Facilities.** New Town-owned facilities shall serve as examples of sustainable development by utilizing recycled and renewable resources, water conserving fixtures and landscaping, and energy efficient systems and appliances.

**Policy PFS-7.6. Weatherization.** Continue to promote the weatherization of all homes by publicizing available utility energy audit and financing programs and investigate the possibility of contracting with PG&E to identify participants.

**Policy PFS-7.7. Public Education on Energy Efficiency and Green Building.** Provide public education and publicity about energy efficiency and green building information, marketing, training, technical assistance to property owners, reduction programs, and incentives.

**Policy PFS-7.8. Coordinate Regionally.** Coordinate with other local governments, special districts, nonprofits, and other public organizations to share resources, achieve economies of scale, and develop green building policies and programs that are optimized on a regional scale.

**Policy PFS-7.9. Incentivize Energy Efficiency.** Consider providing incentives, such as the prioritization of giving priority in plan review, processing, and field inspection services, for energy efficient building projects.

**Policy PFS-7.10. LEED Certification and Alternative Methods.** Encourage new construction, including municipal building construction, to achieve third-party green building certifications, such as the GreenPoint Rated program, LEED rating system, Living Building Challenge, or an equivalent.

Because development would occur within urbanized areas of the Town, and Best Management Practices would be incorporated, the construction or expansion of existing storm drain facilities would not likely be required as a result of implementation of the 2040 General Plan. However, storm drain improvements or connections to existing storm drains required for each individual project developed under the 2040 General Plan would be further analyzed under separate CEQA review as part of each individual project. With implementation of the 2040 General Plan goals and policies, impacts related to electric power, natural gas, telecommunication, and storm drain facilities would be less than significant.

## Mitigation Measures

No mitigation would be required.

## Significance After Mitigation

Impacts would be less than significant.

| | |
|---|---|
| **Threshold 4:** | Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? |
| **Threshold 5:** | Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? |

### Impact U-4 DEVELOPMENT FACILITATED BY THE 2040 GENERAL PLAN WOULD INCREASE WASTE SENT TO AREA LANDFILLS. HOWEVER, LANDFILLS SERVING THE TOWN OF LOS GATOS WOULD HAVE ADEQUATE CAPACITY TO ACCEPT THE ADDITIONAL WASTE. FURTHER, THE 2040 GENERAL PLAN CONTAINS POLICIES TO INCREASE RECYCLING. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The Town of Los Gatos between the years 2014 and 2017 generated approximately 24,978 tons of solid waste per year. Solid waste is disposed of at the Guadalupe Landfill. The Guadalupe landfill is a Call II solid waste landfill permitted to accept 3,650 tons of material daily and is projected to reach capacity in 2048. Disposal rates for the Santa Clara IWMA are not separated by jurisdiction and are measured in pounds per person. According to CalRecyce, between 2014 and 2017, annual disposal rates in the IWMA ranged from an estimated 6.1 and 7.5 pounds per person and between 6.9 and 7.9 pounds per employee. As shown in Table 2-3 in Section 2, *Project Description*, the estimated population of Town would increase by approximately 8,971 through 2040, and result in a population of 39,221.

Based on an average daily residential waste generation of 7.5 pounds per person and the 2018 population of 30,250, existing solid waste generation in the Town is approximately 226,875 pounds (approximately 113 tons) per day. Based on an average daily residential waste generation of 7.5 pounds per person and projected population of 39,221, the estimated daily solid waste generation in the Town in 2040 would be approximately 294,158 pounds (approximately 147 tons) per day, or an increase of 67,283 pounds (approximately 34 tons) per day. Solid waste generated by the Town of Los Gatos would increase disposal at the Guadalupe Landfill by approximately 1 percent. With a remaining capacity of 11,055,000 cubic yards, the Guadalupe Landfill would have sufficient capacity to accommodate this increase in solid waste generation. However, because the Guadalupe Landfill is near capacity, the 2040 General Plan would include goals and policies that would reduce trash production, promote recycling, and potentially introduce Townwide composting.

The 2040 General Plan includes the following policies related to solid waste reduction:

**Goal PFS-4.** Promote recycling and reuse as well as reduction in demand.

> **Policy PFS-4.1. Recycling of Reusable Materials.** Require recycling of reusable materials from residential, commercial, and construction/renovation activities.
>
> **Policy PFS-4.2. Waste Reduction Education Programs**. Collaborate with WVCR or any subsequent waste collection provider to develop waste reduction education programs.

**Goal PFS-5.** Conserve landfill space.

**Policy PFS-5.1. Coordinated Recycling Plans.** Cooperate with nearby jurisdictions and regional jurisdictions to design and implement coordinated recycling plans.

**Policy PFS-5.2. Expand Recycling Programs.** Expand recycling programs through the local waste hauler.

**Policy PFS-5.3. West Valley Solid Waste Management Authority.** Continue to work with other West Valley cities through the West Valley Solid Waste Management Authority to design and implement expanded recycling programs.

**Policy PFS-5.4. Recycling and Waste Reduction Commission of Santa Clara County.** Continue to work with the Recycling and Waste Reduction Commission of Santa Clara County.

The projected increase in solid waste generation as a result of development facilitated by the 2040 General Plan would not exceed the capacity of Guadalupe Landfill, or result in a substantial reduction in the current remaining capacity for the region. Additionally, the 2040 General Plan contains goals and policies to reduce and divert waste consistent with State goals for solid waste reduction. Therefore, this impact would be less than significant.

### Mitigation Measures

No mitigation would be required.

### Significance After Mitigation

Impacts would be less than significant.

## 4.16.4 Cumulative Impacts

Cumulative development and redevelopment in the Town would incrementally contribute to increased demand on wastewater treatment and conveyance facilities, and as planned cumulative development occurs throughout Santa Clara County, the amount of physical disturbance for new or expanded facilities would increase. Increased disturbance throughout the region for new or expanded wastewater facilities would potentially result in a cumulative environmental impact. On-going upgrades to the sewer system within the Town of Los Gatos under the WSVD Capital Improvement Plan and 2040 General Plan would ensure adequate wastewater systems and infrastructure are available for future development within the Town. These improvements would generally occur in previously disturbed or developed areas. Therefore, the project would not result in a considerable contribution to cumulative impacts from physical disturbance for new or expanded wastewater systems and infrastructure.

Cumulative development and redevelopment in the Town would incrementally contribute to increased demand on existing water supply, and as planned cumulative development occurs throughout Santa Clara County, the amount of physical disturbance for new or expanded facilities would increase. The 2040 General Plan include goals and policies that would minimize increased water demand associated with new development, promote water conservation, and require new developments to incorporate water-efficient design features. With adherences to these 2040 General Plan goals and policies, the project would not result in a considerable contribution to cumulative water supply impacts.

Cumulative development and redevelopment in the Town would incrementally contribute to increased demand of electrical power, natural gas, telecommunication, and storm drain facilities

and, as planned cumulative development occurs throughout Santa Clara County, the amount of physical disturbance for new or expanded facilities would increase. However, all parcels within the Town have available existing infrastructure for electrical power, natural gas, telecommunication, and storm drain connections. Therefore, development under the 2040 General Plan would not result in a considerable contribution to cumulative impacts for the provision of electrical power, natural gas, telecommunication, and storm drain facilities.

Solid waste collected in the Town is deposited at the Guadalupe Landfill, one of fifteen landfills in the IWMA jurisdictional area. Therefore, the cumulative impact area for solid waste includes the entire IWMA service area, which all contribute to the landfills in the IWMA jurisdictional area. The population increase from planned cumulative development and redevelopment throughout Santa Clara County would incrementally increase waste disposal and decrease capacity at landfills in the County. This would result in a potential cumulative impact on waste disposal services and facilities in the region. However, development under the 2040 General Plan would result in an increase of waste disposal at Guadalupe Landfill by approximately one percent, which would not substantially increase daily or annual waste disposal, or result in exceedance of capacity at the Guadalupe Landfill. Therefore, the project would not result in a considerable contribution to cumulative impacts to waste disposal services and facilities in the region.

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# 4.17 Wildfire

This section addresses the potential for the 2040 General Plan to exacerbate wildfire risks. Additionally, the potential impacts related to exposure to wildfire, including smoke and subsequent flooding and runoff are assessed in this section.

## 4.17.1 Setting

Wildfires are a regular feature of the ecosystem in large parts of California and many of the State's native species have evolved to cope with the natural fire cycle, although increasing development into wildfire-prone areas makes wildfires a hazard of concern. Wildfires that burn exclusively in natural areas generally pose little risk to lives or property, although the smoke from such fires may cause respiratory problems for people nearby. Wildland-urban interface (WUI) fires are much more of a hazard, as they threaten areas located near the border between urban and wildlands. Common causes of wildfires include sparks from power lines, lightning, accidents, and arson. Wildfire risk is dependent on the amount and type of vegetation, weather and drought patterns, and local topography, among other factors. Factors such as narrow, winding roads and vegetation also can slow response to fire, increasing risk of spread. In the Town of Los Gatos, chaparral vegetation is considered at highest risk for fire. Foothill woodland, juniper/oak woodland, and scrub vegetation are also at an elevated risk.

Los Gatos is served by the Santa Clara County Fire Department; further information on their services is available in Section 4.15, *Public Services and Recreation*.

### Wildfire Hazard

CAL FIRE determines a fire hazard severity zone based on the potential fire hazard that is expected to prevail there. Factors that are included in this determination include: fuel (material that can burn), slope, and weather. There are three zones, based on increasing hazard severity: moderate; high; and very high. Moderate hazard zones are typically identified as either wildland areas supporting areas of typically low fire frequency and relatively modest fire behavior or are developed/urbanized areas with a very high density of non-burnable surfaces including roadways, irrigated lawn/parks, and low total vegetation cover (less than 30 percent) that is highly fragmented and low in flammability (e.g., irrigated, manicured, managed vegetation).

Santa Clara County has a high potential for devastating wildland fires. Based on a "Fire Hazard Severity Zone" map developed by CAL FIRE, most of the County is located within the "high" fire severity zone, with smaller portions of the County within the "moderate" and "very high" fire severity zones (CALFIRE 2020). Figure 4.17-1 illustrates the fire hazard severity zones in the Los Gatos area.

Nearly all of the southern and eastern portions of Town Planning Area are in high or very high fire hazard areas. The 2017 Santa Clara County Operational Area Hazard Mitigation Plan has also identified the estimated population of Town residents within fire hazard zones based on residential buildings and 2016 population per household. This population is shown in Table 4.17-1 below. The majority of those living in hazard areas reside in very high hazard zones, while none inhabit moderate hazard zones.

**Table 4.17-1 Los Gatos Residents within Wildfire Hazard Areas, 2016**

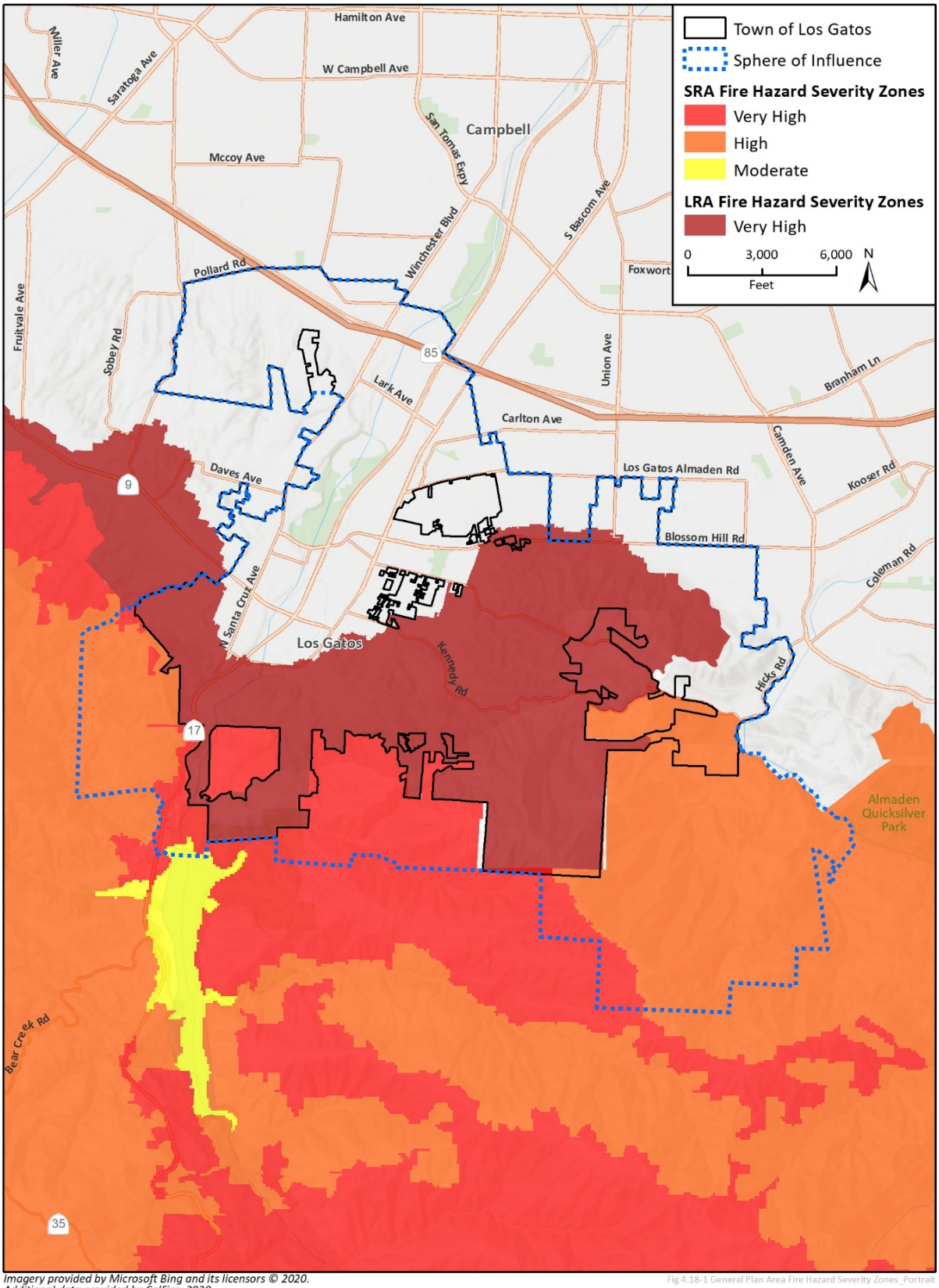
| | High Hazard Zone | Very High Hazard Zone |
|---|---|---|
| Buildings | 21 | 2,456 |
| Population | 55 | 7,582 |

Source: Santa Clara County, 2016

## Historic Wildfires

Since 1878, about 20 percent of wildfire risk zones in Santa Clara County have been burned. Fires in the region occur every two to three years. In the past thirty years, wildfires have destroyed homes, buildings, thousands of acres of land, and required evacuation of thousands of people. Two Federal disasters were declared for County fires since 1950. Despite the high wildfire danger in a portion of the Town, the last reported wildfire within Los Gatos was the Cats Fire in 1997, which burned 15 acres and 6 homes.

**Figure 4.17-1 Fire Hazard Severity Zones**




*Imagery provided by Microsoft Bing and its licensors © 2020.*
*Additional data provided by CalFire, 2020.*

Fig 4.18-1 General Plan Area Fire Hazard Severity Zones_Portrait

## 4.17.2 Regulatory Setting

### a. Federal Regulations

#### *Disaster Mitigation Act of 2000*

The Disaster Mitigation Act of 2000 requires a State mitigation plan as a condition of disaster assistance. There are two different levels of State disaster plans: "Standard;" and "Enhanced." States that develop an approved Enhanced State Plan, which includes California, can increase the amount of funding available through the Hazard Mitigation Grant Program. The Act has also established new requirements for local hazard mitigation plans.

#### *National Fire Plan*

The National Fire Plan was developed under Executive Order 11246 in August 2000, following a landmark wildland fire season. Its intent is to actively respond to severe wildland fires and their impacts to communities while ensuring sufficient firefighting capacity for the future. The plan addresses firefighting, rehabilitation, hazardous fuels reduction, community assistance, and accountability

### b. State Regulations

#### *California Fire Plan*

The Strategic California Fire Plan is the State's road map for reducing the risk of wildfire. The plan was finalized in August 2018 and directs each CAL FIRE Unit to prepare a locally specific Fire Management Plan. These documents assess the fire situation within each of CAL FIRE's 21 units and six contract counties. The plans include stakeholder contributions and priorities and identify strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work in the fire hazard areas. The plans are required to be updated annually.

#### *Wildland-Urban Interface Building Standards*

On September 20, 2007, the Building Standards Commission approved the Office of the State Fire Marshal emergency regulations amending the California Code of Regulations, Title 24, Part 2, known as the California Building Code (CBC). These codes include provisions for ignition-resistant construction standards in the WUI.

#### *California Office of Emergency Services*

The California Office of Emergency Services (OES) prepares the State of California Multi-Hazard Mitigation Plan (SHMP). The SHMP identifies hazard risks and includes a vulnerability analysis and a hazard mitigation strategy. The SHMP is required Federally under the Disaster Mitigation Act of 2000 in order for the State to receive Federal funding.

#### *California Fire and Building Code (2016)*

The 2016 Fire and Building Code establishes the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety, and general welfare for the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to firefighters and emergency responders during

emergency operations. The provisions of this code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any additions connected or attached to such building structures throughout the State of California.

### c. Local Regulations

*Santa Clara County Operational Area Hazard Mitigation Plan*

Adopted in 2017, the County mitigation plan includes risk assessments, mitigation measures, funding, and coordination measures for plan implementation. It focuses on nine Santa Clara County communities including Los Gatos and succeeded the ABAG Multi-Jurisdictional LHMP after it was deemed no longer adequate in 2016. The plan follows the planning guidance of FEMA's Community Rating System to maximize the planning benefit for the nine communities in the Operational Area participating in that program. It also focuses on cost-effectiveness, as required under FEMA mitigation grant programs, and public engagement. Data from FEMA's countywide Digital FIRMs was also incorporated in the new plan.

## 4.17.3 Impact Analysis

### a. Methodology and Thresholds of Significance

### Methodology

The assessment of impacts related to wildfire hazards and risks were evaluated using fire hazard severity zone mapping for Los Gatos, aerial imagery, and topographic mapping. Additionally, weather patterns related to prevailing winds and precipitation trends were evaluated as they relate to the spread and magnitude of wildfire.

### Significance Thresholds

The following thresholds of significance are based on Appendix G to the CEQA Guidelines. For purposes of this EIR, implementation of the General Plan 2040 may have a significant adverse impact if it would do any of the following:

1. Substantially impair an adopted emergency response plan or emergency evacuation plan;
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment;
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes; or
5. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the General Plan substantially impair an adopted emergency response plan or emergency evacuation plan? |

**Impact W-1 THE PROPOSED 2040 GENERAL PLAN POLICIES ADDRESS EMERGENCY ACCESS, RESPONSE, AND PREPAREDNESS. THE POLICIES ENFORCE MAINTAINING AN EMERGENCY MANAGEMENT PLAN. THEREFORE, THE PROPOSED GENERAL PLAN WOULD NOT IMPAIR AN EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

Santa Clara County has a high potential for devastating wildland fires. Based on a "Fire Hazard Severity Zone" map developed by CAL FIRE, most of the County is located within the "high" fire severity zone, with smaller portions of the County within the "moderate" and "very high" fire severity zones. Nearly all of the southern and eastern portions of Town Planning Area are in high or very high fire hazard areas. The 2017 Santa Clara County Operational Area Hazard Mitigation Plan has also identified the estimated population of Town residents within fire hazard zones based on residential buildings and 2016 population per household. This population is shown in Table 4.17-1. The majority of those living in hazard areas reside in very high hazard zones, while none inhabit moderate hazard zones.

The Santa Clara County Operational Area Hazard Mitigation Plan and the Santa Clara County Community Wildfire Protection Plan both include techniques for reducing wildfire risk for Los Gatos through land use decisions, inter-agency coordination, community programs, and emergency response improvements. These plans work in coordination with the Los Gatos General Plan to provide a comprehensive framework for mitigating fire risk in Los Gatos and Santa Clara County. The Santa Clara County Fire Department provides emergency response services to the Town; further information on their services is available in the Public Facilities and Services Element.

The Safety Element of the 2040 General Plan directs the Town to accommodate safety needs when planning and designing, while increasing the resiliency of residents and businesses to respond to and be prepared for potential emergencies and disasters. This would include emergency vehicle access and location of emergency response facilities. Goal HAZ-4 and HAZ-5 and related policies in the Hazards and Safety Element of the 2040 General Plan, listed below, would ensure adequate emergency response within the Town and SOI.

### Hazards and Safety Element Goals and Policies

**Goal HAZ-4.** Fire safety precautions are an integral consideration in planning development.

> **Policy HAZ-4.3. Adequate Water Storage for Fire Protection.** During the development review process, carefully consider the adequacy of water storage for fire protection**.**
>
> **Policy HAZ-4.5. Planning Coordination.** Implement and annually evaluate progress toward implementation of the Santa Clara County OAHMP and CWPP for Los Gatos.

**Goal HAZ-5.** The potential for injuries, damage to property, economic and social displacement, and loss of life resulting from fire hazards. is reduced to the maximum amount possible.

> **Policy HAZ-5.1. Fire Hazard Preparedness.** Minimize exposure to wildland and urban fire hazards through rapid emergency response; proactive code enforcement; public education

programs; use of modern fire prevention measures; quick, safe access for emergency equipment and evacuation; and emergency management preparation.

**Policy HAZ-5.2. Neighborhood Fire Emergency Planning.** Encourage neighborhood fire emergency planning for isolated areas.

In addition to the above policies, the Santa Clara County Fire Department reviews and approves development projects to ensure that emergency access meets standards. Implementation of 2040 General Plan policies and actions associated with emergency planning and response, in addition to Fire Department review, would ensure that potential impacts from implementation of the proposed project on emergency response and evacuation would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 2:** | If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the General Plan due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? |
| **Threshold 3:** | If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the General Plan expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? |

**Impact W-2 THE 2040 GENERAL PLAN DOES NOT FACILITATE URBAN DEVELOPMENT IN AREAS MOST SUSCEPTIBLE TO WILDFIRE. PREVAILING WIND AND SLOPES COULD POTENTIALLY SPREAD FIRE AND RELATED POLLUTION TOWARDS WHERE URBAN DEVELOPMENT IS ENVISIONED. FLOODING OR LANDSLIDES WOULD BE MINIMIZED THROUGH STRATEGIC LAND USE PLANNING. ADDITIONALLY, THE 2040 GENERAL PLAN INCLUDES POLICIES THAT WOULD REDUCE THE RISK WILDFIRE AND LANDSLIDES FOR DEVELOPMENT FACILITATED BY THE PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

Wildfires are a regular feature of the ecosystem in large parts of California, and both urban and wildland fires are a threat to the Town of Los Gatos. As shown in Figure 4.17-1, more than half of the southern portion of the Town has been designated by CAL FIRE as being a Very High Fire Hazard Severity Zone, with most of the areas south in the High or Moderate zones. The risk of wildfire is most prevalent surrounding the Santa Cruz Mountain Range and its foothills as this area is mostly undeveloped and contains large tracts of vegetation cover that can act as fire fuel. It is also adjacent to large areas of open space which further increases the potential for wildfires. The 2040 General Plan does not include changes to the land use designations in the hillside area that would allow for more or increased residential development compared to what is currently allowed under the current General Plan.

Prevailing winds in the Town and SOI generally blow southeast. With the presence of the nearby east and north-facing slopes of the Santa Cruz Mountains, a wildfire could potentially be carried across or down slopes into thick vegetation such as chaparral and foothill woodland. If a wildfire were to occur, it could potentially carry the fire, as well as smoke and air pollutants, east towards

the more urbanized areas of the Town. Factors such as narrow, winding roads and vegetation also slow response to fire, increasing risk of spread.

Several neighborhoods and businesses exist within and surrounding the Santa Cruz Mountains, putting them at higher risk for wildfire. The Town of Los Gatos itself borders along the Very High Fire Severity Zone, putting structures and residents at risk. However, development under the 2040 General Plan would not introduce new people or structures to these areas beyond what is currently permitted under existing zoning and land use designations. Further, Policies HAZ-4.1, HAZ-4.2, and HAZ-5.4 in the Hazards and Safety Element of the 2040 General Plan, listed below, are intended to reduce the risk of wildfire for the Town.

**Goal HAZ-4.** Fire safety precautions are an integral consideration in planning development.

> **Policy HAZ-4.1. Development in Fire Hazard Areas.** Designate and site new development located in or adjacent to fire hazard areas to minimize hazards to life and property. Utilize fire preventive site design, access, fire-safe landscaping, and building materials, and incorporate fire suppression techniques.
>
> **Policy HAZ 4.2. Fire Safety Improvements.** Encourage fire safety improvements for existing homes and commercial buildings.

**Goal HAZ-5.** The potential for injuries, damage to property, economic and social displacement, and loss of life resulting from fire hazards. is reduced to the maximum amount possible.

> **Policy HAZ-5.4. Development Restrictions.** Restrict development in areas with inadequate water flow.

Severe wildfires damage the forest or shrub canopy, the plants below, as well as the soil. This can result in increased runoff after intense rainfall, which can put homes and other structures below a burned area at risk of localized floods and landslides. Slopes at risk of wildfire in Los Gatos are primarily limited to the areas along the Santa Cruz Mountains and its foothills. If a severe wildfire were to occur in these areas of the SOI, structures downslope would be at risk of flooding or landslides. Other areas of Los Gatos are gently sloping to moderate hills, with fully-developed residential neighborhoods that contain less wildfire fuels or vegetation cover prone to ignition. If a structural fire or large urban fire were to occur in the more flat and urbanized areas of Los Gatos, the risk of flooding or landslides afterward would be negligible because of the less-sloped topography and because little soil would be exposed due to the developed conditions.

In summary, the 2040 General Plan does not include changes to the land use designations in the Santa Cruz Mountains or surrounding areas that would allow for more or increased development compared to what is currently allowed under the current General Plan, which is the area of Los Gatos most susceptible to wildfire. Therefore, the land use scenario envisioned by the 2040 General Plan would not exacerbate existing wildfire risks or expose residents or business occupants to pollutant from a wildfire beyond existing conditions. In addition, the 2040 General Plan includes polices to reduce the potential for uncontrolled wildfires in the hillside area and to reduce the potential for structural damage from uncontrolled fire. This impact would be less than significant.

## Mitigation Measures

No mitigation measures are required.

## Significance After Mitigation

Impacts would be less than significant without mitigation.

| | |
|---|---|
| **Threshold 4:** | If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the General Plan require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? |

### Impact W-3 THE 2040 GENERAL PLAN FACILITATES GROWTH PRIMARILY AS INFILL AND REDEVELOPMENT WITHIN URBANIZED AREAS OF THE TOWN WHERE INFRASTRUCTURE AND ROADS CURRENTLY EXIST. THE GENERAL PLAN POLICIES REQUIRE MAINTENANCE OF FIRE ACCESS ROADS, WHICH COULD HAVE TEMPORARY OR ONGOING NOISE IMPACTS AND VEGETATION REMOVAL IMPACTS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The 2040 General Plan would facilitate strategic growth in Los Gatos, including 2,763 additional residential units in the Town by 2040. This growth would occur primarily as infill and redevelopment within the urbanized areas of the Town, as shown on Figure 2-4 in Section 2, *Project Description*. Therefore, the majority of roads and utility infrastructure required for growth facilitated by the 2040 General Plan would be existing or would occur in currently developed areas, resulting in negligible temporary or ongoing environmental impacts. Because this development would occur in urbanized areas of Los Gatos, where large tracts of vegetation cover are not present, the risk of wildfire would not be exacerbated.

Wildfire risk in the Town is greatest in the foothill and mountainous area along the Santa Cruz Mountains where large areas of vegetation cover exists as fuel for fires. The 2040 General Plan does not include changes to the land use designations in this area that would allow for more or increased development. However, as a majority of the southern portion of the planning area lies within a Very High Fire Severity Zone, potential development facilitated by the Plan would be subject to the latest California Fire Code, which includes safety measures to minimize the threat from wildfires, including ignition-resistant construction with exterior walls of noncombustible or ignition resistant material from the surface of the ground to the roof system and sealing any gaps around doors, windows, eaves and vents to prevent intrusion by flame or embers. Title 14 of the California Code of Regulations sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards.

In addition, the Hazards and Safety Element of 2040 General Plan includes Policy HAZ-4.4, HAZ-5.3, and HAZ-5.5, listed below, which require that the Town maintain fire access roads throughout the planning area and provide adequate emergency response along with wildfire fuel monitoring.

**Goal HAZ-4.** Fire safety precautions are an integral consideration in planning development.

> **Policy HAZ-4.4. Secondary Emergency Access.** Provide secondary emergency access as required by the Santa Clara County Fire Department that will not increase traffic for homes in areas identified as Very High Fire Hazard Areas on the Town's Wildland Fire Severity Zone Map.

**Goal HAZ-5.** The potential for injuries, damage to property, economic and social displacement, and loss of life resulting from fire hazards. is reduced to the maximum amount possible.

> **Policy HAZ-5.3. Fire Emergency Response.** Ensure emergency fire and medical services are available and ensure adequate water supply for fire emergencies.

**Policy HAZ-5.5. Flammable Vegetative Material.** Monitor and control excessive buildup of flammable vegetative material.

Maintenance and monitoring of wildfire fuel and the creation of fuel breaks could generate temporary or ongoing impacts related to noise and vegetation removal. These impacts would be less than significant because maintenance would be infrequent and limited to areas immediately next to fire access roads. Additionally, maintenance of these areas would reduce the potential for severe or catastrophic wildfires, rather than exacerbate them. Accordingly, impacts would be less than significant.

### Mitigation Measures

No mitigation measures are required.

### Significance After Mitigation

Impacts would be less than significant without mitigation.

## 4.17.4 Cumulative Impacts

The analysis in this section examines wildfire impacts of the 2040 Los Gatos General Plan. As with most areas in California, Los Gatos is at risk of wildfire and an increasingly longer fire season. According the CAL FIRE, more than half of the southern portion of the Town has been mapped by CAL FIRE as high or very high fire severity zones. The risk of wildfire is most prevalent surrounding the Santa Cruz Mountain Range and its foothills as this area is mostly undeveloped and contains large tracts of vegetation cover that can act as fire fuel. It is also adjacent to large areas of open space which further increases the potential for wildfires. However, the 2040 General Plan does not include changes to the land use designations in this hillside area that would allow for more or increased residential development compared to what is currently allowed under the current General Plan.

In addition, land use development within the Town would occur primarily as infill and redevelopment within the urbanized areas of the Town. Therefore, the majority of roads and utility infrastructure required for growth facilitated by the 2040 General Plan would be existing or would occur in currently developed areas, resulting in negligible temporary or ongoing environmental impacts. Because this development would occur in urbanized areas of Los Gatos, where large tracts of vegetation cover are not present, the risk of wildfire would not be exacerbated. The General Plan is not expected to substantially increase wildfires, but the occurrence of wildfires always exists within Los Gatos and its surrounding areas. In conclusion, the 2040 General Plan would not result in a cumulatively considerable increase in wildfire risk.

# 4.18 Effects Found Not to be Significant

State CEQA Guidelines §15128 requires an EIR to briefly describe any possible significant effects that were determined not to be significant and, therefore, were not discussed in detail. This section addresses the potential environmental effects of the 2040 General Plan that clearly would not be significant and are not addressed in the preceding sections of this EIR.

The discussion is based on the thresholds contained in the *CEQA Guidelines* Appendix G. Any items not addressed in this section are addressed in Sections 4.1 through 4.17 of this EIR.

## 4.18.1 Agriculture and Forestry Resources

The CEQA Guidelines Appendix G states that a significant impact on mineral resources may result if the project would:

- 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)); or
- Conflict the project result in the loss of forest land or conversion of forest land to non-forest use.

Los Gatos borders along the foothills of the Santa Cruz Mountains and contains approximately 254 acres of parkland, including open spaces. As shown on Figure 2-3 in Section 2, *Project Description*, neither the Town and nor its Sphere of Influence include forest lands. Therefore, the 2040 General Plan would not facilitate new or additional development that would conflict with existing zoning of or result in the loss of forest land to non-forest uses. The 2040 General Plan would have no impact on the availability of forestry resources within Los Gatos. Other topics related to Agriculture and Forestry Resources are addressed in Section 4.2, *Agriculture and Forestry Resources*.

## 4.18.2 Mineral Resources

The *CEQA Guidelines* Appendix G states that a significant impact on mineral resources may result if the project would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

While quarries have historically operated within the Los Gatos, no mining occurs within the Town. However, one quarry is currently in operation at 18500 Limekiln Canyon Rd, Los Gatos, CA 95033. The Lexington Quarry is owned and operated by Vulcan Materials who produce construction aggregate (stone, crushed/broken) from the site (Vulcan 2013). The Lexington Quarry is located in the southern portion of the General Plan Sphere of Influence (SOI) and is designated as Hillside Residential in the current General Plan, as shown on Figure 2-3 in Section 2, *Project Description*.

Development on areas containing mineral resources could result in the permanent loss of those minerals. However, as shown on Figure 2-4 in Section 2, *Project Description*, the 2040 General Plan does not include land use designation changes in the hillside area east of State Route 17, where the Lexington Quarry is located. Therefore, the 2040 General Plan would not facilitate new or

additional development within the area of the mineral deposit. The 2040 General Plan would have no impact on the availability of mineral resources within Los Gatos.

# 5 Other CEQA Required Discussions

This section discusses growth-inducing impacts, irreversible environmental impacts, and energy impacts that would be caused by the proposed project.

## 5.1 Growth Inducement

Section 15126(d) of the CEQA Guidelines requires a discussion of a proposed project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas.

### 5.1.1 Population Growth

As discussed in Section 4.13, *Population and Housing*, the buildout anticipated under the 2040 General Plan could accommodate an estimated 8,971 new residents and 3,738 new dwelling units in Los Gatos. With the estimated growth under the General Plan, Los Gatos would have a 2040 population of approximately 42,021 residents. This would result in a population that would exceed ABAG growth projections by 27.1 percent. Development accommodated by the 2040 General Plan anticipates a wide range of types of development, including mixed-use and redevelopment of under-utilized sites. These projections do not reflect actual growth trends, however. If housing development continues at its current rate, fewer than 40 new housing units would be developed each year, for a total of 320 new units over the eight-year planning cycle. Even doubling this number, if the market supported such an increase, would result in less than a quarter the number of units anticipated in the 2040 General Plan Land Use Element and less than half the anticipated units.

As discussed under Impacts PH-1 and PH-2 of Section 4.13, *Population and Housing*, numerous goals and policies of the 2040 General Plan are aimed at reducing the impacts associated with population and housing unit growth, such as encouraging infill in areas identified as having high growth and/or redevelopment potential.

Finally, it is the specific purpose of the project to guide growth and development in Los Gatos such that infill development would be prioritized and open space areas would be preserved and enhanced.. Therefore, by its nature, the proposed project is intended to reduce the potential for uncontrolled growth and associated environmental impacts. For the reasons discussed above, implementation of the project would not lead to such impacts.

The proposed project would not be expected to induce substantial economic expansion to the extent that direct physical environmental effects would result. Moreover, the environmental effects associated with any future development in or around Beverly Hills would be addressed as part of the CEQA environmental review for such development projects.

### 5.1.2 Removal of Obstacles to Growth

The 2040 General Plan encourages development within Los Gatos's strategic infill areas, pursuant to 2040 General Plan Policy LU-4.1. Although development of some vacant lands within Los Gatos

would require new utility connections and possibly roadways, new development would occur primarily where existing roads, water, and sewer and other utilities are in place and in a manner that minimizes the impact of development on existing infrastructure and services. In addition, major infrastructure extensions generally are not envisioned, and improvements would be primarily limited to the replacement and upgrade of aging facilities and enhancement of existing infrastructure in key locations. All new development envisioned as part of the 2040 General Plan would occur within Town limits. Therefore, because new development would use existing facilities and major infrastructure extensions would not occur the 2040 General Plan would not inhibit growth within Los Gatos.

## 5.2 Irreversible Environmental Effects

Section 15126(c) of the CEQA Guidelines requires that EIRs evaluating projects involving amendments to public plans, ordinances, or policies contain a discussion of significant irreversible environmental changes. CEQA also requires decision-makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve a project. This section addresses the use of non-renewable resources, the commitment of future generations to the proposed uses, and irreversible impacts associated with the development that would be facilitated by implementation of the 2040 General Plan.

Construction activity associated with planned development that would be accommodated under the 2040 General Plan would involve the use of building materials and energy, some of which are non-renewable resources. Consumption of these resources would occur with any development in the region and are not unique to Los Gatos or the proposed the 2040 General Plan. The addition of new residential and non-residential development in the Town through 2040 would irreversibly increase local demand for non-renewable energy resources such as petroleum and natural gas. Increasingly efficient building fixtures and automobile engines, as well as implementation of policies included in the 2040 General Plan, are expected to offset the demand to some degree. It is not anticipated that growth accommodated under the General Plan would significantly affect local or regional energy supplies.

Growth facilitated by the General Plan would require an irreversible commitment of Town services, water supply, and wastewater treatment. As discussed in Section 4.14, *Public Services*, and Section 4.16, *Utilities and Service Systems*, impacts to public services and utilities would be reduced to a less than significant level with implementation of policies included in the 2040 General Plan.

The additional vehicle trips associated with growth through 2040 would incrementally increase local traffic, noise levels, and regional air pollutant and greenhouse gas emissions. As discussed in Section 4.3, *Air Quality*, and Section 4.8, *Greenhouse Gas Emissions*, implementation of the 2040 General Plan policies, regional air pollution programs, and mitigation measures would reduce the air pollutant and GHG emissions associated with individual future development projects. Air quality pollutants would be reduced to below significance thresholds; however, GHG emissions would not be reduced to below significant thresholds. As discussed in Section 4.12, *Noise*, implementation of proposed policies and mitigation measures would reduce the noise and vibration impacts associated with future growth to a less than significant level and impacts would be considered mitigable.

As discussed in Section 4.15, *Transportation/Traffic*, the 2040 General Plan policies and mitigation measures would reduce the majority of traffic impacts to a less than significant level. However, population growth facilitated by the 2040 General Plan and the region would result in additional

vehicle trips on area roadways, resulting in significant and unavoidable traffic impacts on several roadways.

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# 6 Alternatives

## 6.1 Alternatives Setting

The alternatives analysis is required by Section 15126(d) of the State CEQA Guidelines. This EIR examines a reasonable range of alternatives to the proposed 2040 General Plan that could feasibly achieve similar objectives while minimizing or eliminating impacts or the proposed project. The analysis compares impacts of each topical area to those of the 2040 General Plan and concludes whether impacts would be superior, inferior, or similar to the 2040 General Plan. .

Among the central objectives of the 2040 General Plan are to achieve the Regional Housing Needs Allocation (RHNA) goal of 2,000 dwelling units developed by the Association of Bay Area Governments additional. Accordingly, Los Gatos used the RHNA numbers as a predictor of the housing needed to meet future demands. This focused the Town to reevaluate and plan for a more diverse housing mix for a changing population. Proactively planning for the anticipated land use changes and ensuring growth is sustainable over the next 20 years is a priority of this General Plan and the community and was central to the development of alternatives as well.

The 2040 General Plan vision and thus the objectives for the future is as follows:

> *The Town of Los Gatos is a welcoming, family-oriented, and safe community nestled in the beautiful foothills of the Santa Cruz Mountains. The Town is a sustainable community that takes pride in its small-town character and provides a range of housing opportunities, historic neighborhoods, local culture and arts, excellent schools, and a lively and accessible downtown. Los Gatos offers a choice of mobility options, superior public facilities and services, and an open and responsive local government that is fiscally sound. Los Gatos has a dynamic and thriving economy that includes a mix of businesses throughout Town that serves all residents, workers, and visitors.*

The 2040 General Plan sets the guiding principles for the Town. The guiding principles are contained within the 2040 General Plan Introduction and listed below:

- **Community Vitality.** Invigorate downtown Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors. Foster the economic vitality of all Los Gatos business locations. Preserve and enhance the Town's historic resources and character while guiding the community into the future.
- **Diverse Neighborhoods.** Foster appropriate investments to maintain and enhance diverse neighborhoods, housing opportunities, and infrastructure to meet the needs of all current and future residents.
- **Fiscal Stability/Responsibility.** Provide high quality municipal services to the Los Gatos community while sustaining the Town's long-term fiscal health.
- **Government Transparency.** Conduct governmental processes in an open manner and encourage public involvement in Town governance.
- **Inclusivity.** Recognize the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.

- **Mobility.** Provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.
- **Promote Public Safety.** Maintain and enhance Los Gatos as a safe community through preparation and planning, education, and community design that is responsive to the full range of potential natural and man-made hazards and safety issues.
- **Protect Natural Resources.** Protect the natural resources and scenic assets that define Los Gatos, including open space preserves, recreational trails, surrounding hillsides, and natural waterways.
- **Sustainability.** Manage, conserve, and preserve Los Gatos' natural environment for present and future generations. Identify and provide opportunities to enhance the Town' s sustainability policies and practices.

### 6.1.1 Future Growth Projections

The analysis of alternatives focuses on the various land use scenarios as originally presented in the 2040 General Plan Land Use Alternatives Report. The alternatives incorporate different assumptions regarding the combinations of future land uses and associated infrastructure improvements. Alternatives provided are intended to reduce or avoid significant and unavoidable impacts. An alternative location for the project as a whole is not possible. However, within Los Gatos, the alternatives below consider different patterns of land use and infrastructure to accommodate forecasted future growth and regional housing needs.

The following alternatives are evaluated in this EIR:

- Alternative 1: Low Growth;
- Alternative 2: Medium Growth;
- Alternative 3: High Growth; and
- Alternative 4: No Project (2020 General Plan).

The alternatives analyzed are based on projections from the December 2019 Town of Los Gatos General Plan 2040 Land Use Alternatives Report which analyzed a total of four different scenarios excluding a No Project Alternative. The report analyzed different assumptions for density and redevelopment for each alternative. In addition, Town-approved and pending projects that include new housing units, jobs, and anticipated non-residential square footage are also added to each alternative. Since these projects are already in the development pipeline, they do not vary from one alternative to another.

Between the four land use alternatives analyzed in this section, the incremental population growth within Los Gatos ranges from a low of 2,774 additional residents under Alternative 1 (Low Growth) to just under 7,622 additional residents for Alternative 3 (High Growth). These numbers are compared to the Association of Bay Area Governments (ABAG) population growth projections in Table 6-1.

**Table 6-1 ABAG Population Growth Projections**

| Population Growth Scenarios | 2018 Population (Estimate) | 2040 Population (Estimate) | Growth 2018-2040 | Percentage of Growth 2018-2040 |
|---|---|---|---|---|
| ABAG Projections | 31,472 | 30,050 | 1,578 | 0.2% |
| Alternative 1: Low Growth | 30,995 | 33,769 | 2,774 | 0.4% |
| Alternative 2: Medium Growth | 30,995 | 35,553 | 4,538 | 0.6% |
| Alternative 3: High Growth | 30,995 | 38,617 | 7,622 | 1.0% |
| Alternative 4: No Project | 30,995 | | | |

Source: Town of Los Gatos, 2019

By comparison, ABAG projects a population growth percentage of about 0.2 percent. This represents an incremental growth of about 1,600 additional residents between 2018 and 2040. The ABAG projection is lower than projected population growth for all of the General Plan alternatives, including Alternative 1. This is due in part because ABAG benchmarks its projections to 2010 Census counts (the estimated population for 2018 using the ABAG figures totals just under 31,500), which is about 500 residents more than the Department of Finance (DOF) estimate.

The four land use alternatives analyzed in this section are designed to accommodate future growth in the Town of Los Gatos. Because the Town is constrained by the surrounding hillsides, which cannot accommodate increased density, and a lack of vacant land, each alternative accommodates future growth by strategically increasing density and intensity ranges in existing residential and select commercial designations. Through this approach, the alternatives would accommodate future growth without changing the land use designation of any parcel in the Town.

Following the approval of the Preferred Land Use Alternative Framework in April 2020, the General Plan Update Advisory Committee (GPAC) worked with Town staff and the consultant to use the framework as a bases for the development of the Land Use and Community Design Elements of the 2040 General Plan. It was determined based on discussion with the GPAC that the original land use alternative framework was too complex to implement, and a simpler approach was necessary. The consultant team in consultation with Town staff and the GPAC modified the preferred alternative approach to eliminate the Opportunity Areas and the varying densities inside and outside of these areas, instead increasing density for most designations Town-wide. This modified approach to applying density within the Town allowed for the creation of one new commercial designation (Community Commercial) and the ability to incorporate new housing typologies, including Missing Middle Housing, in existing low density residential areas.

## 6.1.2 Opportunity Areas

As part of the land use scenarios as originally presented in the 2040 General Plan Land Use Alternatives Report, the alternatives were focused around seven Opportunity Areas (OA) in the Planning Area. The OA's were identified as having the capacity to accommodate additional residential density because of the proximity of commercial services or employment to support additional development. As discussed further in Chapter 2, *Project Description*, these Opportunity Areas are areas focused on major corridors in Los Gatos that may provide for mixed-use or single-use development of a variety of densities and intensities. Each Opportunity Area is centered on a major intersection or corridor and extends generally a quarter mile in all directions. Although there are opportunities in locations throughout Town, these seven Opportunity Areas have been selected because they have the existing infrastructure necessary to reasonably assume that each can support

additional housing units. Due to the complex regulatory structure the OA's would require, the GPAC in consultation with Town staff, the Planning Commission, and Town Council decided to rework the original alternative scenario framework. This alternative approach eliminated the OA's relating to density and instead applied these to specific areas within Town that would have unique urban design and architectural applications.

# 6.2 Alternative 1: Low Growth

## 6.2.1 Description

Alternative 1 is a low growth alternative. Under Alternative 1, the proposed 2040 General Plan would not include an increase in density ranges outside of Opportunity Areas but would include a modest increase inside designated Opportunity Areas. Outside of Opportunity Areas, densities would remain within a range of four to 18 dwelling units per acre. Inside Opportunity Areas, density ranges would increase to 10 to 18 dwelling units per acre. Overall development and growth would be reduced compared to the 2040 General Plan. Alternative 1 would result in approximately 1,245,000 total daily VMT and a total VMT per service population of 22.65.

### *Redevelopment*

Under Alternative 1, redevelopment is projected to be between five and 10 percent both outside and inside Opportunity Areas.

### *Capacity*

At build-out of this Alternative, the Town could accommodate an additional 1,156 housing units and 2,774 residents. It should be noted that this is far below the 2,000 dwelling units being targeted but is included for comparative purposes for the range of environmental topic areas.

## 6.2.2 Impact Analysis

### *Aesthetics*

Development under Alternative 1 would focus on development within identified Opportunity Areas, instead of throughout the Town. Implementation of Alternative 1 would involve less overall development and growth than would occur under the 2040 General Plan. Alternative 1 would minimally increase densities within Opportunity Areas which would result in primarily infill development within these areas and would result in a low growth scenario (in the number of households and population) compared to the 2040 General Plan. Thus, under Alternative 1, the visual character of the Town would not be changed to the extent anticipated under the proposed 2040 General Plan. In addition, development under Alternative 1 would not be as intense as development under the 2040 General Plan and would impact fewer aesthetic resources, such as the potential change in visual character or blocking scenic views. Aesthetic impacts would be reduced compared to the proposed 2040 General Plan and would remain less than significant similar to the 2040 General Plan.

### *Agriculture*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. As described

above, Alternative 1 would not result in increased density ranges outside of Opportunity Areas and would not result in additional development acreage. Both Alternative 1 and the 2040 General Plan would facilitate future growth as infill development. Therefore, neither the 2040 General Plan or Alternative 1 would result in the conversion of Important Farmland or conflict with existing zoning, nor would they result in a significant conversion or loss of agricultural or forest land. Impacts would remain less than significant and be equivalent to the proposed project.

## *Air Quality*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically in areas outside of Opportunity Areas. Additionally, Alternative 1 and the 2040 General Plan would result in infill development and would incrementally increase density in identified Opportunity Areas and would therefore result in higher toxic air contaminant's (TAC) for sensitive receptors compared to the No Project Alternative. This alternative would encourage infill development within Los Gatos which would provide more opportunities for people to live closer to their places of employment resulting in fewer vehicle miles traveled (VMT). A decrease in VMT would reduce vehicle emissions within the Town. Alternative 1 would implement the same goals, policies, and mitigation measures as the proposed 2040 General Plan that would reduce construction and operational emissions. Impacts on criteria pollutants would be less than significant with mitigation, similar to the proposed 2040 General Plan. Overall, compared to the proposed 2040 General Plan, Alternative 1 would result in fewer air quality impacts.

## *Biological Resources*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Alternative 1 would concentrate infill development within identified Opportunity Areas. Less development would reduce impacts to biological resources, particularly to areas of high biological sensitivity such as riparian habitats and wetlands. Overall, impacts to biological resources under Alternative 1 would be less than the 2040 General Plan. Impacts would remain less than significant with compliance with proposed 2040 General Plan goals and policies.

## *Cultural Resources*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. The 2040 General Plan would involve infill development throughout the Town, while Alternative 1 would result in development in urbanized Opportunity Areas. Reduced development would reduce impacts to cultural resources because fewer historic and archaeological impacts could be potentially disturbed. In addition, goals and policies in the 2040 General Plan would continue to protect valuable cultural resources. Overall, impacts to cultural resources under Alternative 1 would be less than the 2040 General Plan. However, impacts would remain less than significant with mitigation because Mitigation Measure CR-1 to require a cultural resources study implementation program would still apply.

## *Energy*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Alternative 1 would reduce development outside of identified Opportunity Areas and would reduce energy consumption compared to development under the 2040 General Plan. This alternative would see slower, less compact growth Furthermore, under Alternative 1 and the 2040 General Plan, infill development would be required to comply with 2040 General Plan goals and policies related to energy efficiency. Additionally, Alternative 1, similar to the 2040 General Plan, would be required to comply with existing regulatory requirements and policies related to energy efficiency that would reduce construction and operational impacts. Overall, long-term energy impacts under Alternative 1 would be similar to the impacts under the 2040 General Plan.

## *Geology and Soils*

Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. However, because Alternative 1 would focus on infill and higher density development, it would involve less ground disturbance than the proposed 2040 General Plan. Therefore, development under Alternative 1 would occur on the same geologic units, soils, and slopes as developed under the 2040 General Plan. Reduced development under Alternative 1 would reduce geology and soils impacts compared to the 2040 General Plan because there would be less impacts from subsidence liquefaction, collapse, and other geologic hazards in the Plan Area. However, because the 2040 General Plan focuses on infill and higher density development it would involve less ground disturbance than Alternative 1. Similar to the 2040 General Plan development would be required to comply with applicable regulations, such as the California Building Code, the Uniform Building Code, the Los Gatos Municipal Code, and the Clean Water Act that include erosion control, best management practices, and engineering design to reduce geologic hazards.

Less overall development would reduce impacts to paleontological resources because less ground disturbance would occur under this alternative. However, impacts would remain less than significant with mitigation because Mitigation Measure GEO-1 requires implementation of a paleontological resources study, which would still apply under Alternative 1.

Alternative 1 would implement the same policies and programs as the proposed 2040 General Plan aimed at preventing and minimizing potential risks associated with earthquake hazards. Overall, impacts of Alternative 1 would be less than significant with mitigation and similar to the proposed 2040 General Plan.

## *Greenhouse Gas Emissions*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Therefore, this alternative would have reduced construction related GHG-emissions and natural gas consumption for heating and power. Under Alternative 1, goals and policies in the 2040 General Plan promote infill and energy efficient development and provide GHG emissions efficiency thresholds for development through 2040, similar to the 2040 General Plan. Alternative 1 performs better than the 2040 General Plan and would result in reduced GHG impacts compared to the proposed project.

## *Hazards and Hazardous Materials*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Therefore, Alternative 1 would expose fewer people to potential hazards and hazardous materials as compared to the 2040 General Plan. Similar to the 2040 General Plan, compliance with existing regulatory requirements would reduce potential impacts related to hazards and hazardous materials. Therefore, impacts related to the use, handling, transport, or emissions of hazardous materials under Alternative 1 would be less than significant and slightly reduced as compared to the proposed 2040 General Plan.

Alternative 1 would develop the same sites within identified Opportunity Areas as the 2040 General Plan and would therefore, have the same potential for projects to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Impacts would be less than significant, similar to the 2040 General Plan.

## *Hydrology and Water Quality*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. However, Alternative 1 would focus on infill and would not generate new acreage and therefore, would result in fewer impervious surfaces than the proposed 2040 General Plan. Stormwater runoff volumes and velocity would therefore be reduced under this alternative compared to the proposed 2040 General Plan. Similar to the 2040 General Plan, Alternative 1 would contain policies that would reduce potential water quality impacts. Additionally, development under Alternative 1 would be subject to the same regulatory requirements, such as NPDES permit requirements, governing runoff and protecting water quality and supply as the proposed 2040 General Plan. Because Alternative 1 would result in reduced development, the demand for groundwater would be reduced compared to the proposed 2040 General Plan. Impacts under this alternative would be less than significant and slightly less than the proposed 2040 General Plan.

## *Land Use and Planning*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Both the 2040 General Plan and Alternative 1 would provide for the orderly development of Los Gatos, although under different development scenarios. Because the same goals and policies would be implemented under Alternative 1 as the 2040 General Plan, this alternative would be consistent and compatible to other applicable land use plans, policies, and regulations. Alternative 1 would allow for strategic and orderly growth within Los Gatos and impacts would be less than significant, similar to the 2040 General Plan.

## *Noise*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside Opportunity Areas. Therefore, less construction and associated construction noise and vibration would occur under Alternative 1 as compared to the proposed 2040 General Plan. Similar to the proposed 2040 General Plan, Alternative 1 would contain policies to reduce construction noise during nighttime hours. As a result, construction noise and vibration levels would be substantially reduced under Alternative 1 as

compared to the proposed 2040 General Plan but would still require mitigation. Overall, impacts to noise under Alternative 1 would be less than the 2040 General Plan. However, impacts would remain less than significant with mitigation because Mitigation Measures N-1 and N-2 to require construction noise and vibration reductions would still apply.

## *Population and Housing*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Buildout of Alternative 1 would accommodate 1,156 housing units and 33,024 residents in Los Gatos. This would be approximately 2,582 fewer housing units and 6,197 fewer residents than would result from development of the proposed 2040 General Plan. Alternative 1 would result in impacts that would be less than significant, similar to the 2040 General Plan.

## *Public Services and Recreation*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Therefore, Alternative 1 would generate less demand for fire, police, school, parks, and library services compared to the proposed 2040 General Plan. Additionally, as discussed in Section 4.14, *Public Services and Recreation*, the proposed 2040 General Plan includes policies that direct the Town to strive to maintain adequate public service facilities, which would also be implemented under Alternative 1. Therefore, impacts would be less than significant, and overall, reduced as compared to the proposed 2040 General Plan.

## *Transportation*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. Under this alternative, VMT per service population would be reduced. Similar to the 2040 General Plan, Alternative 1 would emphasize infill development that would result in a greater demand for transit. This alternative would still comply with goals and policies in the 2040 General Plan that would aim to minimize or avoid VMT generated in Los Gatos. Alternative 1 would result in an increase of 285,000 total daily vehicle trips and would generate less traffic than the 2040 General Plan. However, from a VMT efficiency perspective, Alternative 1 would result in an estimated 22.65 VMT per service population as compared with an estimated 38.45 VMT per service population in the proposed 2040 General Plan. The decrease in VMT per service population can be attributed to the intensification of housing units in Opportunity Areas, which has the potential to make taking transit, walking, and biking more viable options. Additionally, Alternative 1 would support emergency access and safety design and would not conflict with policies contained in *Plan Bay Area 2040* and the Town's Pedestrian and Bicycle Plan. Overall, effects on transportation related to VMT would be reduced. Therefore, compliance with 2040 General Plan goals and policies would result in reduced impacts on VMT but would remain a less than significant impact similar to the proposed 2040 General Plan.

## *Tribal Cultural Resources*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. As discussed in

Section 4.5, *Tribal Cultural Resources*, tribal cultural resources impacts are highly dependent on both the individual project site conditions and the characteristics of the proposed activity. Under Alternative 1, a similar land use pattern would occur as the proposed 2040 General Plan and would define development that occurs throughout Los Gatos; however, development would not be located outside of identified Opportunity Areas. Overall, tribal cultural resources impacts under Alternative 1 would be less than the 2040 General Plan because reduced development would have less potential to unearth tribal cultural resources. Similar to the 2040 General Plan, development under Alternative 1 would be required to comply with Mitigation Measure CR-1 which would require a cultural resources study and would be subject to laws and regulations requiring Native American consultation, protection of human remains, and pre-historic artifacts. Impacts would be less than significant with mitigation and adherence to applicable laws and regulations. Overall, tribal cultural resources impacts under Alternative 1 would be less than the 2040 General Plan and impacts would remain less than significant with mitigation, similar to the 2040 General Plan.

### *Utilities and Services Systems*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. As discussed in Section 4.14, *Utilities and Service Systems*, the 2040 General Plan's potential impacts related to the provision of utilities and service systems would be less than significant. Alternative 1 would lead to less development and associated growth, thus requiring fewer utilities and services. Impacts to utilities and service systems would be reduced under Alternative 1 and would remain less than significant.

### *Wildfire*

Implementation of Alternative 1 would involve less overall development and associated growth than would occur under the 2040 General Plan. As discussed in Section 4.17, *Wildfire*, the 2040 General Plan's land use pattern would emphasize development as infill so potential impacts related to wildfire would be less than significant. Alternative 1 would lead to no change in development in the hillside areas and would therefore not affect wildfire risk. Impacts related to wildfire under Alternative a would be similar to the 2040 General Plan and would remain less than significant.

## 6.3 Alternative 2: Medium Growth

### 6.3.1 Description

Alternative 2 is a medium growth alternative. Under Alternative 2, the proposed 2040 General Plan would result in a modest increase in density ranges outside of Opportunity Areas but would include additional increases inside designated Opportunity Areas. Outside of Opportunity Areas, densities would increase to be within a range of 10 to 26 dwelling units per acre. Inside Opportunity Areas, density ranges would increase to 14 to 26 dwelling units per acre. Overall development and growth would be reduced compared to the 2040 General Plan. Alternative 2 would result in approximately 1,259,000 total daily VMT and a total VMT per service population of 22.205.

#### *Redevelopment*

Under Alternative 2, redevelopment is projected to be between five and 10 percent outside Opportunity Areas and five and 15 percent inside Opportunity Areas.

### *Capacity*

At build-out of this Alternative, the Town could accommodate an additional 1,891 housing units and 4,538 residents. This total falls slightly below the target of 2,000 dwelling units.

## 6.3.2 Impact Analysis

### *Aesthetics*

Development under Alternative 2 would focus on increases in density within identified Opportunity Areas. Implementation of Alternative 2 would involve slightly less overall development and growth than would occur under the 2040 General Plan. Alternative 2 would minimally increase densities within the formerly-identified Opportunity Areas above Alternative 1, which would result in primarily infill development within these areas and would result in a medium growth scenario (in the number of households and population) compared to the 2040 General Plan. Thus, under Alternative 2, the visual character of the Town would not be changed to the extent anticipated under the proposed 2040 General Plan. In addition, development under Alternative 2 would not be as intense as development under the 2040 General Plan, particularly in the land use designations associated with the formerly-identified opportunity areas, and would impact fewer aesthetic resources, such as the potential change in visual character or blocking scenic views. Aesthetic impacts would be reduced compared to the proposed 2040 General Plan and would remain less than significant similar to the 2040 General Plan.

### *Agriculture*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. As described above, Alternative 2 would increase densities within existing urban areas of the Town. Both Alternative 2 and the 2040 General Plan would facilitate future growth as infill development. Therefore, neither the 2040 General Plan or Alternative 2 would result in the conversion of Important Farmland or conflict with existing zoning, nor would they result in a significant conversion or loss of agricultural or forest land. Impacts would remain less than significant.

### *Air Quality*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Additionally, Alternative 2 and the 2040 General Plan would result in infill development and would incrementally increase density throughout the Town, and would therefore result in higher toxic air contaminant's (TAC) for sensitive receptors compared to the No Project Alternative. Alternative 2 would implement the same goals, policies, and mitigation measures as the proposed 2040 General Plan that would reduce construction and operational emissions. Impacts on criteria pollutants would be less than significant with mitigation, similar to the proposed 2040 General Plan. Overall, compared to the proposed 2040 General Plan, Alternative 2 would result in fewer air quality impacts.

### *Biological Resources*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Alternative 2 would continue the existing land use pattern which would concentrate infill development in existing urban areas and could result in the

conversion of some vacant or underdeveloped areas. Therefore, under Alternative 2 there could be some impacts to sensitive status species and habitats. However, Alternative 2 would result in less development than the 2040 General Plan and would result in less impacts to biological resources, particularly to areas of high biological sensitivity such as riparian habitats and wetlands. Overall, impacts to biological resources under Alternative 2 would be less than the 2040 General Plan. Impacts would remain less than significant with compliance with proposed 2040 General Plan goals and policies.

## *Cultural Resources*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Alternative 2 would develop modest density increases outside Opportunity Areas, similar to the 2040 General Plan, and additional increases inside Opportunity Areas. However, development under Alternative 2 would be reduced compared to the 2040 General Plan, because the allowed densities within the Opportunity Areas would be slightly lower. Reduced development would reduce impacts to cultural resources because there would be fewer historic and archaeological impacts that could be potentially disturbed. In addition, goals and policies in the 2040 General Plan would continue to protect valuable cultural resources. Overall, impacts to cultural resources under Alternative 2 would be less than the 2040 General Plan. However, impacts would remain less than significant with mitigation because Mitigation Measure CR-1 to require a cultural resources study implementation program would still apply.

## *Energy*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Alternative 2 would reduce development inside of identified Opportunity Areas compared to the 2040 General Plan which would reduce energy consumption compared to the 2040 General Plan. Furthermore, under Alternative 2 and the 2040 General Plan, infill development would be required to comply with 2040 General Plan goals and policies related to energy efficiency. Additionally, Alternative 2, similar to the 2040 General Plan, would be required to comply with existing regulatory requirements and policies related to energy efficiency that would reduce construction and operational impacts. Overall, long-term energy impacts under Alternative 2 would be slightly less than under the 2040 General Plan and impacts would remain less than significant.

## *Geology and Soils*

Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Alternative 2 would focus on infill and higher density development but would involve less ground disturbance than the proposed 2040 General Plan. Therefore, development under Alternative 2 would occur on the same geologic units, soils, and slopes as developed under the 2040 General Plan. Reduced development under Alternative 2 would reduce geology and soils impacts compared to the 2040 General Plan because there would be less impacts from subsidence liquefaction, collapse, and other geologic hazards in the Plan Area. However, similar to the 2040 General Plan development would be required to comply with applicable regulations, such as the California Building Code, the Uniform Building Code, the Los Gatos Municipal Code, and the Clean Water Act that include erosion control, best management practices, and engineering design to reduce geologic hazards.

Less overall development would reduce impacts to paleontological resources because less ground disturbance would occur under this alternative. However, impacts would remain less than significant with mitigation because Mitigation Measure GEO-1 requires implementation of a paleontological resources study, which would still apply under Alternative 2.

Alternative 2 would implement the same policies and programs as the proposed 2040 General Plan aimed at preventing and minimizing potential risks associated with earthquake hazards. Overall, impacts of Alternative 2 would be less than significant with mitigation and similar to the proposed 2040 General Plan.

## *Greenhouse Gas Emissions*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Therefore, this alternative would have reduced construction related GHG-emissions and natural gas consumption for heating and power. Under Alternative 2, goals and policies in the 2040 General Plan promote infill and energy efficient development and provide GHG emissions efficiency thresholds for development through 2040. Therefore, implementation of the 2040 General Plan would reduce overall per capita GHG emissions in Los Gatos and ensure that the Town's emissions reductions are on the trajectory to meet the State's long-term emissions goals. Alternative 2 performs slightly better than the 2040 General Plan and would result in reduced GHG impacts and impacts would be less than significant.

## *Hazards and Hazardous Materials*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Therefore, Alternative 2 would expose fewer people to potential hazards and hazardous materials as compared to the 2040 General Plan. Similar to the 2040 General Plan, compliance with existing regulatory requirements would reduce potential impacts related to hazards and hazardous materials. Therefore, impacts related to the use, handling, transport, or emissions of hazardous materials under Alternative 2 would be less than significant and slightly reduced as compared to the proposed 2040 General Plan.

Alternative 2 would develop the fewer sites throughout the Town compared to the 2040 General Plan but would have the same potential for projects to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Impacts would be less than significant, similar to the 2040 General Plan.

## *Hydrology and Water Quality*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. However, Alternative 2 would not generate new acreage and therefore, would result in fewer impervious surfaces than the proposed 2040 General Plan. Stormwater runoff volumes and velocity would therefore be reduced under this alternative compared to the proposed 2040 General Plan. Similar to the 2040 General Plan, Alternative 2 would contain policies that would reduce potential water quality impacts. Additionally, development under Alternative 2 would be subject to the same regulatory requirements, such as NPDES permit requirements, governing runoff and protecting water quality and supply as the proposed 2040 General Plan. Because Alternative 2 would result in reduced development, the demand for groundwater would be reduced compared to the proposed 2040 General Plan. Impacts under this alternative would be less than significant and slightly less than the proposed 2040 General Plan.

## *Land Use and Planning*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Both the 2040 General Plan and Alternative 2 would provide for the orderly development of Los Gatos, although under different development scenarios. Because the same goals and policies would be implemented under Alternative 2 as the 2040 General Plan, this alternative would be consistent and compatible to other applicable land use plans, policies, and regulations. Impacts would be less than significant and similar to the 2040 General Plan.

## *Noise*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Therefore, less construction and associated construction noise and vibration would occur under Alternative 2 as compared to the proposed 2040 General Plan. Similar to the proposed 2040 General Plan, Alternative 2 would contain policies to reduce construction noise during nighttime hours. As a result, construction noise and vibration levels would be reduced under Alternative 2 as compared to the proposed 2040 General Plan but would still require mitigation. Overall, impacts to noise under Alternative 2 would be less than the 2040 General Plan. However, impacts would remain less than significant with mitigation because Mitigation Measures N-1 and N-2 to require construction noise and vibration reductions would still apply.

## *Population and Housing*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Buildout of Alternative 2 would accommodate 1,891 housing units and 34,788 residents in Los Gatos. This would be approximately 1,847 fewer housing units and 4,433 fewer residents than would result from development of the proposed 2040 General Plan. Compared to the proposed 2040 General Plan, Alternative 2 would result in less population growth overall and impacts would be less than significant.

## *Public Services and Recreation*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Therefore, Alternative 2 would generate less demand for fire, police, school, parks, and library services compared to the proposed 2040 General Plan. Additionally, as discussed in Section 4.14, *Public Services and Recreation*, the proposed 2040 General Plan includes policies that direct the Town to strive to maintain adequate public service facilities, which would also be implemented under Alternative 2. Therefore, impacts would be less than significant, and overall, slightly reduced as compared to the proposed 2040 General Plan.

## *Transportation*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. Under Alternative 2, VMT per service population would be reduced. Similar to the 2040 General Plan, Alternative 2 would emphasize infill development that would result in a greater demand for transit. Alternative 2 would still comply with goals and policies in the 2040 General Plan that would aim to minimize or avoid VMT generated in Los Gatos. Alternative 2 would result in an increase of 288,000 total daily vehicle trips and would generate less

traffic than the 2040 General Plan. However, from a VMT efficiency perspective, Alternative 2 would result in an estimated 22.20 VMT per service population as compared with an estimated 38.45 VMT per service population in the proposed 2040 General Plan. The decrease in VMT per service population can be attributed to the intensification of housing units in Opportunity Areas, which has the potential to make taking transit, walking, and biking more viable options. Overall, effects on transportation related to VMT would be reduced compared to the proposed 2040 General Plan. Impacts to transportation under Alternative 2 would be reduced compared to the proposed 2040 General Plan but would remain less than significant.

Alternative 2 would support emergency access and safety design and would not conflict with policies contained in *Plan Bay Area 2040* and the Town's Pedestrian and Bicycle Plan. Therefore, compliance with 2040 General Plan goals and policies would result in reduced impacts but would remain a less than significant impact similar to the proposed 2040 General Plan.

## *Tribal Cultural Resources*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan, specifically outside of Opportunity Areas. As discussed in Section 4.5, *Tribal Cultural Resources*, tribal cultural resources impacts are highly dependent on both the individual project site conditions and the characteristics of the proposed activity. Under Alternative 2, a similar land use pattern would occur as the proposed 2040 General Plan and would define development that occurs throughout Los Gatos, however development would be less than the proposed 2040 General Plan. Overall, tribal cultural resources impacts under Alternative 2 would be less than the 2040 General Plan because reduced development would have less potential to unearth tribal cultural resources. Similar to the 2040 General Plan, development under Alternative 2 would be required to comply with Mitigation Measure CR-1 which would require a cultural resources study and would be subject to laws and regulations requiring Native American consultation, protection of human remains, and pre-historic artifacts. Impacts would be less than significant with mitigation and adherence to applicable laws and regulations. Overall, tribal cultural resources impacts under Alternative 2 would be less than the 2040 General Plan and impacts would remain less than significant with mitigation, similar to the 2040 General Plan.

## *Utilities and Services Systems*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. As discussed in Section 4.14, *Utilities and Service Systems*, the 2040 General Plan's potential impacts related to the provision of utilities and service systems would be less than significant. Alternative 2 would lead to less development and associated growth, thus requiring fewer utilities and services. Impacts to utilities and service systems would be reduced under Alternative 2 but would remain less than significant.

## *Wildfire*

Implementation of Alternative 2 would involve less overall development and associated growth than would occur under the 2040 General Plan. As discussed in Section 4.17, *Wildfire*, the 2040 General Plan's land use pattern would emphasize development as infill so potential impacts related to wildfire would be less than significant. Alternative 2 would lead to less development and associated growth, thus lowering wildfire risk. Impacts related to wildfire would remain less than significant, similar to the 2040 General Plan.

# 6.4 Alternative 3: High Growth

## 6.4.1 Description

Alternative 3 is a high-growth alternative that includes increased density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Typical densities are assumed to vary from 10 to 36 du/ac outside Opportunity Areas and 16 to 36 du/ac inside Opportunity Areas. Intensity varies from 0.75 FAR in LDR to 1.5 FAR in HDR and MU. When compared to Alternative 1, Alternative 3 would result in a three percent (600 to 750) increase in peak hour vehicle trips. Alternative 3 would generate the most traffic, primarily due to the addition of 3,170 new housing units. However, from a VMT efficiency perspective, Alternative 3 performs the best with an estimated 21.48 VMT per service population as compared with an estimated 22.65 VMT per service population in Alternative 1. While all four land use alternatives are actually very similar to one another, Alternative 3 would have the highest potential for internal trip making to occur and would see the highest shifts to non-vehicle transportation modes, like walking, biking, or taking transit.

### *Redevelopment*

Under Alternative 3 redevelopment is projected to be between 10 and 15 percent outside Opportunity Areas and 15 and 20 percent inside Opportunity Areas.

### *Capacity*

At build-out of this Alternative, the Town could accommodate an additional 3,176 housing units and 7,622 residents.

## 6.4.2 Impact Analysis

### *Aesthetics*

Development Alternative 3 would increase density ranges in all areas. Implementation of Alternative 3 would involve denser overall development and growth than would occur under the 2040 General Plan. Similar to the 2040 General Plan, Alternative 3 focuses on infill development and higher density development, such as mixed-use development, within the General Plan Area which would result in more growth (in the number households and population). Alternative 3 allows for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Additionally, Alternative 3 would allow for taller buildings and a higher FAR to accommodate more residential units in the same area. In addition, development under Alternative 3 would encourage a vertical mixed-use development model since this alternative includes height limits of five stories and an increased FAR. For example, different uses could be integrated into one building, with commercial tenants on the bottom floor, and office and housing on higher floors. As such, this alternative has the potential change in visual character or blocking scenic views. Aesthetic impacts may still require mitigation for light and glare impacts. Aesthetics impacts for Alternative 3 would be significant but mitigable, similar to the 2040 General Plan.

## *Agriculture*

Implementation of Alternative 3 would involve denser overall development and associated growth than would occur under the 2040 General Plan. Both the 2040 General Plan and Alternative 3 focus on infill development which would result in increased densities within existing urban areas of the Town. Neither Alternative 3 nor the 2040 General Plan would result in the conversion of agriculture lands. As discussed in Section 4.2, *Agricultural and Forest Resources*, the 2040 General Plan does not propose the conversion of land currently in agricultural production to non-agricultural uses. Similarly, Alternative 3 would not result in the conversion of agricultural parcels to non-agricultural land uses. Impacts to agriculture would be less than significant under Alternative 3.

## *Air Quality*

Alternative 3 would increase the overall net growth in population and employment in Los Gatos through the year 2040 by approximately 5,527 residents. Increased development would result in an increase in construction and operational air contaminant emissions. Overall, Alternative 3 would increase air quality impacts as compared to the 2040 General Plan, and impacts would be less than significant with mitigation required.

## *Biological Resources*

Implementation of Alternative 3 would increase overall density within all areas, specifically outside Opportunity Areas. Alternative 3 would continue the existing land use pattern which would result in denser urban development occurring at the edges of the Town than the 2040 General Plan which may result in conversion of vacant or underdeveloped areas, thus there would be more impacts on sensitive status species and habitats under this Alternative compared to the 2040 General Plan. Consistent with the 2040 General Plan, Alternative 3 prioritizes infill development in already urbanized areas of the Town, minimizing development in areas of potential preservation or existing open space areas within the Town and its SOI. Impacts would remain less than significant, similar to the 2040 General Plan.

## *Cultural Resources*

Alternative 3 would develop higher density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Buildout of Alternative 3 would have similar potential to impact cultural and historic resources in Los Gatos as the 2040 General Plan. Alternative 3 would not substantially increase potential impacts to cultural resources, and all policies and mitigation measure provided in Section 4.4, *Cultural Resources*, would apply under Alternative 3. Impacts would remain less than significant with mitigation because Mitigation Measure CR-1 to require a cultural resources study implementation program would still apply to Alternative 3. Alternative 3 would have similar impacts to the proposed 2040 General Plan.

## *Energy*

Alternative 3 would develop higher density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Density increases under Alternative 3 would increase the net population in Los Gatos by 7,622 residents through 2040. An increase in development density and net growth in the Town would slightly increase impacts to energy as compared to the 2040 General Plan.

However, net population growth under Alternative 3 would still be less than growth than under the 2040 General Plan. Overall, long-term energy impacts under Alternative 3 would be less than under the 2040 General Plan and impacts would remain less than significant.

## *Geology and Soils*

Alternative 3 would develop higher density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Similar to the 2040 General Plan, Alternative 3 focuses on infill development within urban areas of the Town and would involve a similar amount of ground disturbance. Overall long-term geology and soils impacts under Alternative 3 would be similar to impacts under the 2040 General Plan and impacts would be less than significant.

## *Greenhouse Gas Emissions*

Alternative 3 would develop higher density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Similar to the 2040 General Plan, Alternative 3 focuses on infill development within urban areas of the Town and would involve a similar amount of construction, traffic, and operational GHG emissions. In addition, 2040 General Plan policies that would still apply under Alternative 3 would ensure that the Town's emissions reductions are on the trajectory to meet the State's long-term emissions goals. Alternative 3 performs slightly better than the 2040 General Plan in reducing GHG impacts and impacts would be less than significant.

## *Hazards and Hazardous Materials*

Alternative 3 would develop higher density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. Increased density under this alternative would increase the population through 2040. Denser development would incrementally increase hazardous impacts as compared to the 2040 General Plan as more development is proposed. An increase in proposed development would see an increase in the use of hazardous materials during construction and potentially commercial land use operations. However, compliance with existing regulatory requirements and polices would reduce impacts from adverse effects such as hazardous spills, hazardous emissions near schools, and exposure to wildfires. Overall, hazard and hazardous material impacts under Alternative 3 would be slightly increased than under the 2040 General Plan and impacts would be less than significant with mitigation.

## *Hydrology and Water Quality*

Density increases under Alternative 3 would increase the net population in Los Gatos by 7,622 residents through 2040. An increase in development density and net growth in the Town would slightly increase impacts to hydrology as compared to the 2040 General Plan. Similar to the 2040 General Plan, Alternative 3 prioritizes infill development within existing urban areas of the Town. However, the increase in development would lead to an increase in impervious surfaces, runoff, erosion, and impacts to water quality. Additionally, development under Alternative 3 would be subject to the same existing regulatory requirements (such as NPDES permit requirements) governing runoff and protecting water quality and supply. Overall, hydrology and water quality

impacts would be slightly increased under Alternative 3 as compared to the 2040 General Plan, but impacts would remain less than significant, similar to the 2040 General Plan.

## *Land Use and Planning*

Similar to the 2040 General Plan, Alternative 3 would provide for orderly development in Los Gatos through infill development within existing urban areas of the Town. In addition, Alternative 3 would develop modest density increases outside Opportunity Areas and larger increases inside Opportunity Areas, particularly in High-Density Residential, Neighborhood Commercial, and Mixed Use Commercial. Alternative 3 would not divide an established community or conflict with an applicable habitation conservation plan. Alternative 3 would retain 2040 General Plan policies and would be consistent with all 2040 Plan Bay Area goals and policies. Impacts would be less than significant and similar to the 2040 General Plan.

## *Noise*

Implementation of Alternative 3 would involve denser development and associated growth than would occur under the 2040 General Plan, specifically in the more urbanized areas of the Town. Those residences in the Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas and major transportation corridors that would be developed under the 2040 General Plan could be exposed to higher levels of noise than residences in exclusively residential areas away from major roads. Infill development as described in Alternative 3 and the 2040 General Plan would increase noise impacts during construction and operation. Therefore, Alternative 3 would have slightly increased noise impacts as compared to the 2040 General Plan and impacts would be less than significant with mitigation, similar to the 2040 General Plan.

## *Population and Housing*

Alternative 3 would increase the net population of Los Gatos by 7,622 residents and 3,176 new net housing units through the year 2040. However, all four land use alternatives assume no additional jobs beyond those created within the pending and approved development projects currently in the pipeline. Although anticipated net growth would be significantly higher under Alternative 3 than Alternative 1 and Alternative 2, sufficient growth is included to meet the population and employment targets of 2040 Plan Bay Area (2017). Compared to the proposed 2040 General Plan, Alternative 3 would result in less population growth overall and impacts would be less than significant.

## *Public Services*

Alternative 3 would increase the net population of Los Gatos by 7,622 residents and 3,176 new net housing units through the year 2040. An increase in growth would require higher demand for public services in the Town as compared to the 2040 General Plan. Additional facilities would potentially be required to accommodate the increase in population under Alternative 3. Overall, because of the increase in development density under this alternative, public services impacts would be more significant compared to the 2040 General Plan and may require mitigation or the construction of additional public facilities. Impacts would be slightly increased compared to the 2040 General Plan.

## *Transportation/Traffic*

Most of the new development proposed in the land use alternatives 1, 2, and 4 concentrate housing near other compatible land uses, such as retail along Los Gatos Boulevard, as well as near existing bicycle facilities along Los Gatos Boulevard, and existing transit, such as the bus stops along Winchester Boulevard. Locating housing near other compatible land uses supports additional trips to be made by nonvehicle modes, such as walking, biking, or taking transit.

Alternative 3 would generate the most traffic, primarily due to the addition of 3,170 new housing units. However, from a VMT efficiency perspective, Alternative 3 performs the best with an estimated 21.48 VMT per service population. The decrease in VMT per service population can be attributed to the intensification of housing units in Opportunity Areas, which has the potential to make taking transit, walking, and biking more viable options. While all four land use alternatives are actually very similar to one another, Alternative 3 would have the highest potential for internal trip making to occur and would see the highest shifts to non-vehicle transportation modes, like walking, biking, or taking transit. Overall, effects on transportation related to VMT would be improved but traffic congestion levels would see a moderate increase. Impacts to transportation under Alternative 3 would be slightly improved but overall remain similar to the 2040 General Plan.

## *Utilities and Services Systems*

This alternative would increase the overall net growth in population in Los Gatos through the year 2040 by approximately 7,622 residents. The increase in growth under Alternative 3 would require higher demand for utilities and services for the Town. Under Alternative 3, development is denser in comparison to the 2040 General Plan, but both prioritize infill and development within existing developed areas of the Town. The increase in net housing units and net population under Alternative 3 would increase impacts to utilities and services compared to the 2040 General Plan. Impacts would be reduced to less than significant with mitigation.

## *Tribal Cultural Resources*

This alternative would increase the overall net growth in population in Los Gatos through the year 2040 by approximately 7,622 residents. This would increase the potential for impacts to tribal cultural resources consistent with the 2040 General Plan. Similar to the 2040 General Plan, development would be prioritized as infill development with increased density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. In addition, goals and policies in the 2040 General Plan would continue to protect valuable tribal cultural resources. Overall, tribal cultural resources impacts under Alternative 3 would be similar to those than under the 2040 General Plan and impacts would remain less than significant with mitigation, similar to the 2040 General Plan.

## *Wildfire*

Alternative 3 would develop higher density ranges in all areas and additional increases that allow for higher-density development in Neighborhood Commercial and Mixed-Use Commercial designations outside Opportunity Areas. However, this alternative would involve a similar land use pattern as the 2040 General Plan. As discussed in Section 4.17, *Wildfire*, the 2040 General Plan's land use pattern would emphasize development as infill so potential impacts related to wildfire would be less than significant. Alternative 3 would lead to denser development away from high fire areas along the

southern portion of the planning area, thus lowering wildfire risk. Impacts related to wildfire would be Alternative 3 would remain less than significant, similar to the 2040 General Plan.

# 6.5 Alternative 4: No Project

## 6.5.1 Description

Section 15126.6(e) of the *CEQA Guidelines* requires a specific alternative of "no project" be evaluated in an EIR in order to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving that project. *CEQA Guidelines* Section 15126.6(e)(3) describes the two general types of no project alternative: (1) when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the no project alternative would be the continuation of that plan; and (2) when the project is not a land use/regulatory plan, such as a specific development on an identifiable property, the no project alternative is the circumstance under which that project is not processed (i.e., no development occurs). Alternative 4 represents the former alternative type of no project and assumes the continued implementation of the current 2020 General Plan.

Alternative 4 is comprised of a land use pattern that reflects the land use identified in the existing 2020 General Plan. Under this alternative, the proposed 2040 General Plan would not be adopted and the existing General Plan, including the land use map and all of the General Plan goals and policies, would remain in place through the horizon year of 2040. Thus, any new development in Los Gatos would occur consistent with the existing land use designations and the allowed uses within each designation. Similarly, any new infrastructure in Los Gatos would occur as envisioned in the 2020 General Plan. Development under this alternative is anticipated to be less intensive and result in greater low-density residential development within the Town limits than under the 2040 General Plan. However, because this alternative would not include the higher density, higher height limits, and higher Floor Area Ratios (FAR) overall development and anticipated growth would be reduced compared to the 2040 General Plan. Overall, growth would be similar to that anticipated under the 2020 General Plan with approximately 13,730 dwelling units and a population of approximately 32,600 in the year 2040 (Town of Los Gatos, General Plan EIR 2020). This would be a reduction in overall development and growth compared to the 2040 General Plan which anticipates the addition of approximately 3,738 dwelling units, for a total population of approximately 39,221 and a total of 17,468 dwelling units in 2040.

In addition to the existing 2020 General Plan, information provided in the following analysis of this alternative is derived from the *Final Environmental Impact Report for the Town of Los Gatos* (Los Gatos 2020).

## 6.5.2 Impact Analysis

### *Aesthetics*

Development under this alternative would continue the land use pattern that currently exists in the Town of Los Gatos. Visibility from and of scenic vistas, the Town's visual character, and light and glare conditions would be slightly improved as compared to the 2040 General Plan because this alternative would involve less dense infill development and reduced overall development. Less dense development in the focus areas would result in better visibility and reduced light and glare. Overall, the aesthetic impact of this alternative would be slightly improved as compared to the 2040

General Plan. However, continued implementation of the 2020 General Plan would have fewer benefits with respect to promoting high quality, compatible design and ensuring the preservation of existing aesthetic character. Both the 2020 General Plan and the 2040 General Plan include goals, policies, and implementation measures that promote good design within new development, emphasize the visual quality of the public realm, and the design of streetscapes that protect views, but less dense development under this alternative would result in improved visibility and reduced light and glare. Impacts would be less than significant and slightly improved to those under the proposed 2040 General Plan due to the reduction in the overall level and intensity of development allowed under the current General Plan.

## *Agriculture*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. As described above, this would be because the 2040 General Plan allows for increased heights, floor area, and residential density within many of the land use designations of the General Plan Area which would result in additional growth (in number households and population) as compared to the 2020 General Plan. Neither Alternative 4 nor the 2040 General Plan would result in the conversion of agriculture lands. As discussed in Section 4.2, *Agricultural and Forest Resources*, the 2040 General Plan does not propose the conversion of land currently in agricultural production to non-agricultural uses. Similarly, Alternative 4 would not result in the conversion of agricultural parcels to non-agricultural land uses. Impacts to agriculture would be less than significant under Alternative 4. Overall long-term agricultural impacts under Alternative 4 would be similar to the 2040 General Plan and would be less than significant.

## *Air Quality*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. In addition, infill development under the 2040 General Plan would incrementally increase density in specified arterial corridors and would therefore result in higher toxic air contaminant's (TAC) for sensitive receptors compared to Alternative 4. However, while the 2040 General Plan focuses on alternative transportation and infill development, Alternative 4 would continue the currently planned development pattern throughout the Town with lower density development throughout the Town. As a result, projected vehicle miles traveled (VMT) at buildout under Alternative 4 would likely exceed anticipated VMT under the 2040 General Plan. Therefore, Alternative 4 would result in higher associated air contaminant emissions as compared to the 2040 General Plan. Because the majority of air quality emissions are from mobile sources, overall air quality impacts would be greater under this alternative than under the 2040 General Plan. Impacts would remain significant but mitigable, similar to the 2040 General Plan.

## *Biological Resources*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. Alternative 4 would continue the existing land use pattern which would result in less urban development than the 2040 General Plan which may result in conversion of vacant or underdeveloped areas, thus there would be more impacts on sensitive status species and habitats under this Alternative compared to the 2040 General Plan. Compared to the development pattern in Alternative 4, the 2040 General Plan prioritizes infill development in already urbanized areas of the Town, minimizing development in areas of potential preservation. Overall long-term biological impacts under Alternative 4 would be greater than impacts under the

2040 General Plan, but impacts would remain significant but mitigable, similar to the 2040 General Plan.

## *Cultural Resources*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. The 2040 General Plan would involve infill development in vacant and underutilized parcels in already urbanized areas of the Town, while Alternative 4 would result in less urban development throughout the Town. Thus, development in areas not previously disturbed of the Town under this alternative would result in additional impacts to cultural resources as compared to the 2040 General Plan. Overall long-term cultural resources impacts under Alternative 4 would be greater than impacts under the 2040 General Plan, but impacts would remain significant but mitigable, similar to the 2040 General Plan.

## *Energy*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. This alternative would see slower, less compact growth. Under Alternative 4 and the 2040 General Plan, development would be required to comply with 2020 General Plan goals and policies related to energy efficiency. Additionally, Alternative 4, similar to the 2040 General Plan, would be required to comply with existing regulatory requirements and policies related to energy efficiency that would reduce construction and operational impacts. Overall, long-term energy impacts under Alternative 4 would be similar to impacts under the 2040 General Plan and would remain less than significant.

## *Geology and Soils*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. However, because the 2040 General Plan focuses on infill and higher density development it would involve less ground disturbance than Alternative 4. Since ground disturbance under this alternative would be greater than for the 2040 General Plan, impacts related to geology and soils would be slightly higher. However, compliance with existing regulatory requirements and policies would reduce impacts from adverse effects such as ground shaking, liquefaction, and seismic ground failure. Overall long-term geology and soils impacts under Alternative 4 would be similar to impacts under the 2040 General Plan and impacts would remain less than significant.

## *Greenhouse Gas Emissions*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. However, as discussed in Section 4.7, *Greenhouse Gas Emissions*, policies in the 2040 General Plan promote infill and energy efficient development and provide GHG emissions efficiency thresholds for development through 2040. Therefore, implementation of the 2040 General Plan would reduce overall per capita GHG emissions in Los Gatos and would ensure that the Town's emissions reductions are on the trajectory to meet the State's long-term emissions goals. Alternative 4 does not focus on infill or energy efficient development and would thus lead to higher per capita GHG emissions and would be inconsistent with applicable plans and regulations for reducing GHG emissions. Alternative 4 impacts related to

GHG emissions would therefore be similar to those of the 2040 General Plan, and potentially significant.

## *Hazards and Hazardous Materials*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. Infill development under the 2040 General Plan would increase density particularly within specified Opportunity Areas and would therefore result in less ground disturbance than would occur under Alternative 4. Since ground disturbance under this alternative would be greater than for the 2040 General Plan, impacts related to hazards and hazardous materials would be slightly higher. However, compliance with existing regulatory requirements would address potential impacts related to hazards and hazardous materials and impacts under Alternative 4 would be less than significant, similar to the 2040 General Plan.

## *Hydrology and Water Quality*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. However, because the 2040 General Plan focuses on infill and higher density development, it would involve less ground disturbance than Alternative 4. Because ground disturbance under this alternative would be greater than for the 2040 General Plan, impacts related to hydrology and water quality would be increased due to increased impervious surface area as compared to the 2040 General Plan. However, impacts under Alternative 4 would be subject to the same regulatory requirements (such as NPDES permit requirements) governing runoff and protecting water quality and supply as the 2040 General Plan. Although impacts would be slightly higher under this alternative, they would remain less than significant, similar to the 2040 General Plan.

## *Land Use and Planning*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. Both the 2040 General Plan and Alternative 4 would provide for the orderly development of Los Gatos, although under different development scenarios. Neither would physically divide an established community or conflict with an applicable habitat conservation plan or natural community conservation plan. As discussed in Section 4.11, *Land Use and Planning*, the 2040 General Plan would be consistent with *Plan Bay Area 2040* goals and policies. Alternative 4 would retain the Town's current 2020 General Plan and thus, would not include policies that would ensure consistency with *Plan Bay Area 2040*. Therefore, Alternative 4 would have greater impacts related to land use and planning compared to the 2040 General Plan and impacts would be less than significant with mitigation.

## *Noise*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. Residences proposed along mixed-use areas, or those in proximity to non-residential uses and major transportation corridors that would be developed under the 2040 General Plan could be exposed to higher levels of noise than residences in exclusively residential areas away from major roads. Infill development as described in the 2040 General Plan would increase noise near existing sensitive receptors and place new sensitive receptors in areas with high noise levels. Comparatively Alternative 4 would involve less dense

development and noise sensitive receptors would not be exposed to as high noise levels. Therefore, Alternative 4 would have reduced noise impacts as compared to the 2040 General Plan and impacts would be less than significant with mitigation for construction noise, similar to the 2040 General Plan.

## *Population and Housing*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. Projected growth under the 2040 General Plan would exceed 2020 General Plan growth projections in 2040. Therefore, Alternative 4 would have reduced impacts from population and residential development as compared to the 2040 General Plan. Neither Alternative 4 nor the 2040 General Plan would displace substantial numbers of people or housing. Impacts related to population and housing would be less than significant and similar to the 2040 General Plan.

## *Public Services*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. Development facilitated by the 2040 General Plan would increase the Town's population substantially compared to the 2020 General Plan's 2040 projections, and thus demand more public services. However, the 2040 General Plan would redirect growth in the General Plan Area focusing on infill development and development where there are existing utilities. Both Alternative 4 and 2040 General Plan would ensure that public services continue to be provided to the Town commensurate with population growth and need. This alternative could continue to develop the Town in areas where infrastructure does not currently exist. Therefore, new public facilities would be necessary under Alternative 4. However, Alternative 4, with a less dense development pattern and thus less overall population growth, may not require additional public facilities and utilities infrastructure. Impacts related to public services would be reduced compared to the 2040 General Plan and less than significant, similar to the 2040 General Plan.

## *Transportation/Traffic*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. Daily VMT under this alternative would likely decrease compared to the 2040 General Plan. Goals and policies in the 2020 General Plan would apply under this alternative and would support alternative forms of transportation, including bicycle and transit, emergency access, and safety design. However, policies of the 2020 General Plan may conflict with policies contained in *Plan Bay Area 2040.* Overall, Alternative 4 would result in slightly reduced impacts compared to the 2040 General Plan and would remain significant and unavoidable as a result of increased traffic intersection impacts compared to the 2040 General Plan.

## *Tribal Cultural Resources*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. The 2040 General Plan would involve more infill development in vacant and underutilized parcels in already urbanized areas of the Town, while Alternative 4 would result in more low-density development throughout the Town. Development throughout the Town and potentially on undeveloped parcels under this alternative rather than infill development would impact more tribal cultural resources. Less development would occur at these

areas under the proposed 2040 General Plan compared to Alternative 4. Overall long-term tribal cultural resources impacts under Alternative 4 would be greater than impacts under the 2040 General Plan. Impacts would therefore be increased to a significant but mitigable level.

### *Utilities and Services Systems*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. As discussed in Section 4.16, *Utilities and Service Systems*, the 2040 General Plan's potential impacts related to the provision of utilities and service systems would be less than significant. Alternative 4 would lead to less development and associated growth, thus requiring fewer utilities and services. However, less compact development may result in the need for an extension of existing utility infrastructure and services. Because development under Alternative 4 would be less dense than the 2040 General Plan there may be additional impacts from expanded services. Impacts would be greater than the 2040 General Plan and significant but mitigable.

### *Wildfire*

Implementation of Alternative 4 would involve less overall development and associated growth than would occur under the 2040 General Plan. As discussed in Section 4.17, *Wildfire*, the 2040 General Plan's land use pattern would emphasize development as infill so potential impacts related to wildfire would be less than significant. Alternative 4 would lead to less development and associated growth which lead to less compact development. Less compact development may result putting more structures and lives in danger of wildfire. Because development under Alternative 4 would be less dense than the 2040 General Plan there may be additional impacts from wildfire. Impacts would similar to or greater than those of the 2040 General Plan.

## 6.6 Environmentally Superior Alternative

This section compares the impacts of the four alternatives to those of the proposed 2040 General Plan and determines the environmentally superior alternative.

#### *Alternative 1 Summary*

Alternative 1, Low Growth, would result in fewer impacts in comparison to the 2040 General Plan. Under this alternative there would be no increase in density ranges outside Opportunity Areas and modest increases inside Opportunity Areas. Overall, Alternative 1 performs similar to the 2040 General Plan in a majority of the resource areas. However, this alternative performs better than the 2040 General Plan in the following key areas:

- Air Quality
- Greenhouse Gases

#### *Alternative 2 Summary*

Alternative 2, Medium Growth would result in fewer impacts compared to the 2040 General Plan for many of the environmental resource impact areas. Under this alternative there would be modest increases in density ranges outside Opportunity Areas and additional increases inside Opportunity Areas. Overall, Alternative 2 performs better than the 2040 General Plan, especially in the following key areas:

- Air Quality
- Energy
- Greenhouse Gases
- Hydrology and Water Quality
- Population and Housing
- Public Services

### *Alternative 3 Summary*

Alternative 3, High Growth, would generally result in similar impacts to the proposed 2040 General Plan for several issue areas impacts. This alternative would involve substantially denser growth and development overall, and therefore less impacts to resources such as GHG and traffic. This alternative performs similarly to the 2040 General Plan in most of the resource areas. However, Alternative 3 improves upon the following key areas:

- Greenhouse Gases
- Energy
- Population and Housing

### *Alternative 4 Summary*

Alternative 4, No Project Alternative, would not be considered environmentally superior overall because while it would involve less development and growth, it would result in a more dispersed ground disturbance than the 2040 General Plan. Further, this alternative does not place an emphasis on mixed-use and smart growth planning principles and the majority of growth and development under this alternative would occur outside of Opportunity Areas, resulting in less compact development. Although Alternative 4 would entail continued growth as dictated by the existing General Plan, new policies included in the 2040 General Plan, such as those in the Community Development Element, would not be adopted. Additionally, under Alternative 4, transportation improvements and GHG reduction strategies as part of the 2040 General Plan would not be implemented. Thus, daily VMT is anticipated to be greater under this alternative. Consequently, air contaminant and GHG emissions impacts and traffic impacts would be greater than for the proposed 2040 General Plan. Overall, Alternative 4 performs very similar to the 2040 General Plan and improves only in the following area:

- Aesthetics

### *Environmentally Superior Alternative*

Based on the information presented herein, Alternative 2, Medium Growth, is considered the environmentally superior alternative when considering overall environmental impacts relative to the performance metrics. Under this alternative, there would be modest increases in density ranges outside Opportunity Areas and additional increases inside Opportunity Areas. However, this alternative would not be as effective in achieving some of the land use goals and objectives of the 2040 General Plan because it would not contribute substantially to a pattern of compact future development or allow for the 2,000 new dwelling unit target of Town Council. The slower growth model is less consistent with the goals and vision of the 2040 General Plan that promote the development of a smart growth model that favors a mix of land uses and encourages active living through the development of mixed-use and connected neighborhoods.

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## 7.2 List of Preparers

This EIR was prepared by the Town of Los Gatos, with the assistance of Rincon Consultants, Inc. Consultant staff involved in the preparation of the EIR are listed below.

#### RINCON CONSULTANTS, INC.

Stephen Svete, AICP, LEED AP ND, Principal
Della Acosta, AICP, Senior Planner
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Kelsey Bennett, MPA, LEED-AP, Environmental/Sustainability Sr. Program Manager
Kari Zajac, MESM, Senior Environmental Planner
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Leslie Trejo, MUP, Environmental Planner
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Alissa Jared, Associate Environmental Scientist
Mimi McNamara, Environmental Planner

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# Appendix A

NOP Comment Letters

Santa Clara Valley Water District SM

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SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
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www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

File: 26043
Various

April 22, 2010

Ms. Wendie R. Rooney
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Subject: Town of Los Gatos General Plan and EIR

Dear Ms. Rooney:

The Santa Clara Valley Water District is a special district with jurisdiction throughout Santa Clara County and is the county's primary water resources agency. The Water District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

We appreciate the opportunity to comment on the update of the Town of Los Gatos General Plan and associated draft EIR. This letter transmits comments that focus on the areas of interest and expertise of the Water District. Attached is potential policy language that could be incorporated into the Town's General Plan. We would be happy to meet with you to discuss any of these topics further or to help you locate information that would assist your continued development of your General Plan.

**Flood Hazards**

We would like to emphasize that State law now requires flood hazards to be addressed in your General Plan. AB 162 was passed into law in November, 2007. With a thirteen-month grace period, certain requirements became effective on January 1, 2009. Here is a brief summary of some of the relevant requirements from AB 162:

- California law requires local governments to revise general plans to address flood risks.
- General Plan amendments are required to be made by the next scheduled revision of the housing element after January 1, 2009.
- Cities must collaborate with local flood agencies to understand, plan for, and reduce flood risks.
- Mandatory flood-related analyses are specified in four General Plan Elements, summarized below:

  - **Land Use Element** - Identify those areas covered by the general plan that are subject to flooding.

- **Housing Element** - Your determination of available land suitable for urban development may exclude lands where the risk of flooding would make it impractical to develop housing.

- **Conservation Element** – The General Plan must identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

- **Safety Element** – The General Plan must establish goals, policies & objectives to minimize risks from flooding. The following are specified in the legislation:
  - Avoiding or minimizing the risks of flooding to new development.
  - Evaluating whether new development should be located in flood hazard zones.
  - Maintaining essential public services during flooding.
  - Locating new essential public facilities outside of flood hazard zones.
  - Establishing cooperative working relationships among public agencies with responsibility for flood protection.

To augment your existing policies regarding flood hazards, the Water District suggests two additional policies under Goal SAF-4:

- *Ensure critical facilities are located or constructed to maintain functionality up to the 500-year flood event.*

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

**Water Supply**

The Water District is dedicated to ensuring a reliable supply of healthy, clean drinking water now and in the future. To do this, the quality and quantity of existing water supply sources, including groundwater, must be sustained and protected. Additionally, water conservation and recycled water use are increasingly important components of the County's water supply portfolio. The water resources implementation policies and programs in your existing General Plan reflect the importance of these water supply issues and we urge you to maintain them in your General Plan update. We suggest adding language that addresses the following topics:

- *Locating and properly destroying abandoned wells and other conduits for contamination as a means of protecting groundwater quality.*

- *Avoiding groundwater quality degradation when implementing storm water management and flood protection actions.*

- *Avoiding high-risk activities in vulnerable areas, such as near drinking water wells and waterways.*

**Stream Stewardship**
The Water District works to protect our watersheds by promoting good ecosystem habitat, stream biology and water quality. A significant factor affecting watershed health is the extent of development within, and adjacent to, riparian corridors. Managing development adjacent to creeks protects the stability of the receiving creeks from storm water, maintains the quality of the water, and minimizes flood hazards.

Setbacks from riparian corridors are necessary to protect the sensitive ecology of riparian corridors, provide adequate space to maintain the creeks and levees, and if necessary, improve flood protection projects.

Connection to our rivers and creeks is an important element to the quality of life for county residents. The Water District supports creek-side trails where appropriate and protecting the open space that riparian corridors provide. In many cases, open space adjacent to creeks can provide multiple beneficial uses such as recreation and flood protection.

Additional policies that may further assist in achieving Goal ENV-5 include:

- *Increase awareness of riparian corridors and provide guidance for adjacent development and landowner practices that support watershed health.*

- *Use and promote "Guidelines and Standards for Land-Use near Streams".*

**Water District Facilities**
Action VLR-5.2 calls for a trail on the east side of Los Gatos Creek from Lark Avenue to the northern Town boundary. The Water District generally opposes having a trail on both sides of a creek that is still in a natural condition due to the impacts to habitat. The proposed trail would also need to cross the Water District's Vasona Pump Station on the north side of Highway 85, which is a secured site. Such a trail may interfere with the operation of the pump station.

Action VLR-8.1 proposes to construct an emergency access to Lark Avenue over using the Water District's maintenance road for properties between Los Gatos Creek and Oka Road. Emergency access should be provided in conjunction with development of this area. The maintenance road may be available for emergency use; however, the Water District cannot allow the route to be designated as an official emergency access as it may be in use by Water District personnel during an emergency. The Town will need to work closely with Water District staff to determine if such a plan is feasible.

**Draft EIR**
The adoption of the policies suggested above into the General Plan would further serve to reduce impacts to biological resources, hydrology and water quality, and utilities.

In Section 4.8 – Hydrology and Water Quality, the DEIR discusses the Water District. The District's Ordinance (known as the Water Resources Protection Ordinance) replaced Ordinance 83-2, and requires a permit from the District only where the District has a property interest (either in fee title or an easement). The Town did not directly adopt Ordinance 06-01, but rather the "Guidelines and Standards for Land-Use near Streams." The Guidelines were developed cooperatively between the Water District, County, all 15 cities, with citizens, business, and agricultural interests to streamline the permitting process and protect stream and streamside resources. As noted above, the Water District believes that the Town's environmental goals would be served by referencing the Guidelines for creek-side development.

Under Existing Conditions for Water in the Utilities section, Planned Major Improvements, please note that the District's Capital Improvement Plan includes a project to improve and potentially expand the Rinconada Water Treatment Plant in Los Gatos.

The Water District is here to assist the Town in ensuring that the community is protected from flood hazards and has a reliable and clean source of water. We welcome the opportunity to work with the Town as you continue to develop the General Plan. If you have any questions or need further information, you can reach me at (408) 265-2607, extension 3095. Please reference File No. 26043 on any future correspondence regarding this project.

Sincerely,

Michael Martin
Environmental Planner
Community Projects Review Unit

cc: S. Tippets, C. Elias, K. Turner, M. Duffy, R. Narsim, File

26043_52884mm04-22

STATE OF CALIFORNIA Gavin Newsom, Governor

# NATIVE AMERICAN HERITAGE COMMISSION



July 13, 2020

Jennifer Armer, AICP
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

**Re: 2020070175, Town of Los Gatos 2040 General Plan Update Project, Santa Clara County**

Dear Ms. Armer:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**



**NAHC HEADQUARTERS**
1550 Harbor Boulevard
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West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1.** Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2.** Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3.** Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4.** Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5.** Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6.** Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

**7.** Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

**a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

**b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

**8.** Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

**9.** Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

**10.** Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

**a.** Avoidance and preservation of the resources in place, including, but not limited to:

**i.** Planning and construction to avoid the resources and protect the cultural and natural context.

**ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

**b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

**i.** Protecting the cultural character and integrity of the resource.

**ii.** Protecting the traditional use of the resource.

**iii.** Protecting the confidentiality of the resource.

**c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

**d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).

**e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

**f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

**11.** Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

**a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

**b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

**c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,

Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
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***GAVIN NEWSOM, Governor***
***CHARLTON H. BONHAM, Director***

August 4, 2020

Ms. Jennifer Armer, AICP
Senior Planner
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030
JArmer@losgatosca.gov

Subject: Town of Los Gatos 2040 General Plan Update, Notice of Preparation of a Draft Environmental Impact Report, SCH No, 2020070175, Town of Los Gatos, Santa Clara County

Dear Ms. Armer:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a Programmatic Draft Environmental Impact Report (EIR) from the Town of Los Gatos (Town) for the Town of Los Gatos 2040 General Plan Update (Project, 2040 General Plan) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Town of Los Gatos

**Objective:** The Project will update the Town of Los Gatos 2010 General Plan through the year 2040. The 2040 General Plan contains the goals and polices upon which the Town Council and Planning Commission will base their land use and resource decisions. There are eight Opportunity Areas targeted for change in land use type and development intensity that would be the primary changes from the General Plan and may result in environmental impacts.

**Location:** Town of Los Gatos and related Planning Area/Sphere of Influence, Santa Clara County.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Town in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Public Resources Code Section 15124 Project Description

The geographical scope of the Project is not clear. The NOP, within the Project Description section, states that there are "…eight (8) Opportunity Areas targeted for change in land use type and development intensity that may result in environmental impacts." This appears to indicate that changes in comparison between the 2010 General Plan and 2040 General Plan are only within these urban Opportunity Areas. However, the NOP, within the Project Description section, also states that these "…would be the primary changes from the current General Plan that may result in environmental impacts." "Primary changes" appears to indicate that the land use changes within the Opportunity Areas are not the only potential locations in which environmental impacts could occur. Additionally, the Town's website for the NOP (http://losgatos2040.com/), it states that the Los Gatos Town Council approved a Preferred Land Use Alternative Framework for the Los Gatos 2040 General Plan and a link to the Preferred Land Use Alternative Framework, dated May 2020, is provided. Within this document, Table 1 and Table 2 discuss land use changes within and outside of the Opportunity Areas. The NOP Figure 1 (Project locations map), shows 2020 General Plan Land Use Designations. It is not clear if the map depicts the existing land use in 2020 or if the date should reflect year 2040. Additionally, the legend within NOP Figure 1 does not explain the land use within the white areas within the Town Sphere of Influence, Urban Growth, and Town boundaries. CDFW recommends that the geographic extent of the environmental impacts be clearly discussed within the text of the programmatic draft EIR. It is also recommended that the programmatic draft EIR include maps that clearly depict the geographical extent of environmental impacts/land

use changes, including identification of areas that will not have any environmental impacts or land use changes.

**Public Resources Code Section 15126, Consideration and Discussion of Environmental Impacts, Section 15126.2 Consideration and Discussion of Significant Environmental Impacts, Section 15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects**

Since the NOP is unclear as to the geographic extent of the 2040 General Plan (see above comments), CDFW's comments below pertain to biological resources within the Opportunity Areas and areas within the Sphere of Influence, Urban Growth, and Town boundaries.

CDFW is concerned regarding potential impacts to special-status species that may be present within the Project location, including, but not limited to, those listed below (CDFW 2020).

- Golden eagle (*Aquila chrysaetos*) – State Fully Protected
- Foothill yellow-legged frog (*Rana boylii*) – State Endangered
- California tiger salamander (*Ambystoma californiense*) – Federal Threatened, State Threatened
- Steelhead (*Oncorhynchus mykiss irideus pop. 8*), Central California Coast Distinct Population Segment – Federally Threatened
- California red-legged frog (*Rana draytonii*) – Federally Threatened, State Species of Special Concern (SSC)
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) – State SSC
- Pallid bat (*Antrozous pallidus*) – State SSC
- Townsend's big-eared bat (*Corynorhinus townsendii*) – State SSC
- Western pond turtle (*Emmys marmorata*) – State SSC
- California giant salamander (*Dicamptodon ensatus*) – State SSC
- Santa Cruz black salamander (*Aneides niger*) – State SSC
- Loma Prieta hoita (*Hoita strobilina*) – California Rare Plant Rank 1B.1
- Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchellii*) – California Rare Plant Rank 1B.1
- Most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*) – California Rare Plant Rank 1B.2
- Mt. Hamilton thistle (*Cirsium fontinale* var. *campylon*) – California Rare Plant Rank 1B.2
- Smooth lessingia (*Lessingia micradenia* var. *glabrata*) – California Rare Plant Rank 1B.2

Due to the limited information provided in the NOP, CDFW is providing the general comments below with regards to potential impacts of the Project to special-status species and mitigation measures to offset any unavoidable impacts.

**State Fully Protected Species and Nesting Birds:**

*Issue*: State fully protected raptor species and other nesting birds may occur within the Project area. Without appropriate mitigation measures, the Project could potentially have a significant impact on these species.

*Specific Impacts*: Without appropriate avoidance measures for nesting birds, potentially significant impacts associated with Project activities may include reduced reproductive success, reduced health and vigor, nest abandonment, loss of nest trees, and/or loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality.

*Evidence impact would be significant:* The Project will or may include impacts such as noise, groundwork, and movement of workers that may occur in or directly adjacent to habitat and thus have the potential to significantly impact nesting birds.

*Recommended Potentially Feasible Mitigation Measures*:

1. Nesting Bird Habitat Assessment: A qualified biologist should conduct a habitat assessment in advance of Project implementation, to determine if the Project site or its vicinity contains suitable habitat for nesting bird species.

2. Bird Nest Surveys: A focused survey using appropriate protocols should be conducted throughout the nesting season by qualified biologists at Project locations prior to Project implementation. If Project activities are to take place during the nesting season, an additional pre-Project activity survey for active nests should be conducted by a qualified biologist no more than seven days prior to the start of Project activity.

3. Nest Avoidance: If an active nest is found within or adjacent to the Project site, a no-disturbance buffer should be established and monitoring of the active nest should be conducted by a qualified biologist during all Project-related construction activities. The qualified biologist should increase the buffer if the birds are showing signs of unusual or distressed behavior such as defensive flights/vocalizations, standing up from a brooding position, or flying away from the nest. Buffers should be maintained until the eggs have hatched and young have fledged.

**State Threatened or Endangered Wildlife Species:**

*Issue*: State threatened or endangered wildlife species may occur within the Project

area. Without appropriate mitigation measures, the Project could potentially have a significant impact on these species.

*Specific impact*: Potential impacts to State-listed wildlife species include the inability to reproduce, capture, burrow/den collapse, crushing as a result of burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality. Unauthorized take of species listed as threatened or endangered pursuant to CESA is a violation of Fish and Game Code.

*Evidence impact would be significant*: The Project will or may include impacts such as noise, groundwork, and movement of workers that may occur in or directly adjacent to habitat and thus have the potential to significantly impact State-listed wildlife species.

*Recommended Potentially Feasible Mitigation Measures*:

1. State-listed Wildlife Species Focused Surveys: The Project location should be surveyed for State-listed wildlife species by a qualified biologist following protocol-level surveys. Protocol-level surveys are intended to maximize detectability. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

2. State-listed Species Take Authorization: If State-listed wildlife species are identified during surveys and full avoidance of take is not feasible, the project proponents should apply to CDFW for take authorization through issuance of an Incidental Take Permit (ITP).

**Rare Plant Species**

*Issue*: Rare plant species may occur within the Project location. Without appropriate mitigation measures, the Project could potentially have a significant impact on these species.

*Specific impact*: Potential impacts to special-status plants include inability to reproduce and direct mortality. Unauthorized take of plant species listed as threatened, endangered, or rare pursuant to CESA or the Native Plant Protection Act is a violation of Fish and Game Code.

*Evidence impact would be significant*: Special-status plants are typically narrowly distributed endemic species. These species are susceptible are to habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species. There is a potential for the Project have significant impacts to these species and their populations.

*Recommended Potentially Feasible Mitigation Measures*:

1. Special-Status Plant Focused Surveys: The Project location should be surveyed for State-listed plant species by a qualified biologist following protocol-level surveys. Protocol-level surveys, which are intended to maximize detectability, may include identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

2. Special-Status Plant Avoidance: For activities that will not be covered by the Santa Clara Valley Habitat Plan, special-status plant species should be avoided through delineation and establishment of a no-disturbance buffer of at least 50 feet from the outer edge of the plant population or specific habitat type required by special-status plant species.

3. Special-Status Plant Take Authorization: If State-listed plant species are identified during surveys and full avoidance of take is not feasible, take authorization through CDFW issuance of an ITP would be required.

**State Species of Special Concern**

*Issue*: Wildlife SCC may occur within the Project area. Without appropriate mitigation measures, the Project could potentially have a significant impact on these species.

*Specific impact*: Potential impacts to SCC wildlife species include inability to reproduce, capture, burrow/den collapse, crushing as a result of burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, nest abandonment, loss of nest/breeding/roosting habitat, or loss of foraging habitat that would reduce breeding success (loss or reduced health or vigor of eggs or young), and direct mortality.

*Evidence impact would be significant*: The Project will or may include impacts such as noise, groundwork, and movement of workers that may occur in or directly adjacent to habitat and thus have the potential to significantly impact State-listed wildlife species.

*Recommended Potentially Feasible Mitigation Measures*:

1. State Species of Special Concern Focused Surveys: The Project location should be surveyed for Species of Special Concern by a qualified biologist following protocol-level surveys. Protocol-level surveys are intended to maximize detectability. In the absence of protocol-level surveys being performed, focused surveys for Species of Special Concern presence, nests, or indicators of presence (e.g. bat guano and acoustic surveys) should be conducted.

2. State Species of Special Concern Avoidance: If SSC wildlife species are found within or adjacent to the Project site, the qualified biologist should establish a no-disturbance buffer appropriate for the species and conduct on-site monitoring during all Project-related activities. The programmatic draft EIR should include additional minimization and mitigation measures for each SCC wildlife species that could be potentially impacted by Project activities.

**Impacts to Lake and Riparian Habitat**

CDFW is concerned regarding potential impacts to lakes and streams within the Project location. Due to the limited information provided in the NOP, CDFW is providing comments below with regards to potential impacts and mitigation measures for lakes and streams.

*Issue*: The Project area has the potential to contain water features subject to CDFW's LSA authority, pursuant Fish and Game Code § 1600 et seq. There may be a potential for Project implementation to have temporary and permanent impacts to these features.

*Specific impact:* Work within freshwater marsh, wetland, and riparian features has the potential to result in substantial diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); and deposition of debris, waste, sediment, or other materials into water feature causing water pollution that is deleterious to fish and wildlife.

*Evidence impact is potentially significant*: The Project area has the potential to include features subject to CDFW's LSA regulatory authority. Construction activities within these features has the potential to impact downstream waters and to significantly impact the remaining acreage of freshwater marsh, wetland, and riparian communities.

*Recommended Potentially Feasible Mitigation Measures*:

1. Habitat Assessment: A qualified biologist should conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity supports freshwater marsh, wetland, and/or riparian communities. This survey should include, but not be limited to ponds, Los Gatos Creek, Guadalupe Creek, Ross Creek, Pheasant Creek, other creeks or streams, and drainages.

2. Wetland Delineation: CDFW recommends a formal wetland delineation be conducted by a qualified biologist prior to Project construction to determine the location and extent of wetlands and riparian habitat present. Please note that, while there is overlap, State and Federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code § 1602, differ. Therefore, CDFW further recommends that the delineation identify both State and

Federal wetlands as well as which activities may require Notification to comply with Fish and Game Code.

3. Notification of Lake or Streambed Alteration: Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake: (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information, please see https://www.wildlife.ca.gov/Conservation/LSA.

CDFW recommends consulting with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on potential impacts to federally listed species. Consultation with the USFWS and NMFS in order to comply with the federal Endangered Species Act is advised well in advance of Project implementation.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data#44524420-pdf-field-survey-form. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

**FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

**CONCLUSION**

CDFW appreciates the opportunity to comment on the NOP to assist the Town of Los Gatos in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Kristin Garrison, Environmental Scientist, at (707) 944-5534 or by email at

Kristin.Garrison@wildlife.ca.gov; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541 or by email at Brenda.Blinn@widlife.ca.gov.

Sincerely,

DocuSigned by:
Gregg Erickson
BE74D4C93C604EA...

Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

**LITERATURE CITED**

California Department of Fish and Wildlife (CDFW). 2020. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed July 29, 2020 and July 30, 2020.

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July 27, 2020
Project No: 18-05703

Jennifer Armer, AICP
Town of Los Gatos
Community Development Department
110 E. Main Street,
Los Gatos, California 95030
Via email: jarmer@losgatos.ca.gov

**Subject:** **Los Gatos 2040 General Plan**
**Environmental Impact Report Scoping Meeting Summary**

The Town of Los Gatos held a scoping meeting for the Los Gatos 2040 General Plan Update Environmental Impact Report (EIR) on July 23, 2020 at 7:00 pm. The meeting was held via Zoom due to the ongoing COVID-19 pandemic, and was attended by Town staff and members of the consultant team firms Mintier Harnish and Rincon Consultants. Four participants called into the meeting.

Following a presentation on the progress of the General Plan update and the regulatory background, purpose, and scope of the EIR, participants were asked to provide any comments on what topics or issues the EIR should identify and address. Two participants provided the following comments:

- Alice Kaufman, Green Foothills Advocacy Director: Focus development on infill rather than expanding out and up into the hillsides; this is both a sustainability and wildfire issue, as spreading out increases GHG emissions and increases wildfire risk.
- Maria Ristow: Supports comments of Alice Kaufman. Adds that if Los Gatos does expand into the hillsides, it is also an impact to wildlife and increases traffic impacts, requiring people to drive more.

Additional comments on the scope of the EIR are being solicited via email, direct mail, and postings on the project website and in local newspapers. These comments will be considered in defining the issues to be analyzed in the EIR. Once the EIR is drafted, it will be circulated for public review and further comment.

**DEPARTMENT OF TRANSPORTATION**
DISTRICT 4
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P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
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*Making Conservation a California Way of Life.*

August 7, 2020

SCH # 2020070175
GTS # 04-SCL-2020-00771
GTS ID: 20062
PM: SCL/VAR/VAR

Jennifer Armer, AICP
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

**Town of Los Gatos 2040 General Plan Update – Notice of Preparation (NOP)**

Dear Jennifer Armer:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Town of Los Gatos 2040 General Plan Update. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the July 2020 NOP.

***Project Understanding***

The Town's existing General Plan was completed in 2010 and has guided land use policy decisions in Los Gatos for the last 10 years. The 2040 General Plan update will provide the context to effectively plan and manage Los Gatos into the future based on an updated set of goals, policies, and implementation programs that reflect the current values and aspirations expressed by the community. The General Plan Planning Area encompasses approximately 11.46 square miles of land within the current Town limits plus approximately 18.26 square miles of land south of the Town's corporate limits within the adopted Sphere of influence.

The alternative process for the General Plan update includes the following eight Opportunity Areas targeted for change in land use type and development intensity that may result in environmental impacts: Los Gatos Boulevard, Lark Avenue, North Santa Cruz Avenue, Harwood Road, Union Avenue, Winchester Boulevard, Pollard Road and Downtown Los Gatos. State Route (SR)-9, SR-17,

and SR-85 run through the town of Los Gatos and some of the Opportunities Areas are located along the highway corridors.

***Highway Operations***
The project has Opportunity Areas along SR-17, SR-9, and SR-85. Future development could increase traffic demand along the State Routes, and therefore, a transportation analysis is required to determine the impact(s) along the related State highway system.

The impacts of turning movement queues at these intersections and increase of travel demand at the connector ramps may spill back onto the freeway mainline. The project should provide the intersection analyses and the 95$^{th}$ percentile queuing analyses for the intersections listed below for all scenarios considered in the project. The intersections should be analyzed as a system to determine the impacts of queues spilling back from one intersection into an upstream intersection and not as isolated intersection analyses. The ramp analyses should include the following locations:

- NB SR-17 off-ramp to S Santa Cruz Avenue
- SB SR-17 on-ramp from S Santa Cruz Avenue
- ALL on-ramps and off-ramps at the SR-17/SR-9 Interchange
- NB SR-17 off-ramp to Lark Avenue
- NB SR-17 on-ramp from Lark Avenue
- SB SR-17 off-ramp to Lark Avenue
- SB SR-17 on-ramp from Lark Avenue
- ALL on-ramps and off-ramps at the SR-17/SR-85 Interchange
- NB SR-17 off-ramp to Camden Avenue
- NB SR-17 on-ramps from Camden Avenue
- SB SR-17 off-ramp to Camden Avenue
- SB SR-17 on-ramp from Camden Avenue
- NB SR-85 off-ramp to S Bascom Avenue
- NB SR-85 on-ramp from S Bascom Avenue
- SB SR-85 off-ramp to S Bascom Avenue
- SB SR-85 on-ramp from S Bascom Avenue
- NB SR-85 on-ramp from Winchester Boulevard
- SB SR-85 off-ramp to Winchester Boulevard

***Landscape Architecture***
SR-9 is an officially designated scenic highway from the Santa Cruz/Santa Clara County line to the Los Gatos town limits, and is eligible for scenic designation within the Town of Los Gatos. SR-17 is eligible for scenic designation from SR-1 in Santa Cruz County to SR-9 within the Town of Los Gatos. The North Santa Cruz Avenue and Downtown Opportunity Areas abut SR-9, and the Downtown Opportunity Area encompasses a segment of SR-17 that is eligible for scenic designation. Please include discussion of potential visual impacts to these scenic corridors in the EIR.

If the Town of Los Gatos is interested in applying for official designation for the eligible segments of SR-9 and SR-17 within the town limits, more information is available at https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

***Travel Demand Analysis***
With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and vehicle miles traveled (VMT) as the primary transportation impact metric. When available, Caltrans encourages the Town of Los Gatos to share the VMT policies and thresholds.

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

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at Yunsheng.Luo@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,

Mark Leong

Mark Leong
District Branch Chief
Local Development - Intergovernmental Review

cc: State Clearinghouse

Midpeninsula Regional OpenSpace | Midpeninsula Regional Open Space District

August 7, 2020

Jennifer Armer, AICP, Senior Planner
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: Notice of Preparation of an Environmental Impact Report for the Town of Los Gatos 2040 General Plan Update

Dear Ms. Armer,

On behalf of the Midpeninsula Regional Open Space District (District), we respectfully submit the following comments regarding the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Los Gatos 2040 General Plan Update (2040 General Plan Update or Project). The District is pleased to see the Los Gatos 2040 General Plan Update focuses on promoting regional resilience and addresses key environmental concerns, including the protection of natural resources and the reduction of greenhouse gas emissions.

The District owns and manages nearly 65,000 acres of open space land in the Santa Cruz Mountains region. Our mission is:

*To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education.*

The District's 26 Open Space Preserves include redwood, oak, and fir forests, chaparral-covered hillsides, riparian corridors, grasslands, coastal terraces along the Pacific Ocean, and wetlands along the San Francisco Bay. Ranging from 55 to over 18,000 acres, 24 of the 26 preserves are open to the public free of charge, 365 days a year.

The District owns and manages three preserves adjacent to the town of Los Gatos: El Sereno, St. Joseph's Hill, and Sierra Azul Open Space Preserves. The St. Joseph's Hill and Sierra Azul Open Space Preserves are particularly significant recreation sites, with extensive trails available for public use. Given that St. Joseph's Hill and Sierra Azul Open Space Preserves are within the town limits and in close proximity to the Opportunity Areas identified in the 2040 General Plan Update, the environmental analysis of this project should address potential impacts to adjacent District lands. The District is especially focused on the following five topic areas:

1. Wildfire

Considering that the Los Gatos Planning Area is categorized as a high fire risk zone, please analyze fire risk management in this project area, particularly in the wildland urban interface adjacent to District

lands. We recommend that the Town of Los Gatos coordinate with the District in the development of Fire Management Plans which would interface with the District's Wildland Fire Resiliency Program and Fire Management Plans for the three preserves within the town limits and in close proximity to these Opportunity Areas. A copy of our Wildland Fire Management Policy and additional information about the District's Wildland Fire Resiliency Program can be found at: https://www.openspace.org/our-work/projects/wildland-fire-resiliency.

2. Aesthetics and Visual Resources

Impacts to visual resources need to be analyzed, including bay and open space viewsheds spanning Santa Clara Valley, Lexington Reservoir, El Sereno, and Sierra Azul. Please include an analysis of the potential visual impacts to protected open space lands, particularly from the perspective of a recreational user.

3. Noise

Due to the high recreation usage of the St. Joseph's Hill and Sierra Azul Open Space Preserves, any potentially detrimental impacts from noise pollution should be analyzed.

4. Special Status Species

The Los Gatos Planning Area and adjacent District preserves consist of habitat for several special status species, including those that are:

> *Federally Endangered*—Robust spineflower (*Chorizanthe robusta var. robusta*), Santa Clara Valley dudleya (*Dudleya abramsii ssp. setchellii*), and Zayante band-winged grasshopper (*Trimerotropis infantilis*)
>
> *Federally Threatened*— California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), and Steelhead trout (*Oncorhynchus mykiss irideus*)
>
> *California Species of Special Concern*— California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylii*), Santa Cruz black salamander (*Aneides flavipunctatus niger*), and Pallid bat (*Antrozous pallidus*)
>
> *Plants Rate, Threatened, or Endangered in California and Elsewhere*— Arcuate bush-mallow (*Malacothamnus arcuatus*), Bent-flowered fiddleneck (*Amsinckia lunaris*), Congdon's tarplant (*Centromadia parryi ssp. congdonii*), Loma Prieta hoita (*Hoita strobilina*), Santa Clara Valley dudleya (*Dudleya abramsii ssp. setchellii*), and Woodland woollythreads (*Monolopia gracilens*)

The protection of these special status species is central to the District's mission and as such any environmental impacts to these species and their habitats should also be considered in the EIR.

5. Habitat Connectivity

Considering the importance of maintaining connectivity to surrounding open space and within urban interface lands, the District also requests an analysis of impacts to habitat connectivity within the Los Gatos Planning Area. This analysis should consider providing unimpeded access to waterways, including Lexington Reservoir, for California newts (*Taricha torosa*) and other native aquatic species. Likewise, in order to ameliorate damaging impacts to wildlife along busy roadways, structures and directional fencing for mountain lions, deer, bobcats, and coyotes should be assessed. Where appropriate, the inclusion of wildlife friendly fences for private properties should also be evaluated.

6. Los Gatos Creek Trail/Highway 17 Areas

The District is currently planning and developing wildlife and regional trail crossings in support of the Bay Area Ridge Trail connection across Highway 17 in the Los Gatos Planning Area north of Lexington Reservoir. This regional trail crossing includes a connection to the Los Gatos Creek Trail and the existing trail systems in El Sereno, St. Joseph's Hill, and Sierra Azul Open Space Preserves in and adjacent to the Planning Area. Please evaluate any Project impacts to this regional trail system in your analysis.

Additionally, due to the current need for remote work during the COVID-10 pandemic, the District request to be kept informed of this project's status via email. Updates can be sent to the two following addresses: jmark@openspace.org and anuri@openspace.org.

We appreciate the opportunity to comment on this NOP and participate in any further planning processes. Should you have any questions about this letter, please contact me at jmark@openspace.org or at (650) 691-1200.

Sincerely,

Jane Mark, AICP
Planning Manager

CC: Ana Ruiz, AICP, General Manager, Midpeninsula Regional Open Space District
Susanna Chan, Assistant General Manager, Midpeninsula Regional Open Space District

**County of Santa Clara**

Roads and Airports Department
Planning, Land Development and Survey

101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276

**August 10, 2020**

**Jennifer Armer,**
**JArmer@losgatosca.gov**
Senior Planner
Town of Los Gatos
110 E. Main Street, Los Gatos, CA 95030

**SUBJECT: Notice of Preparation of an Environmental Impact Report for the Town of Los Gatos 2040 General Plan (LGGP) Update**

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Preparation of an Environmental Impact Report for the Town of Los Gatos 2040 General Plan (LGGP) Update. Upon our review we submit the following comments:

1. We recognize that SB 743 no longer recognizes level of service traffic analyses as a determinant of environmental significant impacts, however for the purposes of safety and operational impacts on county roads, we request that the General Plan Update include policies that require individual development projects to include appropriate non-VMT traffic analyses so that adverse safety and operational impacts to traffic circulation and bottlenecks created by private development are addressed by the development.
2. Regarding the VMT analysis, we request the General Plan and EIR to be specific about how VMT is calculated for areas outside of the Town boundary ***and*** outside of the Urban Service Boundary.
3. The County recommends that the baseline VMT should be comparable to the County's unincorporated areas' baseline VMT within the same zones. We request that the VMT analysis describe any differences from the VTA's VMT Baseline Heatmap and Toolkit.
4. The Town of Los Gatos boundaries are unique in the areas where they extend beyond the Urban Service Boundary. In the past the County has supported specific individual annexations at a parcel level. However, individual parcel annexations do not support the County's General Plan objectives and policies regarding cohesive planned growth. The County specifically requests the General Plan to include or update policies regarding annexation(s), especially if or when it affects the VMT baseline calculation.
5. In general, please be reminded that any recommended proposed improvements at County roads, resources, and facilities are subject to County review and approval and should be identified in the individual GGP projects' TIA documents. We recommend that both VMT and LOS methodologies be used for operational and safety analyses.
6. If any Class II bicycle facilities are proposed on County roads, please discuss with the County before adding any proposed bike, trail, multiuse path, or sidewalk facilities to any maps in the draft EIR. We currently have no bike facilities designated or planned on unincorporated roads and we would prefer to work with the City through the development of the County Active Transportation Plan to determine appropriate or desired bike facilities on County roads.

We commend the Town's effort on updating the General Plan and look forward to continued partnership with you in our joint efforts for achieving sustainable, vibrant communities and continued goals for protecting the integrity of the County's open spaces. If you have any questions or concerns about these comments, please contact me at 408-573-2482 or ellen.talbo@rda.sccgov.org.

Thank you,

Ellen Talbo, AICP
County Transportation Planner

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org


August 11, 2020

Jennifer Armer, AICP
Senior Planner
Town of Los Gatos
110 E. Main Street,
Los Gatos, CA 95030

Dear Ms. Armer:

The County of Santa Clara Department of Planning and Development submits the following comment on the Notice of Preparation on the EIR for the Town of Los Gatos 2040 General Plan Update. The Planning Area/Sphere of Influence contains lands that are within the Urban Service Area but outside city limits. The project description should clarify whether the Town of Los Gatos intends to annex lands these lands.

Sincerely,

David M. Rader

David M. Rader
Senior Planner, County of Santa Clara
County Government Center, East Wing, 7th Floor
70 W. Hedding Street, San Jose, CA

Santa Clara Valley Water District SM

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

File: 26043
Various

April 22, 2010

Ms. Wendie R. Rooney
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Subject: Town of Los Gatos General Plan and EIR

Dear Ms. Rooney:

The Santa Clara Valley Water District is a special district with jurisdiction throughout Santa Clara County and is the county's primary water resources agency. The Water District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

We appreciate the opportunity to comment on the update of the Town of Los Gatos General Plan and associated draft EIR. This letter transmits comments that focus on the areas of interest and expertise of the Water District. Attached is potential policy language that could be incorporated into the Town's General Plan. We would be happy to meet with you to discuss any of these topics further or to help you locate information that would assist your continued development of your General Plan.

**Flood Hazards**

We would like to emphasize that State law now requires flood hazards to be addressed in your General Plan. AB 162 was passed into law in November, 2007. With a thirteen-month grace period, certain requirements became effective on January 1, 2009. Here is a brief summary of some of the relevant requirements from AB 162:

- California law requires local governments to revise general plans to address flood risks.
- General Plan amendments are required to be made by the next scheduled revision of the housing element after January 1, 2009.
- Cities must collaborate with local flood agencies to understand, plan for, and reduce flood risks.
- Mandatory flood-related analyses are specified in four General Plan Elements, summarized below:

  - **Land Use Element** - Identify those areas covered by the general plan that are subject to flooding.

- **Housing Element** - Your determination of available land suitable for urban development may exclude lands where the risk of flooding would make it impractical to develop housing.

- **Conservation Element** – The General Plan must identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

- **Safety Element** – The General Plan must establish goals, policies & objectives to minimize risks from flooding. The following are specified in the legislation:
  - Avoiding or minimizing the risks of flooding to new development.
  - Evaluating whether new development should be located in flood hazard zones.
  - Maintaining essential public services during flooding.
  - Locating new essential public facilities outside of flood hazard zones.
  - Establishing cooperative working relationships among public agencies with responsibility for flood protection.

To augment your existing policies regarding flood hazards, the Water District suggests two additional policies under Goal SAF-4:

- *Ensure critical facilities are located or constructed to maintain functionality up to the 500-year flood event.*

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

**Water Supply**

The Water District is dedicated to ensuring a reliable supply of healthy, clean drinking water now and in the future. To do this, the quality and quantity of existing water supply sources, including groundwater, must be sustained and protected. Additionally, water conservation and recycled water use are increasingly important components of the County's water supply portfolio. The water resources implementation policies and programs in your existing General Plan reflect the importance of these water supply issues and we urge you to maintain them in your General Plan update. We suggest adding language that addresses the following topics:

- *Locating and properly destroying abandoned wells and other conduits for contamination as a means of protecting groundwater quality.*

- *Avoiding groundwater quality degradation when implementing storm water management and flood protection actions.*

- *Avoiding high-risk activities in vulnerable areas, such as near drinking water wells and waterways.*

**Stream Stewardship**
The Water District works to protect our watersheds by promoting good ecosystem habitat, stream biology and water quality. A significant factor affecting watershed health is the extent of development within, and adjacent to, riparian corridors. Managing development adjacent to creeks protects the stability of the receiving creeks from storm water, maintains the quality of the water, and minimizes flood hazards.

Setbacks from riparian corridors are necessary to protect the sensitive ecology of riparian corridors, provide adequate space to maintain the creeks and levees, and if necessary, improve flood protection projects.

Connection to our rivers and creeks is an important element to the quality of life for county residents. The Water District supports creek-side trails where appropriate and protecting the open space that riparian corridors provide. In many cases, open space adjacent to creeks can provide multiple beneficial uses such as recreation and flood protection.

Additional policies that may further assist in achieving Goal ENV-5 include:

- *Increase awareness of riparian corridors and provide guidance for adjacent development and landowner practices that support watershed health.*

- *Use and promote "Guidelines and Standards for Land-Use near Streams".*

**Water District Facilities**
Action VLR-5.2 calls for a trail on the east side of Los Gatos Creek from Lark Avenue to the northern Town boundary. The Water District generally opposes having a trail on both sides of a creek that is still in a natural condition due to the impacts to habitat. The proposed trail would also need to cross the Water District's Vasona Pump Station on the north side of Highway 85, which is a secured site. Such a trail may interfere with the operation of the pump station.

Action VLR-8.1 proposes to construct an emergency access to Lark Avenue over using the Water District's maintenance road for properties between Los Gatos Creek and Oka Road. Emergency access should be provided in conjunction with development of this area. The maintenance road may be available for emergency use; however, the Water District cannot allow the route to be designated as an official emergency access as it may be in use by Water District personnel during an emergency. The Town will need to work closely with Water District staff to determine if such a plan is feasible.

**Draft EIR**
The adoption of the policies suggested above into the General Plan would further serve to reduce impacts to biological resources, hydrology and water quality, and utilities.

In Section 4.8 – Hydrology and Water Quality, the DEIR discusses the Water District. The District's Ordinance (known as the Water Resources Protection Ordinance) replaced Ordinance 83-2, and requires a permit from the District only where the District has a property interest (either in fee title or an easement). The Town did not directly adopt Ordinance 06-01, but rather the "Guidelines and Standards for Land-Use near Streams." The Guidelines were developed cooperatively between the Water District, County, all 15 cities, with citizens, business, and agricultural interests to streamline the permitting process and protect stream and streamside resources. As noted above, the Water District believes that the Town's environmental goals would be served by referencing the Guidelines for creek-side development.

Under Existing Conditions for Water in the Utilities section, Planned Major Improvements, please note that the District's Capital Improvement Plan includes a project to improve and potentially expand the Rinconada Water Treatment Plant in Los Gatos.

The Water District is here to assist the Town in ensuring that the community is protected from flood hazards and has a reliable and clean source of water. We welcome the opportunity to work with the Town as you continue to develop the General Plan. If you have any questions or need further information, you can reach me at (408) 265-2607, extension 3095. Please reference File No. 26043 on any future correspondence regarding this project.

Sincerely,

Michael Martin
Environmental Planner
Community Projects Review Unit

cc: S. Tippets, C. Elias, K. Turner, M. Duffy, R. Narsim, File

26043_52884mm04-22

Santa Clara Valley Transportation Authority

August 10, 2020

Town of Los Gatos
110 E Main Street
Los Gatos, CA 95030

Attn: Jennifer Armer
Via Email: JArmer@losgatosca.gov

Subject: Town of Los Gatos 2040 General Plan Update Notice of Preparation

Dear Jennifer Armer,

Thank you very much for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report for the Town of Los Gatos 2040 General Plan Update. VTA appreciates the early and ongoing coordination between the Town of Gatos and VTA staff. VTA's comments are below.

General
VTA commends the Town for its overall approach in its General Plan Update. We strongly support the intensification of land uses in the eight (8) identified Opportunity Areas as VTA provides transit service to many of the Opportunity Areas and any effort to intensify land use density within these areas further supports transit use.

Transportation Network Assumptions
Please clearly state the Town's assumptions regarding the future transportation network and future land uses both within and outside the Town's borders in the horizon year in the Transportation section of the Draft Program Environmental Impact Report (DEIR). In particular, the DEIR should identify any areas where the transportation network assumptions (including freeways, expressways, arterials, and transit network) diverge from the Valley Transportation Plan (VTP) 2040 financially constrained project list. If the Town is introducing changes from the VTP 2040 network, we believe it is important to understand the effects on the Town's transportation system as well as Congestion Management Program (CMP) facilities, of including and not including these projects.

Community Design and Transportation Manual
In 2002, VTA published the Community Design and Transportation Manual (CDT) to provide direction to Member Agencies on best practices for policies and design elements that make projects, cities and towns, and the county more walkable, equitable, and transit supportive. Los Gatos passed a resolution in 2003 that supports the CDT and declared that the Town will, "continue to identify and consider opportunities for creating multimodal streets and implementing alternative street design standards and strategies, as defined in VTA's Community Design and Transportation Program, and as identified and developed by Town Staff in the preparation of the General Plan, Specific Plans, Community Plans, District Plans, and similar planning documents." VTA is currently working to update the CDT Manual and

looks forward to working with Los Gatos in developing and implementing policies for integrating transportation and land use.

Reduction of Vehicle Miles Traveled

As of August 7, 2020, Los Gatos has not adopted a Vehicle Miles Traveled (VMT) analysis policy to align with Senate Bill (SB) 743. When doing so, VTA encourages Los Gatos to include robust measures for analyzing the impacts development projects would have on transit, bicycle, and pedestrian performance. For more information and coordination on VMT policy language, please contact Rob Swierk at Robert.Swierk@vta.org.

VTA looks forward to continuing and improving our coordinated planning efforts with the Town of Los Gatos that contribute toward a sustainable future for our county. Thank you again for the opportunity to review this NOP. If you have any questions, please contact me at lola.torney@vta.org.

Sincerely,

Lola Torney
Transportation Planner

LG2002

# Appendix B

Los Gatos Greenhouse Gas Forecast Report


# Los Gatos General Plan Update

## Greenhouse Gas Forecast Report

*prepared by*

**Town of Los Gatos**
Planning Division, Department of Community Development
110 East Main Street
Los Gatos, California 95030

*prepared with the assistance of*

**Rincon Consultants, Inc.**
4825 J Street, Suite 200
Sacramento, California 95819

**June 2021**

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

# Table of Contents



## Tables



## Figures



## Appendices

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# 1 Introduction and Background

This Greenhouse Gas (GHG) Forecast Report presents the data, methods, and results for the GHG emissions forecast and goals developed for the Town of Los Gatos. The analysis presented in this report was developed based on the 2008 GHG emissions inventory completed by Los Gatos in 2012 as part of the Los Gatos Sustainability Plan (Los Gatos, 2012) and the 2040 buildout projections developed for the General Plan Update. The 2008 GHG emissions inventory quantifies the major sources of GHG emissions produced by residents and businesses operating within the Town of Los Gatos, and includes GHG emissions from sources or sectors that are within the Town's jurisdictional control during the year 2008.[1] The 2008 inventory was completed in accordance with relevant GHG accounting protocols and State guidance. To better understand the quantity of future GHG emission from the Town's projected General Plan buildout that will need to be mitigated over time, a GHG emissions forecast and goals have been developed. The forecast accounts for GHG emissions reductions expected from current and future state legislation, as well as relevant local policies the Town has implemented since 2008.

Included in this report is a summary of the 2008 inventory, a back-cast of Los Gatos' GHG emissions to 1990, a GHG emissions forecast to 2025, 2030, 2035, 2040, and 2045, and a set of GHG emissions goals for 2030, 2040, and 2045, consistent with State-level goals, based on the 2008 inventory and best available data and calculation methods. The GHG emissions goals developed for Los Gatos are consistent with State goals to reduce California's GHG emissions, including the goal to reduce GHG emissions 40 percent below 1990 levels by 2030 established by Senate Bill (SB) 32, and the goal to achieve carbon neutrality established by Executive Order (EO) B-55-18.[2]

[1] The GHG emissions inventory was compiled as a three-year average (2006 to 2008). This report uses the analysis completed for 2008 only to represent 2008 inventory.

[2] CARB's 2017 Climate Change Scoping Plan Update (CARB 2017) references the need for community planning for achieving the State's fair share of GHG emissions reductions.

# 2 GHG Emissions Inventory

The Town of Los Gatos developed a 2006-2008 GHG emissions inventory as part of the Los Gatos Sustainability Plan prepared in October 2012 (Los Gatos 2012). The Sustainability Plan was considered a key tool in implementing the 2020 General Plan and includes a detailed, long-range strategy to address the major sources of GHG emissions in Los Gatos and achieve sustainability in transportation, land use, energy, water, solid waste, and open space. The 2006-2008 inventory included GHG emissions from on-road and off-road transportation, residential and nonresidential energy use including electricity and natural gas, solid waste disposal, electricity used for water and wastewater, and off-road equipment. GHG emissions sectors excluded from the inventory were industrial activities and carbon sequestration. Further information about the methods used to develop the inventory are included in the Sustainability Plan. The inventory was compiled as a three-year average (2006 to 2008) using the California Emissions Estimator Model (CalEEMod). For the purposes of the analysis presented in this report, Rincon isolated the 2008 activity data[3] and emissions from the 2006-2008 inventory, and compiled these data separately to produce a 2008 inventory for Los Gatos. In general, GHG emissions were calculated using activity data and emissions factors[4] according to the following equation:

$$Activity\ Data\ \times Emissions\ Factor = GHG\ Emissions$$

A summary of the 2008 inventory is included in Table 1, including activity data, emissions factors, and calculated emissions. These results are detailed visually in Figure 1.

[3] Activity data refer to the relevant measured or estimated energy use or other GHG emissions-generating process such as fuel consumption by fuel type or metered annual electricity consumption. Activity data are geographically and temporally bounded by the location (Los Gatos Boundary) and year (2008).

4 Emissions factors are observation-based conversion factors used to equate activity data to generated GHG emissions. Emissions factors are activity data-specific, and are usually expressed in terms of emissions per unit of activity data (e.g., pounds of CO2e per megawatt-hour).

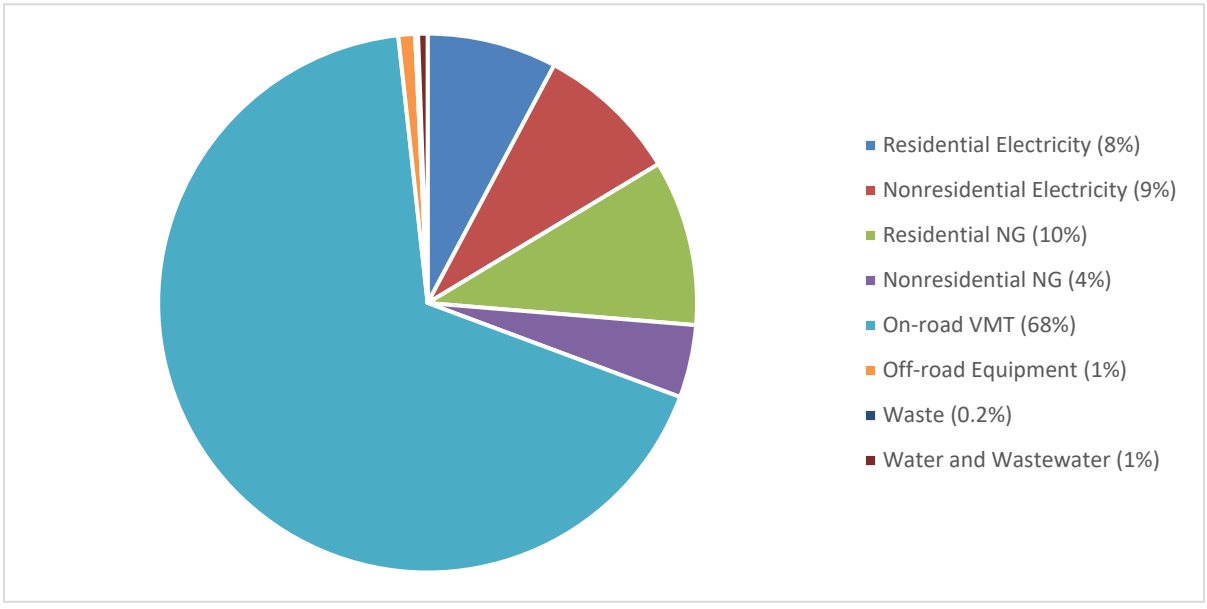
**Table 1 2008 GHG Emissions Inventory for Los Gatos**

| Sector | Activity Data | Emissions Factor | Emissions (MT $CO_2e$) |
|---|---|---|---|
| Residential Electricity | 97,687,232 (kWh) | 645 (lbs $CO_2e$/MWh) | 28,581 |
| Nonresidential Electricity | 107,790,147 (kWh) | 645 (lbs $CO_2e$/MWh) | 31,537 |
| Residential NG | 6,869,086 (therms) | 11.7 (lbs $CO_2e$/therm) | 36,485 |
| Nonresidential NG | 3,015,124 (therms) | 11.7 (lbs $CO_2e$/therm) | 16,015 |
| On-road VMT | 519,080,770 (miles) | 478 (g $CO_2e$/mile) | 248,146 |
| Off-road Equipment | Various | Various | 3,670 |
| Waste | 22,666 (tons) | 0.03 (MT $CO_2e$/ton) | 651 |
| Water and Wastewater | 7,957 (MWh) | 577 (lbs $CO_2e$/MWh) | 2,084 |
| **Total Emissions (MT $CO_2e$)** | | | **367,168** |
| **Per Capita Emissions (MT $CO_2e$/person)** | | | **12.74** |

MT = metric tons; $CO_2e$ = carbon dioxide equivalent; kWh = kilowatt-hours; lbs = pounds; MWh = megawatt-hours; g = grams

Notes: Activity data, emissions factors, and emissions were provided in Los Gatos (2012) Appendix B. In 2008, electricity and natural gas data were provided by PG&E, on-road VMT data were provided by a Fehr and Peers transportation model, off-road equipment usage data were determined using CARB's OFFROAD2007 model, water and wastewater data were provided by West Valley Santiation District and San Jose/Santa Clara Water Pollution Control Plant (WPCP). The emissions factor used for natural gas was updated for consistency with the current value published by Environmental Protection Agency (EPA 2018), as were the resulting natural gas GHG emissions. Water and wastewater electricity usage and emissions factors were provided separately for water and wastewater, and residential and nonresidential; the total electricity usage and average emissions factor is shown in this table. Per capita emissions were calculated based on a 2008 population of 28,810 people.

**Figure 1 2008 GHG Emissions Inventory for Los Gatos**




# 1990 Back-Cast

A 1990 GHG emissions back-cast was developed based on the 2008 inventory results. Determining 1990 GHG emissions levels for a community is an important step in developing GHG emissions goals. This is because the State currently utilizes 1990 as are reference for their GHG reduction goals and CARB has recommended that jurisdictions establish 2030 GHG emissions reduction goals consistent

with the State's 40 percent reduction from 1990 emissions levels, consistent with SB 32. Because Los Gatos does not have reliable or sufficient activity data to develop an inventory for 1990, Rincon used the 2008 inventory results to back-cast GHG emissions to 1990 for Los Gatos. Pursuant to guidance included in the AB 32 Scoping Plan (CARB 2008), 1990 GHG emissions were calculated to be 15 percent below 2008 emissions levels. The results of the 1990 back-cast are shown in Table 2.

**Table 2 1990 GHG Emissions Back-Cast**

| Description | Value |
|---|---|
| 2008 Inventory Emissions (MT $CO_2e$) | 367,168 |
| 15% of 2008 Inventory Emissions (MT $CO_2e$) | 55,075 |
| 1990 Emissions Back-cast (MT $CO_2e$) | 312,093 |
| 1990 Population (people) | 27,357 |
| 1990 Per Capita Emissions (MT $CO_2e$/person) | 11.41 |

Notes: 1990 emissions back-cast calculated as 15% below 2008 emissions levels. 1990 population determined using California Department of Finance historical population estimates (Accessed at: https://www.dof.ca.gov/forecasting/demographics/Estimates/)

# 3 GHG Emissions Forecast

Los Gatos' 2008 inventory establishes a reference point for emissions in a single year (i.e., 2008). However, a community's GHG emissions change over time due to external factors such as population and job growth. A GHG emissions forecast accounts for projected growth using growth rates and presents an estimate of the level of GHG emissions in a future year. Further calculating the difference between the forecasted GHG emissions and the GHG emissions goals determines the gap to be closed through local climate action policies. The GHG forecast years align with the following:

- 2025 (SB 32 interim target year)
- 2030 (SB 32 target year)
- 2035 (interim target year)
- 2040 (General Plan Update horizon year)
- 2045 (EO B-55-18 target year)

This section presents two forecast scenarios: a business as usual (BAU) forecast scenario and an adjusted forecast scenario. The BAU forecast scenario projects the expected growth in all emissions sectors based on job and population growth alone. The Adjusted forecast scenario accounts for job and population growth and additionally quantifies and incorporates all state regulations that are expected to help reduce Los Gatos' GHG emissions through 2030 and 2045, as discussed further in the Adjusted Forecast Methods and Results section. The adjusted forecast provides a more accurate picture of future emissions growth and the remaining GHG emissions reduction responsibility of Los Gatos once State regulations to reduce GHG emissions have been implemented.

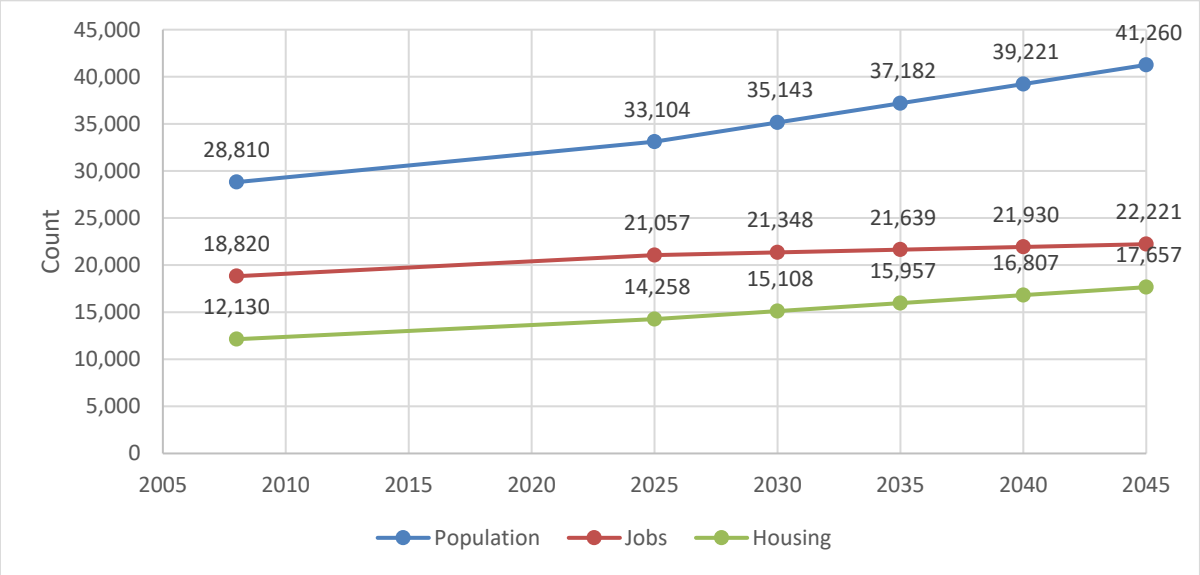
## Activity Data and Growth Factors

The data used to develop the BAU and adjusted forecasts included activity data from the 2008 inventory, buildout projections (population, housing, and jobs) from the 2040 General Plan Update, future emissions factors from the relevant electricity providers, estimated building efficiency increases from the California Energy Commission (CEC), emissions factors developed from CARB's EMission FACtor (EMFAC) model (EMFAC2017 version 1.0.2), and estimated off-road equipment fuel usage from CARB's off-road transportation models (OFFROAD 2007 and OFFROAD2017 – ORION version 1.0.1).[5]

The BAU and adjusted forecasts are primarily driven by the anticipated population, housing, and jobs growth for Los Gatos. Expected population, housing, and jobs growth through 2045 for Los Gatos are shown in Figure 2. Population, housing, and jobs were expected to grow linearly from 2018 through the General Plan Update horizon year of 2040, and at the same rates through 2045.

[5] Equipment included in the OFFROAD2017 – ORION model include agricultural, airport ground support, construction and mining, industrial, light commercial, locomotive, oil drilling, transport refrigeration units, and other portable equipment. In cases where equipment types are not included in the OFFROAD2017 – ORION model (i.e., dredging, entertainment, lawn and garden, logging, military, pleasure craft, railyard operations, and recreational equipment), output from CARB's OFFROAD2007 model is used.

**Figure 2 Population, Housing, and Jobs Growth Projections for Los Gatos**




In order to model growth in each emissions sector, growth factors (e.g., residential kWh per house or nonresidential therms per job) were developed based on the 2008 inventory and the population, housing, and jobs data for 2008, as shown in Table 3. In general, growth factors were multiplied by the projected population, , or housing, or jobs, as appropriate, for each forecasted year to determine activity data (e.g., kWh or therms) in that year.[6] Emissions factors (e.g., MT $CO_2e$ per kWh or therm) were then applied to the activity data projections to determine total emissions for each sector.

**Table 3 Growth Factors for Forecasting**

| GHG Emissions Sector | Growth Factor | Value |
|---|---|---|
| Residential Electricity | Residential electricity per capita (kWh/house) | 8,053 |
| Nonresidential Electricity | Nonresidential electricity per job (kWh/job) | 5,727 |
| Residential Natural Gas | Residential natural gas per capita (therms/house) | 566 |
| Nonresidential Natural Gas | Nonresidential natural gas per job (therms/job) | 160 |
| Waste | Emissions per service person (MT $CO_2e$/SP) | 0.0137 |
| Waste Tonnage | Waste per service person (tons/SP) | 0.4759 |
| Residential Water | Electricity per capita (MWh/person) | 0.2151 |
| Nonresidential Water | Electricity per job (MWh/job) | 0.0246 |
| Residential Wastewater | Electricity per capita (MWh/person) | 0.0374 |
| Nonresidential Wastewater | Electricity per job (MWh/job) | 0.0145 |

Note: the transportation sector is not represented in this table because no growth factors were used for transportation. Rather, use of CARB's off-road models were used to forecast off-road emissions in each forecast year, while a town-specific transportation model was used to forecast on-road emissions for the buildout year.

[6] The exception to this was on-road VMT and fuel use from off-road equipment

# BAU Forecast Methods and Results

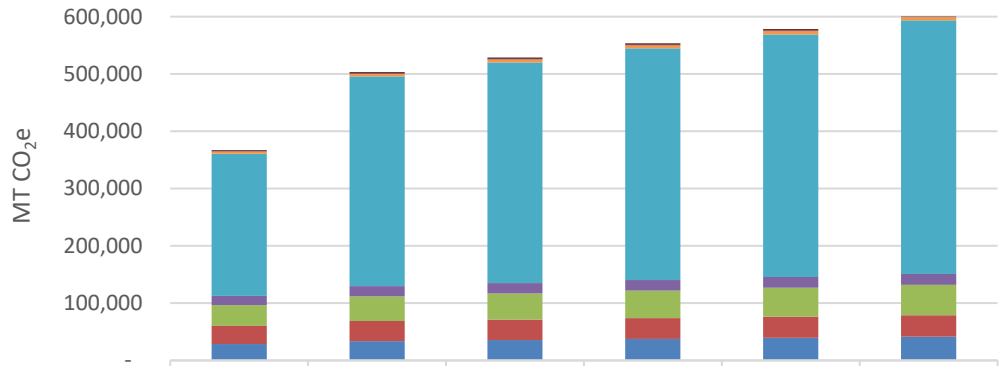
The BAU forecast provides an estimate of how GHG emissions would change in the forecast years if consumption trends continue as in the inventory year of 2008, absent any new regulations or policies that would reduce GHG emissions. The BAU forecast was completed according to the following methods:

- **Electricity:** The growth factor for each electricity source in Table 3 (in units of kWh per house or job) was multiplied by the corresponding housing or jobs projection for each year, then multiplied by the corresponding emissions factor used in the 2008 inventory shown in Table 1.
- **Natural gas:** The growth factor for each natural gas source in Table 3 (in units of therms per house or job) was multiplied by the corresponding housing or jobs projection for each year, then multiplied by the natural gas emissions factor used in the 2008 inventory shown in Table 1.
- **On-road transportation:** On-road road vehicle miles travelled (VMT) projections by speed class were provided by Fehr and Peers based on a transportation model for Los Gatos and the 2040 General Plan buildout projections. Total annual VMT by was then multiplied by the emissions factor used in the 2008 inventory shown in Table 1.
- **Off-road equipment:** Fuel usage data by equipment type from the OFFROAD2007 and OFFROAD2017 model outputs were multiplied the appropriate emissions factor for each fuel and equipment type provided in the Environmental Protection Agency's (EPA) Emission Factors for Greenhouse Gas Inventories (EPA 2018).[7] The OFFROAD 2007 and OFFROAD2017 model output is geographically bounded at the County level. To apportion emissions for Los Gatos, the results were further multiplied by apportioning factors specific to Los Gatos and each equipment type, as provided by the Los Gatos Sustainability Plan (Los Gatos 2008).
- **Waste:** The growth factor for waste in Table 3 (in units of MT $CO_2e$ per service person) was multiplied by the corresponding service person projection for each year.
- **Water and Wastewater:** The growth factors for water in Table 3 (in units of MWh per person or job) for each water and wastewater stream were multiplied by the corresponding service population or jobs projection for each year, then multiplied by the corresponding electricity emissions factor used in the 2008 inventory shown in Table 1.

The detailed calculations used to complete the BAU forecast are included in Appendix A. The results of the analysis are shown in in Figure 3. Under the BAU forecast, Los Gatos' emissions are projected to continue increasing through 2045. This increase is the result of increases in on-road VMT projected by the Los Gatos transportation model, off-road fuel usage projected by the OFFROAD2007 and OFFROAD2017 models, and increases in electricity usage, natural gas usage, waste, water usage, and wastewater caused by projected population and jobs increases.

[7] Equipment types included in the analysis were agricultural equipment, construction and mining equipment, lawn and garden equipment, and light commercial equipment, consistent with the methods used in the 2008 inventory (Los Gatos 2008).

**Figure 3 Los Gatos BAU Forecast**




| | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| BAU Forecast Total | 367,168 | 503,281 | 528,700 | 553,598 | 578,507 | 603,277 |
| Water and Wastewater | 2,084 | 2,405 | 2,543 | 2,681 | 2,819 | 2,957 |
| Waste | 651 | 740 | 772 | 804 | 836 | 868 |
| Off-road Equipment | 3,670 | 4,423 | 5,235 | 5,524 | 5,826 | 5,988 |
| On-road VMT | 248,146 | 366,025 | 385,171 | 404,317 | 423,463 | 442,609 |
| Nonresidential Natural Gas | 16,015 | 17,919 | 18,166 | 18,414 | 18,661 | 18,909 |
| Residential Natural Gas | 36,485 | 42,887 | 45,442 | 47,997 | 50,552 | 53,108 |
| Nonresidential Electricity | 31,537 | 35,286 | 35,774 | 36,261 | 36,749 | 37,236 |
| Residential Electricity | 28,581 | 33,596 | 35,598 | 37,599 | 39,601 | 41,603 |

# Adjusted Forecast Methods and Results

The adjusted forecast adjusts the BAU forecast to include the State regulations and local actions associated with known GHG emissions reductions. The State regulations and local actions incorporated into the adjusted forecast and the methods used to complete the adjusted forecast are summarized in the sections below. The detailed calculations used to complete the adjusted forecast are included in Appendix A.

## State Regulations and Local Actions Incorporated into the Adjusted Forecast

Various state-level regulations are expected to reduce GHG emissions in specific GHG emissions sectors throughout California, as identified in the 2017 Scoping Plan Update (CARB 2017). Three state-level regulations were incorporated into the adjusted forecast for Los Gatos, including the Advanced Clean Cars Program, California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations Title 24), and the California Renewable Portfolio Standard (RPS):

- The **Advanced Clean Cars Program**, approved by CARB in January 2012, coordinates the goals of the Low Emissions Vehicles, Zero Emissions Vehicles, and Clean Fuels Outlet programs, and is more stringent than the federal CAFE standards. The new standards will reduce Californian GHG emissions by 34 percent in 2025 (CARB 2012).
- California's **Energy Efficiency Standards for Residential and Nonresidential Buildings** (Title 24), adopted in 1978, determine energy efficiency standards for new development in California. The California Energy Commission estimates the 2019 standards will reduce consumption by 34 percent for residential buildings and 30 percent for nonresidential buildings, relative to the 2016

standards, for new development projects implemented after January 1, 2020. Because the inventory was conducted in 2008, when 2008 building standards still applied, energy reductions for the 2016 standards relative to the 2013 standards, and 2013 standards relative to the 2008 standards, were additionally accounted for in the forecast.

- The **California RPS** requires retail electricity providers to increase procurement from eligible renewable energy resources to 50 percent of total procurement by 2026, 60 percent of total procurement by 2030, and 100 percent of total procurement by 2045. These standards will reduce electricity emissions in California to zero by 2045.

Other State regulations that may also aid in reducing GHG emissions in Los Gatos, such as the Short Lived Climate Pollutant Reduction Strategy SB 1383, which will reduce organic waste sent to the landfill, and Executive Order (EO) N-75-20, which requires that all new cars and passenger trucks sold in California by 2035 be zero-emission vehicles, were not incorporated into the forecast due to the lack of guidance from the State around how these regulations will be implemented at the jurisdictional level and to what extent they will be enforced.

The Town of Los Gatos and some of its utility providers have additionally instituted various local changes since 2008 that have resulted in known reductions in GHG emissions for Los Gatos beyond those expected from state-level regulations, and have therefore also been incorporated into the adjusted forecast. These include:

- Los Gatos' switch from PG&E provided electricity to Silicon Valley Clean Energy (SVCE)-provided electricity in 2016; SVCE electricity has a different emissions factor than PG&E electricity.
- Los Gatos' adoption of an electrification reach code for new residential construction in 2019, which resulted in natural gas usage reductions after 2019.
- Los Gatos' adoption of a polystyrene foodware ordinance which bans the use of polystyrene foodware for takeout, resulting in emissions reductions in the waste sector.
- Santa Clara Valley Water District (SCVWD), which provides water services for Los Gatos, switched electricity providers since 2008. SCVWD currently uses carbon-free electricity, resulting in zero emissions from water usage within Los Gatos.
- The San Jose-Santa Clara Water Pollution Control Plant (SJSC WPCP), which provides wastewater services for Los Gatos, switched electricity providers since 2008. SJSC WPCP currently uses electricity from San Jose Clean Energy (SJCE), which provides less carbon-intensive electricity than PG&E.

Los Gatos had instituted other policies and programs beyond those listed here which will likely also reduce GHG emissions beyond state-level regulations. However, other policies and programs beyond those listed here were not included in the adjusted forecast, as it is currently unclear to what extent the GHG emissions reductions from these policies and programs will actually be achieved and on what timeline.

## Energy

### *Electricity*

Projected GHG emissions from electricity were calculated by multiplying the growth factor for each electricity source in Table 3 (in units of kWh per house or job) by the corresponding housing or jobs projection for each year. New electricity usage above the 2008 baseline in each forecast year was then reduced by 75 percent and 50 percent for residential and nonresidential electricity,

respectively, to model efficiency increases from the 2013, 2016, and 2019 Building Energy Efficiency Standards from Title 24 over the 2008 Building Efficiency Standards.[8] Residential electricity was further adjusted by adding the estimated additional electricity expected from Los Gatos' electrification reach code for new residential construction. The natural gas reductions resulting from the reach code were converted to electricity using an energy conversion factor of 29.3 kWh/therm, then divided by three according to the assumption that electric appliances are on average three times more energy efficient than their natural gas counterparts.[9] Resulting electricity usage for each electricity source was then multiplied by the corresponding emissions factor. While the 2008 inventory used an emissions factor from PG&E for PG&E-provided electricity, Los Gatos switched to SVCE-provided electricity in 2016. The electricity emissions factors for the forecast were therefore calculated based on the most recent residential and nonresidential electricity emissions factors from SVCE, which were adjusted for future years based on California RPS requirements.[10]

### *Natural Gas*

Projected GHG emissions from natural gas were calculated by multiplying the growth factor for each natural gas source in Table 3 (in units of therms per house or job) by the corresponding housing or jobs projection for each year. New natural gas usage above the 2008 baseline in each forecast year was then reduced by 53 percent and 30 percent for residential and nonresidential natural gas, respectively, to model efficiency increases from the 2013, 2016, and 2019 Building Energy Efficiency Standards from Title 24 over the 2008 Building Efficiency Standards.[11] Residential natural gas usage was further adjusted by subtracting the estimated natural gas reductions resulting from Los Gatos' electrification reach code. Natural gas reductions for each year were calculated as all residential natural gas usage above the 2019 baseline; the year the ordinance was adopted. Resulting natural gas usage for each natural gas source was then multiplied by the emissions factor for natural gas shown in Table 1, which is expected to remain constant in future years.

## Transportation

### *On-road Transportation*

Projected GHG emissions from on-road transportation were calculated by multiplying projected annual VMT by speed class, from the Los Gatos transportation model output, by its corresponding emissions factor, derived for each forecast year based on EMFAC2017 model output for 2025, 2030, 2035, 2040, and 2045. The EMFAC2017 model incorporates the legislative requirements and regulations regarding transportation in California, including the Advanced Clean Car Standards.

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[8] Percent reduction was calculated as the addition of efficiency increases in electricity usage between 2008 and 2019 Building Energy Efficiency Standards. 2013 residential and nonresidential buildings are estimated to be 25 percent more efficient than 2008 buildings; 2016 residential and nonresidential buildings are estimated to be 28 percent more efficient than 2013 buildings; and 2019 buildings are estimated to be 53 percent (residential) and 7 percent (nonresidential) more efficient than 2016 buildings in terms of natural gas usage (UC Davis 2014; CEC 2015; CEC 2016; CEC 2018). This equates to an efficiency increase of 75 percent (residential) and 50 percent (nonresidential) for electricity usage between 2008 and 2019 buildings.

[9] https://help.leonardo-energy.org/hc/en-us/articles/203047881-How-efficient-is-a-heat-pump-

[10] Up-to-date electricity emissions factors were provided directly by SVCE.

[11] Percent reduction was calculated as the addition of efficiency increases in natural gas usage between 2008 and 2019 Building Energy Efficiency Standards. 2013 residential and nonresidential buildings are estimated to be 30 percent more efficient than 2008 buildings; 2016 buildings are estimated to be 5 percent (residential) and 0 percent (nonresidential) more efficient than 2013 buildings; and 2019 buildings are estimated to be 30 percent (residential) and 0 percent (nonresidential) more efficient than 2016 buildings in terms of natural gas usage (UC Davis 2014; CEC 2015; CEC 2016; CEC 2018). This equates to an efficiency increase of 53 percent (residential) and 30 percent (nonresidential) for natural gas usage between 2008 and 2019 buildings.

### *Off-road Equipment*

No adjustments to the BAU forecast for off-road equipment were incorporated into the adjusted forecast due to lack of State-level legislation that is expected to alter GHG emissions in this sector in the future.

## Waste

Emissions savings from Los Gatos' polystyrene foodware ordinance were calculated then subtracted from BAU waste emissions to yield adjusted waste emissions. Emissions savings were calculated by multiplying the growth factor for waste tonnage in Table 3 (in units of tons per service person) by the corresponding service population for each year, then multiplied by the average portion of municipal solid waste that is foodware packaging[12] and multiplied again by the emissions factor for mixed plastic.[13]

## Water and Wastewater

Projected GHG emissions from water and wastewater were calculated by multiplying the growth factors for water and wastewater in Table 3 (in units of MWh per person or kWh per job) for each water stream by the corresponding population or jobs projection for each year, then multiplied by the corresponding electricity emissions factor. Water services in Santa Clara County are provided by SCVWD, which relies on zero-carbon electricity for local water conveyance (SCVWD 2011). Therefore, an emissions factor of zero was used to calculate emissions from electricity usage for water. Los Gatos is served by the SJSC WPCP located in San Jose. As of 2019, San Jose sources electricity from SJCE. The electricity emissions factor for wastewater electricity usage was therefore calculated based on the most recent electricity emissions factor from SJCE, which was adjusted for future years based on California RPS requirements.[14]

## Adjusted Forecast Summary and Comparison

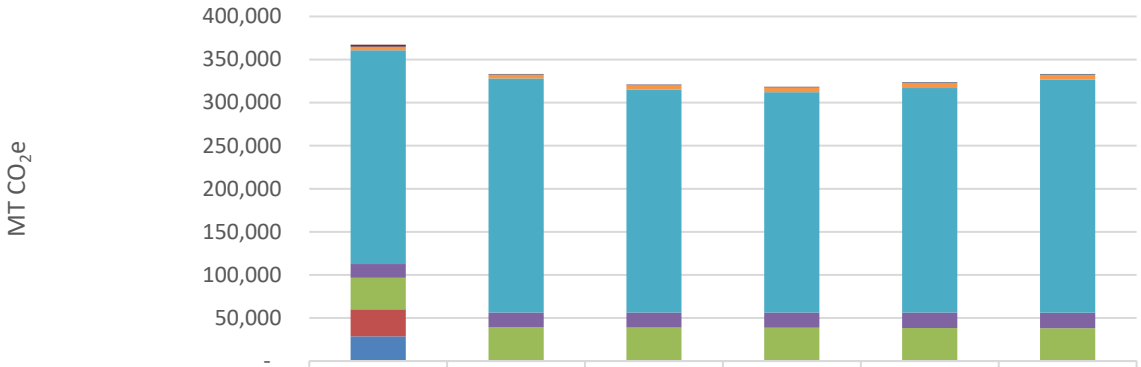
Under the adjusted scenario, GHG emissions are expected to decrease overall through 2035, then increase again slightly through 2045 (Figure 4). Electricity and water emissions in particular will see a strong downward trend, approaching near-zero in 2045 due to California RPS, requiring 100 percent renewables portfolio standard by 2045, and Title 24 requirements resulting in decreased electricity use in new buildings as well. Natural gas emissions are expected to continue increasing with population, although to a lesser extent than under the BAU forecast scenario, due to Title 24 requirements resulting in decreased natural gas use in new residential buildings. On-road transportation emissions will increase relative to 2008 due to population increases, then decrease through 2035 due to existing fuel efficiency requirements and fleet turnover rates, as modelled by EMFAC2017. As most current transportation regulations expire in 2025 or 2030, emissions standards will experience diminishing returns while actual vehicle usage continues to increase, leading to some increase in on-road transportation emissions between 2035 and 2045. Off-road equipment and waste emissions will each increase under the adjusted forecast scenario, as no State regulations were applied to these sectors.

[12] Estimated as 23%, per information accessed at: https://dishcraft.com/index.php?p=insights/achieving-zero-waste-and-foodware-ordinances-reusables-as-the-savvy-solution

[13] An emissions factor of 0.02 MT $CO_2e$/ton was used for mixed plastic, per information accessed at: https://dishcraft.com/index.php?p=insights/achieving-zero-waste-and-foodware-ordinances-reusables-as-the-savvy-solution

[14] Up-to-date electricity emissions factors were provided directly by SJCE.

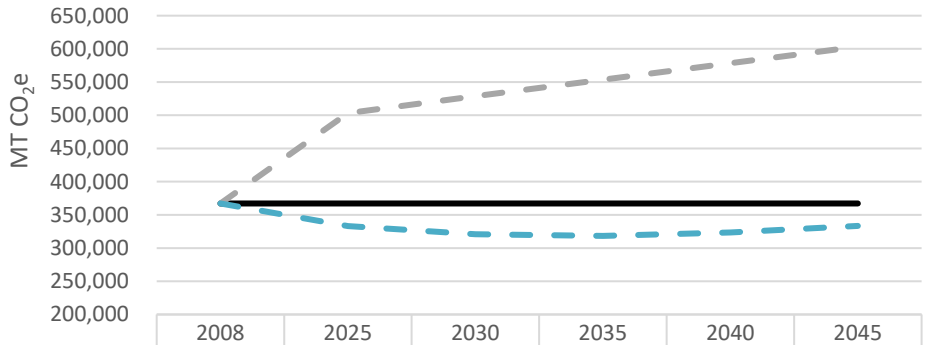
**Figure 4 Los Gatos Adjusted Forecast**




| | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| Adjusted Forecast Total | 367,168 | 333,196 | 320,956 | 318,335 | 323,446 | 333,301 |
| Water and Wastewater | 2,084 | 98 | 77 | 54 | 28 | - |
| Waste | 651 | 622 | 648 | 675 | 702 | 729 |
| Off-road Equipment | 3,670 | 4,423 | 5,235 | 5,524 | 5,826 | 5,988 |
| On-road VMT | 248,146 | 271,676 | 258,648 | 255,773 | 260,630 | 270,384 |
| Nonresidential Natural Gas | 16,015 | 17,347 | 17,521 | 17,694 | 17,867 | 18,041 |
| Residential Natural Gas | 36,485 | 38,160 | 38,160 | 38,160 | 38,160 | 38,160 |
| Nonresidential Electricity | 31,537 | 453 | 342 | 230 | 116 | - |
| Residential Electricity | 28,581 | 418 | 325 | 225 | 117 | - |

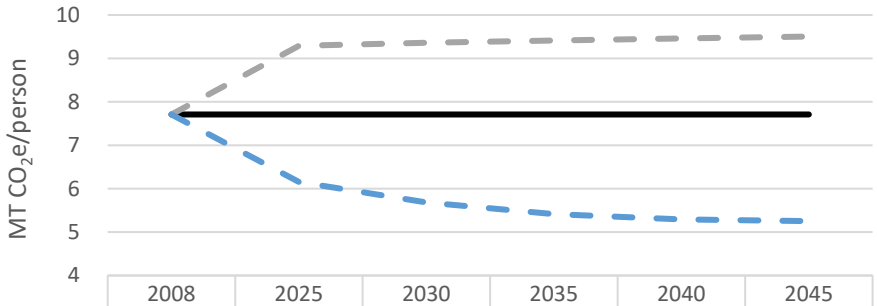
Comparing the adjusted forecast to the BAU forecast shows the emissions reductions expected from State regulations and local electricity provider changes. While total adjusted emissions (i.e., mass emission) are expected to hover only a small amount below the 2008 baseline through 2045 due to high projected population increases (Figure 5), per capita emissions (i.e., MT $CO_2e$ per person) decrease substantially relative to the BAU forecast and 2008 baseline through 2045 (Figure 6).

**Figure 5 BAU aand Adjusted Forecast – Mass Emissions**




| | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| 2008 Baseline | 367,168 | 367,168 | 367,168 | 367,168 | 367,168 | 367,168 |
| BAU Forecast | 367,168 | 503,281 | 528,700 | 553,598 | 578,507 | 603,277 |
| Adjusted Forecast | 367,168 | 333,196 | 320,956 | 318,335 | 323,446 | 333,301 |
| State Regulated Reductions | - | 153,648 | 193,573 | 223,450 | 245,702 | 263,165 |
| Local Reductions | - | 16,436 | 14,171 | 11,812 | 9,359 | 6,812 |

**Figure 6 BAU and Adjusted Forecast – Per Capita Emissions**




| | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| Population | 47,630 | 54,162 | 56,492 | 58,821 | 61,151 | 63,481 |
| 2008 Baseline | 7.71 | 7.71 | 7.71 | 7.71 | 7.71 | 7.71 |
| BAU Forecast | 7.71 | 9.29 | 9.36 | 9.41 | 9.46 | 9.50 |
| Adjusted Forecast | 7.71 | 6.15 | 5.68 | 5.41 | 5.29 | 5.25 |
| State Regulated Reductions | - | 2.84 | 3.43 | 3.80 | 4.02 | 4.15 |
| Local Reductions | - | 0.30 | 0.25 | 0.20 | 0.15 | 0.11 |

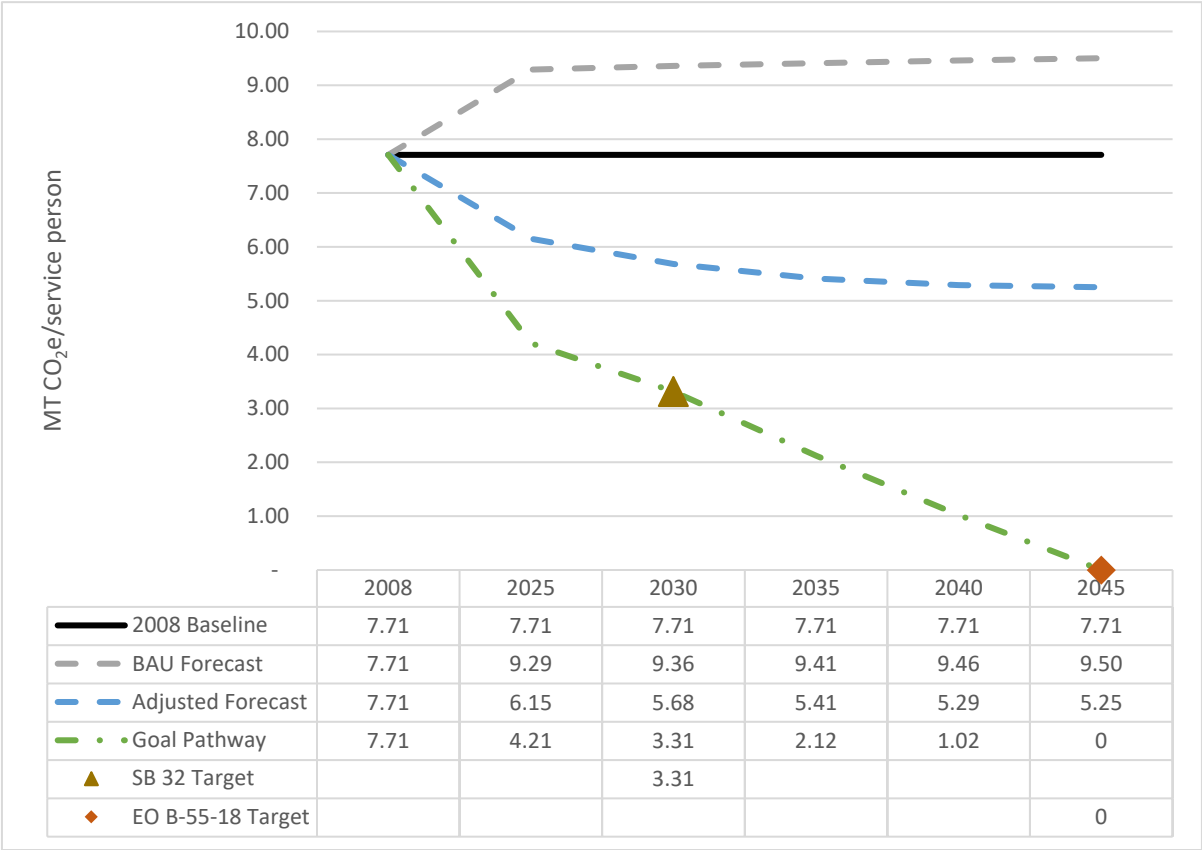
# 4 Climate Action Goals

CARB's 2017 Climate Change Scoping Plan Update, which contains the State's plan for meeting the SB 32 goal, provides guidance for local governments in adopting local goals (CARB 2017). CARB recommends that local jurisdictions align their goals with statewide goals. The 2017 Climate Change Scoping Plan Update also recognizes the inherent issues with setting a goal using absolute metrics for jurisdictions with high expected growth patterns and allows for adoption of per capita goals based on local emissions sectors and population projections.

This analysis therefore calculated a 2030 per capita goal of 40 percent below Los Gatos' 1990 emissions levels, a 2040 per capita goal of 80 percent below Los Gatos' 1990 emissions levels, and a 2045 goal of carbon neutrality (i.e., net zero GHG emissions), for consistency with SB 32 and EO B-55-18, respectively. The 2030 and 2040 per capita goals were calculated by reducing mass emissions 40 percent below 1990 levels in 2030, and 80 percent below 1990 levels in 2040, then dividing by the projected 2030 and 2040 service populations. The 2045 goal was set to zero to represent carbon neutrality ,consistent with SB 32, S-3-05, and EO B-55-18.

Figure 7 provides a comparison of the 2008 inventory baseline, BAU forecast, adjusted forecast, and State-compliant goal pathway based on the calculated 2030, 2040, and 2045 goals. The gap between the adjusted forecast (blue) and the goal pathway (green) represents the magnitude of emissions that would need to be reduced by additional local actions to achieve the goals.

**Figure 7 GHG Emissions Forecast vs Goals**




| | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| 2008 Baseline | 7.71 | 7.71 | 7.71 | 7.71 | 7.71 | 7.71 |
| BAU Forecast | 7.71 | 9.29 | 9.36 | 9.41 | 9.46 | 9.50 |
| Adjusted Forecast | 7.71 | 6.15 | 5.68 | 5.41 | 5.29 | 5.25 |
| Goal Pathway | 7.71 | 4.21 | 3.31 | 2.12 | 1.02 | 0 |
| SB 32 Target | | | 3.31 | | | |
| EO B-55-18 Target | | | | | | 0 |

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# Appendix A

Forecast Calculations

# Appendix A: Forecast Calculations

## Demographics

| Year | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| **Demographics** | | | | | | |
| Population | 28,810 | 33,104 | 35,143 | 37,182 | 39,221 | 41,260 |
| Employment | 18,820 | 21,057 | 21,348 | 21,639 | 21,930 | 22,221 |
| Housing | 12,130 | 14,258 | 15,108 | 15,957 | 16,807 | 17,657 |
| Service Population | 47,630 | 54,162 | 56,492 | 58,821 | 61,151 | 63,481 |

## Electricity

| Year | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| **Residential Electricity** | | | | | | |
| GI (kWh/house) | 8,053 | 8,053 | 8,053 | 8,053 | 8,053 | 8,053 |
| Housing | 12,130 | 14,258 | 15,108 | 15,957 | 16,807 | 17,657 |
| | | | **BAU** | | | |
| Electricity (kWh) | 97,687,232 | 114,827,706 | 121,669,400 | 128,511,094 | 135,352,787 | 142,194,481 |
| Inventory EF (lbs CO2e/MWh) | 645.02 | 645.02 | 645.02 | 645.02 | 645.02 | 645.02 |
| **Emissions (MT CO2e)** | **28,581** | **33,596** | **35,598** | **37,599** | **39,601** | **41,603** |
| | | | **Adjusted for California RPS and Title 24** | | | |
| Title 24 Efficiency Increase | NA | 75% | 75% | 75% | 75% | 75% |
| Title 24 Adjusted Electricity (kWh) | 97,687,232 | 102,037,484 | 103,773,906 | 105,510,328 | 107,246,750 | 108,983,172 |
| California RPS PG&E EF (lbs CO2e/MWh) | NA | 154.30 | 115.72 | 77.15 | 38.57 | - |
| **Emissions (MT CO2e)** | **28,581** | **7,142** | **5,447** | **3,692** | **1,877** | **-** |
| | | | **Adjusted for Electrification Reach Code and SVCE** | | | |
| Natural gas offset from Reach Code | - | 289,923 | 531,526 | 773,128 | 1,014,731 | 1,256,333 |
| Electricity added from Reach Code | - | 2,831,591 | 5,191,251 | 7,550,910 | 9,910,570 | 12,270,229 |
| Reach Code Adjusted Electricity (kWh) | 97,687,232 | 104,869,076 | 108,965,157 | 113,061,238 | 117,157,320 | 121,253,401 |
| SVCE EF (lbs CO2e/MWh) | NA | 8.78 | 6.58 | 4.39 | 2.19 | - |
| **Emissions (MT CO2e)** | **28,581** | **418** | **325** | **225** | **117** | **-** |
| | | | | | | |
| **Nonresidential Electricity** | | | | | | |
| GI (kWh/job) | 5,727 | 5,727 | 5,727 | 5,727 | 5,727 | 5,727 |
| Employment | 18,820 | 21,057 | 21,348 | 21,639 | 21,930 | 22,221 |
| | | | **BAU** | | | |
| Electricity (kWh) | 107,790,147 | 120,604,231 | 122,270,584 | 123,936,938 | 125,603,291 | 127,269,645 |
| Inventory EF (lbs CO2e/MWh) | 645.02 | 645.02 | 645.02 | 645.02 | 645.02 | 645.02 |
| **Emissions (MTCO2e)** | **31,537** | **35,286** | **35,774** | **36,261** | **36,749** | **37,236** |
| | | | **Adjusted for California RPS and Title 24** | | | |
| Title 24 Efficiency Increase | NA | 53% | 53% | 53% | 53% | 53% |
| Title 24 Adjusted Electricity (kWh) | 107,790,147 | 113,755,103 | 114,530,790 | 115,306,478 | 116,082,166 | 116,857,853 |
| California RPS PG&E EF (lbs CO2e/MWh) | NA | 154.30 | 115.72 | 77.15 | 38.57 | - |
| **Emissions (MT CO2e)** | **31,537** | **7,962** | **6,012** | **4,035** | **2,031** | **-** |
| | | | **Adjusted for SVCE** | | | |
| SVCE EF (lbs CO2e/MWh) | NA | 8.78 | 6.58 | 4.39 | 2.19 | - |
| **Emissions (MT CO2e)** | **31,537** | **453** | **342** | **230** | **116** | **-** |

# Natural Gas

| Year | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| **Residential Natural Gas** | | | | | | |
| GI (therms/house) | 566 | 566 | 566 | 566 | 566 | 566 |
| Housing | 12,130 | 14,258 | 15,108 | 15,957 | 16,807 | 17,657 |
| EF (MT CO2e/therm) | 0.0053 | 0.0053 | 0.0053 | 0.0053 | 0.0053 | 0.0053 |
| | | | **BAU** | | | |
| Natural Gas (therms) | 6,869,086 | 8,074,355 | 8,555,443 | 9,036,532 | 9,517,620 | 9,998,708 |
| **Emissions (MTCO2e)** | **36,485** | **42,887** | **45,442** | **47,997** | **50,552** | **53,108** |
| | | | **Adjusted for Title 24** | | | |
| Title 24 Efficiency Increase | NA | 50% | 50% | 50% | 50% | 50% |
| Title 24 Adjusted Natural Gas (therms) | 6,869,086 | 7,474,372 | 7,715,975 | 7,957,577 | 8,199,180 | 8,440,782 |
| **Emissions (MTCO2e)** | **36,485** | **39,700** | **40,983** | **42,266** | **43,550** | **44,833** |
| | | | **Adjusted for Electrification Reach Code (passed in 2019)** | | | |
| Ordinance Adjusted Natural Gas (therms) | 6,869,086 | 7,184,449 | 7,184,449 | 7,184,449 | 7,184,449 | 7,184,449 |
| **Emissions (MT CO2e)** | **36,485** | **38,160** | **38,160** | **38,160** | **38,160** | **38,160** |
| | | | | | | |
| **Nonresidential Natural Gas** | | | | | | |
| GI (therm/job) | 160 | 160 | 160 | 160 | 160 | 160 |
| Employment | 18,820 | 21,057 | 21,348 | 21,639 | 21,930 | 22,221 |
| | | | **BAU** | | | |
| Natural Gas (therms) | 3,015,124 | 3,373,562 | 3,420,173 | 3,466,785 | 3,513,396 | 3,560,008 |
| EF (MT CO2e/therm) | 0.0053 | 0.0053 | 0.0053 | 0.0053 | 0.0053 | 0.0053 |
| **Emissions (MTCO2e)** | **16,015** | **17,919** | **18,166** | **18,414** | **18,661** | **18,909** |
| | | | **Adjusted for Title 24** | | | |
| Title 24 Efficiency Increase | NA | 30% | 30% | 30% | 30% | 30% |
| Title 24 Adjusted Natural Gas (therms) | 3,015,124 | 3,266,030 | 3,298,658 | 3,331,287 | 3,363,915 | 3,396,543 |
| **Emissions (MTCO2e)** | **16,015** | **17,347** | **17,521** | **17,694** | **17,867** | **18,041** |

# On-road Transportation

| Year | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| **On-road Transportation** | | | | | | |
| VMT (total) | 519,080,770 | 765,663,914 | 805,714,567 | 845,765,221 | 885,815,875 | 925,866,528 |
| | | **BAU** | | | | |
| Inventory EF (g CO2e/mile) | 478.05 | 478.05 | 478.05 | 478.05 | 478.05 | 478.05 |
| **Emissions (MT CO2e)** | **248,146** | **366,025** | **385,171** | **404,317** | **423,463** | **442,609** |
| | | **Adjusted for Advanced Clean Cars Program** | | | | |
| VMT (by speed bin) | | | | | | |
| 0-5 | | 1,490,201 | 2,298,830 | 3,107,459 | 3,916,088 | 4,724,717 |
| 5-10 | | 2,065,005 | 3,206,599 | 4,348,192 | 5,489,786 | 6,631,379 |
| 10-20 | | 4,801,132 | 6,890,170 | 8,979,208 | 11,068,247 | 13,157,285 |
| 20-25 | | 72,735,967 | 78,447,904 | 84,159,841 | 89,871,778 | 95,583,716 |
| 25-30 | | 58,200,288 | 66,323,044 | 74,445,800 | 82,568,556 | 90,691,312 |
| 30-35 | | 70,294,839 | 77,522,042 | 84,749,245 | 91,976,448 | 99,203,651 |
| 35-40 | | 47,844,686 | 58,855,766 | 69,866,846 | 80,877,926 | 91,889,006 |
| 40-45 | | 63,630,216 | 70,193,661 | 76,757,105 | 83,320,550 | 89,883,995 |
| 45-50 | | 77,874,936 | 87,310,623 | 96,746,311 | 106,181,998 | 115,617,685 |
| 50-55 | | 42,852,611 | 47,133,965 | 51,415,319 | 55,696,673 | 59,978,027 |
| 55-60 | | 74,964,884 | 76,690,265 | 78,415,645 | 80,141,026 | 81,866,407 |
| 60-65 | | 143,628,072 | 134,455,279 | 125,282,486 | 116,109,693 | 106,936,900 |
| 65-70 | | 105,281,077 | 96,386,420 | 87,491,763 | 78,597,106 | 69,702,449 |
| EF (g CO2e/mile) | | | | | | |
| 0-5 | | 1,635 | 1,518 | 1,432 | 1,378 | 1,353 |
| 5-10 | | 1,605 | 1,471 | 1,382 | 1,330 | 1,307 |
| 10-20 | | 925 | 842 | 792 | 765 | 753 |
| 20-25 | | 642 | 584 | 549 | 529 | 519 |
| 25-30 | | 401 | 359 | 335 | 323 | 318 |
| 30-35 | | 282 | 249 | 231 | 223 | 219 |
| 35-40 | | 292 | 260 | 242 | 233 | 230 |
| 40-45 | | 276 | 245 | 228 | 220 | 217 |
| 45-50 | | 259 | 229 | 213 | 205 | 202 |
| 50-55 | | 323 | 290 | 271 | 261 | 258 |
| 55-60 | | 311 | 277 | 258 | 248 | 244 |
| 60-65 | | 307 | 273 | 254 | 244 | 240 |
| 65-70 | | 367 | 326 | 303 | 293 | 289 |
| **Emissions (MT CO2e)** | **248,146** | **271,676** | **258,648** | **255,773** | **260,630** | **270,384** |

# Off-road Equipment

| Year | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| **Off-road Transportation** | | | | | | |
| **Diesel** | | | | | | |
| Fuel use (gallons) | | | | | | |
| Agricultural Equipment | | 1,147,261 | 1,136,638 | 1,126,301 | 1,116,239 | 1,109,748 |
| Construction and Mining Equipment | | 9,702,723 | 12,610,887 | 13,305,116 | 13,999,339 | 14,682,260 |
| Lawn and Garden Equipment | | 1,103,996 | 1,153,451 | 1,204,142 | 1,258,373 | 1,258,373 |
| Light Commercial Equipment | | 810,610 | 865,510 | 922,315 | 985,376 | 985,376 |
| EF (kg CO2e/gallon) | | | | | | |
| Agricultural Equipment | | 10.35 | 10.35 | 10.35 | 10.35 | 10.35 |
| Construction and Mining Equipment | | 10.32 | 10.32 | 10.32 | 10.32 | 10.32 |
| Lawn and Garden Equipment | | 10.34 | 10.34 | 10.34 | 10.34 | 10.34 |
| Light Commercial Equipment | | 10.34 | 10.34 | 10.34 | 10.34 | 10.34 |
| Apportioning Factors | | | | | | |
| Agricultural Equipment | | 0.03% | 0.03% | 0.03% | 0.03% | 0.03% |
| Construction and Mining Equipment | | 2.30% | 2.30% | 2.30% | 2.30% | 2.30% |
| Lawn and Garden Equipment | | 1.94% | 1.94% | 1.94% | 1.94% | 1.94% |
| Light Commercial Equipment | | 2.30% | 2.30% | 2.30% | 2.30% | 2.30% |
| **Emissions (MT CO2e)** | | **2,726** | **3,440** | **3,629** | **3,820** | **3,982** |
| **Gasoline** | | | | | | |
| Fuel use (gallons) | | | | | | |
| Agricultural Equipment | | 148,008 | 153,939 | 160,385 | 167,312 | 167,312 |
| Construction and Mining Equipment | | 723,094 | 761,646 | 800,956 | 844,694 | 844,694 |
| Lawn and Garden Equipment | | 4,002,443 | 4,180,567 | 4,364,222 | 4,560,708 | 4,560,708 |
| Light Commercial Equipment | | 3,470,960 | 3,710,601 | 3,960,575 | 4,237,723 | 4,237,723 |
| EF (kg CO2e/gallon) | | | | | | |
| Agricultural Equipment | | 9.20 | 9.20 | 9.20 | 9.20 | 9.20 |
| Construction and Mining Equipment | | 9.18 | 9.18 | 9.18 | 9.18 | 9.18 |
| Lawn and Garden Equipment | | 9.26 | 9.26 | 9.26 | 9.26 | 9.26 |
| Light Commercial Equipment | | 9.26 | 9.26 | 9.26 | 9.26 | 9.26 |
| Apportioning Factors | | | | | | |
| Agricultural Equipment | | 0.03% | 0.03% | 0.03% | 0.03% | 0.03% |
| Construction and Mining Equipment | | 2.30% | 2.30% | 2.30% | 2.30% | 2.30% |
| Lawn and Garden Equipment | | 1.94% | 1.94% | 1.94% | 1.94% | 1.94% |
| Light Commercial Equipment | | 2.30% | 2.30% | 2.30% | 2.30% | 2.30% |
| **Emissions (MT CO2e)** | | **1,614** | **1,705** | **1,800** | **1,904** | **1,904** |
| **Natural Gas** | | | | | | |
| Fuel use (gallons) | | | | | | |
| Agricultural Equipment | | - | - | - | - | - |
| Construction and Mining Equipment | | - | - | - | - | - |
| Lawn and Garden Equipment | | - | - | - | - | - |
| Light Commercial Equipment | | 785,316 | 840,402 | 897,075 | 959,844 | 959,844 |
| EF (kg CO2e/gallon) | | | | | | |
| Agricultural Equipment | | 4.66 | 4.66 | 4.66 | 4.66 | 4.66 |
| Construction and Mining Equipment | | 4.64 | 4.64 | 4.64 | 4.64 | 4.64 |
| Lawn and Garden Equipment | | 4.62 | 4.62 | 4.62 | 4.62 | 4.62 |
| Light Commercial Equipment | | 4.62 | 4.62 | 4.62 | 4.62 | 4.62 |
| Apportioning Factors | | | | | | |
| Agricultural Equipment | | 0.03% | 0.03% | 0.03% | 0.03% | 0.03% |
| Construction and Mining Equipment | | 2.30% | 2.30% | 2.30% | 2.30% | 2.30% |
| Lawn and Garden Equipment | | 1.94% | 1.94% | 1.94% | 1.94% | 1.94% |
| Light Commercial Equipment | | 2.30% | 2.30% | 2.30% | 2.30% | 2.30% |
| **Emissions (MT CO2e)** | | **84** | **89** | **96** | **102** | **102** |
| **All Fuels - Total** | | | | | | |
| **Emissions (MT CO2e)** | **3,670.00** | **4,423.20** | **5,234.92** | **5,524.41** | **5,825.80** | **5,988.17** |

# Waste

| Year | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| **Waste** | | | | | | |
| | | | **BAU** | | | |
| GI (MTCO2e/SP) | 0.0137 | 0.0137 | 0.0137 | 0.0137 | 0.0137 | 0.0137 |
| Service Population | 47,630 | 54,162 | 56,492 | 58,821 | 61,151 | 63,481 |
| **Emissions (MTCO2e)** | **651** | **740** | **772** | **804** | **836** | **868** |
| | | | **Adjusted for Polysyrene Foodware Ordinance** | | | |
| Per capita waste (tons/SP) | 0.48 | 0.48 | 0.48 | 0.48 | 0.48 | 0.48 |
| Service Population | 47,630 | 54,162 | 56,492 | 58,821 | 61,151 | 63,481 |
| Waste (tons) | 22,666 | 25,774 | 26,883 | 27,992 | 29,100 | 30,209 |
| Portion of MSW that is foodware packaging | 23% | 23% | 23% | 23% | 23% | 23% |
| Avoided polystyrene waste (tons) | - | 5,928 | 6,183 | 6,438 | 6,693 | 6,948 |
| Mixed plastic EF (MT CO2e/ton) | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 |
| Emissions Avoided (MT CO2e) | - | 119 | 124 | 129 | 134 | 139 |
| **Emissions (MT CO2e)** | **651** | **622** | **648** | **675** | **702** | **729** |

# Water and Wastewater

| Year | 2008 | 2025 | 2030 | 2035 | 2040 | 2045 |
|---|---|---|---|---|---|---|
| **Residential Water** | | | | | | |
| GI (MWh/SP) | 0.2151 | 0.2151 | 0.2151 | 0.2151 | 0.2151 | 0.2151 |
| Population | 28,810 | 33,104 | 35,143 | 37,182 | 39,221 | 41,260 |
| Electricity (MWh) | 6,198 | 7,122 | 7,561 | 8,000 | 8,438 | 8,877 |
| | | | **BAU** | | | |
| 2008 PG&E EF (lbs CO2e/MWh) | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 |
| **Emissions (MTCO2e)** | **1,624** | **1,866** | **1,980** | **2,095** | **2,210** | **2,325** |
| | | | **Adjusted for California RPS** | | | |
| California RPS PG&E EF (lbs CO2e/MWh) | NA | 154.30 | 115.72 | 77.15 | 38.57 | - |
| **Emissions (MT CO2e)** | **1,624** | **498** | **397** | **280** | **148** | **-** |
| | | | **Adjusted for SCVWD** | | | |
| SCVWD EF (lbs CO2e/MWh) | NA | - | - | - | - | - |
| **Emissions (MT CO2e)** | **1,624** | **-** | **-** | **-** | **-** | **-** |
| | | | | | | |
| **Nonresidential Water** | | | | | | |
| GI (MWh/SP) | 0.0246 | 0.0246 | 0.0246 | 0.0246 | 0.0246 | 0.0246 |
| Employment | 18,820 | 21,057 | 21,348 | 21,639 | 21,930 | 22,221 |
| Electricity (MWh) | 462 | 517 | 524 | 531 | 538 | 546 |
| | | | **BAU** | | | |
| 2008 PG&E EF (lbs CO2e/MWh) | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 |
| **Emissions (MTCO2e)** | **121** | **135** | **137** | **139** | **141** | **143** |
| | | | **Adjusted for California RPS** | | | |
| California RPS PG&E EF (lbs CO2e/MWh) | NA | 154.30 | 115.72 | 77.15 | 38.57 | - |
| **Emissions (MT CO2e)** | **121** | **36** | **28** | **19** | **9** | **-** |
| | | | **Adjusted for SCVWD** | | | |
| SCVWD EF (lbs CO2e/MWh) | NA | - | - | - | - | - |
| **Emissions (MT CO2e)** | **121** | **-** | **-** | **-** | **-** | **-** |
| | | | | | | |
| **Residential Wastewater** | | | | | | |
| GI (MWh/SP) | 0.0374 | 0.0374 | 0.0374 | 0.0374 | 0.0374 | 0.0374 |
| Population | 28,810 | 33,104 | 35,143 | 37,182 | 39,221 | 41,260 |
| Electricity (MWh) | 1,024 | 1,239 | 1,315 | 1,391 | 1,468 | 1,544 |
| | | | **BAU** | | | |
| 2008 PG&E EF (lbs CO2e/MWh) | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 |
| **Emissions (MTCO2e)** | **268** | **324** | **344** | **364** | **384** | **404** |
| | | | **Adjusted for California RPS** | | | |
| California RPS PG&E EF (lbs CO2e/MWh) | NA | 154.30 | 115.72 | 77.15 | 38.57 | - |
| **Emissions (MT CO2e)** | **268** | **87** | **69** | **49** | **26** | **-** |
| | | | **Adjusted for SJCE** | | | |
| SCVWD EF (lbs CO2e/MWh) | NA | 140 | 105 | 70 | 35 | - |
| **Emissions (MT CO2e)** | **268** | **79** | **63** | **44** | **23** | **-** |
| | | | | | | |
| **Nonresidential Wastewater** | | | | | | |
| GI (MWh/SP) | 0.0145 | 0.0145 | 0.0145 | 0.0145 | 0.0145 | 0.0145 |
| Employment | 18,820 | 21,057 | 21,348 | 21,639 | 21,930 | 22,221 |
| Electricity (MWh) | 272 | 305 | 309 | 313 | 317 | 321 |
| | | | **BAU** | | | |
| 2008 PG&E EF (lbs CO2e/MWh) | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 | 577.44 |
| **Emissions (MTCO2e)** | **71** | **80** | **81** | **82** | **83** | **84** |
| | | | **Adjusted for California RPS** | | | |
| California RPS PG&E EF (lbs CO2e/MWh) | NA | 154.30 | 115.72 | 77.15 | 38.57 | - |
| **Emissions (MT CO2e)** | **71** | **21** | **16** | **11** | **6** | **-** |
| | | | **Adjusted for SJCE** | | | |
| SCVWD EF (lbs CO2e/MWh) | NA | 140 | 105 | 70 | 35 | - |
| **Emissions (MT CO2e)** | **71** | **19** | **15** | **10** | **5** | **-** |

# Appendix C

Transportation Analysis for the Draft Environmental Impact Report (DEIR)

# Town of Los Gatos General Plan 2040: Transportation Analysis (TA) for the Draft Environmental Impact Report (DEIR)

Prepared for:
Town of Los Gatos and
Mintier Harnish

June 2021

SJ18-1854

FEHR PEERS

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# Executive Summary

This report presents the results of the Transportation Analysis (TA) conducted for the Town of Los Gatos General Plan 2040 update, also referred to as the proposed "Project." The purpose of the TA is to:

- Estimate vehicle miles traveled (VMT) to identify environmental impacts.
- Review proposed Project and its effects related to transit, roadway, bicycle, or pedestrian facilities.
- Identify level of service at 10 study intersections in the Town of Los Gatos transportation system with the adoption of the Town of Los Gatos General Plan 2040 update, and identify potential transportation improvements.

The proposed Project effects on the surrounding transportation network were evaluated following the updated California Environmental Quality Act (CEQA) Guidelines (2018).

## Project Description

The proposed Project is an update to the Town of Los Gatos General Plan, which includes a combination of new residential and non-residential (i.e., office, retail, industrial/manufacturing, and institutional) land uses distributed throughout the proposed Project area as compared to existing conditions. As described in the *Preferred Land Use Alternative Framework* (May 2020)[1], the proposed Project would consist of the following land uses:

- 3,738 additional housing units (or 8,970 additional residents), including:
  - A maximum of 1,167 single-family units.
  - A maximum of 2,571 multi-family (apartment) units.
- 671,768 square feet of additional non-residential uses (or 1,280 additional employees) of pending and approved projects in the Town of Los Gatos.

## Transit, Roadway, Bicycle, and Pedestrian Evaluation

### Transit Evaluation

While the proposed Project could add peak hour transit riders, implementation of the proposed Project would not disrupt existing or interfere with planned transit services or facilities. The proposed Town of Los Gatos General Plan 2040 policies support multimodal transportation options, encourage the formation of a transportation management association (TMA) to fund TDM Townwide measures (MOB-1.4), and support the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (March 7, 2017) to reduce congestion

[1] Town of Los Gatos General Plan 2040. Preferred Land Use Alternative Framework (May 2020). Available online at http://www.losgatos2040.com/images/docs/lggpu_alternative-summary.pdf

and improve bicycle and pedestrian connectivity. However, the proposed Project does not include actions to increase the cost of using vehicles nor do they include provisions for bus services to avoid congestion delays. As a result, transit service will experience reductions in quality of experience inconsistent with the Project polices, which could contribute to lower transit demand in the future and higher demand for vehicles use contributing to higher VMT levels. Because the needed additional transit vehicles and supporting infrastructure may not be provided to accommodate the additional transit demand, the proposed Project would have a ***potentially significant impact*** effect on transit ridership.

Implementation of the proposed Project would not disrupt existing or interfere with planned transit services or facilities; however, the potential increase in transit vehicles, local street congestion within and near the Town of Los Gatos, and increased delay at off-site intersections would delay transit vehicles. Therefore, this project would result in a ***significant-and-unavoidable*** effect on transit vehicle operations, in particular at those intersections without feasible improvement options for traffic delay. Transit operational improvements such as signal coordination and transit vehicle preemption could potentially improve the overall reliability of transit in congested areas but are not likely to fully address this effect.

Consistent with the *VTP 2040 (2014)*, the existing transit circulation would be maintained in the future. The changes to the vehicle circulation system as part of the proposed Project would not be expected to interfere with existing transit facilities nor conflict with planned transit facilities and services or conflict with adopted transit plans, guidelines, policies, or standards. Additionally, the proposed Project is supportive of the transit use and goals summarized in **Chapter 2**. Therefore, the impact relative to disruption of existing or planned transit facilities or conflicts with transit program, plan, ordinance or policy would be ***less-than-significant***.

### Roadway Evaluation

The proposed Project would not conflict with existing or planned roadway facilities because the proposed street changes are additions of pedestrian and bicycle facilities with few if any reduction in vehicle lanes. The proposed Project would not be expected to interfere with existing roadway facilities, conflict with planned roadway facilities or conflict with adopted transportation plans, guidelines, policies, or standards. Therefore, the impact relative to disruption of existing or planned roadways or conflicts with program, plan, ordinance or policy would be ***less-than-significant***.

### Bicycle Evaluation

Implementation of the proposed Project would not interfere with existing bicycle facilities or conflict with planned bicycle facilities or adopted bicycle system plans, guidelines, policies, or standards. Furthermore, implementation of the proposed Project will create new bicycle facilities consistent with the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (March 7, 2017), which will have a beneficial effect on bicycle circulation and access. Therefore, the implementation of the proposed Town of Los Gatos General Plan 2040 would be considered a ***less-than-significant*** impact on bicycle facilities, and no mitigation measures would be required.

### Pedestrian Evaluation

Implementation of the proposed Project would not interfere with existing pedestrian facilities or conflict with planned pedestrian facilities or adopted pedestrian system plans, guidelines, policies, or standards. Furthermore, implementation of the proposed Project will create new pedestrian facilities and will have a beneficial effect on pedestrian circulation and access consistent with the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (March 7, 2017). Therefore, the implementation of the proposed Town of Los Gatos General Plan 2040 would be considered a ***less-than-significant*** impact on pedestrian facilities, and no mitigation measures would be required.

## Vehicle Miles Traveled (VMT)

Senate Bill (SB) 743, signed by Governor Jerry Brown in 2013, changes the way transportation impacts are identified under the California Environmental Quality Act (CEQA). SB 743 codified Pub. Res. Code Section 21099(b)(2) which generally states that automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment. The CEQA Guidelines were updated in December 2018 consistent with SB 743, such that vehicular LOS will no longer be used as a determinant of significant environmental impacts related to transportation, and instead the analysis will focus upon VMT. VMT generally refers to the amount and distance of automobile travel.

This VMT assessment applies the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020)[2], which provides guidance on how to evaluate the effects of projects on the transportation system in the Town of Los Gatos, and VMT thresholds adopted by Town Council on November 17, 2020.

Like the VMT estimates for the greenhouse gas analysis, the San Mateo City and County Association of Government (C/CAG) and VTA Bi-County transportation model ("VTA Model") was used to estimate daily VMT. To provide a complete picture of the effects of the proposed Project on VMT under Cumulative 2040 with Project Conditions, this analysis looks at the 1) Project generated VMT per service population, and 2) proposed Project's effects on VMT. The analysis focuses on the VMT for all trip purposes and vehicle types (no separation of VMT by land use) to be consistent with state of practice for greenhouse gas analysis, air quality, and energy evaluations. The VMT thresholds are developed using the Cumulative 2040 with Project Conditions VMT for the Santa Clara County region.

### Project Generated VMT

This analysis uses a threshold for Project generated VMT per service population of 11.3 percent below the Town of Los Gatos Project generated VMT per service population under Existing Conditions. Therefore, a VMT impact would occur if the Project generated VMT per service population would not result in at least a 11.3 percent reduction below Existing Conditions for the Town of Los Gatos.

[2] *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020). Available online at https://www.losgatosca.gov/DocumentCenter/View/24841/Los-Gatos-SB-743-Implementation-Plan?bidId=

The threshold is:

- Town of Los Gatos: Project generated VMT per service population of 36.4 x 88.7% = 32.3.

The Project generated VMT impacts under Cumulative 2040 with Project Conditions is:

- Town of Los Gatos: The proposed Town of Los Gatos General Plan 2040 Project generated VMT per service population of 38.4 is more than the Town of Los Gatos threshold of 32.3 and would, therefore, be considered a ***potentially significant*** impact.

### Project's Effect on VMT (Using Boundary VMT)

This analysis compares the Countywide boundary VMT per service population between the Cumulative 2040 and Cumulative 2040 with Project Conditions to evaluate the Project's effect on VMT in Santa Clara County. The changes in Countywide boundary VMT per service population between the Cumulative 2040 and Cumulative 2040 with Project Conditions shows the relatively small Project's effect on VMT. The Town of Los Gatos travel activities are a relatively small portion of the Santa Clara County travel; therefore, it is to be expected that the proposed Project's effect on VMT would have predominately localized VMT effects near the Town of Los Gatos.

### Regional Transportation Plan/Sustainable Community Strategy Plan Consistency

California Environmental Quality Act, Section 15125(d), requires an EIR to discuss any inconsistencies between the proposed Project and applicable general and regional plans. This analysis uses a threshold to discuss the proposed Project's consistency with the local growth forecasts in the region's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), also known as *Plan Bay Area 2040* (July 2017),[3] and to provide an analysis of the proposed Project's impacts on the housing and employment projections for the region.

The threshold is:

- Consistency with the Regional Transportation Plan/Sustainable Community Strategy Plan (*Plan Bay Area 2040)*

The proposed Project will increase household population by more than what is currently projected for the Town of Los Gatos. Therefore, the impact is ***potentially significant***.

## Hazard Impact Analysis

The proposed Project would have a significant impact relative to hazards if it would substantially increase hazards due to a roadway geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Safety impacts may occur due to changes in the physical or

[3] Metropolitan Transportation Commission, 2017. *Plan Bay Area 2040*. Available online at http://2040.planbayarea.org/.

operational conditions of the transportation network. Physical impacts may be related to changes in the land use context along a roadway such that the volume, mix, or speed of traffic was not anticipated as part of the original multimodal transportation network design.

The proposed Project includes modifications that will change the design of local streets and intersections; these modifications would not create hazards such as sharp curves or include otherwise dangerous features. However, the proposed Project may increase trips on facilities that were not originally designed for that volume, mix, or speed of traffic. The Town would remediate such adverse conditions with transportation systems designed to the appropriate standard and implement the needed policy. Therefore, the impact is ***less-than-significant***.

## Emergency Access Impact Analysis

For this analysis, a significant impact would occur if the proposed Project or an element of the Project would result in inadequate emergency access. Future parking facilities and streets will be designed to accommodate emergency vehicles. Emergency and service vehicles will continue to have the access to the Town and ability to circulate through streets restricted to other vehicles. Therefore, the impact is ***less-than-significant***.

## Roadway Operations and Improvements

At the time of the preparation of this Transportation Assessment, the *Town of Los Gatos 2020 General Plan* (2010) was in effect. The *2020 General Plan* includes a LOS policy that defines LOS D as an acceptable LOS during peak hours. However, this policy must be balanced with the other multimodal transportation policy directives in the *2020 General Plan* as a whole and must be interpreted in the context of recent legislative amendments, as discussed in greater detail in **Chapter 7**. While the proposed Project would result in some intersections operating below LOS D, the Town of Los Gatos General Plan 2040 has been proposed to focus upon non-vehicular multimodal transportation options.

The vehicular LOS effects, based on the *2010 General Plan*, for the study intersections operating below the vehicular LOS criteria in the Town of Los Gatos are described below in **Table ES-1**.

**Table ES-1: Intersection Level of Service and Improvement Summary**

| Intersections Operating Below Vehicular LOS Criteria | | Scenario | Potential Improvement based on Previously Documented Improvements |
|---|---|---|---|
| 1 | Winchester Boulevard and Lark Avenue | Cumulative 2040 with Project | Modify the westbound configuration from 2 westbound left-turn lanes and 1 westbound right-turn lane to 1 westbound left-turn lane and 2 westbound right-turn lanes. |
| 2 | Los Gatos Boulevard and Samaritan Drive | Cumulative 2040 with Project | Modify the eastbound configuration from 1 shared eastbound left-through-right lane to 1 eastbound left-turn lane, 1 shared eastbound through-left lane, and 1 eastbound right-turn lane. |

**Table ES-1: Intersection Level of Service and Improvement Summary**

| Intersections Operating Below Vehicular LOS Criteria | | Scenario | Potential Improvement based on Previously Documented Improvements |
|---|---|---|---|
| 3 | Los Gatos Boulevard and Lark Avenue | Cumulative 2040 with Project | Add 1 southbound through lane (total of 3 southbound through lanes) and add 1 eastbound left-turn lane (total of 2 eastbound left-turn lanes). |
| 7 | N. Santa Cruz Avenue and Los Gatos-Saratoga Road | Cumulative 2040 with Project | Modify the southbound right-turn to an overlap right-turn phase. |

Source: Fehr & Peers, 2021.

# 1. Introduction

This report presents the results of the Transportation Analysis (TA) conducted for the Town of Los Gatos General Plan 2040 update, also referred to as the proposed "Project." The Town of Los Gatos is located within the geographic boundary of Santa Clara County bordered by the cities of San José, Campbell, Saratoga, Monte Sereno, and unincorporated land. Regional access is provided by State Route 85 (SR 85) and State Route 17 (SR 17). **Figure 1-1** shows the location of the Town of Los Gatos and the surrounding transportation network.

This chapter discusses the TA purpose, proposed Project description, and report organization.

## 1.1 Purpose

The purposes of the TA are:

- To present the transportation analysis conducted for compliance with the California Environmental Quality Act (CEQA), including analysis of the proposed Project's vehicle miles traveled (VMT), the identification of significant impacts and mitigation, where applicable, for inclusion in the Environmental Impact Report (EIR),[4] and
- To present a traffic operations analysis for information purposes only, intended to inform the reader of potential roadway operational deficiencies[5] resulting from the addition of proposed Project traffic, and potential transportation improvements to reduce the identified deficient operations.

This TA addresses the proposed Project's effects on the roadway system and on the nearby bicycle, pedestrian, and transit networks. Project effects on the environment were evaluated following the CEQA Guidelines and the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020)[6], which provide guidance on how to evaluate the effects of projects on the transportation system in the Town of Los Gatos and VMT thresholds adopted by Town Council on November 17, 2020. Guidance from Santa Clara County and Caltrans was also considered.



[4] VMT refers to "Vehicle Miles Traveled," a metric that accounts for the number of vehicle trips generated plus the length or distance of those trips. This report uses Project generated VMT and boundary VMT metrics for specific geographic areas, which are defined in **Chapter 4**.

[5] Deficiencies are the Project's potential effects to the study area's transportation system and determined by the criteria described in **Chapter 7**.

[6] *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020). Available online at https://www.losgatosca.gov/DocumentCenter/View/24841/Los-Gatos-SB-743-Implementation-Plan?bidId=

## 1.2 Project Description

The proposed Project is an update to the Town of Los Gatos General Plan, which includes a combination of land use changes as described in the Preferred Land Use Alternative Framework (May 2020).[7]

### 1.2.1 Land Use

The proposed Project consists of new residential and non-residential (i.e., office, retail, industrial/manufacturing, and institutional land uses) distributed throughout the proposed Project area as compared to existing conditions. It includes the following land uses:

- 3,738 additional housing units (or 8,970 additional residents), including:
  - A maximum of 1,167 single-family units.
  - A maximum of 2,571 multi-family (apartment) units.
- 671,768 square feet of additional non-residential uses (or 1,280 additional employees) of pending and approved projects in the Town of Los Gatos.

The proposed Project identifies eight (8) Opportunity Areas ("OAs") throughout the Town of Los Gatos where most of the land use changes would occur. Opportunity Areas focus new development potential within a quarter mile around key corridors, intersections, and areas throughout Los Gatos. Opportunity Areas are generally located along or near:

- Los Gatos Boulevard between Samaritan Drive and Shannon Road (Los Gatos Boulevard OA);
- Pollard Road/More Avenue intersection (Pollard Road OA);
- Winchester Boulevard/Knowles Drive intersection (Winchester Boulevard OA);
- Lark Avenue/University Avenue intersection (Lark Avenue OA);
- North Santa Cruz Avenue/Andrews Street intersection (North Santa Cruz Avenue OA);
- Blossom Hill/Harwood Road intersection (Harwood Road OA);
- Union Avenue/Los Gatos-Almaden Road intersection (Union Avenue OA); and
- Downtown Los Gatos (Downtown Los Gatos OA).

The potential changes in land use and intensity or density would be the primary changes from the current *2020 General Plan* that may result in environmental impacts.

### 1.2.2 Transportation Network

The proposed Project includes a Mobility Element, which outlines the goals, policies, and implementation programs designed to promote a multimodal transportation network and support more sustainable forms of transportation in the Town of Los Gatos. Key elements of the Mobility Element include creating a more

[7] Town of Los Gatos General Plan 2040. Preferred Land Use Alternative Framework (May 2020). Available online at http://www.losgatos2040.com/images/docs/lggpu_alternative-summary.pdf

walkable and bikeable community, enhancing infrastructure for transit riders, and incorporating Transportation Demand Management (TDM) strategies to reduce reliance on single-occupancy vehicles. The proposed Mobility Element also addresses other aspects of the transportation network including roadway functional classifications, transit services, vehicle parking, and truck routes in the Town of Los Gatos.

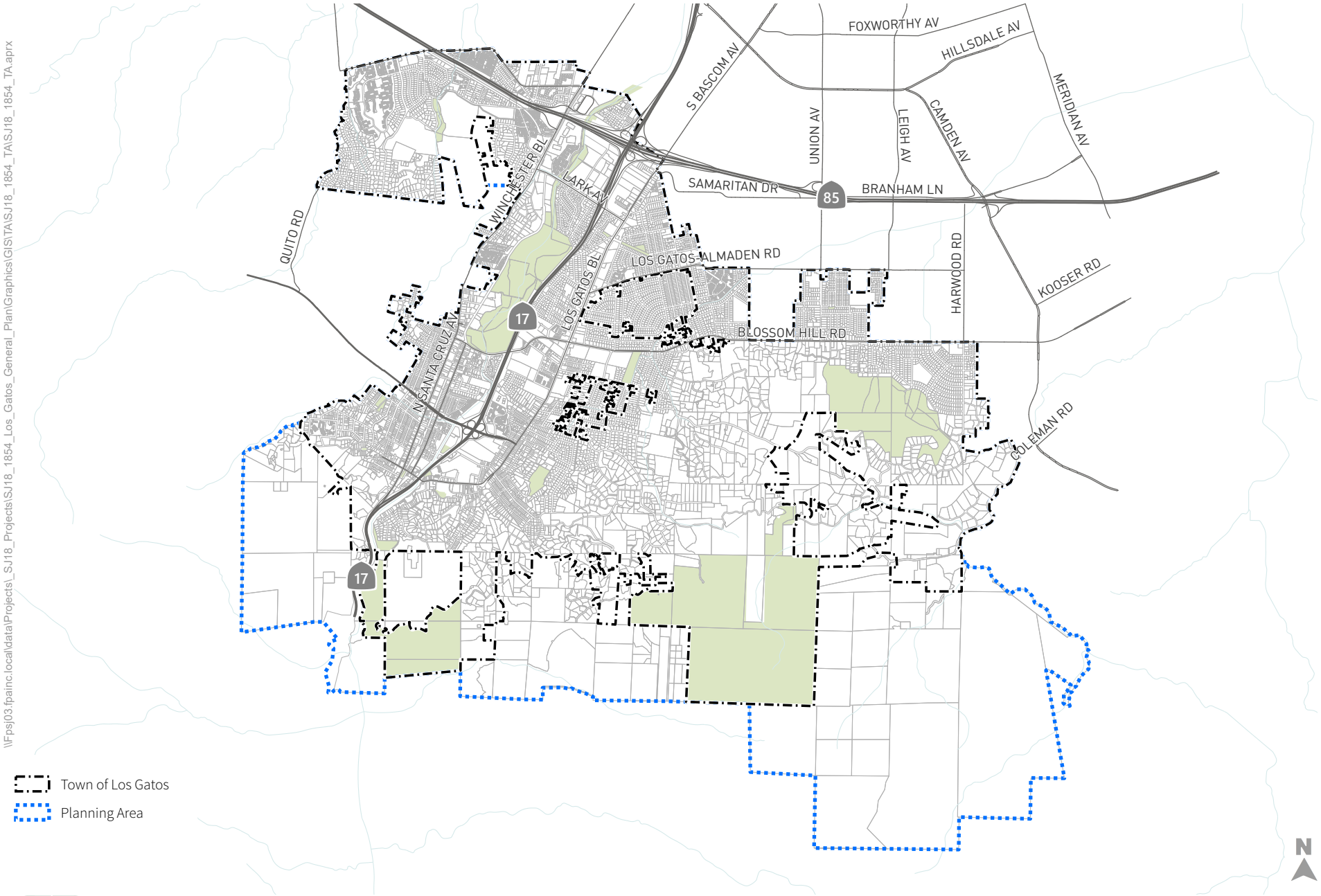


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Figure 1-1

# Project Location

## 1.3 Recent Changes to CEQA Transportation Analysis

The analysis of transportation impacts under the California Environmental Quality Act (CEQA) was changed with Senate Bill (SB) 743. SB 743 removed the use of automobile delay or traffic congestion for determining transportation impacts in environmental review. Instead, the latest *CEQA Statute & Guidelines* now specify that vehicle miles traveled, or VMT, is the appropriate metric to evaluate transportation impacts. In short, SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers, to measuring the impact of driving. In response to this methodological change in required transportation analysis, the Town of Los Gatos prepared the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020). The *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) provides guidance for the preparation of CEQA-compliant transportation impact analysis pursuant to SB 743 and is the operative document for the analysis presented here including the VMT threshold metrics. The *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) focuses on legal adequacy regarding CEQA compliance.

## 1.4 Analysis Scenarios

The VMT analysis was conducted during a typical weekday. While not considered for CEQA purposes, vehicle level of service analysis was also conducted, focusing on the morning peak hour occurring between 7:00 and 9:00 AM and the evening peak hour occurring between 4:00 and 6:00 PM. Both the VMT and traffic analysis were conducted for the following scenarios:

**Scenario 1**: *Existing Conditions* – Year 2018 existing traffic conditions based on existing volumes.

**Scenario 2**: *Cumulative 2040 without Project Conditions* – Year 2040 cumulative traffic volumes based on forecasts from the VTA regional travel model, including land uses and transportation network infrastructure adopted in the *Town of Los Gatos 2020 General Plan*.

**Scenario 3**: *Cumulative 2040 with Project Conditions* – Year 2040 cumulative traffic volumes based on forecasts from the VTA regional travel model, including land uses and transportation network infrastructure proposed in the Town of Los Gatos General Plan 2040 update.

## 1.5 Vehicular Level of Service (LOS) Study Intersections

Project effects on the study area roadway facilities were determined by measuring the effect Project traffic would have on intersection operations during the morning (7:00 to 9:00 AM) and evening (4:00 to 6:00 PM) peak periods. A total of 10 study intersections (shown in **Figure 1-2**) were selected in consultation with Town of Los Gatos staff. The study intersections are listed below (all under the jurisdiction of the Town of Los Gatos):

1. Winchester Boulevard and Lark Avenue
2. Los Gatos Boulevard and Samaritan Drive
3. Los Gatos Boulevard and Lark Avenue
4. Los Gatos Boulevard and Blossom Hill Road

5. Los Gatos Boulevard and Los Gatos-Saratoga Road
6. Los Gatos-Saratoga Road and University Avenue*
7. N. Santa Cruz Avenue and Los Gatos-Saratoga Road*
8. N. Santa Cruz-Winchester Boulevard and Blossom Hill- Mariposa Road
9. Main Street and N. Santa Cruz Avenue
10. Main Street and University Avenue

* Denotes intersections included in the VTA Congestion Management Program (CMP)

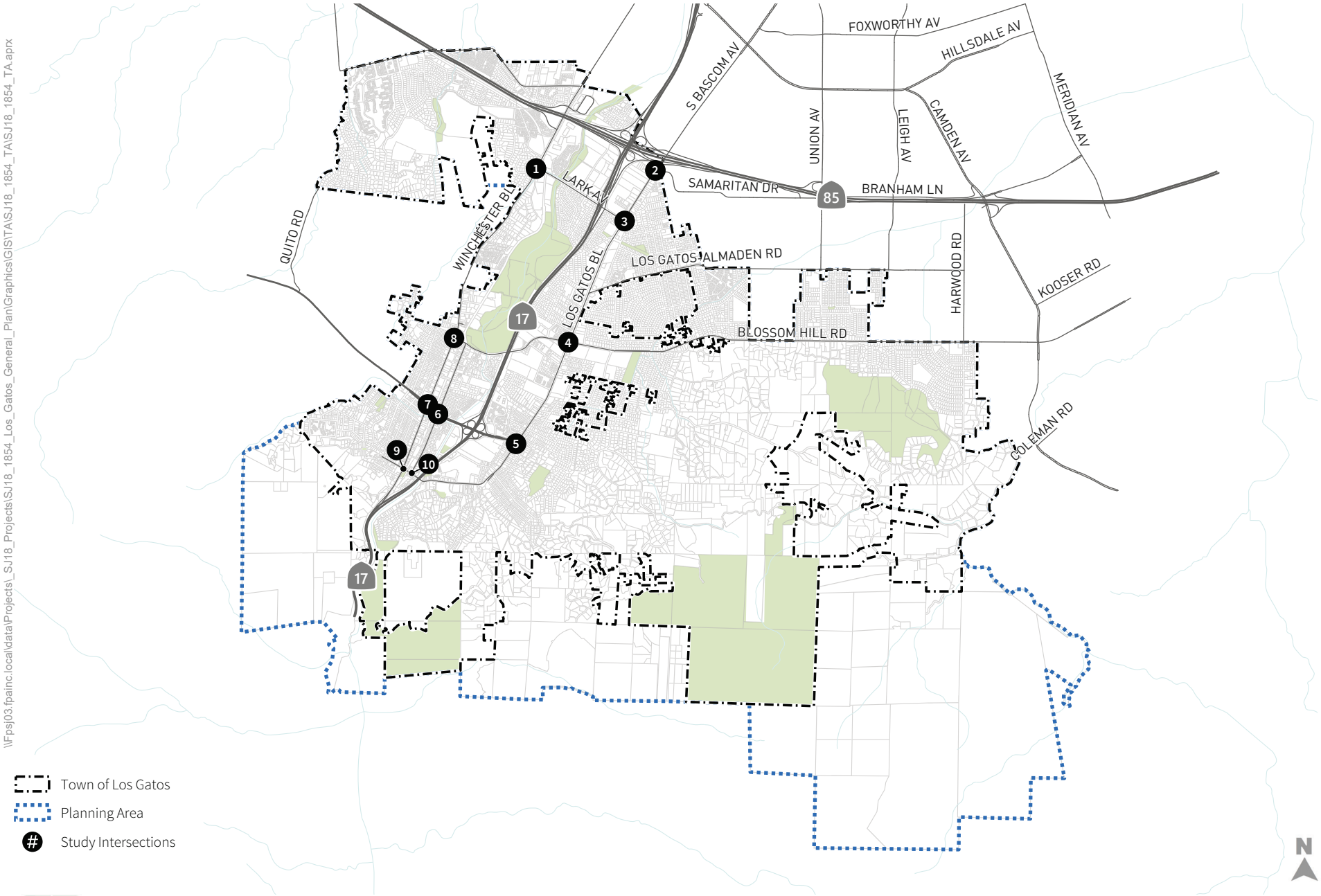


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Figure 1-2

## Project Location and Study Intersections

## 1.6 Report Organization

The following chapters are included in this report to meet Town requirements for evaluating transportation impacts of the proposed Project:

**Chapter 1 – Introduction** includes the TA purpose, proposed Project description, analysis scenarios, vehicular level of service study intersections, and report organization.

**Chapter 2 – Regulatory Setting** describes the transportation regulatory framework, which includes Federal, State, Regional, and local programs and other plans. This chapter provides background information to be used for plan consistency evaluation.

**Chapter 3 – Existing Conditions** describes the transportation system, including the surrounding roadway network, average daily traffic volumes, morning and evening peak hour turning movement volumes at the study intersections, existing bicycle, pedestrian, and transit facilities, intersection levels of service and field observations.

**Chapter 4 – Significance Criteria and VMT Analysis Methods** lists the significance criteria used for the environmental impact analysis. This chapter also discusses the traffic forecasting methods used to estimate proposed Project generated VMT and the proposed Project's effect on VMT.

**Chapter 5 – CEQA Impacts and Mitigation** evaluates the proposed Project's impacts on the overall transportation system via the VMT analyses and to transit, bicycle, and pedestrian systems, and identifies mitigation measures, if warranted, to address significant impacts of the proposed Project.

**Chapter 6 – Roadway Operations and Project Traffic Forecasting Methods** describes the traffic analysis methods and traffic volumes used for the motor vehicle deficiencies and improvements chapter.

**Chapter 7 – Motor Vehicle Deficiencies and Improvements** describes the proposed Project's effects on intersection operations and identifies improvements to address deficiencies caused by the proposed Project. This chapter also includes an evaluation of potential secondary effects to bicycle and pedestrian facilities associated with the roadway system improvements.

# 2. Regulatory Setting

This chapter describes the transportation regulatory framework, which includes Federal, State, Regional, and local programs and other plans related to the Los Gatos General Plan 2040 update and the associated EIR. This background information regarding circulation and transportation plans are used in the proposed Project consistency evaluation later in this report.

## 2.1 Federal

There are no federal plans, policies, regulations, or laws addressing transportation that pertain to the Los Gatos General Plan. However, federal regulations through the Americans with Disabilities Act, Title VI, which prohibits discrimination based on race, color, and national origin, and Environmental Justice (Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) relate to the way transit service is provided.

## 2.2 State

**California Department of Transportation.** The California Department of Transportation (Caltrans) is responsible for planning, designing, constructing, operating, and maintaining the State Highway System (SHS), including freeways, interchanges, and defined arterial routes. Federal highway standards are implemented in California by Caltrans. Any improvements or modifications to the SHS within the study area would need to be approved by Caltrans. Caltrans operates and maintains State Route 9, State Route 17, and State Route 85 in Los Gatos. The *Vehicle Miles Traveled-Focused Transportation Impact Study Guide* (May 2020) provides information that Caltrans uses to review the impacts of land use projects on the State highway facilities, including freeway segments. However, as the Congestion Management Agency (CMA), VTA, is responsible for monitoring operations on Caltrans facilities within Santa Clara County and VTA guidelines and thresholds are used to evaluate traffic congestion on CMP facilities. Caltrans also publishes design guidance for facilities under its jurisdiction. The *Highway Design Manual* (2016) provides guidelines for roadway design and bicycle facility design. Its bicycle design standards provide a minimum acceptable standard within Santa Clara County (*VTA Bicycle Technical Guidelines*, 2011). The *California Manual on Uniform Traffic Control Devices* (2014) adapts federal standards for street markings, traffic signals, and street signs for use in California.

**Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG).** The *Transportation Impact Study Guide* (TISG) was prepared by Caltrans to provide guidance to Caltrans Districts, lead agencies, tribal governments, developers and consultants regarding Caltrans review of a land use project or plan's transportation analysis using a VMT metric. This guidance is not binding on public agencies, and it is intended to be a reference and informational document. The guidance may be updated based upon need, or in response to updates of the Governor's Office of Planning and Research's *Technical Advisory on Evaluating Transportation Impacts in CEQA* (*Technical Advisory*).

The *TISG* replaces the *Guide for the Preparation of Traffic Impact Studies* (Caltrans, 2002) and is for use with local land use projects, not for transportation projects on the State Highway System.

The *TISG* does not prescribe VMT calculation methods, metrics, or significance criteria, but rather references the guidance in the *Technical Advisory*.

**Interim Land Development and Intergovernmental Review (LDIGR) Safety Review Practitioners Guidance (December 18, 2020).** The purpose of the *Interim LDIGR Safety Review Practitioners Guidance* is to provide immediate direction about the safety review while final guidance is being developed. The interim guidance is intended to apply to proposed land use projects and plans affecting the State Highway System. Specific effects may include but are not limited to adding new automobile, bicycle, or pedestrian trips to state roadways; modifying access to state roadways; or affecting the safety of connections to or travel on state roadways. The interim guidance does not establish thresholds of significance for determining safety impacts under the California Environmental Quality Act (CEQA). The document states that significance of impacts should be determined with careful judgment on the part of a public agency and based, to the greatest extent possible, on scientific and factual data consistent with Caltrans' CEQA guidance contained in Caltrans' Standard Environmental Reference (SER), Chapter 36, "Environmental Impact Report," and CEQA guidelines found in the California Code of Regulations, title 14, division 6, chapter 3, article 5, section 15064, "Determining the Significance of the Environmental Effects Caused by a Project."

**California Transportation Commission.** The California Transportation Commission (CTC) consists of nine members appointed by the Governor. The CTC is responsible for the programming and allocation of funds for the construction of highway, passenger rail, and transit improvements throughout the State. The CTC is also responsible for managing the State Transportation Improvement Program (STIP) and the State Highway Operation and Protection Program (SHOPP) funding programs.

**Assembly Bill (AB) 1358.** AB 1358, or the California Complete Streets Act of 2008, requires towns, cities, and counties, when updating their general plans, to ensure that local streets meet the needs of all users.

**Assembly Bill (AB) 32.** With the Global Warming Solutions Act of 2006, AB 32, the State of California committed itself to reducing greenhouse gas (GHG) emissions to 1990 levels by 2020. The California Air Resources Board (CARB) is coordinating the response to comply with AB 32.

In 2007, CARB adopted a list of early action programs that could be put in place by January 1, 2010. In 2008, CARB defined its 1990 baseline level of emissions, and by 2011 it completed its major rule making for reducing GHG emissions. Rules on emissions, as well as market-based mechanisms like the proposed cap and trade program, took effect in 2012.

On December 11, 2008, CARB adopted its Proposed Scoping Plan for AB 32. This scoping plan included the approval of Senate Bill (SB) 375 as the means for achieving regional transportation related GHG targets. SB 375 provides guidance on how curbing emissions from cars and light trucks can help the State comply with AB 32.

**Senate Bill (SB) 743.** Senate Bill (SB) 743, passed in 2013, requires the California Governor's Office of Planning and Research (OPR) to develop new guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." The new CEQA Guidelines implementing the intent of SB 743 were approved in December 2018.

## 2.3 Regional

**Metropolitan Transportation Commission (MTC).** The MTC is the Bay Area regional transportation planning agency and federally designated Metropolitan Planning Organization (MPO). MTC is responsible for preparing the Regional Transportation Plan (RTP), a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities. The RTP is a 20-year plan that is updated every 3 years to reflect new planning priorities and changing projections of future growth and travel demand. The long-range plan must be based on a realistic forecast of future revenues, and the transportation projects taken as a whole must help improve regional air quality. The MTC also screens requests from local agencies for State and federal grants for transportation projects to determine compatibility with the RTP.

**Santa Clara Valley Transportation Authority (VTA).** VTA serves two roles in Santa Clara County—first, as the primary transit operator, and second, as the Congestion Management Agency (CMA).

In its role as transit operator, VTA is responsible for development, operation, and maintenance of the bus and light-rail system within the County. VTA operates more than 70 bus lines and three light-rail lines, in addition to shuttle and paratransit service. It also provides transit service to major regional destinations and transfer centers in adjoining counties.

As the County's CMA, VTA is responsible for managing the Valley Transportation Plan (VTP) 2040 (adopted in October 2014) to reduce congestion and improve air quality. VTA is authorized to set State and federal funding priorities for transportation improvements that affect the Santa Clara CMP transportation system. Priority projects are also eligible for the RTP. The CMP roadway network in Los Gatos includes all State highways, County expressways, and some principal arterials and intersections, while the transit network includes rail service and selected bus service.

**Valley Transportation Plan (VTP) 2040.** As the CMA for Santa Clara County, VTA is responsible for the development of a long-range countywide transportation plan, called *Valley Transportation Plan (VTP) 2040*.[8] *VTP 2040* provides programs, projects, and policies for roadways, transit, Intelligent Transportation Systems (ITS) and Systems Operations Management, bicycle facilities, pedestrian facilities, and the integration of land use and transportation. *VTP 2040* projects serve as VTA's recommendations for the

[8] Santa Clara Valley Transportation Authority. *VTP 2040*. Available online at http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/VTP2040_final_hi%20res_030315.pdf.

RTP known as the Plan Bay Area. *VTP 2040* was adopted by the VTA Board of Directors in October of 2014.

***Plan Bay Area 2040.*** Plan Bay Area is overseen by the MTC and the Association of Bay Area Governments (ABAG). It serves as the region's Sustainable Communities Strategy (SCS) pursuant to SB 375 and the 2040 RTP (preceded by Transportation 2035), integrating transportation and land use strategies to manage greenhouse gas emissions and plan for future population growth. The RTP and SCS include policies that call for shifting more travel demand to transit and accommodating growth along transit corridors in "Priority Development Areas (PDAs)". In July 2013, Plan Bay Area was adopted by ABAG and the MTC. The update to Plan Bay Area, known as *Plan Bay Area 2040*,[9] was subsequently developed by MTC and adopted in July 2017.

Major transit projects included in *Plan Bay Area 2040* include a BART extension to San José /Santa Clara, Caltrain electrification, enhanced service along the Amtrak Capitol Corridor, and improvements to local and express bus services.

**Santa Clara Countywide Bicycle Plan.** The *Santa Clara Countywide Bicycle Plan*[10] synthesizes other local and County plans into a comprehensive 20-year cross-County bicycle corridor network and expenditure plan. The long-range countywide transportation plan and how projects compete for funding and prioritization are documented in VTP 2040. VTA adopted the *Santa Clara Countywide Bicycle Plan* in May 2018.

## 2.4 Local

**Los Gatos 2020 General Plan.** At the time of the preparation of this TA, the Town of Los Gatos' currently adopted *2020 General Plan* (2010) was in effect. The Land Use and Community Design Element, Vasona Light Rail Element, and Transportation Element of the *2020 General Plan* states the community land use and transportation goals, policies, and actions for land use growth and multimodal travel. The Transportation Element and Vasona Light Rail Element goals are listed below for reference:

- *Goal TRA-1: To develop transportation systems that meet current and future needs of residents and businesses.*
- *Goal TRA-2: To create and maintain a safe, efficient, and well-designed roadway network.*
- *Goal TRA-3: To prevent and mitigate traffic impacts from new development.*
- *Goal TRA-4: To ensure that future changes to Highway 17 do not negatively impact the quality of life or small-town character of Los Gatos.*
- *Goal TRA-5: To ensure that Los Gatos's streets are safe for all users, including drivers, cyclists, and pedestrians.*

[9] Metropolitan Transportation Commission, 2017. *Plan Bay Area 2040*. Available online at http://2040.planbayarea.org/.

[10] Santa Clara Valley Transportation Authority. Countywide Bicycle Plan. Available online at https://www.vta.org/sites/default/files/2019-05/SCCBP_Final%20Plan%20_05.23.2018.pdf

- *Goal TRA-6: To improve traffic flow in the downtown and reduce the effect of downtown traffic on nearby commercial and residential areas.*
- *Goal TRA-7: To ensure that hillside streets maintain the rural atmosphere, minimize disruption of ecological integrity, and provide safe and continuous access consistent with development allowed by the Hillside Specific Plan and Hillside Development Standards and Guidelines.*
- *Goal TRA-8: To improve mass transit within Los Gatos.*
- *Goal TRA-9: To reduce reliance on the automobile by promoting alternative modes of transportation in the transportation system.*
- *Goal TRA-10: To encourage increased levels of bicycling and walking.*
- *Goal TRA-11: To provide a safe and efficient system of bicycle and multiple use trails throughout the Town, creating a non-motorized connection to recreational and commuting destinations.*
- *Goal TRA-12: To ensure a well-designed and well-maintained system of trails that connects the Town and open space areas.*
- *Goal TRA-13: To provide adequate parking for existing and proposed uses, and to minimize impacts on surrounding residential neighborhoods.*
- *Goal TRA-14: To ensure that there is adequate parking in Downtown to meet the needs of Los Gatos residents and visitors.*
- *Goal VLR-1: To promote the construction of Vasona Light Rail.*
- *Goal VLR-2: To encourage affordable housing (senior housing, multi-family housing, mixed-use with housing) in appropriate locations within the Vasona Light Rail area to address the Town's housing needs and take advantage of the opportunities afforded by mass transit.*
- *Goal VLR-3: To encourage mixed-use developments that coordinate housing in proximity to either neighborhood commercial uses or employment centers.*
- *Goal VLR-4: To provide opportunities for a variety of nonresidential land uses within the Vasona Light Rail area.*
- *Goal VLR-5: To provide opportunities for the Vasona Light Rail area to address the recreational and open space needs of the Town.*
- *Goal VLR-6: To work with property owners and prospective developers to facilitate orderly development.*
- *Goal VLR-7: To ensure that the design review process produces a high quality mixture of residential and non-residential uses within the Vasona Light Rail area.*
- *Goal VLR-8: To limit the adverse impacts of development within the Vasona Light Rail area.*
- *Goal VLR-9: To reduce traffic impacts of residential development within the Vasona Light Rail area by taking advantage of mass transit opportunities.*

The *2020 General Plan* policies and actions provide additional detail regarding the underlying expectations of how population and employment will be supported and how the community will travel. Additionally, the *2020 General Plan* establishes peak hour LOS D as an acceptable level of traffic operation

at intersections in Los Gatos.[11] However, this policy must be balanced with the other multimodal transportation policy directives in the *2020 General Plan* as a whole and must be interpreted in the context of recent legislative amendments.

**Los Gatos General Plan 2040.** The Town of Los Gatos is preparing an updated General Plan, *Town of Los Gatos General Plan 2040*, which envisions a sustainable transportation system that focuses on strategies to reduce vehicle miles of travel and enhance the multimodal transportation network of complete streets for all users. The preliminary draft *General Plan 2040* (April 2021) includes a LOS policy that requires the Town of Los Gatos to maintain current levels of service and/or at least a LOS D standard during peak hours.[12] Using this LOS D standard may require the construction of larger intersections, which can have a negative effect on pedestrian and bicycle access and comfort. Thus, this discussion highlights the preliminary draft *Town of Los Gatos General Plan 2040* (April 2021) goals that focus on creating accessible, complete streets for all users of the street system and paths. Key transportation goals in the proposed *General Plan 2040* include the following:

- *MOB-1: Reduce vehicle miles and manage vehicle congestion through a complete transportation network.*
- MOB-2: Provide continuous, safe, and efficient bikeway and pedestrian facilities.
- MOB-3: Provide a well-designed and well-maintained system of trails that connect the Town and open space areas.
- MOB-4: Encourage the development of a comprehensive and integrated transportation network with infrastructure and design features that allow safe and convenient travel for all users.
- MOB-5: Support a non-driving Los Gatos by reducing reliance on the automobile and promoting alternative modes of transportation.
- MOB-6: Increase public transit opportunities for all types of trips.
- MOB-7: Optimize the Town's transportation system to provide safe and efficient movement to meet the needs of all users.
- MOB-8: Provide a safe, efficient, and well-designed roadway network transportation system.
- MOB-9: Mitigate the impact of cut-through traffic, with the objective of making it easy for residents to move throughout Town while ensuring Los Gatos remains a welcoming place for visitors.
- MOB-10: Prevent and mitigate transportation impacts from new development.

[11] 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.

[12] Policy MOB-10.2: If a project will cause the current LOS for any project-affected intersection to drop by more than one level for an intersection currently at LOS A, B, or C, or to drop at all if the intersection is at LOS D or below, the project shall construct improvements and/or put TDM measures in place, as directed by the Town Engineer, so that the operation will remain at an acceptable level. These measures shall be implemented and maintained as a condition of approval of the project.

- MOB-11: Ensure that future changes to SR 17 do not negatively impact the quality of life or character of Los Gatos.
- MOB-12: Ensure that hillside streets maintain safe and continuous access.
- MOB-13: Provide adequate parking availability and minimize impacts on surrounding residential neighborhoods.
- MOB-14: Provide adequate and well managed parking availability in Downtown for employees, visitors, and shoppers.
- MOB-15: Provide for the safe and efficient movement of goods to support commerce, industry, and the community.

**Los Gatos Bicycle and Pedestrian Master Plan.** The *Town of Los Gatos Bicycle and Pedestrian Master Plan* (2017) summarizes goals for improving the bicycle and pedestrian network, existing and proposed facilities, and programs involving education, enforcement, and promotion. The proposed Project was developed in conformance with the *Los Gatos 2020 General Plan*, and supports the implementation of a convenient, safe, and accessible system that supports walking and bicycling. The proposed Project also prioritized bicycle and pedestrian improvement projects, which are branded as *Connect Los Gatos* projects. Goals of the *Bicycle and Pedestrian Master Plan* are:

- *Goal A. Education and Encouragement: Encourage the Los Gatos and Monte Sereno communities to walk or ride a bike for recreation, transportation, and health, supporting safety education programs for all road users.*
- *Goal B. Enforcement: Promote safety for all road users through compliance with traffic codes for drivers, bicyclists and pedestrians.*
- *Goal C. Accessibility and Connectivity: Develop a cohesive and "low-stress" bicycle and pedestrian network that ensures safe and convenient facilities for those bicycling and walking – connecting community members to employment, educational, cultural, civic, transit, recreational and shopping destinations.*
- *Goal D. Engineering/Development Standards: Provide high-quality and highly effective bicycle and pedestrian facilities to enhance the safety, comfort and convenience of people walking and bicycling.*
- *Goal E. Evaluation and Implementation Strategies: Ensure successful implementation of the Bicycle and Pedestrian Master Plan by developing effective implementation programs and funding strategies and establishing clear roles and responsibilities for all relevant Town departments.*

**Los Gatos Traffic Impact Policy.** The *Los Gatos Traffic Impact Policy* (2014) is intended to guide Town staff and the development community in implementing traffic impact provisions (Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees). Projects that are determined by the Town to generate one or more net new Average Daily Trip are subject to this policy. Projects that generate 20 or more Peak Hour Trips shall be required to complete a comprehensive Traffic Impact Analysis (TIA) report. The Town Traffic Engineer will determine the need for a traffic impact study based on the net increase in traffic and the traffic conditions in the nearby area.

**Complete Streets Policy.** The *Town of Los Gatos Complete Streets Policy* (#3-01, February 2019) guides relevant departments by formally applying complete streets principles in transportation projects and funding programs Townwide. Complete streets are generally defined as streets that are planned, designed, and operated for safe mobility of all users including pedestrians, bicyclists, motorists, and transit users of all ages and abilities. The policy defines complete streets principles within the context of Los Gatos, provides the implementation framework on applying the policy, and identifies the process for exemptions.

# 3. Existing Conditions

This chapter describes the Existing Conditions (2018) of the roadway system, pedestrian and bicycle facilities, and transit services within the Town of Los Gatos. It also presents existing traffic volumes and operations for the study intersections.

COVID-19 Note: The following Existing Conditions discussion describes conditions prior to the March 2020 shelter-in-place policy. The intersection counts that are used for this analysis were collected prior to the voluntary shelter-in-place polices implemented by several large technology firms beginning the first week in March 2020 and the formal shelter-in-place order issued by Santa Clara County Public Health Department on March 16, 2020 to slow the spread of COVID-19.

## 3.1 Existing Street System

This section describes the existing regional highway system and the local street circulation system for Los Gatos. The regional highway system and roadway classifications described in this section are illustrated in **Figure 3-1**.

State Route (SR) 9, also known as Los Gatos-Saratoga Road within the Town, SR 17, and SR 85 provide regional access. SR 9 is a major surface street while SR 17 and SR 85 are freeways. The freeways are accessed by the following interchanges:

- SR 17 at Lark Avenue
- SR 17 at Los Gatos-Saratoga Road
- SR 17 at South Santa Cruz Avenue
- SR 85 at Winchester Boulevard (west) and Bascom Avenue (east)

SR 17 runs north-south through the Town, connecting Los Gatos to San José and Santa Cruz, and provides regional access to Interstate (I) 880 and SR 85. SR 9 runs east-west through the southern end of Los Gatos, connecting to SR 17, and south through the Santa Cruz Mountains to SR 1. SR 85 runs east-west through the northern end of Los Gatos and provides regional access to US 101, Mountain View, and south San José, I 280, I-880/SR 17, and SR 87.

In Los Gatos, the local street system is organized into a hierarchy of six roadway types according to the existing *Los Gatos Street Design Standards* and the *2020 Los Gatos General Plan*. Functional classifications of roadway networks categorize streets by purpose, location, and typical land uses to which they provide access. The functional roadway classifications for Los Gatos include:

- Arterial Streets
- Collector Streets
- Neighborhood Collector Streets

- Hillside Collector Streets
- Local Streets
- Special Design Streets

Each functional classification is described below. The hierarchy is based on the degree of mobility and amount of local access provided by each roadway. Roadway priorities for cyclists and pedestrians of certain areas of Los Gatos are included in the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (2017).

### 3.1.1 Arterial Streets

Arterial streets typically accommodate two or more lanes of traffic in each direction, providing access to the regional highway system, collector roads, and local streets. Examples of arterial streets include Los Gatos Boulevard and Winchester Boulevard.

### 3.1.2 Collector Streets

Collector streets provide circulation within and between neighborhoods. Collector streets usually serve short trips from local and neighborhood streets and distributing traffic to the arterial network. Examples of collector streets are Main Street, University Avenue, and North Santa Cruz Avenue.

### 3.1.3 Neighborhood Collector Streets

Neighborhood collector streets predominantly carry traffic generated within a neighborhood and distributes traffic to collector and arterial streets. Examples of neighborhood collector streets include Alberto Way, Tait Avenue, and Wedgewood Avenue.

### 3.1.4 Hillside Collector Streets

Hillside collector streets serve properties located in hillside areas, carrying traffic to either arterial streets, collectors, or neighborhood collectors. An example of a hillside collector street is Kennedy Road.

### 3.1.5 Local Streets

Local streets support local and neighborhood traffic movement. Local streets typically carry traffic from individual properties to collector and arterial streets and are not designed to accommodate through traffic. Most local streets are in residential neighborhoods. An example of a local street is Pine Avenue and Union Avenue within the Town of Los Gatos.

### 3.1.6 Special Design Streets

Special design streets are used when warranted by unique land use, circulation, or environmental conditions. These streets can either be arterial streets, collectors, existing local hillside streets, or scenic residential streets. An example of a special design street is N. Santa Cruz Avenue. Features are typically considered when designing special design streets include:

- Retention of existing physical amenities;

- Protection of existing trees within the right-of-way; and
- Special treatment of transition sections when conforming to standard street sections.

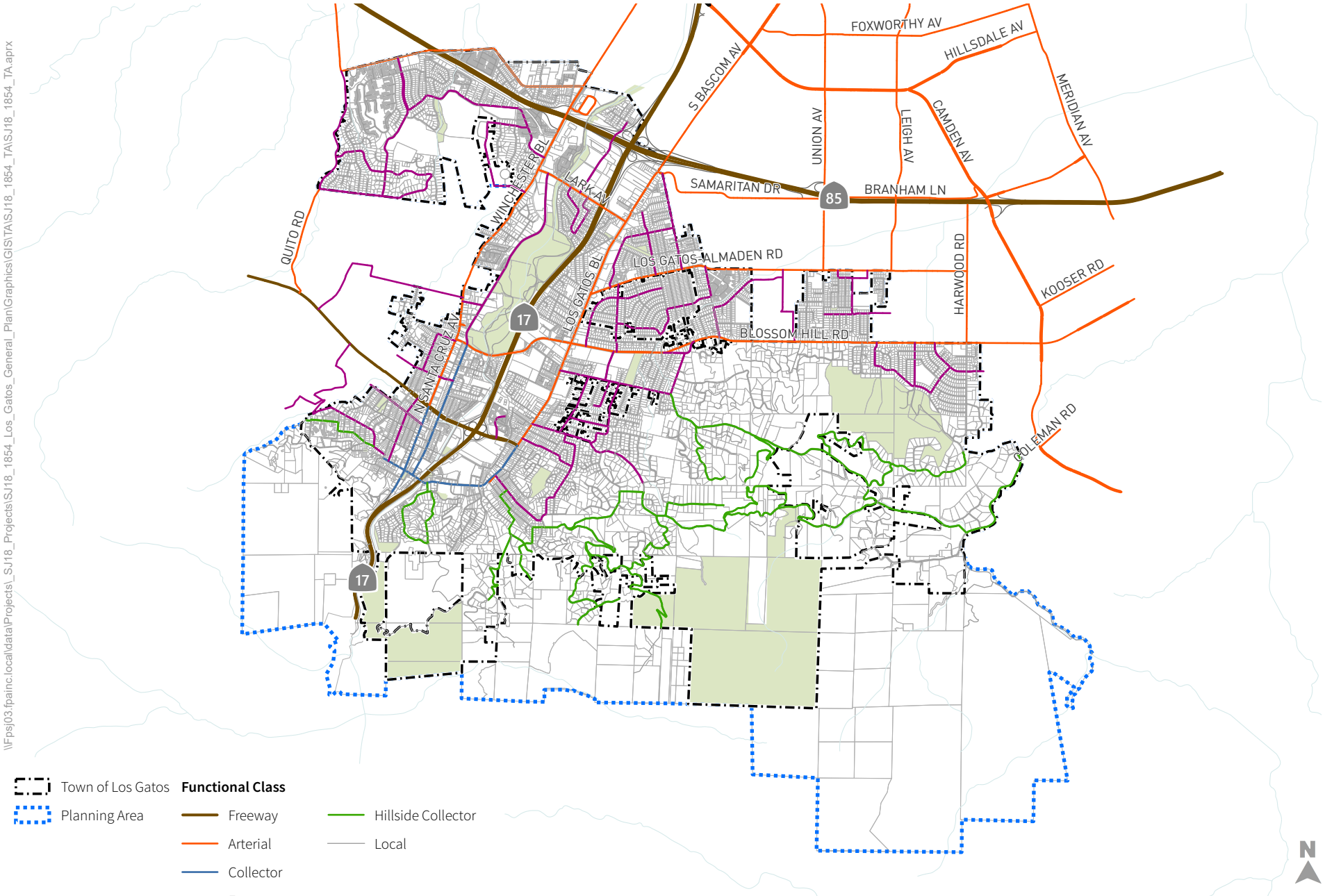


Figure 3-1

## Existing Roadway Network

## 3.2 Existing Truck Routes

This section describes the current truck routes in Los Gatos defined in the existing *Los Gatos 2020 General Plan*. **Figure 3-2** shows the designated truck routes through Los Gatos. The following roadways are truck routes through Los Gatos (Section 10.30.410 of Los Gatos Code of Ordinances):

- SR 17, SR 85, and Los Gatos-Saratoga Road (SR 9)
- Los Gatos Boulevard, north of Saratoga Avenue
- N. Santa Cruz Avenue, north of Los Gatos-Saratoga Avenue
- Los Gatos-Saratoga Avenue
- Winchester Boulevard
- Los Gatos- Almaden Road
- Blossom Hill Road
- Lark Avenue

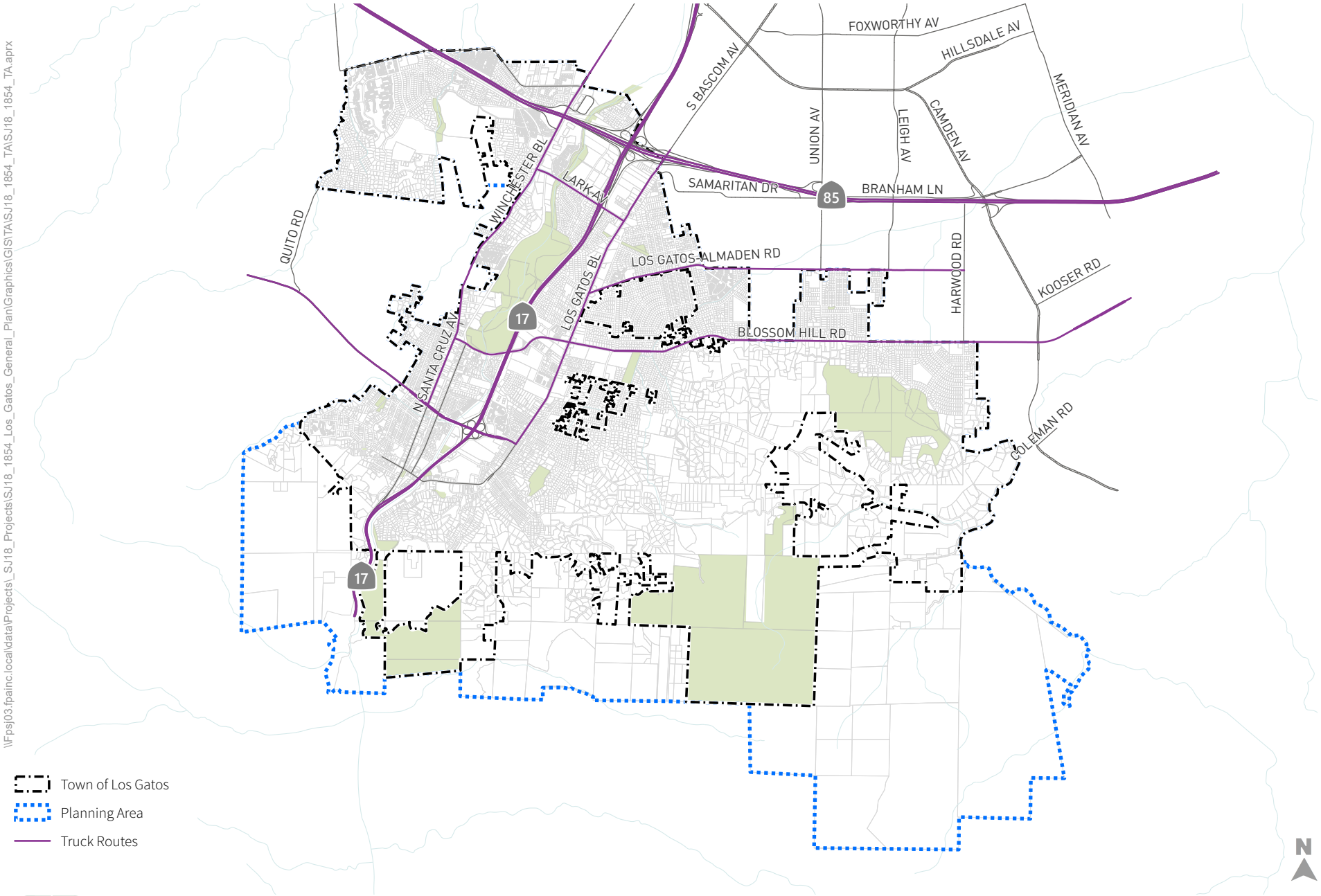


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Figure 3-2

## Existing Truck Routes

## 3.3 Existing Pedestrian Facilities

Los Gatos has many amenities that make walking an important and accessible way to travel, including areas with level terrain, temperate weather, and numerous destinations. Pedestrian facilities in the Town include sidewalks, pathways, and crosswalks. Signals, lighting, trees, and curb ramps also contribute to the quality of the pedestrian environment.

Los Gatos contains several multi-use trails, such as the Los Gatos Creek Trail, that provide important connections and recreational opportunities for residents and visitors.

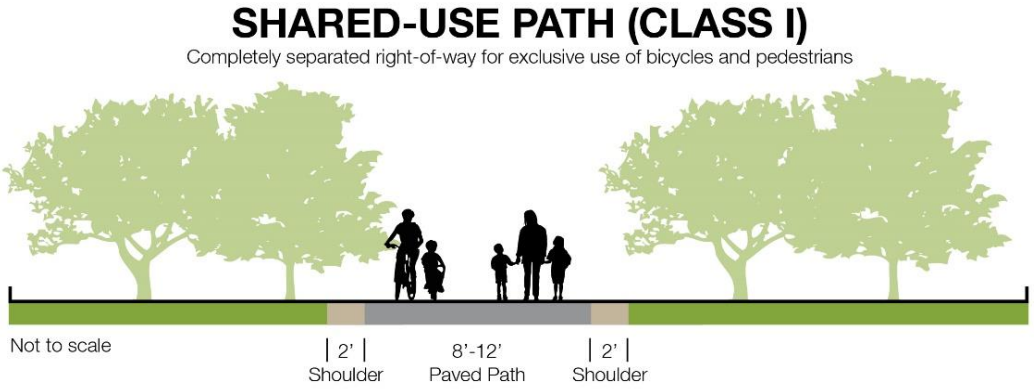
Downtown Los Gatos is generally regarded as a walkable, attractive destination for pedestrians. The sidewalk infrastructure in Los Gatos is generally in fair condition, with an ever-increasing deferred maintenance backlog of deteriorating sidewalk sections. There are some notable gaps in lighting, sidewalks, and crossing infrastructure throughout Los Gatos. This includes stretches of Winchester Boulevard from north of Daves Avenue to Lark Avenue, Los Gatos Boulevard east of Downtown Los Gatos (between Alpine Avenue to Loma Alta Avenue, south side of Los Gatos Boulevard), north of Lark Avenue to the Town's northern border, and Blossom Hill Road from Linda Avenue to the Town's eastern border at Leigh Avenue. In some cases, sidewalks are present only on one side of the roadway, as is the case along SR 9 when crossing SR 17 to Los Gatos Boulevard.

## 3.4 Existing Bicycle Facilities

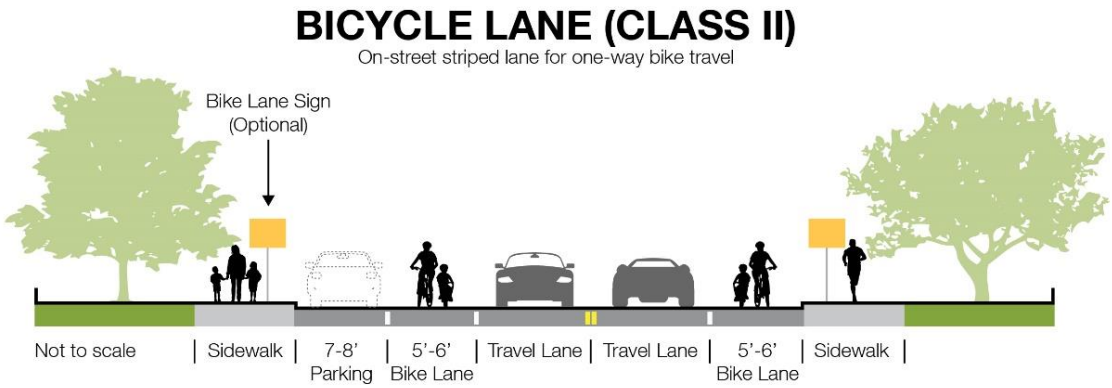
There are several existing bicycle facilities in the Town of Los Gatos and in surrounding areas, comprised of bike routes or boulevards, bike lanes, and separated bike paths or trails. The existing bicycle network in Los Gatos is composed of approximately 13 miles of bicycle facilities that include bike routes, bike boulevards, bike lanes, and separated bike paths and trails. **Figure 3-3** shows existing bicycle facilities in the Town of Los Gatos.

Bikeways are typically divided into four categories, or classes. The four classes of bikeways in Los Gatos are described in the *Santa Clara Countywide Bike Plan* (2018) and the *Los Gatos Bicycle and Pedestrian Master Plan* (2017). These descriptions are based on California Department of Transportation (Caltrans) classifications of bikeways from California Assembly Bill 1193 and the Highway Design Manual (Chapter 1000: Bikeway Planning and Design). Each bikeway is intended to provide bicyclists with enhanced riding conditions. Bikeways offer various levels of separation from traffic based on traffic volume and speed. Bike lane widths in Los Gatos are designed per Caltrans Design Standards (Highway Design Manual Chapter 1000). The four bikeway types are presented below and shown in the accompanying figures.

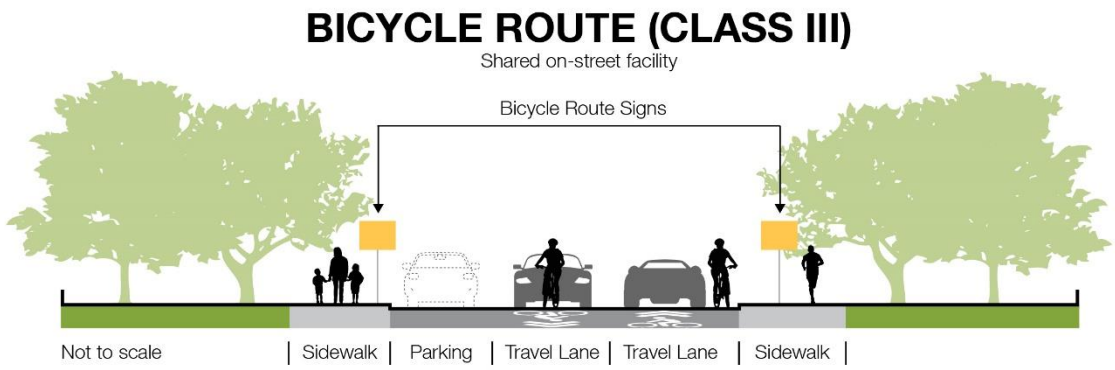
**Class I Bikeways (Shared-Use Paths)**. Shared-use bike paths provide a completely separate right-of-way and are designated for the exclusive use of bicycles and pedestrians, with vehicle and pedestrian cross-flow minimized. In general, bike paths serve corridors not served by streets and highways or where sufficient right-of-way exists to allow such facilities to be separated from streets and potential vehicle conflicts. An example of a Class I bike path in Los Gatos is Los Gatos Creek Trail.



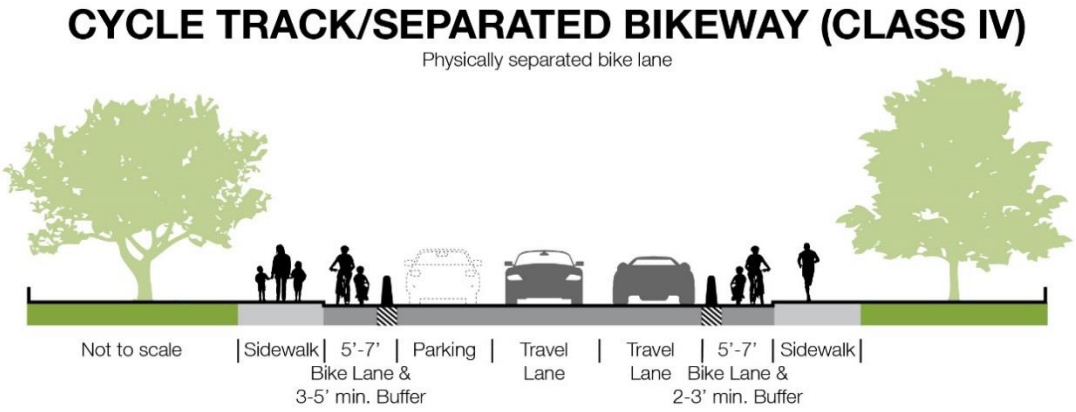

**Class II Bikeways (Bicycle Lanes)**. Bike lanes are dedicated lanes for bicyclists generally adjacent to the outer vehicle travel lanes. These lanes have special lane markings, pavement legends, and signage. Bicycle lanes are generally five (5) feet wide. Adjacent vehicle parking and crossing vehicle/pedestrian traffic are typically permitted. Examples of a Class II bike lanes in Los Gatos are on Los Gatos Boulevard, Main Street, and Winchester Boulevard.




**Class III Bikeways (Bike Boulevards/Routes)**. Bike routes are designated by signs or pavement markings for shared use with motor vehicles but have no separated bike right-of-way or lane striping. Bike routes serve to either provide continuity to other bicycle facilities or designate preferred routes through high traffic corridors. An example of a bike route in Los Gatos is University Avenue between SR 9 and Blossom Hill Road.




**Class IV Bikeways (Cycle Tracks or "Separated" Bikeways).** Separated bikeways provide a right-of-way designated exclusively for bicycle travel within a roadway and are protected from other vehicle traffic by physical barriers, including, but not limited to, grade separations, flexible posts, inflexible vertical barriers such as raised curbs or parked cars. There are no Class IV separated bikeways in Los Gatos.



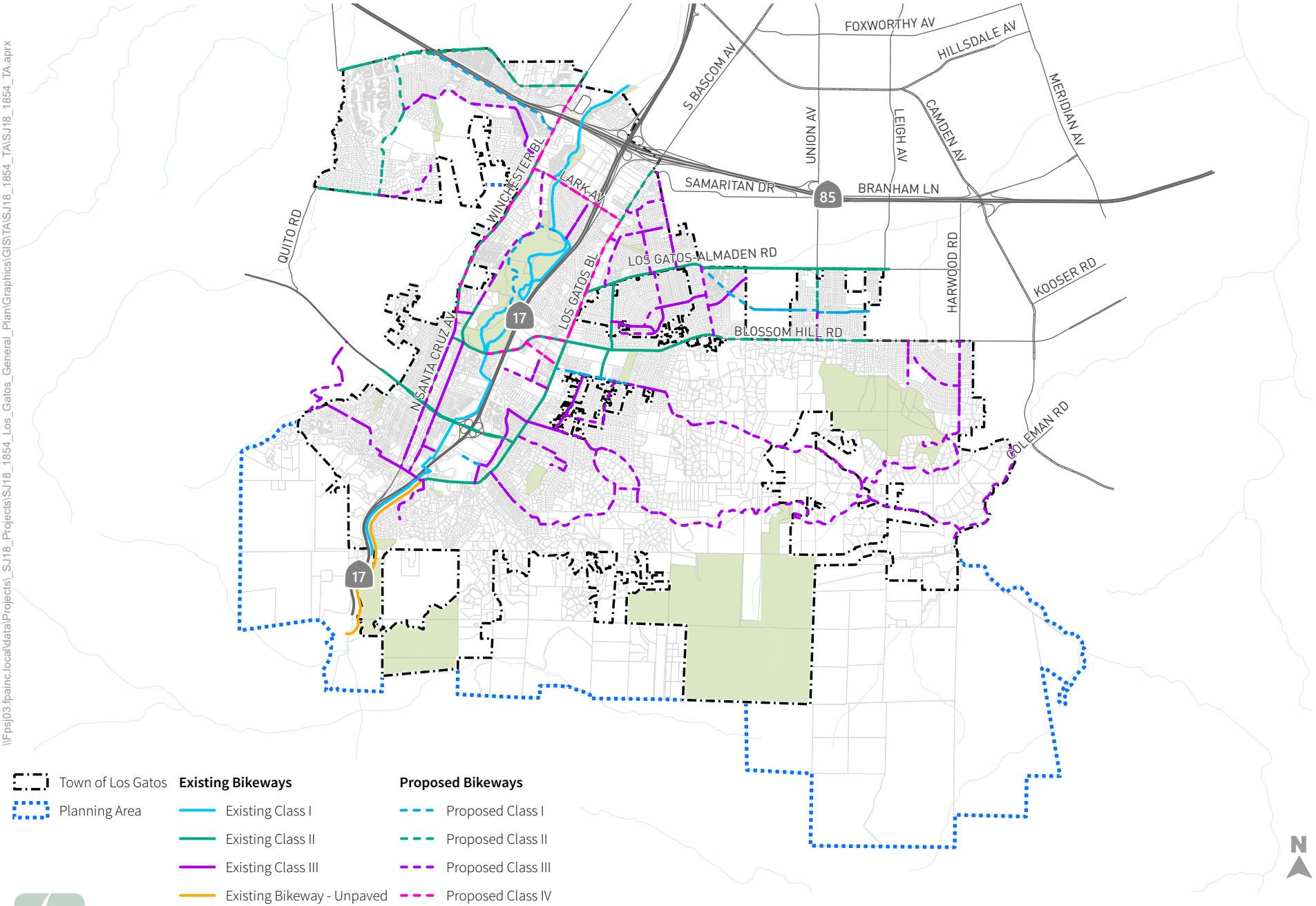



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Figure 3-3

## Existing and Future Bicycle Network

## 3.5 Existing Transit Service

Los Gatos is currently served by six bus routes operated by VTA, which are listed in **Table 3-1** and shown on **Figure 3-4**. Route 27 connects Good Samaritan Hospital to Kaiser San José and operates in the northeast corner of Los Gatos. Route 37 provides service between West Valley College to Capitol Light Rail Station in San José and includes stops along Pollard Road in the north-western most portion of the Town. Routes 48 and 49 connect the Los Gatos Civic Center to the Winchester Transit Center and operate north to south. Routes 61 and 62 extend north and connect the Good Samaritan Hospital to the Sierra and Piedmont Station. In addition, the last stop of VTA's Mountain View - Winchester light rail line, Winchester Station, is approximately one and a half miles from the Town of Los Gatos and is accessible via Routes 48 and 49.

Table 3-1 summarizes existing transit services for Los Gatos including operating hours, peak headways, and average ridership of the entire bus route for weekdays and weekends (Saturday only) for each route. Of the routes that serve Los Gatos, Routes 61 and 62 are the more frequently used routes with approximately 1,500 and 1,400 average weekday boardings for the entire route, respectively.

Employer-based shuttles play a role in Los Gatos transit as they provide connections to major employers in the area, such as Apple, Google, Netflix, and Facebook. One example is the Google Commute Program, which provides free shuttle service for Google employees between the Town and their Mountain View Campus. Netflix shuttles employees into Los Gatos from locations such as San Francisco, Mountain View, the East Bay, and Santa Cruz.

**Table 3-1: Existing Transit Services**

| Route[1] | From | To | Weekdays | | | Weekends (Saturday) | | |
|---|---|---|---|---|---|---|---|---|
| | | | Operating Hours | Peak Headway[2] (minutes) | Boardings (per day)[3] | Operating Hours | Peak Headway[2] (minutes) | Boardings (per day)[3] |
| 27 | Good Samaritan Hospital | Kaiser San José | 6:00 AM - 8:00 PM | 30 | 650 | 8:00 AM - 8:00 PM | 60 | 350 |
| 37 | West Valley College | Capitol Light Rail Station | 6:00 AM - 10:00 PM | 30 | 550 | n/a | | |
| 48 | Los Gatos Civic Center | Winchester Transit Center via Winchester Boulevard | 6:00 AM - 7:00 PM | 45 | 200 | 8:00 AM - 7:00 PM | 60 | 100 |
| 49 | Los Gatos Civic Center | Winchester Transit Center via Los Gatos Boulevard | 6:00 AM - 8:00 PM | 45 | 150 | 7:00 AM - 7:00 PM | 60 | 100 |
| 61 | Good Samaritan Hospital | Sierra and Piedmont via Bascom | 6:00 AM - 10:00 PM | 30 | 1,500 | 6:00 AM - 9:00 PM | 60 | 600 |
| 62 | Good Samaritan Hospital | Sierra and Piedmont via Union | 6:00 AM - 11:00 PM | 30 | 1,400 | 7:00 AM - 10:00 PM | 60 | 800 |

Notes:
1. Weekday and weekend service between July 2018 - September 2018.
2. Headways are defined as the time between transit vehicles on the same route.
3. Weekday and weekend (Saturday) daily boardings between July 2018 - September 2018.

Source: VTA, July 2018 - September 2018.

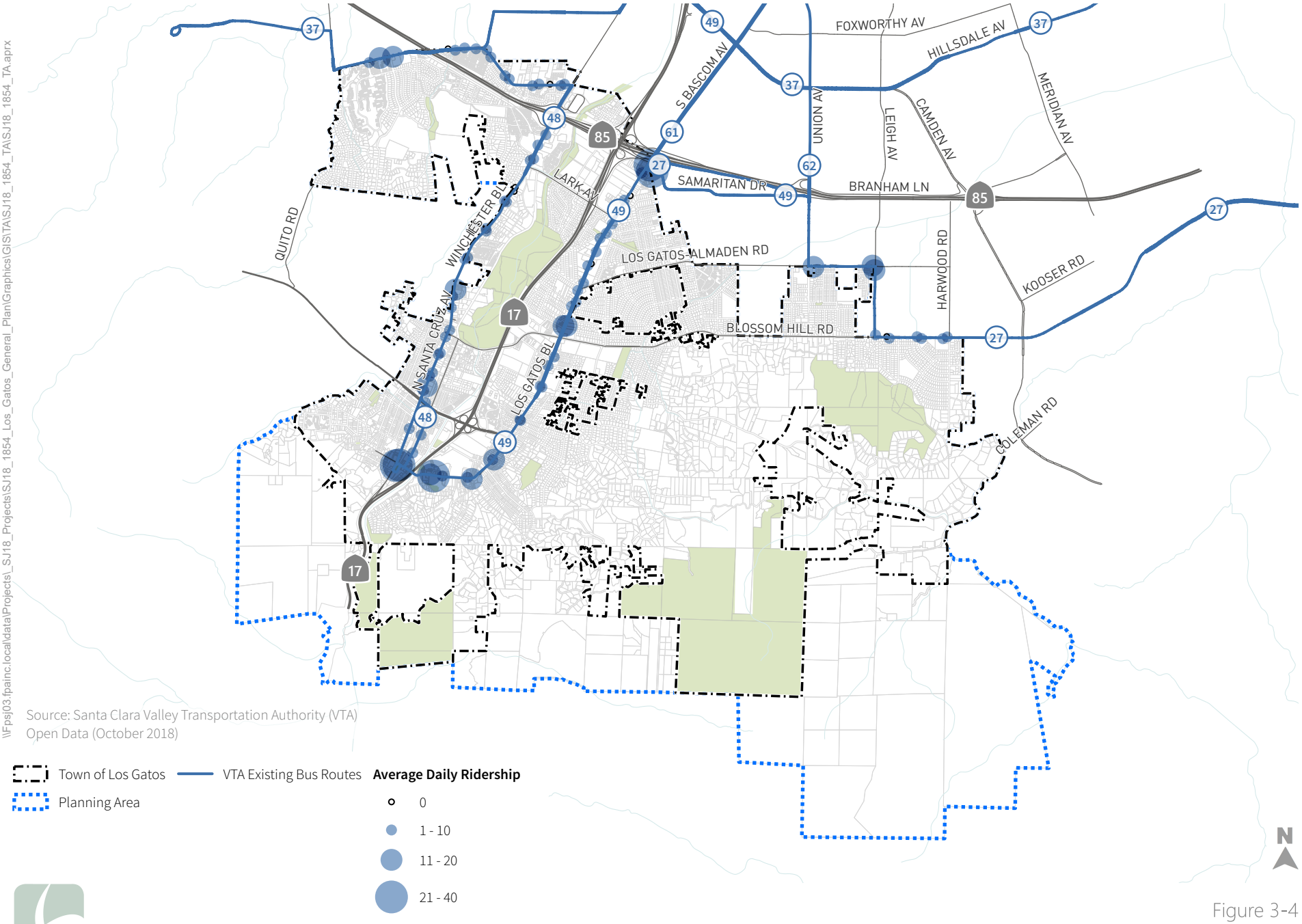


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Figure 3-4

## Existing Transit Network and Ridership

## 3.6 Existing Average Daily Traffic Volumes

Average Daily Traffic (ADT) is the typical daily traffic volume on a given street. Directional 24-hour traffic counts were collected on 20 roadway segments in 2019 during a typical non-holiday weekday while local schools were in session; the data is shown in **Appendix A**. Average daily traffic volumes collected along roadways in Los Gatos are shown on **Table 3-2**.

**Table 3-2: Average Daily Traffic Volumes**

| ID | Location | Count Date | Jurisdiction | Direction | Average Daily Traffic Count[1] |
|---|---|---|---|---|---|
| 1 | Blossom Hill Road (Cherry Blossom Lane and Los Gatos Blvd) | January 17, 2019 | Los Gatos | EB<br>WB | 7,800<br>7,600 |
| 2 | Blossom Hill Road (Greenridge Terrace and Union Avenue) | January 17, 2019 | Los Gatos | EB<br>WB | 6,300<br>6,600 |
| 3 | Blossom Hill Road (Harwood Road and Belwood Gateway) | January 17, 2019 | Los Gatos | EB<br>WB | 9,500<br>9,300 |
| 4 | East Main Street (Jackson Street and School Court) | January 17, 2019 | Los Gatos | EB<br>WB | 4,000<br>4,900 |
| 5 | Highway 9 (at West Town Limits) | January 17, 2019 | Los Gatos | EB<br>WB | 9,600<br>9,100 |
| 6 | Kennedy Drive (West of Englewood Avenue) | January 17, 2019 | Los Gatos | EB<br>WB | 1,900<br>2,500 |
| 7 | Lark (East of University) | January 17, 2019 | Los Gatos | EB<br>WB | 11,100<br>14,000 |
| 8 | Los Gatos Almaden Road (East of Peach Blossom Lane) | January 17, 2019 | Los Gatos | EB<br>WB | 5,200<br>4,800 |
| 9 | Los Gatos Boulevard (Farley Road and Los Gatos Almaden Road) | January 17, 2019 | Los Gatos | NB<br>SB | 13,900<br>15,900 |
| 10 | Los Gatos Boulevard (Spencer and Nino Avenue) | January 17, 2019 | Los Gatos | NB<br>SB | 9,300<br>9,000 |
| 11 | Los Gatos Boulevard (South of Samaritan Drive) | January 17, 2019 | Los Gatos | NB<br>SB | 13,900<br>11,500 |
| 12 | North Santa Cruz Avenue (Los Gatos Saratoga and Andrews Street) | January 17, 2019 | Los Gatos | NB<br>SB | 6,000<br>7,400 |
| 13 | National Avenue (North of Carlton Avenue) | January 17, 2019 | Los Gatos | NB<br>SB | 1,900<br>2,600 |
| 14 | Pollard (East of Quito) | January 17, 2019 | Los Gatos | EB<br>WB | 4,900<br>5,100 |
| 15 | South Santa Cruz Avenue (Wood Road and 17 On-Off Ramp) | January 17, 2019 | Los Gatos | NB<br>SB | 2,500<br>2,700 |
| 16 | Shannon Road (West of Englewood) | January 17, 2019 | Los Gatos | EB<br>WB | 2,400<br>2,700 |

**Table 3-2: Average Daily Traffic Volumes**

| ID | Location | Count Date | Jurisdiction | Direction | Average Daily Traffic Count[1] |
|---|---|---|---|---|---|
| 17 | University Avenue (South of Lark) | January 17, 2019 | Los Gatos | NB<br>SB | 3,900<br>3,700 |
| 18 | West Main Street (North Santa Cruz Avenue and University Avenue) | January 17, 2019 | Los Gatos | EB<br>WB | 4,800<br>3,600 |
| 19 | Winchester Boulevard (La Rinconada and Eaton Lane) | January 17, 2019 | Los Gatos | NB<br>SB | 6,800<br>7,200 |
| 20 | Winchester Boulevard (SR 85 and Knowles Drive) | January 17, 2019 | Los Gatos | NB<br>SB | 12,600<br>11,200 |

Notes:
1. Average Daily Traffic Counts were collected on Thursday, January 17th, 2019. They are rounded to the nearest 100.
Source: Fehr & Peers, 2021. Machine counts collected by Traffic Data Services (TDS), 2019.

## 3.7 Existing Intersection Operations

The operations of roadway facilities are described with the term level of service (LOS), a qualitative description of vehicular traffic flow based on factors such as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, which reflects free-flow conditions where there is very little interaction between vehicles, to LOS F, where the vehicle demand exceeds the capacity and high levels of vehicle delay result. LOS E represents "at-capacity" operations. When traffic volumes exceed the capacity at a signalized intersection, vehicles may wait through multiple signal cycles before traveling through the intersection; these operations are designated as LOS F. As a performance metric, LOS focuses only on vehicle delay and does not typically consider conditions for transit users, bicyclists, or pedestrians.

Intersection traffic operations were evaluated during a typical mid-week day during the morning (7:00 to 9:00 AM) and evening (4:00 to 6:00 PM) peak periods at the 10 study intersections. For the study intersections, the single hour with the highest traffic volumes during each count period was identified. In addition, counts of pedestrian and bicycle volumes were collected during the morning (AM) and evening (PM) peak periods at the study intersections. All counts were collected in 2018 and 2019 during a typical non-holiday weekday and while local schools were in session; the data is shown in **Appendix B.**

**Table 3-2** shows the existing level of service at each study intersection. (See **Chapter 6** for a description of the level of service (LOS) analysis method and relevant LOS standards for each jurisdiction.) The results of the LOS calculations indicate that all of the study intersections are operating at levels of service that meet the applicable LOS standards under Existing Conditions.

**Appendix C** contains the analysis sheets documenting the intersection level of service calculations. The intersection volumes are shown in **Figure 3-5**.

**Table 3-3: Existing Intersection Level of Service**

| ID | Intersection | Count Date | Jurisdiction (LOS Standard) | Control[1] | Peak Hour[2] | Delay[3] | LOS[4] |
|---|---|---|---|---|---|---|---|
| 1 | Winchester Boulevard and Lark Avenue | May 15, 2018 | Los Gatos (D) | Signal | AM<br>PM | 29.1<br>17.9 | C<br>B |
| 2 | Los Gatos Boulevard and Samaritan Drive | May 15, 2018 | Los Gatos (D) | Signal | AM<br>PM | 32.9<br>32.2 | C-<br>C- |
| 3 | Los Gatos Boulevard and Lark Avenue | May 15, 2018 | Los Gatos (D) | Signal | AM<br>PM | 49.0<br>37.1 | D<br>D+ |
| 4 | Los Gatos Boulevard and Blossom Hill Road | February 6, 2018 | Los Gatos (D) | Signal | AM<br>PM | 34.4<br>33.2 | C-<br>C- |
| 5 | Los Gatos Boulevard and Los Gatos-Saratoga Road | January 17, 2019 | Los Gatos (D) | Signal | AM<br>PM | 22.8<br>22.4 | C+<br>C+ |
| 6 | Los Gatos-Saratoga Road and University Avenue[5] | January 17, 2019 | Los Gatos (D) | Signal | AM<br>PM | 37.6<br>32.1 | D+<br>C- |
| 7 | N. Santa Cruz Avenue and Los Gatos-Saratoga Road[5] | January 17, 2019 | Los Gatos (D) | Signal | AM<br>PM | 45.0<br>32.3 | D<br>C- |
| 8 | N. Santa Cruz-Winchester Boulevard and Blossom Hill-Mariposa Road | January 17, 2019 | Los Gatos (D) | Signal | AM<br>PM | 24.9<br>22.2 | C<br>C+ |
| 9 | Main Street and N. Santa Cruz Avenue | January 17, 2019 | Los Gatos (D) | Signal | AM<br>PM | 20.0<br>33.5 | C+<br>C- |
| 10 | Main Street and University Avenue | January 17, 2019 | Los Gatos (D) | Signal | AM<br>PM | 14.9<br>19.3 | B<br>B- |

Notes: **Bold** text indicates intersection operates at a deficient Level of Service compared to the applicable standard.

1. Signal refers to a signalized intersection.
2. AM = morning peak hour, PM = evening peak hour
3. Whole intersection weighted average control delay expressed in seconds per vehicle calculated using methods described in the 2000 Highway Capacity Manual, with adjusted saturation flow rates to reflect Santa Clara County Conditions for signalized intersections.
4. LOS = Level of Service. LOS calculations conducted using the TRAFFIX level of service analysis software package, which applies the method described in the *2000 Highway Capacity Manual*.
5. Denotes CMP (Congestion Management Program) facility.

Source: Fehr & Peers, 2021.

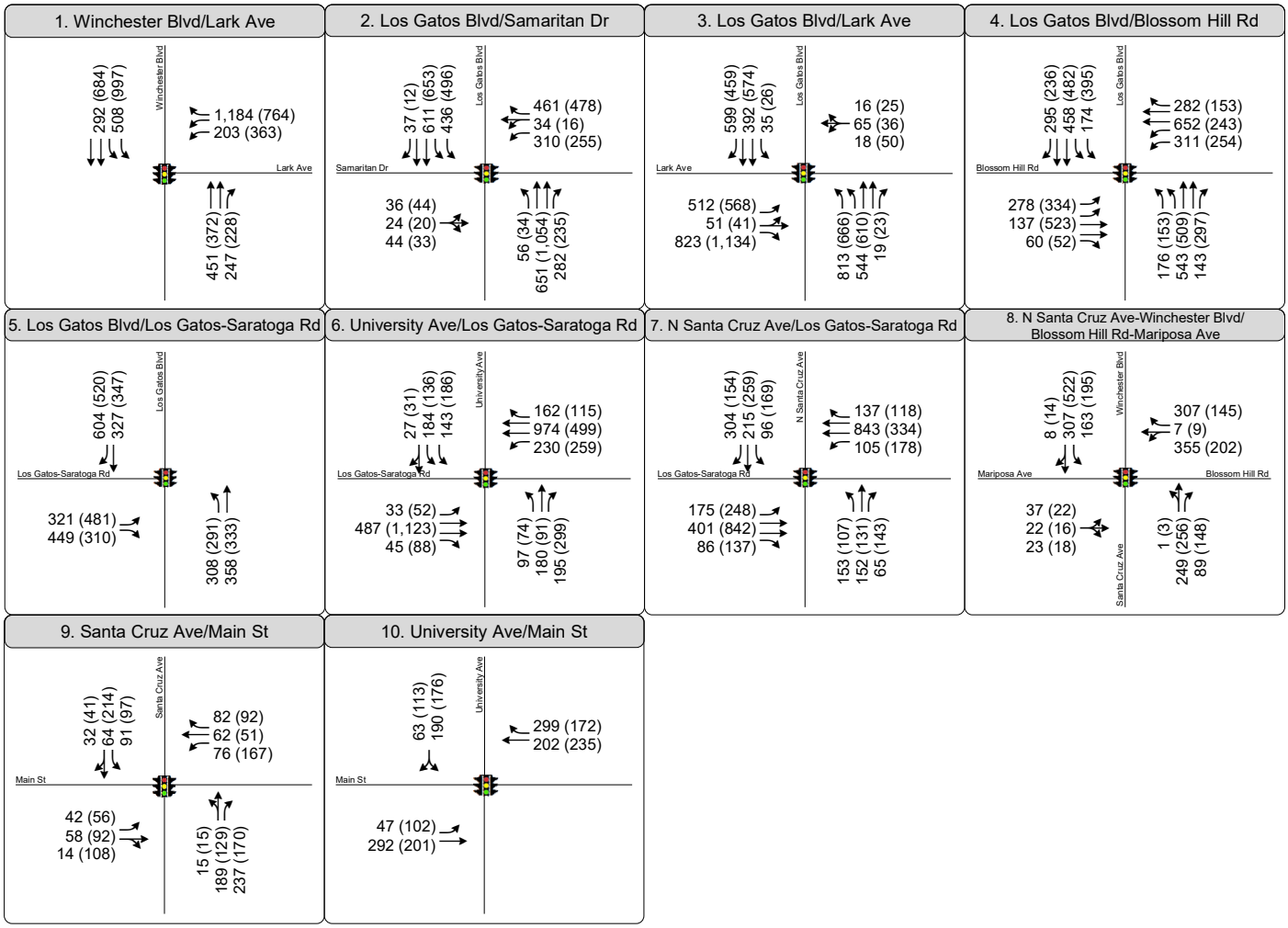



Figure 3-5

Peak Hour Traffic Volumes and Lane Configurations
Existing Conditions

### 3.7.1 Field Observations

Field observations were conducted in January 2019 while area schools were in session to verify the calculated LOS calculations and observe overall transportation characteristics at the study intersections. Intersection operations, including intersection delay, queue lengths, and signal timing parameters, were used to verify the LOS calculations shown in **Appendix C**. Field observations were consistent with LOS calculation results.

## 3.8 Existing Freeway Segment Operations

The results of the freeway LOS analysis for Existing Conditions are shown in **Table 3-4** for mixed-flow and HOV lanes. HOV lanes are carpool lanes restricted to only vehicles with 2 or more persons, while mixed-flow lanes or mixed lanes also include single occupancy vehicles. For mixed-flow lanes, freeway segment capacities are defined as 2,200 vehicles per hour per lane (vphpl) for four-lane freeway segments and 2,300 vphpl for six-lane freeway segments. HOV lane capacities are defined as 1,650 vphpl.

**Table 3-4: Existing Freeway Segment Levels of Service**

| Freeway Segment | Capacity[1] | | Peak Hour[1] | Lanes | | Level of Service[2] | |
|---|---|---|---|---|---|---|---|
| | MF[3] | HOV[3] | | MF[3] | HOV[3] | MF[3] | HOV[3] |
| ***State Route 17 – Northbound*** | | | | | | | |
| Bear Creek Rd to Los Gatos - Saratoga Rd | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | **F**<br>C | N/A<br>N/A |
| Los Gatos - Saratoga Rd to Lark Ave | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | E<br>C | N/A<br>N/A |
| Lark Ave to SR 85 | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | D<br>C | N/A<br>N/A |
| SR 85 to San Thomas Expy | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | C<br>C | N/A<br>N/A |
| ***State Route 17 – Southbound*** | | | | | | | |
| San Thomas Expy to SR 85 | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | C<br>C | N/A<br>N/A |
| SR 85 to Lark Ave | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | C<br>**F** | N/A<br>N/A |
| Lark Ave to Los Gatos - Saratoga Rd | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | E<br>**F** | N/A<br>N/A |
| Los Gatos - Saratoga Rd to Bear Creek Rd | 4,400 | 0 | AM<br>PM | 2<br>2 | 0<br>0 | C<br>**F** | N/A<br>N/A |
| ***State Route 85 – Northbound*** | | | | | | | |
| Union Ave to S. Basom Ave | 4,600 | 1,650 | AM<br>PM | 2<br>2 | 1<br>1 | **F**<br>C | **F**<br>B |

**Table 3-4: Existing Freeway Segment Levels of Service**

| Freeway Segment | Capacity[1] | | Peak Hour[1] | Lanes | | Level of Service[2] | |
|---|---|---|---|---|---|---|---|
| | MF[3] | HOV[3] | | MF[3] | HOV[3] | MF[3] | HOV[3] |
| S. Bascom Ave to SR 17 | 4,600 | 1,650 | AM<br>PM | 2<br>2 | 1<br>1 | **F**<br>B | **F**<br>C |
| SR 17 to Winchester Blvd | 4,600 | 1,650 | AM<br>PM | 2<br>2 | 1<br>1 | **F**<br>B | **F**<br>A |
| Winchester Blvd to Saratoga Ave | 4,600 | 1,650 | AM<br>PM | 2<br>2 | 1<br>1 | **F**<br>D | **F**<br>A |
| ***State Route 85 – Southbound*** | | | | | | | |
| Saratoga Ave to Winchester Blvd | 4,600 | 1,650 | AM | 2<br>2 | 1<br>1 | C<br>E | A<br>D |
| Winchester Blvd to SR 17 | 4,600 | 1,650 | PM | 2<br>2 | 1<br>1 | B<br>**F** | A<br>D |
| SR 17 to S. Bascom Ave | 4,600 | 1,650 | AM<br>PM | 2<br>2 | 1<br>1 | B<br>**F** | A<br>**F** |
| S. Basom Ave to Union Ave | 4,600 | 1,650 | AM<br>PM | 2<br>2 | 1<br>1 | C<br>**F** | A<br>**F** |

Notes:
1. AM = morning peak hour (between 7:00 and 9:00 AM), PM = evening peak hour (between 4:00 and 6:00 PM).
2. Level of service based on density.
3. MF = Mixed-Flow Lanes, HOV = High-Occupancy Vehicle Lanes

N/A = not applicable. Freeway segment does not have HOV lanes.
**Bold text** indicates unacceptable operations by jurisdiction level of service standard (LOS F for CMP-designated facilities).
Source: *2016 CMP Monitoring & Conformance Report*, VTA; Fehr & Peers, 2021.

# 4. Significance Criteria and VMT Analysis Methods

As previously noted, recent legislation in California, Senate Bill 743, changed the metric by which transportation-related significant impacts are to be assessed under CEQA from LOS to VMT. The detailed impact criteria for VMT and other transportation-related items are described below followed by the VMT forecasting methods.

## 4.1 Significance Criteria

The project would result in a significant impact if the project would meet any of the significance criteria below:

- Plan Conflict: The Project would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities.
- VMT Impacts: The Project would result in a VMT-related impact.
- Hazard Impact: The Project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Emergency Access Impact: The Project would result in inadequate emergency vehicle access.

Each of these impact criteria is discussed further below.

### 4.1.1 Plan Conflict

To determine the Project's consistency with relevant transportation programs, plans, ordinances or policies, the following significance thresholds were applied to each respective mode of travel – transit, roadways, bicycle facilities and pedestrians as listed below.

- Transit System – Analysis of transit-related impacts encompasses two components: (1) transit capacity, and (2) the proposed Project's consistency with local transit plans. For transit capacity, a significant impact would occur if the proposed Project creates demand for public transit above the capacity which is provided or planned.

  To determine the proposed Project's consistency with local transit plans, significant impacts would occur if any part of the proposed Project:

  1. Disrupts existing transit services or facilities;[13] or
  2. Conflicts with an existing or planned transit facility; or

[13] This includes disruptions caused by the Project relative to transit street operations and transit stops/shelters; or impacts to transit operations from traffic improvements proposed or resulting from the Project.

3. Conflicts with transit policies adopted by the Town of Los Gatos, or the Santa Clara Valley Transportation Authority (VTA) for their respective facilities in the study area.

- Roadway System – To determine the proposed Project's consistency with local roadway plans, significant impacts would occur if any part of the proposed Project:

    1. Disrupts existing or planned roadway facilities or conflicts with applicable program, plan, ordinance or policy.

- Bicycle System – The project would create a significant impact related to the bicycle system if the any part of the proposed Project:

    1. Disrupts existing bicycle facilities;
    2. Interferes with planned bicycle facilities; or,
    3. Conflicts with applicable bicycle system plans, guidelines, policies, or standards.

- Pedestrian System – The project would create a significant impact related to the pedestrian system if any part of the proposed Project:

    1. Disrupts existing pedestrian facilities; or
    2. Interferes with planned pedestrian facilities; or
    3. Conflicts with applicable pedestrian system plans, guidelines, policies, or standards.

### 4.1.2 VMT Impacts

The following summarizes the land use plan VMT thresholds per the Town of Los Gatos "Resolution of the Town Council of the Town of Los Gatos Adopting Vehicle Miles Traveled Thresholds of Significance for Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act" adopted as of November 17, 2020. The VMT impact analysis presented in this report considers both the Project's direct impacts relative to Project generated VMT per service population, as well as a cumulative analysis, which considers the Project's long-term effect on VMT using boundary VMT per service population. Each analysis is addressed separately below.

- The VMT significance thresholds for land use plans under Cumulative Conditions are[14]:

    1. Project Impact: A significant impact would occur if the total VMT per service population for the proposed Project area would exceed a level of 11.3% below the total VMT per service population for the Town of Los Gatos under Existing Conditions.

[14] An induced VMT threshold is not presented because the Town of Los Gatos General Plan 2040 is not adding roadway capacity.

2. Project Effect: A significant impact would occur if the project increases total (boundary) County-wide VMT per service population compared to cumulative no project conditions.
3. A significant impact would occur if the project is inconsistent with the Regional Transportation Plan/Sustainable Community Strategy Plan (Plan Bay Area).

### 4.1.3 Hazard Impact

The Project would have a significant impact regarding hazards if:

- The Project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

### 4.1.4 Emergency Access Impact

Ease of access and travel time are critical for first responders when traveling in emergency vehicles. Obstructions in the roadway, detours, and excessive delays due to congestion are among the factors that can affect emergency response time. A significant impact would occur if:

- The Project would result in inadequate emergency access.

## 4.2 VTA Model Summary

The most common method of calculating the VMT metrics is through a travel forecasting model. A travel forecasting model uses specialized software and is designed to reflect the interactions between different land use and roadway elements in a large area. The San Mateo City and County Association of Government (C/CAG) and Santa Clara Valley Transportation Authority (VTA) Bi-County transportation model ("VTA Model") was used to prepare daily VMT and roadway segment forecasts, and peak hour intersection forecasts.

The VTA Model includes the regional roadways and major arterials of the nine-county Bay Area, the Association of Monterey Bay Area Governments (AMBAG) region (Santa Cruz County, Monterey County and San Benito County), and portions of the San Joaquin (Central) Valley. There is additional transportation network detail and refined transportation analysis zones (TAZs)[15] in San Mateo County and Santa Clara County. The VTA Model land use inputs are based on Association of Bay Area Governments (ABAG) 2017 land use projections (*Plan Bay Area 2040* land use projections), 2010 Census socio-economic data (with some additional refinements in 2019), and a future regional transportation infrastructure consistent with *Plan Bay Area 2040* (July 2017). The VTA Model has a 2040 horizon year. **Table 4-1** shows

[15] Transportation analysis zones, also referred to as TAZs, are small geographic areas within the VTA Model. As defined by *NCHRP Report 716, Travel Demand Forecasting: Parameters and Techniques,* TRB, 2012, "TAZ boundaries are usually major roadways, jurisdictional borders, and geographic boundaries and are defined by homogeneous land uses to the extent possible."

the service populations used in the VMT metrics for the Town of Los Gatos and Santa Clara County for the study scenarios.[16]

**Table 4-1: Service Populations**

| Population | Existing Conditions [A][1] | Cumulative 2040 without Project Conditions [B][1] | Cumulative 2040 with Project Conditions [C][1] | Change [C-A=D][1,2] |
|---|---|---|---|---|
| ***Town of Los Gatos*** | | | | |
| Residents (A) | 36,850 | 39,010 | 45,820 | +8,970 |
| Employees (B) | 19,300 | 19,890 | 20,580 | +1,280 |
| Service Population (A + B = C) | 56,150 | 58,900 | 66,400 | +10,250 |
| ***Santa Clara County*** | | | | |
| Residents (D) | 1,856,250 | 2,553,720 | 2,560,530 | +704,280 |
| Employees (E) | 1,040,510 | 1,302,710 | 1,303,400 | +262,890 |
| Service Population (D + E = F) | 2,896,760 | 3,856,430 | 3,863,930 | +967,170 |

Notes:
1. Numbers rounded to the nearest 10.
2. Change (Project - Existing) = Cumulative 2040 with Project Conditions column – Existing Conditions column.

Source: Fehr & Peers, 2021.

As shown on **Table 4-1**, the total residential population is forecasted to increase from the existing 36,850 residents to 45,820 people residing in Los Gatos (an increase of approximately 8,970 residents). In terms of employee population, the proposed Project would accommodate an additional 1,280 employees over the next 20 years.

The TAZ size influences the types of streets vehicle traffic is typically assigned to. For the VTA Model, an arterial or minor arterial is the lowest street level that traffic is assigned to because the TAZ structure in Los Gatos has moderate detail. The VTA Model has a mode share model that can be used to express changes in mode share.

The future year VTA Model is used to develop forecasts for Cumulative 2040 Conditions and includes projected growth to Year 2040. Planned and funded roadway improvements associated with the *Valley Transportation Plan (VTP) 2040* (adopted in October 2014) are also included. VTP projects near the Town of Los Gatos include:

- BART Silicon Valley: The Santa Clara Extension (VTP ID: T1)
- SR 85 Express Lanes: US 101 (South San Jose to Mountain View) (VTP ID: H1)

[16] Service population is the sum of the number of employees plus residents.

Finally, the VTA Model has four time periods to address travel during congested morning and evening peak periods and uncongested mid-day and midnight time periods. During congested times, the average trip length and speed of travel change.

## 4.3 VMT Analysis Methods

The VTA Model was used to develop daily VMT and traffic forecasts for the proposed Town of Los Gatos General Plan 2040 and the proposed Project study area. VMT forecasts were prepared for the VMT assessment, as well as for use as inputs for the Air Quality, Energy Consumption, and Greenhouse Gas (GHG) analysis. To understand the VMT forecasts and VMT impact analysis, this section defines important technical terms and analysis methods.

### 4.3.1 Including Inter-Regional Travel for VMT Analysis

The OPR *Technical Advisory* cites the importance of not truncating (i.e., ending or omitting a trip outside off the geographic boundary. Truncating has the effect of shortening a trip to/from a destination.) trip lengths based on travel forecasting model or political boundaries:

> ***Considerations for All Projects***. *Lead agencies should not truncate any VMT analysis because of jurisdictional or other boundaries, for example, by failing to count the portion of a trip that falls outside the jurisdiction or by discounting the VMT from a trip that crosses a jurisdictional boundary. CEQA requires environmental analyses to reflect a "good faith effort at full disclosure." (CEQA Statute & Guidelines, § 15151.) Thus, where methodologies exist that can estimate the full extent of vehicle travel from a project, the lead agency should apply them to do so. Where those VMT effects will grow over time, analyses should consider both a project's short-term and long-term effects on VMT.* (Quote from page 6 of the *Technical Advisory: On Evaluating Transportation Impacts in CEQA*, December 2018).

The VTA Model extends beyond the Bay Area regional boundary to the south into the AMBAG region (e.g., Santa Cruz County, Monterey County and San Benito County) and east into San Joaquin County. However, the travel model stops at the Bay Area regional boundary and does not include inter-regional travel to Mendocino County, Lake County, Yolo County, and Merced County, which shortens the vehicle travel to those Counties. This truncation results in a lower total project generated VMT estimate for the region and Santa Clara County and affects baseline regional or county baseline VMT values used to establish VMT thresholds.

The California statewide travel demand model (CSTDM) was used to estimate and forecast trip lengths that occur outside the VTA Model boundary. These trip lengths have been appended to the external stations[17] (refer to **Table 4-2**) and are reflected in the VMT estimates and forecasts contained in this analysis.

[17] External stations are located on the major transportation routes into and out of the VTA Model boundary. These stations are used to load traffic generated from and/or destined to locations outside of the VTA Model boundary.

**Table 4-2: External Station Adjustments at Bay Area Regional Boundary**

| External Station (Connecting County) | Distance (Miles) |
|---|---|
| SR 1 – Mendocino County | 9.4 |
| US 101 – Mendocino County | 48.4 |
| SR 29 – Lake County | 21.4 |
| I-505 – Yolo County | 101.2 |
| SR 113 – Yolo County | 12.9 |
| I-80 – Yolo County | 39.2 |
| SR 12 – San Joaquin County | No adjustment made to these external station distances because the VTA Model area incudes San Joaquin County. |
| SR 4 – San Joaquin County | |
| I-205 – San Joaquin County | |
| SR 152 – Merced County | 162.9 |
| SR 25 – San Benito County | No adjustment made to these external station distances because the VTA Model area incudes San Benito County. |
| US 101 – San Benito County | |
| SR 152 – Santa Cruz County | No adjustment made to these external station distances because the VTA Model area incudes Santa Cruz County. |
| SR 17 – Santa Cruz County | |
| SR 9 – Santa Cruz County | |
| SR 1 – Santa Cruz County | |

Notes: External station adjustments rounded to nearest tenth of a mile.
Source: California statewide travel demand model (CSTDM) was used to develop the external station adjustments.
Fehr & Peers, 2021.

## 4.4 Overview of Methods for VMT Thresholds

The proposed Town of Los Gatos General Plan 2040 VMT assessment is one of the Town's first transportation evaluation using VMT. Specifically, the Town has established VMT thresholds that focus on the VMT for all trip purposes and vehicle types (i.e., there is no separation of VMT by land use). This analysis uses the VMT metrics, VMT calculation methods, VMT significance thresholds, and VMT mitigation actions documented in the *SB 743 Implementation Decisions for the Town of Los Gatos* (June 2021). The Town of Los Gatos established its VMT reduction rate based on the statewide VMT scenario prepared by CARB, the long-term expectation that VMT can grow by 6.5% in California and still achieve its GHG emissions goals by 2050 (refer to **Figure 4-1** below).[18] This means that to be consistent with state policies, the long-term expectation would be that boundary VMT on California's vehicle transportation system would need to be less than 6.5% by 2050.

[18] California Air Resources Board's *2017 Climate Change Scoping Plan Update: The Strategy for Achieving California's 2030 Greenhouse Gas Target* (January 2019).

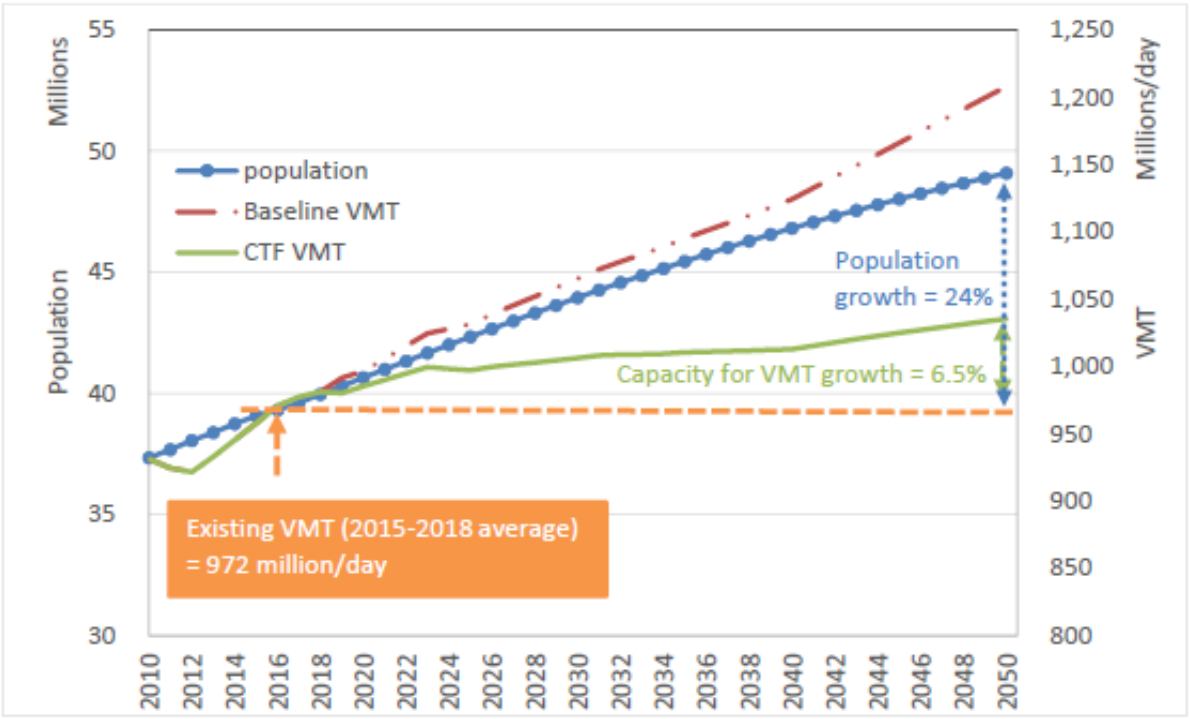



*Figure 4-1: California Total Project Population Growth and VMT Growth*

### 4.4.1 Project Generated VMT Estimation Method

Project generated VMT is the VMT from all vehicle trips for all trip purposes and types. Project generated VMT per service population is the metric used to evaluate how the Town VMT changes (increases or decreases) between the baseline and with Project scenario, considering both VMT increases due to land use growth and VMT changes due to changes in travel behavior. Project generated VMT values include VMT on all streets including centroid connectors[19], and travel outside of the VTA Model area (see **Section 4.3.1**). It is calculated by summing the "VMT from" and "VMT to" a specified area, as follows:

$$Project\ Generated\ VMT = (II + IX) + (II + XI) = 2 * II + IX + XI$$

- Internal-internal (II): The full length of all trips made entirely within the geographic area limits.
- Internal-external (IX): The full length of all trips with an origin within the geographic area and destination outside of the area.
- External-internal (XI): The full length of all trips with an origin outside of the geographic area and destination within the area.

[19] Centroids are points that identify the center of activity within a transportation analysis zone and connect that zone to the transportation network. A centroid connector is a feature of a travel model network that connect the centroid to the network and represent the local streets within a zone.

The intra-zonal VMT and VMT between traffic analysis zones, or TAZs, that are in the study area causes some double counting, which is an expected result when summing the trip end based VMT. To ensure a VMT rate is expressed properly (i.e., that the numerator and denominator include the generators of both trip ends of the VMT), the proposed Project generated VMT is divided by the service population (residential population, and employment population), the generators of both trip ends of the VMT. The VMT estimates are also presented on a per service population basis to account for both the effects of population and/or employment growth and the effects of changes in personal travel behavior. For example, population growth may cause an increase in VMT, while travelers changing their behavior by using different travel modes or decreasing their vehicle trip lengths (such as a higher percentage of Los Gatos residents working or shopping in Los Gatos) would cause decreases in VMT.

As shown in **Table 4-3**, the adopted threshold for Project generated VMT per service population is 11.3 percent below the Town of Los Gatos Project generated VMT per service population under Existing Conditions (a threshold value of 32.3 Project generated VMT per service population). With the proposed service population growth to 66,400, the Project generated VMT per service population allows an increase in the Town of Los Gatos VMT to 2,144,720, which is a 4.9 percent increase in the Project generated VMT. Project generated VMT per service population is used to evaluate if the VMT rate due to the proposed Project (i.e., the direct impacts) is greater than a specified VMT threshold; however, it does not evaluate a Project's effect on VMT on the entire roadway system,[20] which is evaluated as part of the cumulative analysis.

With this statewide boundary VMT growth rate in mind, and knowing that the Town's service population growth will be relatively small to 2040, the Town of Los Gatos established VMT reduction threshold from Existing Conditions of 11.3% such that the Town of Los Gatos Project generated VMT per service population would not increase by more than 6.5% by 2050. By establishing a low "capacity of VMT growth," the Town is supporting state policies and long-term expectations to reduce greenhouse gas emissions. Specifically, by applying a 11.3% reduction to the Town of Los Gatos Project generated VMT per service population rate would result in a growth capacity of 4.9% in the Town's Project generated VMT, which is approximately the pro-rated VMT growth capacity allowed between 2018 and 2040. Not increasing the Town's Project generated VMT by more than 4.9% would mean that the VMT on the Town's street system VMT would not increase by more than 6.5% (when excluding through traffic changes).

[20] An often-cited example of how a project can affect VMT is the addition of a grocery store in a food desert. Residents of a neighborhood without a grocery store must travel a great distance to an existing grocery store. Adding the grocery store to that neighborhood will shorten many of the grocery shopping trips and reduce the VMT to/from the neighborhood.

**Table 4-3: Project Generated VMT Thresholds**

| Item[1] | Town of Los Gatos |
|---|---|
| ***Adopted Threshold (11.3% Reduction in Existing Conditions Project Generated VMT per Service Population)*** | |
| Existing Conditions: Project Generated Vehicle Miles Traveled (A) | 2,044,940 |
| Existing Service Population (B)[2] | 56,150 |
| Project Generated VMT per Service Population (A/B = C) | 36.4 |
| Project Generated VMT per Service Population Threshold (C*88.7% = D) | 32.3<br>(11.3% reduction from Existing Conditions) |
| Project Generated VMT Miles Threshold (66,400*D=E) | 2,144,720<br>(4.9% increase from Existing Conditions) |

Notes:
1. Rounded Project generated VMT and service population to the nearest 10, and Project generated VMT per service population, and Project generated VMT per service population Threshold to the nearest one-tenth.
2. Service population is defined as the sum of all employees, and residents. Refer to **Table 4-1** for breakdown of employees and residents.

Source: Fehr & Peers, 2021.

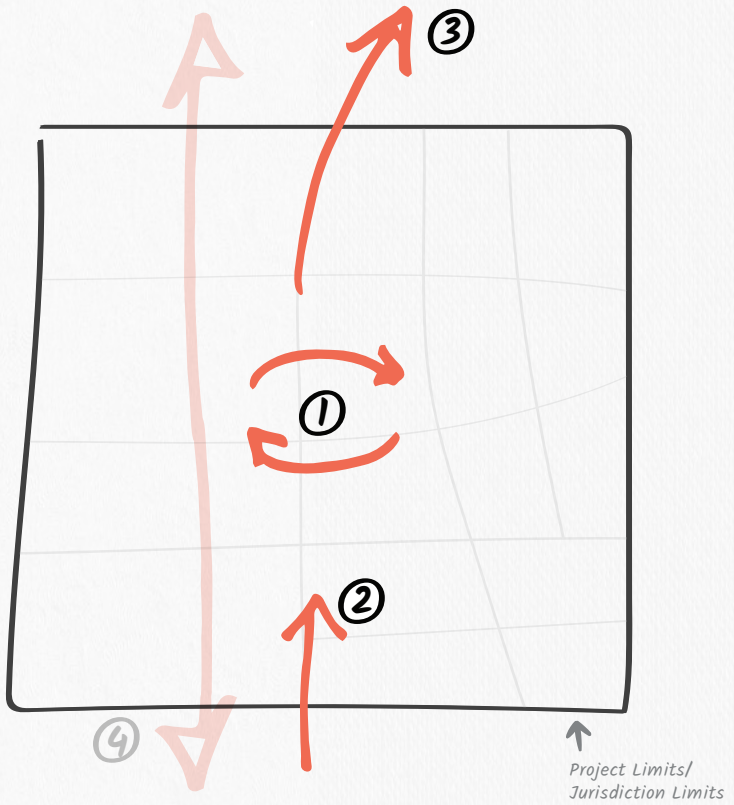
### 4.4.2 Project's Effect on VMT Estimation Method (Using Boundary VMT)

Project's effect on VMT (also referred to as "boundary VMT) is the VMT that occurs within a selected geographic boundary (e.g., Town, County, or region) by any type of vehicle. Boundary VMT captures all on-road vehicle travel on a roadway network (i.e., VMT on the centroid connectors, and all other streets and freeway segments in the travel model within the physical limits of the selected geographic boundary) for any purpose, and includes local trips as well as trips that pass through the area without stopping. The use of boundary VMT is a more complete evaluation of the potential effects of the proposed Project because it captures the combined effect of new VMT, shifting existing VMT to/from other jurisdictions, and/or shifts in existing traffic to alternate travel routes or modes.

The boundary VMT (within Santa Clara County) per service population is used to evaluate the proposed Project's effect on VMT between the Cumulative 2040 without Project Conditions and Cumulative 2040 with Project Conditions. The boundary VMT is divided by the service population (sum of residential population, and employment population) to account for the effects of population and/or employment growth and the effects of changes in personal travel behavior within the specified geographic area between scenarios.

For illustration purposes **Figure 4-2** presents a representation of both Project generated VMT and boundary VMT. Both metrics are needed for a comprehensive view of a project's VMT effects.

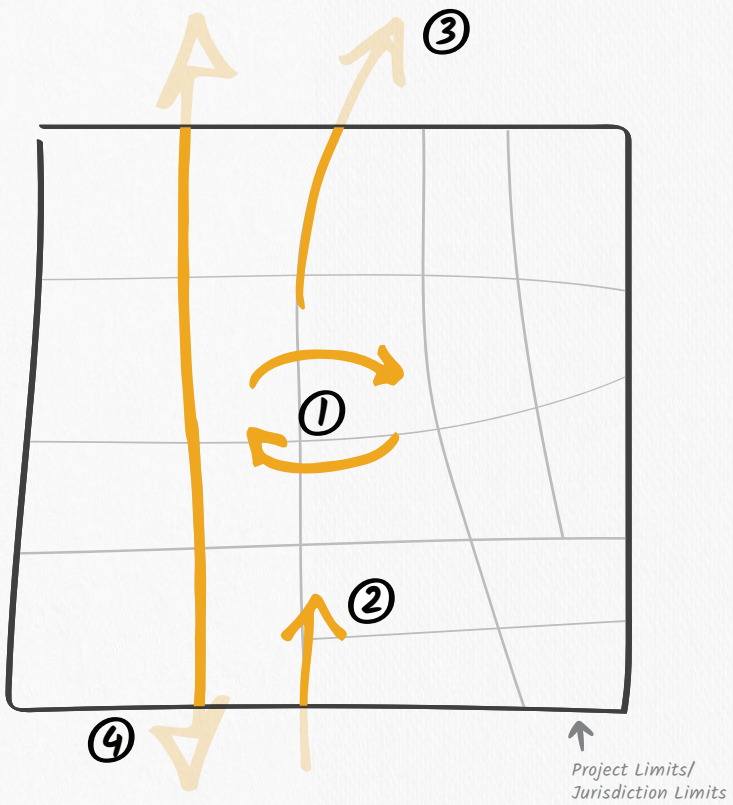
## Project Generated VMT




① 2x Internal to Internal (2xII) VMT
② External to Internal (XI) VMT
③ Internal to External (IX) VMT
④ External to External (XX) VMT

Notes: External to External (XX) trips are excluded from this VMT metric. Adjustments to project generated VMT made to include the full length of trips that leave the jurisdiction to capture inter-jurisdiction travel.

## Project Effect on VMT
(Boundary VMT)




① Internal to Internal VMT
② External to Internal (XI) VMT
③ Internal to External (IX) VMT
④ External to External (XX) VMT

Notes: Boundary VMT is all the VMT within the jurisdictional boundary. Transparent portions of arrows 2, 3 and 4 are not included in the VMT metric.

Figure 4-2

Measuring Vehicle Miles Traveled (VMT)

# 5. CEQA Impacts and Mitigation

This chapter discusses potential proposed Project impacts per the significance criteria described in **Section 4.1**. The determination of a significant impact related to the transportation network is based on the evaluation of key plans, policies, and goals described in **Chapter 2** of this report.

## 5.1 Transit, Roadway, Bicycle and Pedestrian Evaluation

This section provides an overview of the transit, roadway, bicycle, and pedestrian evaluations and identifications of potential impacts. This evaluation is summarized by travel mode below.

### 5.1.1 Transit Evaluation

Implementation of the proposed Town of Los Gatos General Plan 2040 may result in an increased demand for transit facilities and services. The proposed Project would cause a potential impact to transit facilities and services based on the criteria described earlier in **Chapter 4**.

Under Cumulative 2040 Conditions, implementation of the proposed Project would increase the number of potential transit users on the various transit systems serving the Town of Los Gatos. Additional roadway traffic congestion caused by the project may affect several transit corridors by increasing travel times and decreasing headway reliability for transit vehicles.

Potential Impact: Increased Transit Demand – Light rail, commuter bus, private shuttle, and fixed-route bus services operate near and within the Town of Los Gatos. The addition of passengers from the proposed Project has the potential to increase demand on the private and public transit systems. Increasing frequency and/or capacity of the bus service could address the potential impact. This effort to increase transit capacity would likely be a partnership between the Town of Los Gatos and the VTA. The proposed Town of Los Gatos General Plan 2040 policies supportive of reducing congestion and improve connectivity include the following:

- MOB-1.1: Require all development and redevelopment proposals with more than 10 housing units or over 5,000 square feet of non-residential square footage to include a detailed, sustainable, and measurable Transportation Demand Management (TDM) program with accountability requirements to ensure the TDM measures are achieved.
- MOB-1.3: Development near transit stops shall provide TDM programs or facilities that encourage transit use for all types of trips.
- MOB-1.4: Encourage employers with over 100 employees to develop shuttle services (i.e., corporate busing) to transport employees to and from the worksite. Entities may form transportation management associations (TMAs) to pool resources to fund TDM measures.

- MOB-5.1: Encourage the use of non-driving transportation modes such as walking, bicycling, transit, a shuttle system and other forms of personal mobility that are energy conserving and non-polluting.
- MOB-5.2: Encourage private entities to develop and maintain publicly accessible transportation facilities, including transit, pedestrian, and bicycle facilities.
- MOB-6.1: Support VTA's Vasona Light Rail Extension project to the Town if/when allocated funds are available.
- MOB-6.2: At transit stops, work with VTA and other agencies to prioritize land uses and patterns that generate high transit ridership and encourage affordable housing (i.e., senior housing, multi-family housing, and mixed-use with housing) in appropriate locations.
- MOB-6.3: Coordinate with appropriate agencies to plan and develop adequate public transit services for everyone in the Town (i.e., bus, Santa Cruz express bus, rail, shuttle, light rail, streetcar, and on-demand transit).
- MOB-6.4: Work with the VTA and commercial carriers to improve transit service for Los Gatos and increase ridership.
- MOB-6.5: Work with transit agencies and major employers in the region to determine the feasibility of financing additional shuttles to improve connections to key destinations in the Town and throughout the region. Include pro rata funding contributions to Town managed shuttle services in all TDM plans.
- MOB-6.6: Coordinate with appropriate agencies to provide and expand transit services for seniors, school children, low-income people, and people with disabilities.
- MOB-6.7: Encourage public transit use by requiring all new developments to provide bus shelters and on-going maintenance as part of their developments, when appropriate.
- MOB-6.8: Support State and County efforts to reduce vehicle use and encourage the use of public transit.
- MOB-6.9: Work with VTA to facilitate transit services in Los Gatos through the provision of bus stop amenities, such as basic route and schedule information, bus shelters, seating, and lighting.
- MOB-6.10: Private or public parking developed near transit stops shall be designed to provide reciprocal access to adjacent parking areas to enhance parking availability at all times.
- MOB-7.1: The Town shall ensure that land use and transportation planning are cohesive, consistent, mutually supportive, and strive to reduce VMT. This includes:
    - Promoting land use patterns that encourage people to walk, bicycle, or use public transit routinely for a significant number of their daily trips;
    - Promoting TDM options;
    - Using the Town's provision of public services to direct development to the most appropriate
    - locations; and
    - Promoting the infill of vacant land and redevelopment sites.

- MOB-9.5: Support efforts to keep regional traffic on regional roadways, such as SR 85 and SR 17, prioritizing opportunities for increased transit and greater roadway efficiency, over expanding roadway capacity.
- MOB-15.1: Minimize potential conflicts between trucks, truck loading and unloading areas, and pedestrian, bicycle, and transit travel on streets designated as truck routes.

The proposed Town of Los Gatos General Plan 2040 policies encourage an increase in transit ridership, decrease dependence on motor vehicles, and reduce transit delays. While the implementation of the proposed Project is supportive of an increase in transit ridership, declining transit ridership trends,[21] and increasing Project Generated VMT rates in Los Gatos (see **Table 5-1**) suggest that the supportive polices may not be effective at generating the desired policy outcomes. Today many of the vehicles (i.e., private vehicles and public transit) on the roadway have a poor seat utilization (i.e., most of the vehicle seats are empty). The existing roadway network in Santa Clara County has a limited capacity and this capacity is routinely filled up during peak periods by vehicles with solo drivers (i.e., low seat utilization). Further, limited facilities exist that prioritize travel by high occupancy vehicles.

The increase in demand for transit service caused by the proposed Project would be accommodated by existing and planned improvements to the transit system, such as improving access to transit for local residents and employees (e.g., transit stop enhancements, sidewalk widening, etc.), and improving how transit vehicles move in and around the Town of Los Gatos (e.g., new and more frequent bus services, expansion of the VTA system, provision of transit-focused facilities, etc.). Transit vehicle preemption, signal coordination, and other improvements would help reduce the effect of peak hour traffic congestion on transit operations by reducing person delay and improving vehicle travel time reliability.

While the proposed Project could add peak hour transit riders, implementation of the proposed Project would not disrupt existing or interfere with planned transit services or facilities. The proposed Town of Los Gatos General Plan 2040 policies support multimodal transportation options, encourage the formation of a transportation management association (TMA) to fund TDM Townwide measures (MOB-1.4), and support the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (March 7, 2017) to reduce congestion and improve bicycle and pedestrian connectivity. However, the proposed Project does not include actions to increase the cost of using vehicles nor do they include provisions for bus services to avoid congestion delays. As a result, transit service will experience reductions in quality of experience inconsistent with the Project polices, which could contribute to lower transit demand in the future and higher demand for vehicles use contributing to higher VMT levels. Because the needed additional transit vehicles and supporting infrastructure may not be provided to accommodate additional transit demand, the proposed Project would have a ***potentially significant impact*** effect on transit ridership.

To support the potential increase in transit service caused by the proposed Project, transit vehicle speeds and reliability would needed to increase transit ridership. Improvements to the transit system, such as

[21] Santa Clara Valley Transportation Authority. Annual Report 2019. Available online at https://www.vta.org/sites/default/files/2020-04/AnnualReport2019_Accessible.pdf

improving access to transit for local residents and employees (e.g., transit stop enhancements, sidewalk widening, etc.), and improving how transit vehicles move in and around the Town of Los Gatos (e.g., new and more frequent bus services, expansion of the VTA system, provision of transit-focused facilities, etc.). Transit vehicle preemption, signal coordination, and other improvements would help reduce the effect of peak hour traffic congestion on transit operations by reducing person delay and improving vehicle travel time reliability could improve transit ridership.

Potential Impact: Increased Transit Vehicle Delay at Congested Intersections – Project deficiencies associated with increased vehicle delay at intersections are a result of buses and shuttles operating in mixed-flow lanes with other vehicles. Public agencies such as the VTA will make service changes over time based on ridership performance standards and land use density targets. Increased or modified public transit service is approved by a publicly appointed decision body (like the VTA board). Transit vehicle preemption, signal coordination, and other improvements such as a dedicated bus lane would help reduce the magnitude of peak hour congestion on transit operations. Implementation of the proposed Project would not disrupt existing or interfere with planned transit services or facilities; however, the potential increase in transit vehicles, local street congestion within and near the Town of Los Gatos, and increased delay at off-site intersections would delay transit vehicles. Therefore, this project would result in a ***significant-and-unavoidable*** effect on transit vehicle operations, in particular at those intersections without feasible improvement options for traffic delay. Transit operational improvements such as signal coordination and transit vehicle preemption could potentially improve the overall reliability of transit in congested areas but are not likely to fully address this effect.

Consistent with the *VTP 2040 (2014)*, the existing transit circulation would be maintained in the future. The changes to the vehicle circulation system as part of the proposed Project would not be expected to interfere with existing transit facilities nor conflict with planned transit facilities and services or conflict with adopted transit plans, guidelines, policies, or standards. Additionally, the proposed Project is supportive of the transit use and goals summarized in **Chapter 2**. Therefore, the impact relative to disruption of existing or planned transit facilities or conflicts with transit program, plan, ordinance or policy would be ***less-than-significant***.

### 5.1.2 Roadway Evaluation

The proposed Project includes modifications to existing street facilities to create a more pedestrian and bicycle-oriented streets. These modifications could cause existing and future local and regional traffic to circulate differently. The expected influence on existing and future traffic is likely to be minimal because no through vehicle lanes are proposed to be removed within the proposed Project.

Overall, the proposed Project would not conflict with existing or planned roadway facilities because the proposed street changes are additions of pedestrian and bicycle facilities with few if any reduction in vehicle lanes. The proposed Project would not be expected to interfere with existing roadway facilities, conflict with planned roadway facilities or conflict with adopted transportation plans, guidelines, policies, or standards. Therefore, the impact relative to disruption of existing or planned roadways or conflicts with program, plan, ordinance or policy would be ***less-than-significant***.

### 5.1.3 Bicycle Evaluation

To accommodate future growth in the Town of Los Gatos, the proposed Project includes a complete streets network, new bicycle facilities, and transportation policies to accommodate increased bicycle demands generated by the anticipated development. This network will accommodate bicycle demand generated by the anticipated land development.

The proposed Project encourages bicycling by improving bicycle connectivity with a comprehensive community-wide network of on-street and off-street bicycle facilities as defined in the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (March 7, 2017). Commuting by bicycle is supported with a street system that enhances bicycle connections by shortening bicycle distances and providing a higher quality bicycle network (with lower vehicle speeds and volumes where possible) within the Town of Los Gatos.

Implementation of the proposed Project would not interfere with existing bicycle facilities or conflict with planned bicycle facilities or adopted bicycle system plans, guidelines, policies, or standards. Furthermore, implementation of the proposed Project will create new bicycle facilities consistent with the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (March 7, 2017), which will have a beneficial effect on bicycle circulation and access. Therefore, the implementation of the proposed Town of Los Gatos General Plan 2040 would be considered a ***less-than-significant*** impact on bicycle facilities, and no mitigation measures would be required.

### 5.1.4 Pedestrian Evaluation

To accommodate future growth in the Town of Los Gatos, the proposed Project includes a complete streets network, new pedestrian facilities, and transportation policies to accommodate increased pedestrian demands generated by the anticipated land development.

The proposed Project encourages walking by improving pedestrian facilities and connectivity with a safe and continuous pedestrian network to shorten walking distances and improve pedestrian connections to popular local destinations.

Implementation of the proposed Project would not interfere with existing pedestrian facilities or conflict with planned pedestrian facilities or adopted pedestrian system plans, guidelines, policies, or standards. Furthermore, implementation of the proposed Project will create new pedestrian facilities and will have a beneficial effect on pedestrian circulation and access consistent with the *Town of Los Gatos Bicycle and Pedestrian Master Plan* (March 7, 2017). Therefore, the implementation of the proposed Town of Los Gatos General Plan 2040 would be considered a ***less-than-significant*** impact on pedestrian facilities, and no mitigation measures would be required.

## 5.2 Vehicle Miles Traveled (VMT) Analysis

This section presents an analysis of the proposed Project's impacts relative to VMT, including the daily VMT estimates for the VMT analysis. The development of the VMT thresholds and VMT modeling methods are described in **Chapter 4**. Under Cumulative with Project Conditions, the Project generated

VMT per services population is used to evaluate the direct effects of the Project, while the boundary VMT in Santa Clara County is used to evaluate the project's effect on VMT. The results of the proposed Project generated VMT and proposed Project's effect on VMT analyses are presented in **Table 5-1** and **Table 5-3**, respectively. Each analysis is separately addressed below.

### 5.2.1 Project Generated VMT

As shown in **Table 5-1**, the population and employment growth of the general plan is projected to increase Project generated VMT from 2,044,940 to 2,552,780 from Existing Conditions to Cumulative 2040 with Project Conditions. For impact analysis purposes, the absolute increase is not the focus. Instead, the expectation is that the VMT generation rate of the service population will decrease from the Existing Conditions value of 36.4 to 32.3 or lower. Under the Cumulative 2040 with Project Conditions, the Project generated VMT per service population of 38.4 is 19 percent greater than the applicable VMT threshold of 32.3. Therefore, the proposed Project generated VMT per service population would exceed the applicable threshold.

Implementation of the proposed Town of Los Gatos General Plan 2040 would result in excessive Project generated VMT per service population under Cumulative 2040 with Project Conditions due to population and employment growth planned within the Town and would, therefore, be considered a ***potentially significant*** impact.

**Table 5-1: Project Generated VMT for VMT Analysis**

| Item[1] | Existing Conditions | Cumulative 2040 with Project Conditions | Percent Change |
|---|---|---|---|
| ***Town of Los Gatos*** | | | |
| Project Generated Vehicle Miles Traveled (A) | 2,044,940 | 2,552,780 | 24.8% |
| Service Population (B)[2] | 56,150 | 66,400 | 18.3% |
| Project Generated VMT per Service Population (A/B = C) | 36.4 | 38.4 | 5.6% |
| ***Initial Impact Assessment*** | | | |
| Project Generated VMT per Service Population Threshold (32.3) (Impact Conclusion) | | 38.4 (19% greater than the threshold) (Potentially Significant) | |

Notes:
1. Rounded Project generated VMT and service population to the nearest 10, and Project generated VMT per service population, and Project generated VMT per service population Threshold to the nearest one-tenth.
2. Service population is defined as the sum of all employees, and residents. Refer to **Table 4-1** for breakdown of employees and residents.

Source: Fehr & Peers, 2021.

### 5.2.2 VMT Mitigation

This VMT impact is projected to occur because of the overall land use growth and increased destination choices throughout the Bay Area region, Santa Clara County, and within Town of Los Gatos. A goal of the

proposed Town of Los Gatos General Plan 2040 is to reduce the impacts from transportation and promote alternative forms of transportation that will reduce the local and regional effects of vehicle travel. The Town can take actions to reduce daily trips and vehicle miles traveled by changing the proposed Project description in a way that reduces VMT and/or implementing a VMT program designed to reduce VMT, such as an individual site level transportation demand management (TDM) program, townwide level VMT mitigation program, or a regionwide level VMT reduction program.

The VMT mitigation action's effectiveness depends on its scale (how much VMT the mitigation acts on) and its ability to reduce VMT in different VMT reduction programs. The biggest effects of VMT mitigation actions (and resultant emissions reductions) derive from statewide or regionwide policies that increase the cost, or reduce the convenience, of using vehicles. Other regionwide actions include improving land use location efficiency and infrastructure investments that support transit, walking, and bicycling (see the "Regionwide Level" measures listed below). While there are many VMT mitigation actions that can influence VMT and emissions, individual site level VMT mitigation actions typically have the smallest effect on VMT reductions because they are applied to new VMT generated by new buildings, while regionwide level have the greatest effect on VMT reduction. The *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) includes the following list of potential VMT reduction strategies the Town of Los Gatos that are considered here as potential mitigation actions to mitigate proposed Project generated VMT in the Town of Los Gatos and Santa Clara County. These VMT reduction strategies are organized by their relative scale for implementation (i.e., individual site level, Townwide level, and Regionwide level). Potential VMT mitigation actions the Town could take could directly or in partnership with other jurisdictions in Santa Clara County or the Bay Area region include:

**Individual Site Level**

- Encourage Telecommuting and Alternative Work Schedules: This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMT for other travel purposes; thus, this strategy should consider the net change in the Town's project generated VMT.
- Provide Ride-Sharing Programs: This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- Provide Local Shuttles: This strategy focuses on providing local shuttle service. The local shuttles would provide service to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the "first/last mile" problems. Alternatively, a demand-responsive service could be provided as subsidized trips by contracting to private TNCs or taxi companies. Note that implementation of this strategy would require regional or local agency implementation.
- Provide Employer-Sponsored Vanpool/Shuttle: This strategy relies on employers purchasing or leasing vans or shuttles, and often subsidizing the cost of at least program administration, if not more. Vanpools typically service employee's commute to work, while shuttles service nearby

transit stations and surrounding commercial centers. Scheduling and rider charges (if any) are within the employer's purview.

**Townwide Level**

- Provide Pedestrian Network Improvements: This strategy focuses on creating a pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on regional or local plans such as the *Bicycle and Pedestrian Master Plan* (2017) and *Connect Los Gatos*.
- Provide Traffic Calming Measures: This strategy combines the California Air Pollution Control Officers Association (CAPCOA) research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One potential change in this strategy over time is that e-bikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.
- Implement Car-Sharing Program: This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig.
- Limit Parking Supply: When combined with companion TDM measures, reduced parking supply discourages driving by limiting easy and convenient parking options. Implementation of this strategy may require reducing (or removing) minimum parking requirements and allowing developers to use shared parking strategies.
- Unbundle Parking Costs from Property Cost: Unbundling separates parking costs from property cost, for instance by not including a parking space in a residential unit's rent, or by requiring employers to lease each parking space separately from the building owner. This strategy ensures that the user understands that the cost of driving includes parking and can encourage people to use an alternative mode to save money.
- Implement Market Price Public Parking (On-Street): This strategy focuses on implementing a pricing strategy for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage "park once" behavior and may also result in area-wide mode shifts.

**Regionwide Level**

- Increase Density: This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.

- Increase Diversity of Urban and Suburban Developments: This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
- Increase Transit Accessibility: This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- Integrate Affordable and Below Market Rate Housing: This strategy provides greater opportunities for lower income families to live closer to job centers since income effects probability that a commute will take transit or walk to work.
- Increase Transit Service Frequency/Speed: This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in Los Gatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.
- Implement Area or Cordon Pricing:[22] This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enter the area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-quality transit infrastructure.

**Table 5-2** presents the three groups of VMT mitigation actions discussed above, and presents the potential reduction from utilizing strategies in each group. As shown in **Appendix D**, individual VMT strategies range widely in effectiveness, therefore, **Table 5-2** summarizes an approximate range of VMT reductions by strategy group. **Appendix D**, presents a table of the VMT Reduction Actions for the Town of Los Gatos with details about the VMT reduction (e.g., Reduction Range (%), VMT Type (Commute or Total), and VMT Reduction Application), literature evidence, Feasibility Considerations (e.g., Fiscal Impact to the Town, Implementation Challenge, Political Acceptance, implementation Party) and Town staff priorities. This information was used to develop the reduction range for each of the groups of VMT mitigation actions.

[22] Additional statewide mitigation actions could include a gas tax increase, new VMT tax, higher vehicle registration fees, and/or new parking space tax.

**Table 5-2: Summary of VMT Mitigation Action Options**

| Scope | VMT Reduction Ranges | |
|---|---|---|
| | Low[1] | High[2] |
| Individual Site Level | 0% | 6% |
| Townwide Level | 3% | 10% |
| Regionwide Level | 20% | 60% |

Notes:
1. Low/"Typical" indicates a conservative estimate that is highly defensible and suitable for use in environmental analysis documents, or to mitigate a VMT impact. Not all strategies provide a quantifiable reduction suitable for environmental use.
2. High/"Ambitions" indicates a potential upper limit to reductions, and requires a very high level of investment in most cases.
3. Please note that disruptive trends, including but not limited to, transportation network companies (TNCs), autonomous vehicles (AVs), internet shopping, and micro-transit may affect the future effectiveness of these strategies.

Source: SB 743 Implementation Decisions for the Town of Los Gatos (July 2020). Available online at https://www.losgatosca.gov/DocumentCenter/View/24841/Los-Gatos-SB-743-Implementation-Plan?bidId=

Overall, CAPCOA indicates that projects in suburban areas may be able to achieve up to a 15 percent reduction in VMT. However, achieving this level of reduction requires that the project implement many Individual Site Level and Townwide Level VMT mitigation actions *and* be sited in an efficient, transit-adjacent location (characteristics of the Regionwide Level VMT mitigation actions). These traits may not be feasible for many future projects in Los Gatos. In addition, individual site level VMT mitigation actions are often implemented by individual building tenants (i.e., employers), so their use requires on-going monitoring and adjusting to account for changes in tenants and their travel behavior.

Due to these individual site level implementation barriers, ad-hoc project-by-project mitigation is less effective at reducing VMT compared with larger scale Townwide level and Regionwide level VMT mitigation actions. The Town will require implementation of individual site level, Townwide level, and Regionwide level VMT mitigation actions to reduce VMT. These mitigation actions may be implemented through transportation demand management programs, a transportation management association (TMA) that runs a community shuttle and/or other Townwide VMT mitigation actions, VMT Cap, VMT Based Impact Fee Program, VMT Mitigation Bank, VMT Mitigation Exchange, in-lieu fee programs, and other land use project conditions to reduce VMT. As noted in section 5.9 Implementation Programs (pages 5-20 to 5-23) of the Preliminary Draft 2040 General Plan, to achieve the General Plan's long-term desired outcome to reduce Project generated VMT, the Town will update its transportation impact fee program to include mostly VMT reduction projects such as bicycle and pedestrian improvements and localize vehicle operations improvements (e.g., local intersection modifications) (Item C), evaluate a community shuttle system (Item D) and develop a Transportation Master Plan (Item M). A Townwide VMT impact fee program can be complemented by the emergence of Regionwide VMT mitigation concepts [e.g., VMT Cap, VMT Based Impact Fee Program, VMT Mitigation Bank, or VMT Mitigation Exchange; refer to Chapter

6 of the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020)[23]] presents opportunities to reduce VMT at a Regionwide scale, though the measured effects of these programs (and their ability to reach desired long-term land use outcomes) are largely unknown.

This VMT reduction analysis does not account for any future increases in the use of Transportation Network Companies (such as Uber and Lyft) or commercial delivery services, nor does it envision the potential for development of autonomous vehicles or any other emerging transportation innovations. These emerging transportation innovations will alter the effectiveness of the VMT mitigation actions described earlier, some increasing VMT reduction effectiveness while others decreasing VMT reduction effectiveness.

However, impacts as the result of implementation of the proposed Project would likely remain significant until policies and analysis assumptions within the proposed Town of Los Gatos General Plan 2040 are modified to significantly increase the vehicle travel costs and density, diversity, and location of land uses above the changes identified in the proposed Project. Additionally, the CARB analysis[24] assumes that all of the regions in the state will meet the GHG reduction targets set in their Regional Transportation Plans and Sustainable Communities Strategies (RTP/SCS); thus far, indications are that not all regions are meeting those targets, and vehicular travel in California (at least prior to the COVID-19 pandemic) has been increasing rather than decreasing over the past several years (see CARB"s *Improved Program Measurement Would Help California Work More Strategically to Meet Its Climate Change Goals*, February 2021, and CARB's 2018 Progress Report: California's Sustainable Community and Climate Protection Act, November 2018). Further, the CARB analysis does not account for any future increases in the use of Transportation Network Companies (such as Uber and Lyft) or commercial delivery services, nor does it envision the potential for development of autonomous vehicles or any other emerging transportation innovations. Therefore, there is growing evidence that the VMT reduction values from the CARB publication may not be enough to actually meet the State's GHG goals. The proposed Town of Los Gatos General Plan 2040 policies, land use forecasts, and targeted areas for are the result of an extensive outreach process among staff, policymakers and the public to arrive at a that balance competing concerns about accommodating growth and jobs and quality of life. Therefore, implementation of the proposed Project would result in VMT that would be considered a ***significant-and-unavoidable*** impact.

### 5.2.1 Project's Effect on VMT (Using Boundary VMT)

To evaluate the Project's effect on VMT between the Cumulative 2040 and Cumulative 2040 with Project Conditions, the boundary VMT is divided by the service population (sum of residential population, and employment population). The growth in boundary VMT captures the combined effect of:

- shifting existing VMT due to land use and transportation network changes in Santa Clara County,

[23] *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020). Available online at https://www.losgatosca.gov/DocumentCenter/View/24841/Los-Gatos-SB-743-Implementation-Plan?bidId=

[24] California Air Resources Board's *2017 Climate Change Scoping Plan Update: The Strategy for Achieving California's 2030 Greenhouse Gas Target* (January 2019)

- shifts in existing traffic to alternate travel routes or modes, and
- new VMT from additional land use development in Santa Clara County.

The changes in Countywide boundary VMT per service population between the Cumulative 2040 and Cumulative 2040 with Project Conditions shows the relatively small Project's effect on VMT. The Town of Los Gatos travel activities are a relatively small portion of the Santa Clara County travel; therefore, it is to be expected that the proposed Project's effect on VMT would have predominately localized VMT effects near the Town of Los Gatos.

**Table 5-3: Project's Effect on VMT (Boundary VMT)**

| | Cumulative 2040 without Project Conditions | Cumulative 2040 with Project Conditions | Percent Change |
|---|---|---|---|
| ***Santa Clara County*** | | | |
| Boundary Vehicle Miles Traveled (A)[1] | 48,838,530 | 48,989,410 | 0.3% |
| Service Population (B)[1,2] | 3,856,430 | 3,863,930 | 0.2% |
| Boundary VMT per Service Population (A/B = C) | 12.7 | 12.7 | 0% |

Notes:
1. Rounded service population and VMT to nearest 100.
2. Service population is defined as the sum of all employees, and residents.

Source: Fehr & Peers, 2021.

### 5.2.2 Regional Transportation Plan/Sustainable Community Strategy Plan Consistency

California Environmental Quality Act, Section 15125(d), requires an EIR to discuss any inconsistencies between the proposed Project and applicable general and regional plans. The purpose of this section is to discuss the proposed Project's consistency with the local growth forecasts in the region's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), also known as *Plan Bay Area 2040* (July 2017),[25] and to provide an analysis of the proposed Project's impacts on the housing and employment projections for the region. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) are the designated metropolitan planning organizations, and as such, is mandated by the federal government to research and draw up plans for transportation, growth management, hazardous waste management, and air quality.

Population forecasts for the Town of Los Gatos and surrounding area are provided by ABAG in the *Plan Bay Area Projections 2040* (November 2018) by jurisdiction. **Table 5-4** shows the ABAG household population and employment forecasts for the Town of Los Gatos for years 2015 and 2040.

[25] Metropolitan Transportation Commission, 2017. *Plan Bay Area 2040*. Available online at http://2040.planbayarea.org/.

**Table 5-4: Town of Los Gatos Household Population and Employment Growth Forecasts**

| Forecasts | 2015 [A] | 2040 [B] | Change [B-A=C] | Percent Change [C/A] |
|---|---|---|---|---|
| Household Population | 30,925 | 32,645 | +1,720 | +5.6% |
| Employment | 18,860 | 20,620 | +1,760 | +9.3% |

Source: *Plan Bay Area 2040 Projections*, November 2018

As discussed in **Section 1.2** of this report, the proposed Town of Los Gatos General Plan 2040 includes land use designations that could accommodate up to 3,738 housing units by 2040, which is 3,276 more units than currently accommodated under the existing *Town of Los Gatos 2020 General Plan*. This allocation of housing units will result in a projected household population increase of 6,811 in 2040. Further, the proposed Project is projected to generate approximately 1,280 employment opportunities by the buildout year. **Table 5-5** identifies the change between Existing Conditions and the proposed Town of Los Gatos General Plan 2040 compared to the ABAG household population and employment forecasts in *Plan Bay Area 2040*.

**Table 5-5: Town of Los Gatos General Plan 2040 Buildout Comparison to Plan Bay Area 2040 Projections**

| Forecasts | Town of Los Gatos General Plan 2040 | | ABAG Plan Bay Area 2040 Projections | |
|---|---|---|---|---|
| | Existing Conditions[1] | Cumulative 2040 with Project Conditions[1] | 2015 | 2040 |
| Household Population | 36,850 | 45,820 | 30,925 | 32,645 |
| Employment | 19,300 | 20,580 | 18,860 | 20,620 |

Notes:
1. Numbers rounded to the nearest 10.

Source: Fehr & Peers, 2021.

The proposed Project projected household population will increase by 8,970 compared to what is considered existing. As identified in **Table 5-4**, the ABAG growth forecast for horizon year 2040 projected a household population increase of 1,720 in the Town of Los Gatos. Consequently, the Town of Los Gatos General Plan 2040 will increase household population by more than what is currently projected by ABAG. Therefore, the impact is ***potentially significant***.

## 5.3 Hazard Impact Analysis

The proposed Project would have a significant impact relative to hazards if it would substantially increase hazards due to a roadway geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Safety impacts may occur due to changes in the physical or

operational conditions of the transportation network. Physical impacts may be related to changes in the land use context along a roadway such that the volume, mix, or speed of traffic was not anticipated as part of the original multimodal transportation network design. To address potential safety impacts, the proposed Town of Los Gatos General Plan 2040 includes the following goals supportive of a safe transportation network:

- MOB-2: Provide continuous, safe, and efficient bikeway and pedestrian facilities.
- MOB-4: Encourage the development of a comprehensive and integrated transportation network with infrastructure and design features that allow safe and convenient travel for all users.
- MOB-7: Optimize the Town's transportation system to provide safe and efficient movement to meet the needs of all users.
- MOB-8: Provide a safe, efficient, and well-designed roadway network transportation system.
- MOB-12: Ensure that hillside streets maintain safe and continuous access.
- MOB-15: Provide for the safe and efficient movement of goods to support commerce, industry, and the community.

In addition, the Town of Los Gatos is preparing a Local Roadway Safety Plan which will address roadway safety needs in Los Gatos and satisfy Caltrans requirements for future Highway Safety Improvement Program (HSIP) applications.

The proposed Project includes modifications that will change the design of local streets and intersections; these modifications would not create hazards such as sharp curves or include otherwise dangerous features. However, the proposed Project may increase trips on facilities that were not originally designed for that volume, mix, or speed of traffic. The Town would remediate such adverse conditions with transportation systems designed to the appropriate standard and implement the needed policy. Therefore, the impact is ***less-than-significant***.

## 5.4 Emergency Access Impact Analysis

For this analysis, a significant impact would occur if the proposed Project or an element of the Project would result in inadequate emergency access. Future parking facilities and streets will be designed to accommodate emergency vehicles. Emergency and service vehicles will continue to have the access to the Town and ability to circulate through streets restricted to other vehicles. Therefore, the impact is ***less-than-significant***.

# 6. Roadway Operations and Project Traffic Forecasting Methods

This chapter describes the traffic analysis methods, intersection deficiency criteria and traffic forecasting methods used for the roadway operations analysis under Cumulative 2040 without and with the Project Conditions. Cumulative Conditions are defined as traffic conditions expected in the year 2040.

## 6.1 Traffic Analysis Methods and Deficiency Criteria

### 6.1.1 Roadway Segments

Directional daily roadway volumes were developed for select streets in the Town of Los Gatos. These daily volumes are used as inputs in to the Noise section of this environmental analysis. This daily analysis approach is consistent with the level of planning detail addressed in a General Plan. This approach helps to evaluate and determine the roadway cross-sections (e.g., two, four or six travel lanes) rather than detailed operational issues at the intersection level, which are dependent on the number of turn lanes, signal timing, adjacent driveway operations.

### 6.1.2 Signalized Intersections

The operations of roadway facilities are described with the term level of service (LOS), a qualitative description of vehicular traffic flow based on factors such as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, which reflects free-flow conditions where there is very little interaction between vehicles, to LOS F, where the vehicle demand exceeds the capacity and high levels of vehicle delay result. LOS E represents "at-capacity" operations. When traffic volumes exceed the capacity at a signalized intersection, vehicles may wait through multiple signal cycles before traveling through the intersection; these operations are designated as LOS F. Examples of the various levels of service for a signalized intersection are illustrated on **Figure 6-1**.

The method described in Chapter 16 of the 2000 *Highway Capacity Manual* (HCM) (Transportation Research Board) was used to prepare the LOS calculations for the study intersections. This level of service method, which is approved by the Town of Los Gatos and the VTA, analyzes a signalized intersection's operation based on average control delay per vehicle. Control delay includes the initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The average control delay is calculated using TRAFFIX 8.0 analysis software and is correlated to a LOS designation as shown in **Table 6-1.**

**Table 6-1: Signalized Intersection Level of Service Definitions**

| Level of Service | Description | Average Control Delay per Vehicle (seconds) |
|---|---|---|
| A | Operations with very low delay occurring with favorable progression and / or short cycle lengths. | ≤ 10.0 |
| B+<br>B<br>B- | Operations with low delay occurring with good progression and / or short cycle lengths. | 10.1 to 12.1<br>12.1 to 18.0<br>18.0 to 20.0 |
| C+<br>C<br>C- | Operations with average delays resulting from fair progression and / or longer cycle lengths. Individual cycle failures begin to appear. | 20.1 to 23.0<br>23.1 to 32.0<br>32.0 to 35.0 |
| D+<br>D<br>D- | Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, and high volume-to-capacity (V / C) ratios. Many vehicles stop and individual cycle failures are noticeable. | 35.1 to 39.0<br>39.1 to 51.0<br>51.1 to 55.0 |
| E+<br>E<br>E- | Operations with high delay values indicating poor progression, long cycle lengths, and high V / C ratios. Individual cycle failures are frequent occurrences. | 55.1 to 60.0<br>60.1 to 75.0<br>75.1 to 80.0 |
| F | Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths. | > 80.0 |

Source: *Traffic Level of Service Analysis Guidelines*, VTA Congestion Management Program, June 2003; and *Highway Capacity Manual*, Transportation Research Board, 2000.

Signalized intersection operations and deficiencies are evaluated based on each jurisdiction's minimum standard for acceptable operations as shown in **Table 6-2** and as identified in **Chapter 7**.

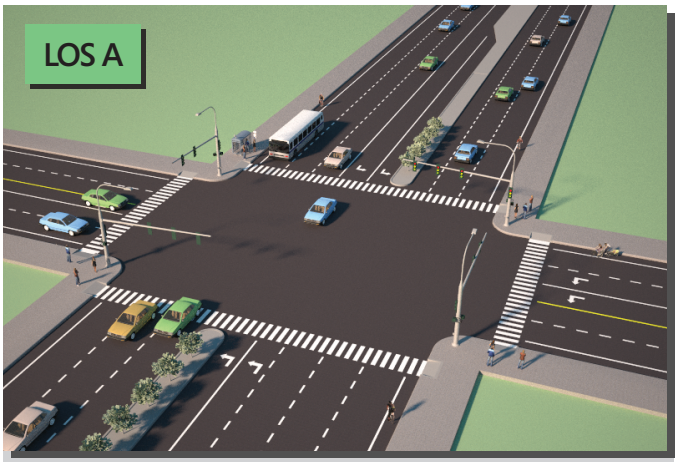
**Table 6-2: Signalized Intersection LOS Standard for Acceptable Operations**

| Jurisdiction | Intersection LOS Standards | Citation |
|---|---|---|
| Town of Los Gatos | Town of Los Gatos all intersections LOS D[1] | Town of Los Gatos 2020 General Plan, page TRA-24 (2010) |
| Town of Los Gatos | Town of Los Gatos all intersections LOS D[2] | Town of Los Gatos General Plan 2040 Preliminary Draft, page 5-15 (April 2021) |
| VTA Congestion Management Program (CMP)[3] | VTA CMP all intersections LOS E | Santa Clara County Annual Monitoring and Conformance Report, page 9 (2014) |

Notes:

1. Town of Los Gatos 2020 General Plan, 2010.
    a. Policy TRA-3.4 New projects shall not cause the level of service for inter-sections 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.
    b. 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.
2. Town of Los Gatos General Plan 2040 Preliminary Draft, April 2021.
    a. Policy MOB-10.2: If a project will cause the current LOS for any project-affected intersection to drop by more than one level for an intersection currently at LOS A, B, or C, or to drop at all if the intersection is at LOS D or below, the project shall construct improvements and/or put TDM measures in place, as directed by the Town Engineer, so that the operation will remain at an acceptable level. These measures shall be implemented and maintained as a condition of approval of the project.
3. VTA Congestion Management Program, 2017.

Source: Fehr & Peers, May 2021.

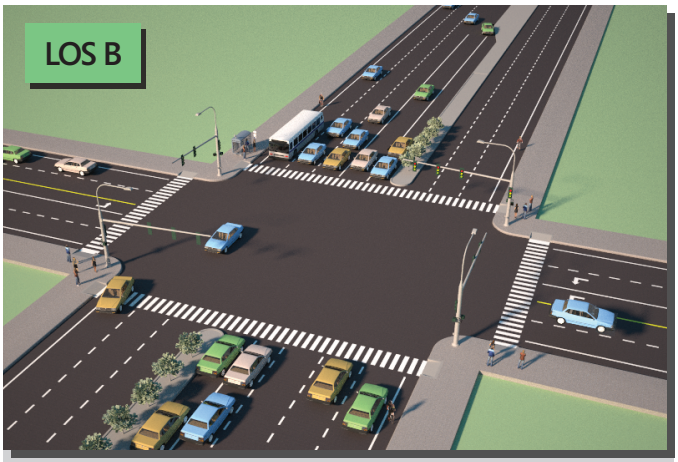



**Intersection Operation:** Free Flow

**Degree of Delay:** Negligible Delays


**Intersection Operation:** Less Stable Flow

**Degree of Delay:** Long Delays




**Intersection Operation:** Stable Flow

**Degree of Delay:** Minimal Delays


**Intersection Operation:** Unstable Flow

**Degree of Delay:** Substantial Delays Can Occur


**Intersection Operation:** Stable Flow

**Degree of Delay:** Moderate Delays


**Intersection Operation:** Unpredictable Flow/Wait Through Multiple Cycles

**Degree of Delay:** Excessive Delays Can Occur

Figure 6-1

Signalized Intersection Level of Service Examples

### 6.1.3 Freeway Segments

The Town of Los Gatos includes several freeway segments. Caltrans is the owner/operator of the State highway system including freeways, interchanges, and arterial State Routes. *The Guide for the Preparation of Traffic Impact Studies* (Caltrans, 2001) covers the information needed for Caltrans to review a project's impact on State highway facilities, including freeway segments. However, as the Congestion Management Agency, VTA is responsible for monitoring operations on Caltrans facilities within Santa Clara County.

Existing freeway segments in Santa Clara County are evaluated using VTA's analysis procedure, which is based on the density of the traffic flow during the AM and PM peak hours using methods described in the *2000 HCM*. Data presented in the *2016 Santa Clara VTA 2016 CMP Monitoring and Conformance Report* was used to evaluate existing freeway operations. Density is expressed in passenger cars per mile per lane. The CMP ranges of densities for each freeway segment level of service are shown in **Table 6-3**.

**Table 6-3: Level of Service Definitions for Freeway Segments in Santa Clara County**

| Level of Service | Description | Density (passenger cars per mile per lane) |
|---|---|---|
| A | Free Flow | ≤ 11 |
| B | Reasonably Free Flow | 11.1 to 18.0 |
| C | Stable Flow | 18.1 to 26.0 |
| D | Unstable Flow | 26.1 to 46.0 |
| E | Capacity Flow | 46.1 to 58.0 |
| F | Forced Flow | > 58.0 |

Sources: *Traffic Level of Service Analysis Guidelines*, VTA Congestion Management Program, June 2003; *Highway Capacity Manual*, Transportation Research Board, 2000.

The LOS standard for CMP freeway segments in Santa Clara County is LOS E for both mixed-flow and High Occupancy Vehicle (HOV) lanes (*Santa Clara VTA 2016 CMP Monitoring and Conformance Report*, VTA, 2017).

## 6.2 Traffic Forecast Methods

Existing intersection volumes were obtained from counts conducted on February 6, 2018, May 15, 2018, and January 17, 2019 (see **Table 3-3** for specific intersection count dates). Existing roadway segment volumes were obtained from counts conducted on January 17, 2019. At present, the VTA Model is the best tool available for developing long-range traffic forecasts for streets and highways within greater Los Gatos and to estimate daily citywide performance indicators such as vehicle miles traveled (VMT). **Section 4.3** provides a summary of the VTA Model and summary of the land use and transportation network assumptions in and near the Town of Los Gatos.

Intersection and roadway forecasts were developed using guidelines published in National Cooperative Highway Research Program (NCHRP) Report 765[26] for converting raw model results into forecasted volumes. This method, known as the *difference forecast method*, is based on existing counts and the difference between the model's baseline and future volumes. This method normalizes the model projections based on the accuracy of the model validation and the existing roadway volumes.

Intersection geometries from Existing Conditions were adjusted under Cumulative 2040 without Project and Cumulative 2040 with Project Conditions to include improvements recommended in the *Town of Los Gatos 2020 General Plan*. Local roadway improvements from the *2020 General Plan* are summarized in **Table 6-4**.

**Table 6-4: Roadway Improvement Projects for Cumulative 2040 Conditions**

| Intersection | | Improvement | Source |
|---|---|---|---|
| 2 | Los Gatos Boulevard and Samaritan Drive | Widen the unimproved segments along the east side of Los Gatos Boulevard from approximately Camino del Sol to approximately Samaritan Drive with a consistent curb, gutter and sidewalk treatment as present on the existing improved segment. Add a third through lane for the northbound approach of Los Gatos Boulevard south of the Samaritan Drive intersection. | Town of Los Gatos 2020 General Plan (2010) |

Source: Town of Los Gatos, 2010



[26] National Cooperative Highway Research Program (NCHRP). *Report 765: Analytical Travel Forecasting Approaches for Project-Level Planning and Design,* Washington, D.C.: National Academy Press, 2014.

# 7. Motor Vehicle Deficiencies and Improvements

This chapter discusses potential proposed Project effects on the study intersections. First, the deficiency criteria are described. Next the roadway forecasts and intersection operations are presented. Finally, the deficiencies and improvements are presented for deficient intersections.

## 7.1 Deficiency Criteria

The determination of deficiencies in the transportation network is based on applicable policies, regulations, goals, and guidelines defined by the Town of Los Gatos and the Santa Clara Valley Transportation Authority. Deficiencies were evaluated by comparing the results of the analysis under Cumulative 2040 with Project Conditions with Cumulative without Project Conditions.

### 7.1.1 Town of Los Gatos Intersection Deficiency Criteria

The Town of Los Gatos has defined LOS D as an acceptable level of service. Traffic deficiencies at intersections would occur when traffic resulting from the implementation of a project causes:

- Intersection operations to deteriorate by more than one letter grade from LOS A, B or C;
- Intersection operations to deteriorate from LOS D to an unacceptable level (LOS E or LOS F); or,
- Any increase to average delay at an intersection already operating at an unacceptable level.

These guidelines apply to signalized intersections only.

### 7.1.2 Congestion Management Plan (CMP) Intersection Deficiency Criteria

Intersections in the County of Santa Clara's Congestion Management Plan (CMP) have a standard of LOS E. Traffic deficiencies at intersections would occur when the addition of traffic associated with implementation of a project causes:

- Intersection operations to deteriorate from an acceptable level (LOS E) to an unacceptable level (LOS F); or,
- Exacerbation of unacceptable operations by increasing the average critical delay by more than four seconds and increasing the critical volume-to-capacity (V/C) ratio by 0.010 or more at an intersection operating at LOS F; or,
- The V/C ratio to increase by 0.010 or more at an intersection with unacceptable operations (LOS F) when the change in critical delay is negative (i.e., decreases). This can occur if the critical movements change.

CMP intersections within the Town of Los Gatos are evaluated according to Town of Los Gatos standards.

## 7.2 Roadway Volume Forecasts

The daily roadway volume forecasts are presented in **Table 7-1** below.

**Table 7-1: Daily Roadway Volume Forecasts**

| ID | Location | Jurisdiction | Direction | Existing Count[1] | Cumulative 2040 without Project Forecasts | Cumulative 2040 with Project Forecasts |
|---|---|---|---|---|---|---|
| 1 | Blossom Hill Road (Cherry Blossom Lane and Los Gatos Blvd) | Los Gatos | EB<br>WB | 7,800<br>7,600 | 8,100<br>8,000 | 8,600<br>8,600 |
| 2 | Blossom Hill Road (Greenridge Terrace and Union Avenue) | Los Gatos | EB<br>WB | 6,300<br>6,600 | 6,600<br>7,000 | 6,900<br>7,200 |
| 3 | Blossom Hill Road (Harwood Road and Belwood Gateway) | Los Gatos | EB<br>WB | 9,500<br>9,300 | 11,700<br>10,100 | 12,000<br>10,400 |
| 4 | East Main Street (Jackson Street and School Court) | Los Gatos | EB<br>WB | 4,000<br>4,900 | 4,500<br>5,100 | 4,800<br>5,500 |
| 5 | Highway 9 (at West Town Limits) | Los Gatos | EB<br>WB | 9,600<br>9,100 | 14,500<br>12,900 | 15,300<br>13,800 |
| 6 | Kennedy Drive (West of Englewood Avenue) | Los Gatos | EB<br>WB | 1,900<br>2,500 | 2,200<br>2,900 | 2,300<br>3,000 |
| 7 | Lark (East of University) | Los Gatos | EB<br>WB | 11,100<br>14,000 | 13,600<br>17,000 | 14,900<br>18,000 |
| 8 | Los Gatos Almaden Road (East of Peach Blossom Lane) | Los Gatos | EB<br>WB | 5,200<br>4,800 | 5,300<br>4,900 | 5,500<br>5,000 |
| 9 | Los Gatos Boulevard (Farley Road and Los Gatos Almaden Road) | Los Gatos | NB<br>SB | 13,900<br>15,900 | 17,300<br>22,000 | 19,700<br>25,000 |
| 10 | Los Gatos Boulevard (Spencer and Nino Avenue) | Los Gatos | NB<br>SB | 9,300<br>9,000 | 12,000<br>12,900 | 13,000<br>14,500 |
| 11 | Los Gatos Boulevard (South of Samaritan Drive) | Los Gatos | NB<br>SB | 13,900<br>11,500 | 19,100<br>17,600 | 21,000<br>20,700 |
| 12 | North Santa Cruz Avenue (Los Gatos Saratoga and Andrews Street) | Los Gatos | NB<br>SB | 6,000<br>7,400 | 6,900<br>9,100 | 7,100<br>9,600 |
| 13 | National Avenue (North of Carlton Avenue) | Los Gatos | NB<br>SB | 1,900<br>2,600 | 2,300<br>2,900 | 2,600<br>3,100 |
| 14 | Pollard (East of Quito) | Los Gatos | EB<br>WB | 4,900<br>5,100 | 6,400<br>7,100 | 6,700<br>7,300 |
| 15 | South Santa Cruz Avenue (Wood Road and 17 On-Off Ramp) | Los Gatos | NB<br>SB | 2,500<br>2,700 | 3,800<br>3,200 | 4,200<br>3,600 |
| 16 | Shannon Road (West of Englewood) | Los Gatos | EB<br>WB | 2,400<br>2,700 | 3,100<br>3,000 | 3,300<br>3,100 |
| 17 | University Avenue (South of Lark) | Los Gatos | NB<br>SB | 3,900<br>3,700 | 4,300<br>4,100 | 4,500<br>4,300 |

**Table 7-1: Daily Roadway Volume Forecasts**

| ID | Location | Jurisdiction | Direction | Existing Count[1] | Cumulative 2040 without Project Forecasts | Cumulative 2040 with Project Forecasts |
|---|---|---|---|---|---|---|
| 18 | West Main Street (North Santa Cruz Avenue and University Avenue) | Los Gatos | EB<br>WB | 4,800<br>3,600 | 5,700<br>4,300 | 5,900<br>4,600 |
| 19 | Winchester Boulevard (La Rinconada and Eaton Lane) | Los Gatos | NB<br>SB | 6,800<br>7,200 | 7,900<br>8,200 | 8,900<br>8,900 |
| 20 | Winchester Boulevard (SR 85 and Knowles Drive) | Los Gatos | NB<br>SB | 12,600<br>11,200 | 13,700<br>12,100 | 14,400<br>12,600 |

Notes:
1. Existing average daily traffic counts were collected on Thursday, January 17, 2019. They are rounded to the nearest 100.
Source: Fehr & Peers, 2021. Machine counts collected by Traffic Data Services (TDS), 2019.

## 7.3 Intersection Operations and Deficiencies

Level of service calculations were prepared to evaluate intersection operations under Cumulative 2040 without Project Conditions and Cumulative 2040 with Project Conditions. Intersection volumes for Cumulative 2040 without Project Conditions are shown on **Figure 7-1**. Cumulative 2040 with Project volumes are shown on **Figure 7-2**. Intersection LOS were calculated for Cumulative 2040 without Project Conditions and Cumulative 2040 with Project Conditions. **Table 7-2** shows the delays, LOS, and changes in critical volume-to-capacity (V/C) ratio and delay used to identify intersection deficiencies. The corresponding LOS calculation sheets are included in **Appendix C**. As shown in **Table 7-2**, under Cumulative without Project Conditions, all intersections operate at LOS D or better except for Los Gatos Boulevard and Lark Avenue intersection during the morning peak hour (LOS F). Based on the Los Gatos deficiency criteria, the proposed Project would result in deficient operations at these intersections:

- Intersection #1 – Winchester Boulevard and Lark Avenue
  - LOS E in the AM peak hour
- Intersection #2 – Los Gatos Boulevard and Samaritan Drive
  - LOS E in the PM peak hour
- Intersection #3 – Los Gatos Boulevard and Lark Avenue
  - LOS F in the AM peak hour
  - LOS E in the PM peak hour
- Intersection #7 – North Santa Cruz Avenue and Los Gatos-Saratoga Road
  - LOS E in the AM peak hour

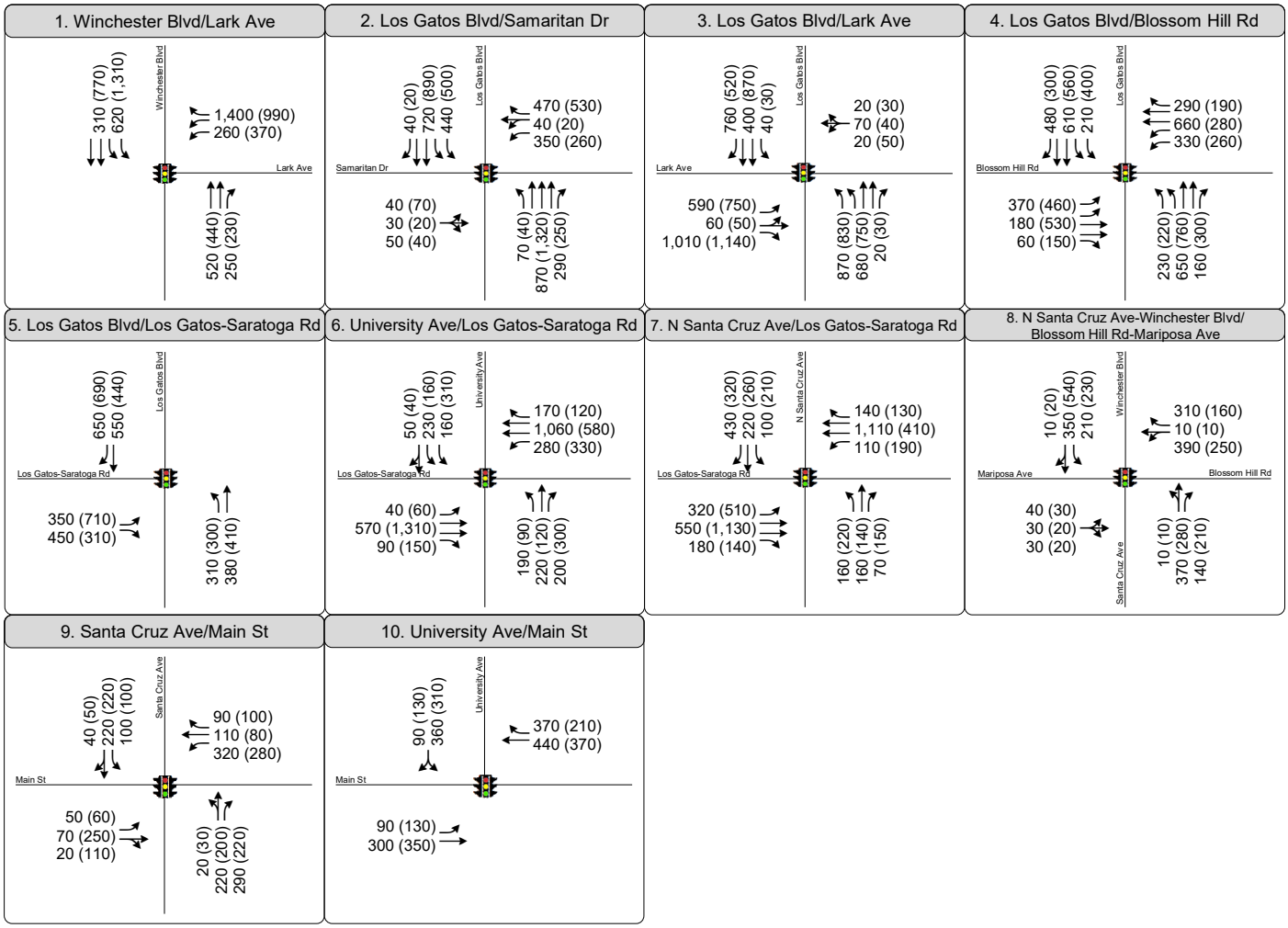



Figure 7-1

Peak Hour Traffic Volumes and Lane Configurations
Cumulative 2040 without Project

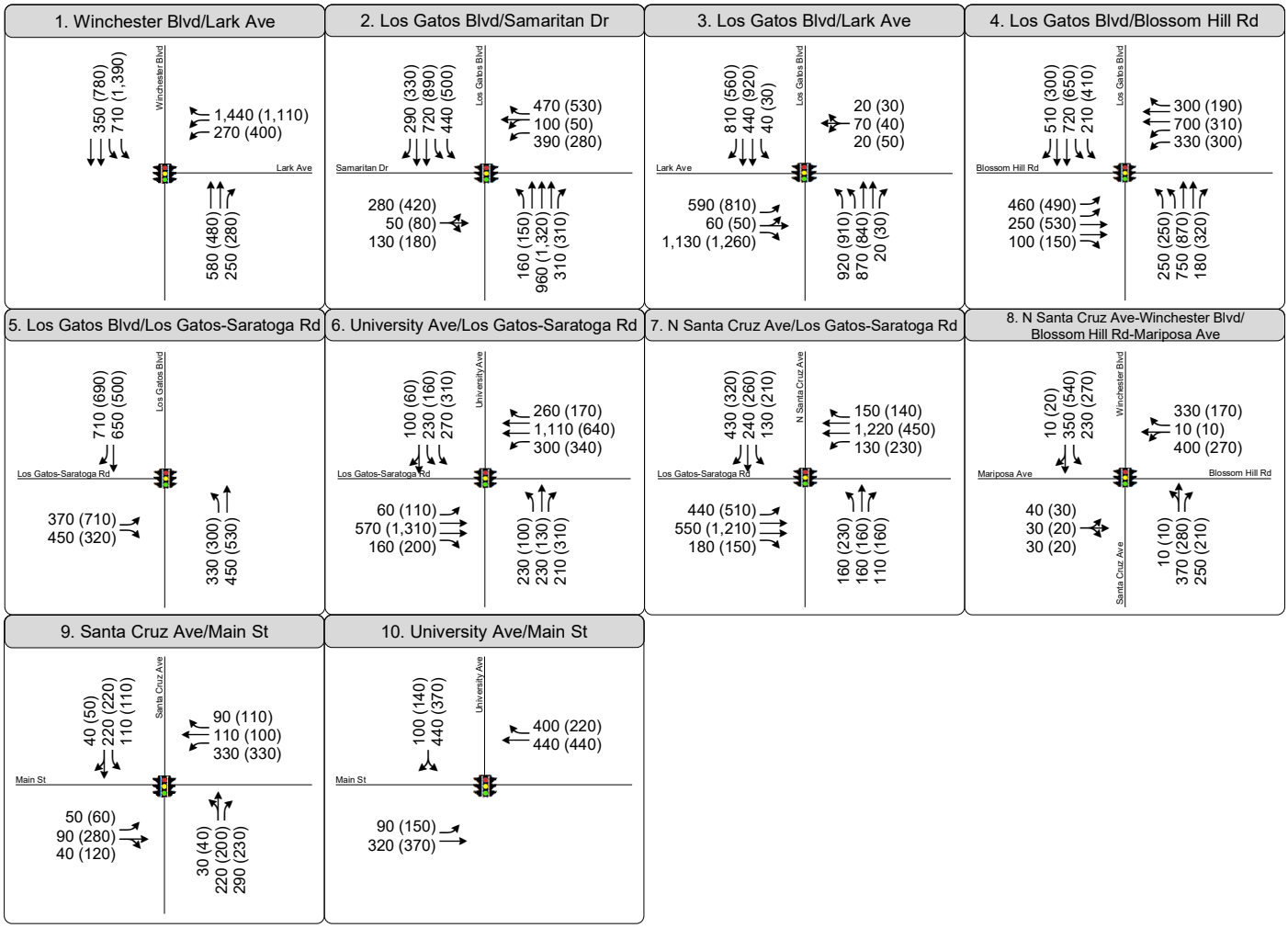



Figure 7-2

Peak Hour Traffic Volumes and Lane Configurations
Cumulative 2040 with Project

**Table 7-2: Cumulative 2040 without Project and Cumulative 2040 with Project Intersection Levels of Service**

| | Intersection | LOS Thres-hold[1] | Peak Hour[2] | Cumulative 2040 without Project | | Cumulative 2040 with Project | | Δ in Crit. V/C[5] | Δ in Crit. Delay[6] |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Delay[3] | LOS[4] | Delay[3] | LOS[4] | | |
| 1 | Winchester Boulevard and Lark Avenue | LOS D | AM<br>PM | 51.2<br>19.6 | D-<br>B- | **61.4**<br>22.7 | **E**<br>C+ | 0.042<br>0.086 | 13.2<br>4.4 |
| 2 | Los Gatos Boulevard and Samaritan Drive | LOS D | AM<br>PM | 33.5<br>33.5 | C-<br>C- | 47.3<br>**69.5** | D<br>**E** | 0.237<br>0.346 | 17.6<br>45.6 |
| 3 | Los Gatos Boulevard and Lark Avenue | LOS D | AM<br>PM | **80.9**<br>53.3 | **F**<br>D- | **91.0**<br>**66.8** | **F**<br>**E** | 0.050<br>0.074 | 20.5<br>23.1 |
| 4 | Los Gatos Boulevard and Blossom Hill Road | LOS D | AM<br>PM | 36.0<br>33.5 | D+<br>C- | 37.3<br>34.4 | D+<br>C- | 0.078<br>0.056 | 2.4<br>1.0 |
| 5 | Los Gatos Boulevard and Los Gatos-Saratoga Road | LOS D | AM<br>PM | 27.9<br>32.9 | C<br>C | 27.9<br>32.9 | C<br>C- | 0.081<br>0.035 | 4.1<br>5.6 |
| 6 | Los Gatos-Saratoga Road and University Avenue | LOS D | AM<br>PM | 46.7<br>28.8 | D<br>C | 46.7<br>28.8 | D<br>C | 0.083<br>0.012 | 5.2<br>0.9 |
| 7 | N. Santa Cruz Avenue and Los Gatos-Saratoga Road | LOS D | AM<br>PM | 67.2<br>42.7 | D-<br>D | **67.2**<br>42.7 | **E**<br>D | 0.106<br>0.056 | 21.1<br>5.1 |
| 8 | N. Santa Cruz-Winchester Boulevard and Blossom Hill- Mariposa Road | LOS D | AM<br>PM | 29.3<br>23.3 | C<br>C | 29.3<br>23.3 | C<br>C | 0.020<br>0.028 | 1.3<br>4.1 |
| 9 | Main Street and N. Santa Cruz Avenue | LOS D | AM<br>PM | 27.6<br>42.9 | C<br>D | 27.6<br>42.9 | C<br>D | 0.042<br>0.063 | 0.4<br>3.7 |
| 10 | Main Street and University Avenue | LOS D | AM<br>PM | 22.6<br>22.8 | B-<br>C+ | 22.6<br>22.8 | C+<br>C+ | 0.059<br>0.087 | 2.0<br>2.9 |

Notes:
**Bold text** indicates intersection operates at unacceptable level of service. **Bold and highlighted text** indicates deficiencies.

1. LOS Threshold is the threshold between acceptable and unacceptable level of service.
2. AM = morning peak hour, PM = evening peak hour.
3. Whole intersection weighted average control delay expressed in seconds per vehicle calculated using methods described in the 2000 *Highway Capacity Manual*, with adjusted saturation flow rates to reflect Santa Clara County Conditions for signalized intersections.
4. LOS = Level of Service. LOS calculations conducted using the TRAFFIX 8.0 analysis software packages, which applies the methods described in the 2000 *Highway Capacity Manual*.
5. Change in critical volume to capacity ratio between Cumulative 2040 without Project Conditions and Cumulative 2040 with Project Conditions.
6. Change in average critical movement delay between Cumulative 2040 without Project Conditions and Cumulative 2040 with Project Conditions.

Source: Fehr & Peers, 2021.

## 7.4 Intersection Improvements

Where physical capacity improvements or other operational improvements are potentially feasible, they have been identified and are described below along with the post-improvement level of service. The proposed improvements described below are for the Town of Los Gatos to consider as physical improvements to be consistent with the forthcoming Town of Los Gatos General Plan 2040 update. Intersection improvements Los Gatos Boulevard and Samaritan Drive (Intersection #2) and Los Gatos Boulevard and Lark Avenue (Intersection #3) are the same as the planned improvements in the approved North 40 Specific Plan Area project.[27]

- Intersection #1 – Winchester Boulevard and Lark Avenue
    - Modify the westbound configuration from 2 westbound left-turn lanes and 1 westbound right-turn lane to 1 westbound left-turn lane and 2 westbound right-turn lanes.
- Intersection #2 – Los Gatos Boulevard and Samaritan Drive
    - Modify the eastbound configuration from 1 shared eastbound left-through-right lane to 1 eastbound left-turn lane, 1 shared eastbound through-left lane, and 1 eastbound right-turn lane.
- Intersection #3 – Los Gatos Boulevard and Lark Avenue
    - Add 1 southbound through lane (total of 3 southbound through lanes).
    - Add 1 eastbound left-turn lane (total of 2 eastbound left-turn lanes).
- Intersection #7 – North Santa Cruz Avenue and Los Gatos-Saratoga Road
    - Modify the southbound right-turn to an overlap right-turn phase.

**Table 7-3** summarizes the intersection improvement LOS at the intersections with proposed Project-related deficiencies. **Appendix C** contains the improvement level of service calculations.

[27] The North 40 Specific Plan Area project in Los Gatos was approved in 2015. The planned intersection improvements are described in the Appendix M Traffic of the EIR: https://www.losgatosca.gov/1729/North-40-Specific-Plan-Area.

**Table 7-3: Cumulative 2040 with Project Intersection Improvement Levels of Service**

| | Intersection | LOS Thres-hold[1] | Peak Hour[2] | Cumulative 2040 without Project | | Cumulative 2040 with Project | | Cumulative 2040 with Project with Improvement | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Delay[3] | LOS[4] | Delay[3] | LOS[4] | Delay[3] | LOS[4] |
| 1 | Winchester Boulevard and Lark Avenue | LOS D | AM<br>PM | 51.2<br>19.6 | D-<br>B- | **61.4**<br>22.7 | **E**<br>C+ | 21.2<br>24.0 | C+<br>C |
| 2 | Los Gatos Boulevard and Samaritan Drive | LOS D | AM<br>PM | 33.5<br>33.5 | C-<br>C- | 47.3<br>**69.5** | D<br>**E** | 37.5<br>39.5 | D<br>D |
| 3 | Los Gatos Boulevard and Lark Avenue | LOS D | AM<br>PM | **80.9**<br>53.3 | **F**<br>D- | **91.0**<br>**66.8** | **F**<br>**E** | 42.7<br>35.7 | D<br>D+ |
| 7 | N. Santa Cruz Avenue and Los Gatos-Saratoga Road | LOS D | AM<br>PM | 67.2<br>42.7 | D-<br>D | **67.2**<br>42.7 | **E**<br>D | 49.0<br>37.1 | D<br>D+ |

Notes:
**Bold text** indicates intersection operates at unacceptable level of service. **Bold and highlighted text** indicates Project-related deficiencies.

1. LOS Threshold is the threshold between acceptable and unacceptable level of service.
2. AM = morning peak hour, PM = evening peak hour.
3. Whole intersection weighted average control delay expressed in seconds per vehicle calculated using methods described in the 2000 *Highway Capacity Manual*, with adjusted saturation flow rates to reflect Santa Clara County Conditions for signalized intersections.
4. LOS = Level of Service. LOS calculations conducted using the TRAFFIX 8.0 analysis software packages, which applies the methods described in the 2000 *Highway Capacity Manual*.

Source: Fehr & Peers, 2021.

## 7.5 Secondary Effects of Intersection Improvements

The draft improvements to widen the eastbound approach of Intersection #2, Los Gatos Boulevard and Samaritan Drive, would cause secondary effects such as the lengthening of crosswalks and/or of signal plans that would increase the crossing distance/time for pedestrians and bicyclists. Dual right-turn lanes proposed at Intersection #1, Winchester Boulevard and Lark Avenue, would result in relocation of traffic signal equipment and a double threat condition for pedestrians and bicyclists. The double threat for pedestrians and bicyclist may be reduced by implementing a no right-turn on red for movements that have two right-turn lanes. However, despite the implementation of the no right-turn on red, there continues to be a secondary effect to pedestrians and bicyclists caused by the increased crossing distance on all legs of the intersection.

# Appendix A: Roadway Segment Counts

# Appendix B: Study Intersection Turning Movement Counts

# Appendix C: Study Intersection LOS Calculations

# Appendix D: VMT Reduction Actions for the Town of Los Gatos