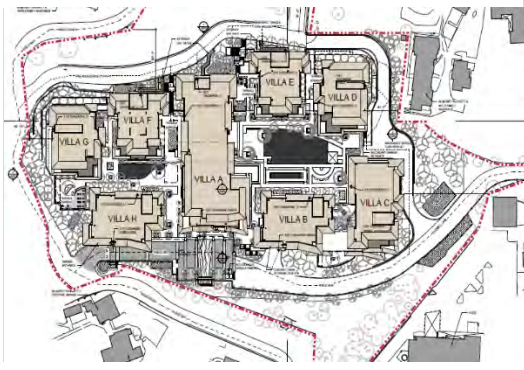
Draft EIR

110 Wood Road – Los Gatos Meadows Senior Living Community

Planned Development Application PD-20-001

SCH# 2021020007

May 14, 2021



Prepared by

EMC Planning Group

DRAFT EIR

110 WOOD ROAD – LOS GATOS MEADOWS SENIOR LIVING COMMUNITY

Planned Development Application PD-20-001

SCH #2021020007

PREPARED FOR

Town of Los Gatos

Sean Mullin, AICP, Associate Planner

110 E. Main Street

Los Gatos, CA 95030

Tel 408.354.6823

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Teri Wissler Adam, Senior Principal

wissler@emcplanning.com

www.emcplanning.com

May 14, 2021

TABLE OF CONTENTS

Appendices

Figures

Tables

1.0 Introduction

1.1 Purpose for Preparing the EIR

The Town of Los Gatos, acting as the lead agency, has determined that the 110 Wood Road – Los Gatos Meadows Senior Living Community (hereinafter "proposed project") could result in significant adverse environmental impacts and has required that an environmental impact report (EIR) be prepared to evaluate these potentially significant adverse environmental impacts.

This EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, to inform public decision makers and their constituents of the environmental impacts of the proposed project. In accordance with CEQA guidelines, this report describes both beneficial and adverse environmental impacts generated by the proposed project and suggests measures for mitigating significant adverse environmental impacts resulting from the proposed project.

1.2 Methodology

General

This EIR has been prepared by EMC Planning Group in accordance with CEQA and its implementing guidelines, using an interdisciplinary approach. The Town of Los Gatos has the discretionary authority to review and approve the proposed project. This EIR is an informational document that is intended to inform the decision makers and their constituents, as well as responsible and trustee agencies of the environmental impacts of the proposed project and to identify feasible mitigation measures that would avoid or reduce the severity of the impacts. The lead agency is required to consider the information contained in this EIR prior to taking any discretionary action to approve the proposed project.

This EIR has been prepared using available information from private and public sources noted herein, as well as information generated through field investigation by EMC Planning Group and other technical experts.

The purpose of an EIR is to identify a project's significant environmental effects, to indicate the manner in which those significant effects can be mitigated or avoided, and to identify alternatives to the proposed project.

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

Emphasis

This draft EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an initial study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the lead agency subsequently receives information inconsistent with the finding in the initial study. A copy of the initial study may be attached to the EIR to provide the basis for limiting the impacts discussed and has been done so for this draft EIR (see Appendix A for a copy of the initial study prepared to accompany the Notice of Preparation). Based on conclusions of the initial study, the Town of Los Gatos has determined that the project could result in potential environmental impacts in the following topic areas, which are evaluated in this draft EIR:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural and Tribal Resources;
- Energy;
- Greenhouse Gas Emissions;
- Noise; and
- Wildfire Hazards.

Forecasting

In accordance with CEQA Guidelines section 15144, preparing this draft EIR necessarily involved some degree of forecasting. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can.

Speculation

If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further (CEQA Guidelines section 15145).

Degree of Specificity

In accordance with CEQA Guidelines section 15146, the degree of specificity in this draft EIR corresponds to the degree of specificity involved in the proposed project. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

Technical Detail

The information contained in this draft EIR includes summarized technical data, maps, plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public, pursuant to CEQA Guidelines section 15147. Placement of highly technical and specialized analysis and data is included as appendices to the main body of the draft EIR. Appendices to this draft EIR are included on a CD on the inside, back cover.

Citation

In accordance with CEQA Guidelines section 15148, preparation of this draft EIR was dependent upon information from many sources, including engineering reports and scientific documents relating to environmental features. If the document was prepared specifically for the proposed project, the document is included in the technical appendices discussed above. Documents that were not prepared specifically for the proposed project, but contain information relevant to the environmental analysis of the proposed project, are cited but not included in this draft EIR. This draft EIR cites all documents used in its preparation including, where appropriate, the page and section number of any technical reports that were used as the basis for any statements in the draft EIR.

1.3 EIR PROCESS

There are several steps required in an EIR process. The major steps are briefly discussed below.

Notice of Preparation

CEQA Guidelines section 15082 describes the purpose, content and process for preparing, circulating and facilitating early public and public agency input on the scope of an EIR. CEQA Guidelines section 15375 defines a notice of preparation as:

> …a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

A notice of preparation was prepared for the proposed project and circulated for 30 days from February 1, 2021 to March 8, 2021 as required by CEQA. Written responses to the NOP were received from the following:

1. Native American Heritage Commission (NAHC), letter dated February 1, 2021; and
2. California Department of Fish and Wildlife (CDFW), letter dated March 4, 2021.

The notice of preparation, as well as comments received from agencies, organizations, and private individuals are included in Appendix A.

As part of the early consultation process and pursuant to CEQA Guidelines section 15082(c)(1) regarding projects of statewide importance and section 15083 regarding early public consultation, a scoping meeting was held via Zoom virtual meeting on Thursday, February 25, 2021 at 7:00 P.M. Attendees included six Town of Los Gatos staff members, two EMC Planning Group staff, along with two Town Council members, two members of the applicant team, and three members of the public. No responses to the notice of preparation were received during this meeting and only a question of whether the meeting would be recorded was asked by a member of the public.

Draft EIR

Contents

This EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency is required to consider the information in the EIR along with other information which may be presented to the agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

- Table of Contents;
- Summary;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts;

- Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects;
- Consideration and Discussion of Alternatives to the Proposed Project;
- Effects not found to be Significant;
- Organization and Persons Consulted; and
- Discussion of Cumulative Impacts.

The detailed contents of this draft EIR are outlined in the table of contents.

Public Review

This draft EIR will be circulated for a 45-day public review period. All comments addressing environmental issues received on the draft EIR will be addressed in the final EIR. CEQA Guidelines section 15204(a) states that in reviewing a draft EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines section 15204(c) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Final EIR

Contents

In accordance with CEQA Guidelines section 15132, the final EIR will provide the following:

- List of persons, organizations, and public agencies commenting on the draft EIR;
- Comments received on the draft EIR;
- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft EIR based upon the comments and responses.

According to CEQA Guidelines section 15204(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. The final EIR and the draft EIR will constitute the entire EIR.

Certification

CEQA Guidelines section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR.

CEQA Guidelines section 15090 requires lead agencies to certify the final EIR prior to approving a project. The lead agency shall certify that the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project, and that the final EIR reflects the lead agency's independent judgment and analysis.

1.4 TERMINOLOGY

Characterization of Impacts

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

No Impact

"No impact" means that no change from existing conditions is expected to occur.

Adverse Impacts

A "less-than-significant impact" is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required.

A "significant impact" or "potentially significant impact" would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required.

A "less-than-significant impact with implementation of mitigation measures" means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented.

A "significant and unavoidable impact" would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less-than-significant levels.

Beneficial Impact

A "beneficial impact" is an impact that would result in a decrease in existing adverse conditions in the physical environment if the project is implemented.

2.0
Summary

2.1 CEQA Requirements

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

This summary also includes a brief summary of the project description.

2.2 Proposed Project Summary

The proposed project involves the redevelopment of the site with a state-of-the-art senior living community that would replace the existing Los Gatos Meadows senior living community. The project includes the construction of eight, three- to five-story buildings rising from a ground level base containing the main building entry and reception, health center, and garage. The project would include 174 independent residential apartments totaling 334,574 square feet with 57 one-bedroom apartments and 117 two-bedroom apartments. The project would include a 20,588 square foot health center with 17 supporting care units specializing in assisted living care, memory care and respite care. In addition, the project would consist of 35,429 square feet of total amenity space (including fitness and dining areas) and 35,280 square feet for back of house and mechanical space. The project would include 91,827 square feet of parking space, with 77 standard parking spaces in the new garage.

The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance. The project would reconfigure the existing “exit only” driveway located on Broadway, and would convert the driveway into a pedestrian and bicycle lane. The driveway will also serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. Locations throughout the project would have various turning movement restrictions to ensure site distance visibility, and safe turning movement distances. The project would incorporate a dedicated road for fire access, which would be located on the western side of the property.

Detailed project description information is included in Section 4.0 Project Description.

2.3 Summary of Significant Impacts and Mitigation Measures

The proposed project would result in some significant or potentially significant impacts. Each of the significant impacts is identified in Table 2-1, Summary of Significant Impacts and Mitigation Measures, located at the end of this Summary section. The table lists each significant impact by topic area, mitigation measures to avoid or substantially minimize each impact, and the level of significance of each impact after implementation of the mitigation measures. Less-than-significant impacts are not included in the summary table.

2.4 Summary of Alternatives

This EIR evaluates the environmental impacts of the following three alternatives to the proposed project.

1. The first is the no project alternative, which discusses conditions as they currently exist with the closed senior living community currently located at the project site and allows decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

2. The second is also a no project alternative, which discusses a reasonably foreseeable development scenario whereby the project site would be developed with another project consistent with the site's General Plan land use designation of Medium Density Residential.

3. The third alternative is a reduced scale version of the proposed project. It consists of removing Villas B and C from the project. The primary purpose is to avoid removal of 62 trees and reduce grading that would be required to accommodate the two buildings. Several other significant mitigable impacts of the proposed project would be somewhat lessened.

2.5 Areas of Known Controversy

CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The Town is aware of general public concern about possible visual impacts as a result of the proposed project and has requested the applicant actively work with the public to address concerns. Only two comments on the notice of preparation were received by public agencies, are included in Appendix A, and are summarized below:

- Native American Heritage Commission

The commission identified the need for the Town to comply with the noticing and consultation requirements of AB52 and SB18. The Town's actions to comply with AB52 is described in Section 8.0, Cultural, Paleontological, and Tribal Resources. SB18 only applies to general plan amendments and therefore, is not relevant to the proposed project. Tribal resources are addressed in Section 8.0, Cultural, Paleontological, and Tribal Resources.

- California Department of Fish and Wildlife, Bay Delta Region

California Department of Fish and Wildlife staff identified possible direct impacts to roosting bats and nesting birds as a result of the proposed project and recommended measures to address. CDFW comments are addressed in Section 7.0, Biological Resources.

2.6 ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123 requires an EIR to discuss issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The Town of Los Gatos is not aware of any issues to be resolved; however, the Town Council will be required to consider the analysis in this EIR, and make a decision whether to approve the proposed project.

Table 2-1 Summary of Significant Impacts and Mitigation Measures

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Air Quality			
Impact 6-5. Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants	Significant	**Mitigation Measure 6-5a.** During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site; d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; e. All vehicle speeds on unpaved roads shall be limited to five (5) mph; f. 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; g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (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; h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries; j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity; k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos 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. **Mitigation Measure 6-5b.** Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds. The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures: a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;	

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane); c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.	
Biological Resources			
Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)	Significant	**Mitigation Measure 7-2.** Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.	Less than Significant
Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)	Significant	**Mitigation Measure 7-3.** Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented: a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young	

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.	
Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)	Significant	**Mitigation Measure 7-4.** Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys. a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities. b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.	
Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)	Significant	**Mitigation Measures 7-5a.** To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Mitigation Measure 7-5b. If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement. To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms: a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process. b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.	
Impact 7-6. Damage or Removal of Regulated Trees	Significant	**Mitigation Measure 7-6.** Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.	
Impact 7-8. Effect on Sensitive Natural Communities	Significant	**Mitigation Measure 7-8**. On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.	Less than Significant
Geology and Soils			
Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.	Significant	**Mitigation Measures 13-1.** The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures. The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits. **Mitigation Measure 13-2.** The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: ▪ site preparation and grading; ▪ ground improvement; ▪ shoring measures and design;	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		▪ site surface and subsurface drainage improvements; and ▪ excavations for foundations prior to placement of steel and concrete. In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated. The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval. Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.	
Hazards and Hazardous Materials			
Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.	Significant	**Mitigation Measure 13-3.** The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead. Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.	Less than Significant
Wildfire Hazards			
Impact 12-1. Short-Term Construction-Related Traffic Activity That Has The Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	Significant	**Mitigation Measure 12-1.** In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.	Less than Significant

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 12-4. 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.	Significant	See **Mitigation Measures 13-1** and **13-2**, above.	

SOURCE: EMC Planning Group 2021

This side intentionally left blank.

3.0
Environmental Setting

3.1 Regional Setting

The Town of Los Gatos is located approximately 45 miles south of San Francisco, in the southwestern portion of Santa Clara County where the Santa Clara Valley meets the lower slopes of the Santa Cruz Mountains. Los Gatos is bounded by the City of San Jose to the north and east, the City of Campbell to the north, the cities of Monte Sereno and Saratoga to the west, and unincorporated areas of the County of Santa Clara to the south.

The Los Gatos Planning Area encompasses a wide variety of terrain, ranging from flat topography at the edge of the valley floor to densely wooded hillsides. Both the valley and hillsides are interspersed with creeks, streams, and riparian habitat. The sharp contrast between the valley floor and the hillsides provides the Town's picturesque setting.

3.2 Project Site and Vicinity Setting

Project Location

The project site is located at 110 Wood Road in the Town of Los Gatos. The property is accessed directly off Wood Road (via South Santa Cruz Avenue). The project site's Assessor's parcel number is 510-47-038, and is generally located between single family residences along Broadway to the northeast and Wood Road to the south. Figure 3-1, Location Map, presents the regional location of the project site.

Project Site Characteristics

The 10.84-acre project site is located in the southwestern portion of Los Gatos. The hillside property, with an elevation of approximately 400 to 600 feet above sea level, has abundant tree cover, primarily oak woodland. The site is currently developed with Los Gatos Meadows, a senior living community, which includes 10 residential buildings with 205 units. The facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. Total existing gross square footage (floor area) for all existing buildings is 150,475 square feet. Existing site area coverage, made up of existing buildings, subterranean garage, health center, and covered walkways, totals 116,427 square feet. There are 130 existing parking spaces onsite (85 within the existing

structure and 45 surface parking spaces) and staff and visitors also use nearby neighborhood street parking, leased commercial space parking, and a public parking lot due to lack of parking availability on-site. When the property was originally developed, there was significant grading due to the current two-level underground garage, as well as significant cuts, fills and retaining walls throughout the property. Since the early 1970s, Los Gatos Meadows has been and continues to be a part of the hillside setting of Los Gatos. Because of its location at the base of the hillside, the Los Gatos Meadows community is relatively hidden from all but limited views.

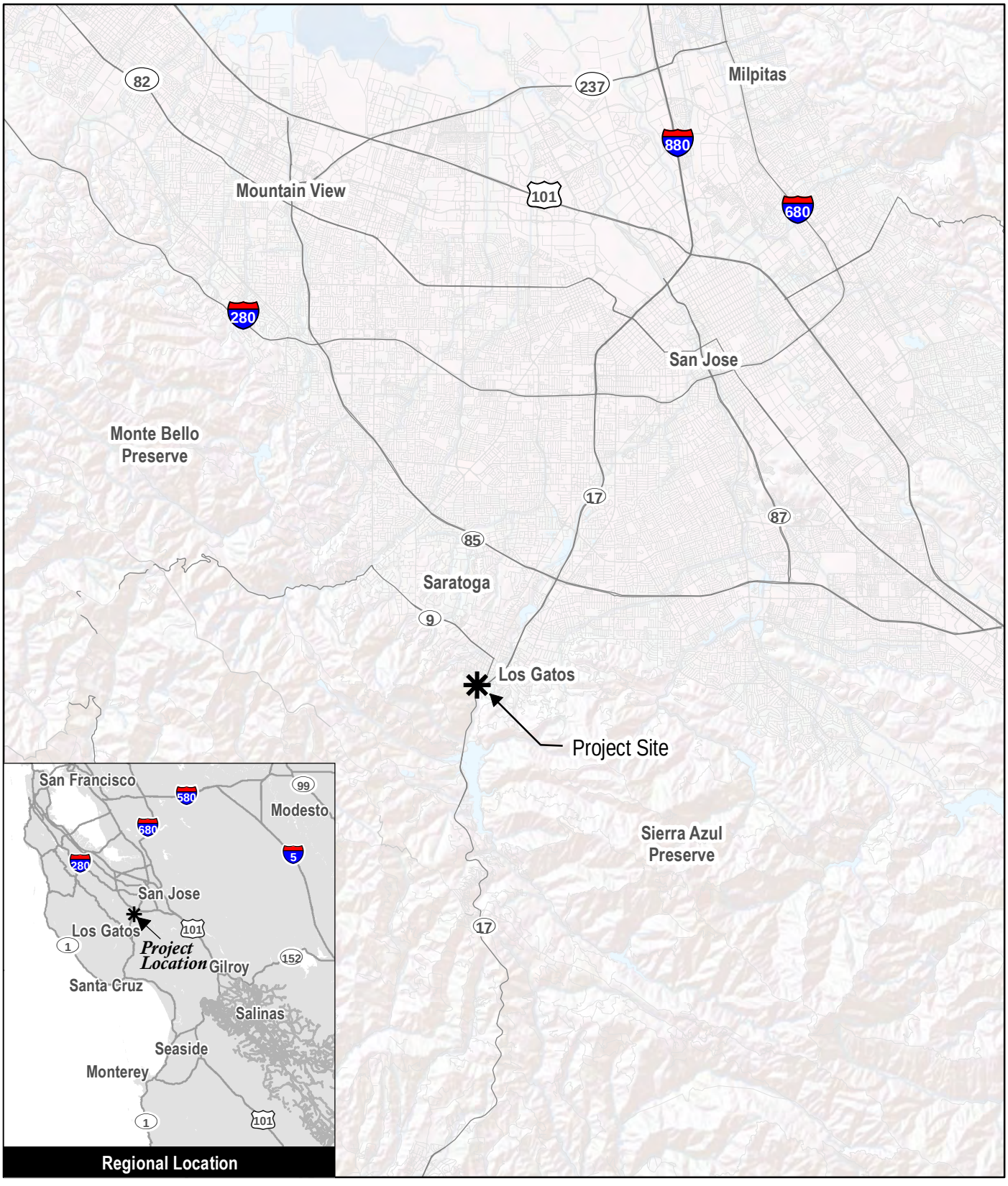
Project Site Setting

A senior living community has been operating on the site since 1971 with 10 residential buildings and other support facilities and amenities noted above. The site has three access points: two from the south off of Wood Road and one from the north via a driveway (referred to as Farwell Lane) connecting with Broadway. The facility has been closed since February 2019, after a rigorous facilities assessment concluded that continuing operations of the facility in its present form presented too great a risk to its residents. Although the facility has completed the closure process, the facility continues to be staffed to provide on-going maintenance and security of the property.

Surrounding land uses include single-family residences and the Seventh-Day Adventist Church to the north, office buildings and the Toll House Hotel to the east, a single-family home to the southeast, and hillside residences to the south and west. Other commercial uses along South Santa Cruz Avenue leading towards downtown Los Gatos are located northeast of the site. State Route 17 is located immediately east with an on/off-ramp accessed via South Santa Cruz Avenue located south of the project site. Figure 3-2, Aerial Photograph, presents the project site characteristics and surrounding land uses. Figure 3-3, Existing Facilities Representative Photos, presents photographs taken at the project site in August 2020.

3.3 BASELINE CONDITIONS

The environmental baseline upon which the proposed project will be assessed is the existing, operational Los Gatos Meadows senior living community. The Los Gatos Meadows facility was last fully operational in 2019 and included 10 residential buildings, with 205 independent residential apartments and support care units. These units included 129 independent senior living units (111 single units and 18 combined units, 39 skilled nursing facility beds, 27 assisted living units, and 10 memory support units (seven single units and three combined units). The facility included a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. There are 130 existing parking spaces onsite (85 within the existing structure and 45 surface parking spaces). Total existing gross square footage (floor area) for all existing buildings is 150,475 square feet.



Source: ESRI 2020

Figure 3-1

Location Map

110 Wood Road – Los Gatos Meadows Senior Living Community Draft EIR

This side intentionally left blank.

Source: Google Earth 2018, Santa Clara County GIS 2019

Figure 3-2

Aerial Photograph

110 Wood Road – Los Gatos Meadows Senior Living Community Draft EIR

This side intentionally left blank.

Source: EMC Planning Group 2020

Figure 3-3

Existing Facility Representative Photos

This side intentionally left blank.

Existing site area coverage, made up of existing buildings, subterranean garage, health center, and covered walkways, totals 116,427 square feet. At the time of full operation, the Los Gatos Meadows senior care facility housed approximately 222 residents and employed approximately 120 employees.

3.4 General Plan and Zoning Designations

The project site has a *Town of Los Gatos 2020 General Plan* (General Plan) land use designation of Medium Density Residential, which provides for multiple-family residential, duplex, and/or single-family homes with five-12 dwelling units per net acre. The project site is zoned Residential Planned Development (R:PD). The Planned Development (PD) overlay zone is intended to preserve the Town's natural and historic resources, promote the production of affordable housing, maximize open space, and/or allow a project that provides benefits to the citizens of the Town.

3.5 Plan Consistency

In accordance with CEQA Guidelines section 15125(d), this section identifies and discusses inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. Table 3-1, Policy Consistency Review, presents a policy consistency analysis for each of the Town's applicable plans.

Table 3-1 Environmental Policy Consistency Review
(*Town of Los Gatos 2020 General Plan, Los Gatos Sustainability Plan, Hillside Specific Plan*)

2020 General Plan Policy	Proposed Project	Discussion
Land Use Element		
LU-1.3 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.	Consistent with implementation of mitigation measures 7-2, 7-3, 7-4, 7-5a, 7-5b, 7-6, and 7-8	Landscaping plans call for landscaping consistent with the Town's landscaping requirements, protect some existing trees, and replace those trees being removed. Facility design plans also call for building designs that reflect existing grading and reduce development footprints. Mitigation measures have been identified to protect special status species and wildlife habitat, should those be found to occur on the project site. Additionally, a final landscaping plan consistent with General Plan policies addressing landscaping with will be required to be submitted for review and approval by the Town prior to the issuance of building permits as part of a future Architecture and Site Review application.
Community Design Element		
CD-1.3 Buildings, landscapes, and hardscapes shall follow the natural contours of the property.	Consistent	As shown in the project plans (see sheets A205 through A207), the project would generally align building roof lines with the contour of the hill and incorporate smaller roof components, minimizing the contrast between buildings and the existing environment. As noted by the applicant and independently verified by Town staff and EMC Planning Group, the project proposes to address the Hillside Development Standards & Guidelines (HDS&G) by stepping the buildings into the hillside, minimizing the dimensions of the Town-facing buildings, saving some existing trees per the arborist plan, and implementing a landscape and tree-replacement plan.
CD-3.2 Street and structural lighting shall be required to minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky.	Consistent with implementation of Town design guidelines and condition of approval(s)	The existing facility currently has exterior and surface parking lighting and lighting typical of multifamily residential and senior care facilities. The proposed project would have uses similar to the existing uses and would continue to have lighting typical to senior care facilities. As shown on the "Site Lighting Concept Plan" (see sheet LS-12 of the project plans), proposed lighting fixtures include post top lights, bollard lights, and various wall mounted lights all of which comply with Town Code Section 29.10.09035, which prohibits the generation of direct or reflected light onto any area outside of the project boundaries. In addition, all exterior fixtures would comply with the Town requirements to be downward directed and shielded. The lighting will also be required to comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6, which requires reducing wasteful and unnecessary energy consumption in newly constructed and existing buildings including utilizing low intensity lighting designs and devices. Prior to the issuance of building permits, a final exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include

2020 General Plan Policy	Proposed Project	Discussion
		catalog sheets for each fixture shall be provided to the Town of Los Gatos for review and approval. Implementation of this condition would reduce the impact by requiring lighting design and controls for each building on the project site. Therefore, with the implementation of this condition, the project would be consistent with this policy.
CD-3.4 Encourage the use of landscaping such as trees, large shrubs, and trellised vines to mitigate the effects of building mass, lower noise, and reduce heat generation.	Consistent with implementation of conditions of approval	See discussion for Policy LU-1.3.
CD-4.1 Preserve the Town's distinctive and unique environment by preserving and maintaining the natural topography, wildlife, and native vegetation, and by mitigating and reversing the harmful effects of traffic congestion, pollution, and environmental degradation on the Town's urban landscape.	Consistent with implementation of conditions of approval	The proposed project would respect the natural topography of the site by redeveloping the existing, developed portion of the site, and by preserving the western hillside as undistributed open space. Additionally, the proposed project increases the overall open space of the site (from 75.4 percent of the site to 77.5 percent), which includes private open space areas and the western hillside. The net increase in trips would be 10 daily trips, which is negligible. In addition, access and circulation on the project site would be designed to adhere to the Town's design guidelines and standards and would be subject to approval by the Town's Public Works Department and Santa Clara County Fire Department. This would ensure that the proposed project is adequately designed to minimize hazards associated with design, as well as preserve and maintain the site's natural topography to the extent feasible. Therefore, the proposed project would not result in environmental degradation on the Town's urban landscape.
CD-4.3 Trees that are protected under the Town's Tree Preservation Ordinance, as well as existing native, heritage, and specimen trees should be preserved and protected as a part of any development proposal.	Consistent with implementation of mitigation measure 7-8	The proposed project would remove 213 regulated trees, all of which are considered either Protected (205 trees) or Large Protected (8 trees) as defined by Municipal Code Section 29.10). Implementation of mitigation 7-8, as identified in Section 7.0, Biological Resources, would reduce potential impacts to regulated trees by requiring Town approval prior to removal of regulated (protected) trees, installation of adequate replacement trees, and protection of all retained trees during construction.
CD-6.1 Reduce the visual impact of new construction and/or remodels on the Town and its neighborhoods.	Consistent with implementation of Town design guidelines	The proposed project would alter the existing visual character of the project site when viewed from off site. The proposed building footprints would be reduced compared to existing building footprints (from approximately 25 percent of the site to 23 percent) and the dimension of the Town-facing buildings; however, the new building height would increase by 30 feet. Landscaping is proposed to soften the visual impact of the new construction. The project is consistent with this policy.
CD-16.1 Prevent development that significantly depletes, damages, or alters existing landscape vistas.	Consistent with implementation of Town design guidelines	As discussed above for Policy CD-6.1, the project incorporates significant landscaping to ensure that the project does not significantly deplete, damage, or alter existing landscape vistas. Therefore, the project is consistent with this policy.

2020 General Plan Policy	Proposed Project	Discussion
CD-16.3 New structures or remodels shall be designed to respect views from surrounding properties while allowing all affected properties reasonable access to views.	Consistent with implementation of Town design guidelines and condition of approval(s)	Due to the topography of the project site and surrounding area, the project site is, for the most part, only within the viewshed of locations within the project site itself, from planned residences or from the project site's roadway, though limited views of the project site are available from portions of downtown Los Gatos and roadways immediately surrounding the site (uphill from the site on Wood Road and S. Santa Cruz Avenue). In conjunction with requirements imposed by the Town's design guidelines, the proposed project would not limit views from surrounding properties and would not impact views as discussed in Policy CD-6.1.
Transportation Element		
TRA-1.1 Development shall not exceed transportation capacity.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not exceed the capacity of the Town's transportation infrastructure.
TRA-3.1 All development proposals shall be reviewed to identify and mitigate project traffic impacts pursuant to the Town's traffic impact policy.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in traffic impacts that require mitigation.
TRA-3.2 Review development proposals to ensure that the circulation system and on-site or public parking can accommodate an increase in traffic or parking demand generated by the proposed development, subject to the considerations and findings required by the Town's Traffic Impact Policy.	Consistent	Pursuant to Town Code Section 29.10.150(c)(b), the project site requires one parking space per 2.5 beds for the proposed use. Therefore, 77 spaces are required. According to the project plans, 77 standard parking spaces would be provided and an additional 152 tandem parking spaces would also be proposed. Therefore, sufficient parking is proposed.
TRA-3.3 All new developments shall be evaluated to determine compliance with the Town's level of service policy for intersections.	Consistent	The Wood Road and Santa Cruz Avenue intersection would operate at acceptable LOS B under existing plus project conditions. If a roundabout is installed, the intersection would operate at LOS A under existing plus project conditions. Therefore, the project would result in acceptable levels of service at these intersections.
TRA-3.4 New projects shall not cause the level of service for intersections to drop more than one level if it is at Level A, B, or C and not drop at all if it is at D or below.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in a decrease in level of service.
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.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in a decrease in level of service.

2020 General Plan Policy	Proposed Project	Discussion
TRA-3.10 Avoid major increases in street capacity unless necessary to remedy severe traffic congestion or critical neighborhood traffic problems and all other options, such as demand management and alternative modes, have been exhausted. Where capacity is increased, improvements shall balance the needs of motor vehicles with those of pedestrians and bicyclists.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not require an increase in street capacity.
TRA-3.12 The maximum level of mitigation measures shall be required for transportation impacts adjacent to sensitive receptors, including residences, schools, and hospitals.	Consistent	As detailed in Section D.17, Transportation, of the initial study in Appendix A, the proposed project would not result in transportation impacts adjacent to sensitive receptors.
Open Space, Parks, and Recreation Element		
OSP-2.1 Preserve the natural open space character of hillside lands, including natural topography, natural vegetation, wildlife habitats and migration corridors, and viewsheds.	Consistent	The proposed project would result in the reduction of the overall site development (from 24.6 percent of the site to 22.5 percent of the site) and the increase in overall open space (from 75.4 percent of the site to 77.5 percent), which would generally be consistent with the HDS&G. The HDS&G also emphasize minimizing grading and preserving natural features (including drainage channels and trees). While some structures could be visible from adjacent or nearby areas, the Town's Architecture and Site application process would ensure that tree removal, building design, and landscape planting for proposed buildings would be consistent with the Town's design standards that guide residential and non-residential development in hillside areas. In addition, landscaping plans show placement and selection of a variety of native plants, replacement trees, retention/preservation of 118 mature existing trees, a Village Green area, and passive gardens that are consistent with the General Plan and Los Gatos Hillside Specific Plan policies (see Table 3-1 under "Community Design Element"). In addition, landscaping plans are in keeping with landscaping design concepts and goals contained in the HDS&G, which emphasize maintaining the natural appearance of the hillsides where possible, designing for fire safety including maintaining adequate defensible space, utilizing native plant species, controlling erosion, screening buildings, and providing privacy. See also discussion for Policy CD-1.3.
OSP-2.4 Adjacent parcels in the hillsides shall provide an uninterrupted band of useable segments for wildlife corridors and recreational use, if applicable.	Consistent	The proposed project retains the currently undeveloped hillside on the project site, which is adjacent to other parcels, thereby providing for continued wildlife movement.

2020 General Plan Policy	Proposed Project	Discussion
OSP-6.3 Consider effects on watershed areas, plant and wildlife habitats, and migration corridors before allowing development of any open space.	Consistent	See discussion for Policies LU-1.3 and OSP-2.4.
OSP-9.1 Evaluate archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography, and architectural history.	Consistent	A cultural resource survey and records search was conducted for the project site in 2020. The results are summarized in Section 8.0, Cultural Resources.
OSP-9.2 Ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites.	Consistent	Archival research and an archaeological field survey indicated the project site has no culturally significant structures and no previously recorded historic or archeological resources. The proposed project would be required to comply with and implement this policy if previously unknown resources are accidentally discovered during construction activities (see Section 8.0, Cultural Resources).
OSP-9.3 Treat with respect and dignity any human remains discovered during implementation of public and private projects within the Town and fully comply with California laws that address the identification and treatment of human remains.	Consistent	The proposed project would be required to comply this policy (see Section 8.0, Cultural Resources).
OSP-9.4 Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.	Consistent	The proposed project would be required to comply this policy (see Section 8.0, Cultural Resources).
OSP-9.5 Encourage development to avoid impacts to burial sites by designing or clustering development to avoid archaeological deposits that may contain human remains.	Consistent	No human remains are known to exist on the project site. Should they be accidentally discovered during grading and construction activities, the project would be required to comply with this policy (see Section 8.0, Cultural Resources).
Environment and Sustainability Element		
ENV-1.1 Preserve trees that are protected under the Town's Tree Protection Ordinance, as well as other native heritage, heritage and specimen trees.	Consistent with implementation of mitigation measure	See discussion for Policy CD-4.3.
ENV-1.2 Public and private projects shall protect special-status native plant species.	Consistent	EMC Planning Group conducted a focused plant survey on April 22, 2021 during the blooming period for special-status plants that have the potential to grow within the project area. However, no special-status plants were observed during that survey. See section 7.0, Biological Resources, for additional information. The proposed project would have no impact on special-status plant species.

2020 General Plan Policy	Proposed Project	Discussion
ENV-1.3 Prohibit development that significantly depletes, damages or alters existing special-status plants.	Consistent with implementation of mitigation measure	See discussion for Policy ENV-1.2.
ENV-4.1 Public and private projects shall not significantly deplete, damage or alter existing wildlife habitat or populations.	Consistent with implementation of mitigation measures 7-2, 7-3, 7-4, and 7-8	The proposed project would not alter the majority of wildlife habitat on the project site. Mitigation measures 7-2, 7-3, 7-4, and 7-8 collectively address potential adverse impacts to wildlife and wildlife habitats and would reduce potential depletion, damage, or alteration of wildlife habitat and populations.
ENV-4.3 Maintain open space and native plant communities that provide habitat and migration corridors for native wildlife species.	Consistent	See discussion for Policy OSP-2.4.
ENV-4.4 Identify and protect areas with significant habitat diversity or importance for wildlife, such as riparian corridors, wildlife movement corridors and large tracts of undeveloped land.	Consistent	The proposed project would not impact an area with significant habitat diversity or importance for wildlife, such as riparian corridors, wildlife movement corridors and large tracts of undeveloped land.
ENV-4.6 Preserve the habitats of native plants, especially rare species or species that have significant local value to the Town.	Consistent	See discussion for Policy CD-4.3 and Policy ENV-1.2.
ENV-4.7 Nesting sites shall be preserved in new development and within existing development unless a mitigation plan is approved.	Consistent with implementation of mitigation measure 7-4	Protected nesting birds, including raptor species such as Cooper's hawk (*Accipiter cooperii*), have potential to nest on and adjacent to the project site during the nesting bird season (January 15 through September 15). If nesting birds protected by state and federal regulations are present on or adjacent to the site during construction activities including vegetation removal and site preparation including building demolition, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. Implementation of mitigation measure 7-4 would ensure the project is consistent with this policy.
ENV-4.10 The Town shall require open space dedications as a means to protect wildlife.	Consistent	Approximately 77.5 percent of the site would remain as open space, which is greater than the 75.4 percent under the existing permit condition.
ENV-4.11 Town staff shall review site plans to ensure that existing significant wildlife habitats and migration corridors are not adversely affected by either individual or cumulative development impacts.	Consistent	See discussion for Policies LU-1.3 and OSP 2.4.

2020 General Plan Policy	Proposed Project	Discussion
ENV 5.1. Applicants shall demonstrate that new development will not contaminate surface water and/or groundwater.	Consistent with implementation of Town requirements	By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the proposed project would not violate any water quality standards or degrade water quality. The proposed project's storm drainage system and the Town's requirement for a storm water pollution prevention program and erosion and sedimentation control plan would reduce the potential for contamination.
ENV-9.1 As part of CEQA review for development projects, require analysis of the 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.	Consistent with implementation of Town requirements	An analysis of cumulative impacts on water drainage (storm water runoff) and water quality is included in Section 19.0, Cumulative Impacts. Analysis of individual (project) impacts of runoff and water quality is included in Section D.10., Hydrology and Water Quality and Section D.10, Utilities and Service Systems, in the initial study prepared for this project in conjunction with the release of the notice of preparation.
ENV-12.5 Site plans shall be reviewed to include an assessment of the potential adverse impact from air pollution and recommended alternatives to reduce such impacts.	Consistent	An analysis of air quality impacts as a result of the proposed project are included Section 6.0, Air Quality, of this EIR. Criteria air pollutant emissions for both construction and operations were determined to be less than significant and would not exceed air district thresholds. Therefore, the proposed project is consistent with this policy.
ENV-12.7 During construction, ensure all applicable best management practices are used in accordance with Bay Area Air Quality Management District standards to reduce emissions of criteria pollutants.	Consistent	The criteria air pollutants generated during construction of the proposed project were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2. According to the model results, the proposed project would not generate criteria pollutants emissions volumes that exceed the air district standards. However, the Town will require the project to apply best management practices to reduce criteria pollutants emissions as a condition of project approval. Therefore, the project is consistent with this policy.
Noise Element		
NOI-1.1 The Town, as part of the Environmental Review process, shall require applicants to submit an acoustical analysis of projects. All input related to noise levels shall use the adopted standard of measurement shown in Table NOI-2. Noise impacts of new development shall be evaluated in terms of any increase of the existing ambient noise levels and the potential for adverse noise and groundborne vibrations impacts on nearby or adjacent properties. The evaluation shall consider short-term construction noise and on-going operational noise.	Consistent with implementation of best management practices	An operational acoustical analysis was not conducted because the proposed project is a replacement or development project providing similar levels of residents and employees; and therefore, there is no evidence that operational noise would be notably different than the baseline noise. Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive areas (single-family residences) during the anticipated 30 months of construction. However, based on the distance to adjacent residences, construction noise would not be anticipated to exceed 60 dBA L_{eq} at adjacent noise sensitive outdoor use areas. Construction on the project site would not occur during nighttime hours, when occupants of the residences would be expected to be most sensitive to noise.

2020 General Plan Policy	Proposed Project	Discussion
Safety Element		
SAF-1.1. Require reliable evaluations of the existing geologic conditions of sites proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures.	Consistent with implementation of mitigation measures	The applicant submitted a final version of the *Geotechnical Investigation and Geotechnical Evaluation* (geotechnical report), prepared by Cornerstone Earth Group, Inc., dated December 30, 2020, in January 2021. The geotechnical report noted several potential geologic impacts that are to be addressed through several design recommendations for the proposed project. These recommendations include, but are not limited to, providing a 25-foot setback from a mapped surface trace of a fault along the eastern edge of the property; underlaying the foundation by ground improvement or deepening the foundation to bedrock to avoid soil instability; removing alluvial fan deposits down to bedrock and replacing with engineering fill along the proposed retaining wall along the eastside of Farwell Lane for a minimum of 15 feet; removing and replacing all undocumented fill; and designing for sufficient reinforcement for slabs-on-grade. Implementation of the mitigation measures 13-1 and 13-2, as articulated in the February 2021 geotechnical peer review conducted by the Town's geotechnical consultant, would ensure consistency with this policy.
SAF-1.6. Require geological investigations for any development or project as mandated by the State or deemed warranted by the Town.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-1.8. 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 SAF-1 and SAF-2.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-1.9 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.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.

2020 General Plan Policy	Proposed Project	Discussion
SAF-1.10. Require geologic and geotechnical reports and Town review during the development review process for projects with significant grading, potential erosion and sedimentation hazards.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-1.11. 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.	Consistent with implementation of mitigation measures	See discussion for Policy SAF-1.1.
SAF-2.1 New development located in or adjacent to fire hazard areas shall be designed and sited to minimize hazards to life and property. Utilize fire preventive site design, access, fire-safe landscaping, and building materials, and incorporate fire suppression techniques.	Consistent with implementation of mitigation measures 12-1, 13-1, and 13-2 and conditions of approval	Preparation and implementation of a construction traffic management plan, as required by Mitigation Measure 12-1, would adequately address any potential conflicts with emergency access or evacuation routes during construction by communicating proposed lane and road closures to first responders and allowing first responders to plan accordingly to ensure that emergency response times and maintain adequate emergency access. As a result, with mitigation this impact would be less than significant.
SAF-2.4 Provide secondary emergency access 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.	Consistent	The project site would be accessible via the existing 22-foot-wide Wood Road and a new 20-foot-wide secondary access (Farwell Lane) which is accessed at both the west and eastern boundaries of the facilities and connects to Broadway to the north of the site. Project plans show full fire access circulation around building perimeter. Additional bump-outs and widening lanes to 26 feet have been included as well (see sheets C108.1, C108.2, and C108.3). In addition, a new fire engine turn-around is proposed at the western edge of the property along the dedicate fire access road to provide adequate turn radius for County Fire Department equipment in case of emergency.
SAF-4.6 Require major new development and redevelopment to provide mitigation to ensure that the cumulative rate of peak stormwater run-off is maintained at pre-development levels.	Consistent with conditions of approval	By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the proposed project would not violate any water quality standards or degrade water quality and would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
SAF-8.2 Identify and mitigate fire hazards during the project review and approval process.	Consistent with conditions of approval	The Santa Clara County Fire Department has reviewed the proposed project and identified significant wildfire hazards particular to this site. The County Fire Department provided conditions of approval regarding fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements, which are to be incorporated into the permit approvals. Based on the Fire Department's review, the implementation of the conditions of approval would provide a sufficient fire protection system for the project.

Los Gatos Sustainability Plan Policy	Proposed Project	Discussion
RE-5 Solar Ready Features. Where feasible, require that all new buildings be constructed to allow for the easy, cost-effective installation of future solar energy systems. "Solar ready" features should include: proper solar orientation (i.e. south facing roof area sloped at 20° to 55° from the horizontal); clear access on the south sloped roof (i.e. no chimneys, heating vents, or plumbing vents); electrical conduit installed for solar electric system wiring; plumbing installed for solar hot water system; and space provided for a solar hot water storage tank.	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.
EC-1 Energy-Efficient Appliances and Lighting. Require new development to use energy-efficient appliances that meet Energy Star standards and energy-efficient lighting technologies that exceed Title 24 standards by 30 percent.	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.
WW-1 Water Use and Efficiency Requirements. For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater. Establish Town requirements for discretionary projects regarding watering timing, water-efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use. Include clear parameters for integrating water conservation infrastructure and technologies, including low-flush toilets and low-flow showerheads. As appropriate, partner with local water conservation companies on the development and implementation of this measure.	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.
WW-3 Bay Friendly Landscaping. Require new development to use native plants or other appropriate non-invasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at StopWaste.org and BayFriendlyCoalition.org. The Los Gatos water efficient landscaping requirements (Chapter 26, Article IV of the Town Code) require private development projects to calculate the maximum applied water for the irrigated landscaped areas of the project site. A landscape design plan proposing appropriate plantings (adaptable to the site climatic, geologic, and topographic	Consistent with implementation of the Town's Architectural and Site review	Energy efficiency and sustainability-related measures will be evaluated and addressed during the Town's Architectural and Site review and Building Permit plan check process for the proposed project.

Los Gatos Sustainability Plan Policy	Proposed Project	Discussion
conditions) and a water-conserving irrigation system must be provided to ensure that irrigation water use remain below the calculated amount. Native species and natural areas should be preserved. Use of recycled water is encouraged where available. Post-installation field inspection to certify compliance must be submitted to the Town.		

Hillside Specific Plan Policy	Proposed Project	Discussion
Land Use		
1. 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.	Consistent	The proposed project would reduce the overall development footprint as compared to the existing facility by clustering proposed facility buildings to the extent possible, including five buildings clustered around a central open space.
Facilities Services		
1. Availability of Services for Development: Development proposals shall be approved only if the necessary road, water, sanitation and other services required for the proposed use are provided to the property.	Consistent	See discussion for Policy LU-4.2.
Circulation		
1. Design of Hillside Roads and Driveways: a. Hillside roadways and driveways shall be designed and located so as to: 1. Require a minimum amount of earth movement. 2. Be consistent with the specified standards for curves, gradients, widths, and other controlling factors. 3. Be in harmony with the surrounding landscape by utilizing aesthetic design concepts, including landscaping with native plants and materials. 4. Allow for special designs where natural features such as rocks, slopes and trees require special treatment. b. Adequate slope easements shall be provided.	Consistent	See discussion for General Plan Policy SAF-1.1.

Hillside Specific Plan Policy	Proposed Project	Discussion
6. Two Means of Access: a. As a guide to developing a circulation plan, two means of access shall be provided to all areas. If dual access is NOT available, the land use intensity shall be limited in accordance with the access provided. b. Secondary access shall be sought for existing dead end streets. c. The second means of access shall not encourage through traffic to nonresidents and could be limited to emergency access only. d. Where single access roads exist, acceptable provisions shall be made for emergency access. Emergency access roads shall be designed to assure passability, however, the design shall prevent unauthorized non-emergency through access.	Consistent	The project would also improve the integration of the site with the broader Los Gatos community by closing Farwell Lane to through traffic and transitioning this pathway connecting Los Gatos Meadows and Broadway into a naturally landscaped, pedestrian friendly connection to downtown Los Gatos. The conversion of Farwell Lane into a pedestrian and bicycle lane would improve safety for vehicle and pedestrian interaction at the intersection of Farwell Lane and Broadway. The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance, providing safe and efficient access to the site. The project would incorporate a dedicated area for fire access, which would be located on the western side of the property.
Open Space		
4. Tree Removal: The cutting of live trees shall be controlled under Town and County policies designed to restrict cutting.	Consistent with implementation of mitigation measure	See discussion for Policy CD-4.3
Safety		
1. Geologic Hazards Reviews: Development shall be avoided or carefully controlled in potentially hazardous geologic areas.	Consistent with implementation of mitigation measures.	See discussion for General Plan Policy SAF-1.1.
2. Fire Protection: a. Development should be avoided in areas subject to severe fire danger. b. Development should be avoided unless measures designed to assure the highest degree of fire prevention and fast, effective means of fire suppression are provided.	Consistent with implementation of mitigation measures	See discussion for General Plan Policies SAF-2.1, SAF-2.4, SAF-4.6, and SAF-8.2.

SOURCE: EMC Planning Group 2021; Los Gatos 2010; Los Gatos 2012; Los Gatos 1978

This side intentionally left blank.

4.0
Project Description

4.1 PROJECT OBJECTIVES

The objective of the proposed project is to approve a new/updated Planned Development (PD) to rebuild a state-of-the art senior living community on a 10.84-acre site consistent with the *Town of Los Gatos 2020 General Plan,* Town of Los Gatos zoning code and in the spirit of the *Town of Los Gatos Hillside Design Standards and Guidelines*. In addition, the applicant (Rockwood Pacific) has provided the following project objectives:

- Consistent with the Town's General Plan goals and policies and density allowed by the existing site zoning, rebuild the Los Gatos Meadows site into a contemporary, full-service senior living community (Life Plan Community) that provides seniors 62+ years and over an opportunity to age in place and live successfully in the Los Gatos Community;
- Revitalize the site with a request for a new (updated) Planned Development (PD) that would allow the same number of apartments permitted under the existing PD entitlement in a manner responsive to market demand and financially feasible for Covia Communities (property owner) to implement & operate;
- Revitalize the site with intent of minimizing overall building site coverage, integrating the apartments with the natural topography, minimizing visual impacts and substantially improving fire safety;
- Assist in the implementation of the Town's 2015-2023 Housing Element by furthering the Goals and Policies specific to providing housing opportunities, lifestyle living and assisted living facilities for seniors;
- Further the Town's Human Services Element by revitalizing Los Gatos Meadows into a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility and ensures a safe environment for Los Gatos seniors;
- Provide seniors with an alternative mode of transportation by incorporating autonomous vehicle technology into the project to assist in enhanced connectivity between Los Gatos Meadows and proximate Town services such as the Library, Civic Center and retail/entertainment uses;

- Utilize architectural design principles and techniques that incorporate the Town's Sustainable Design strategies and materials to promote a healthy living environment;
- Provide a mix of different unit sizes and varying levels of care that respond to the needs of an active, aging community;
- Improve the integration of the site with the broader Los Gatos Community by closing Farwell Lane to through traffic and transitioning the Lane from Los Gatos Meadows to Broadway into a naturally landscaped, pedestrian-friendly connection to Downtown Los Gatos;
- Use the project as an opportunity to integrate the site design & architecture with existing topography and natural landscape in a manner that more harmoniously reflects the site's natural beauty than exists today; and
- Integrate and evoke the experience of nature by utilizing natural building materials, finishes, forms, patterns and colors that reflect the character of the surrounding hillside setting.

4.2 PROJECT CHARACTERISTICS

The proposed project involves the redevelopment of the 10.84-acre site with a senior living community that would replace the existing Los Gatos Meadows senior living community. The project would include 174 independent residential apartments plus 17 supporting care units. The project, a Continuing Care Retirement Community (CCRC), would be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons age 62 and older and would provide 24/7 assisted living services to the residents. The project would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the use offered in the previous community. An estimated 120 full time equivalent (FTE) employees would be anticipated with the project; this is commensurate with the number of employees onsite prior to the closure of the facility in late 2019.

Background

Los Gatos Meadows, a CCRC owned and operated by Covia Communities, was originally developed as a CCRC and opened in 1971. The objective then, and now, is to provide seniors a place to age in place, living independently in the Los Gatos Community. In March 1968, the Town of Los Gatos adopted Ordinance NO. 938, which rezoned the 10.84-project site to Residential Planned Development (R:PD). The Town Code 29.80.120 provides that if a R:PD ordinance was in effect prior to the adoption of the Town's PD regulations in 1976, that prior ordinance continues to apply. However, as part of the request to rebuild the existing Los

Gatos Meadows facility, Rockwood Pacific and Covia Communities seek a new Planned Development permit. While the current PD Permit remains valid, per Section 29.80.075 of the Town Municipal Code, the applicant recognizes the need to update the permit to reflect their desire to rebuild on the current site. The site's proposed density of 16 dwelling units per acre is above the General Plan's maximum density limit of 12 dwelling units per acre; however, it is below the density of 18 dwelling units per acre allowed under the existing PD Permit conditions. The term "dwelling units" relates to independent residential apartments, not to the supporting care units, consistent with the interpretation of dwelling units under the original PD Permit.

In February 2019, after undertaking a facilities assessment by a third-party firm on the condition and physical status of its buildings, Covia concluded that continuing operations of the facility in its present form presented too great a risk to its residents. Of the numerous conditions reviewed during the assessment, compromised accessibility for fire response services and other fire safety issues, inadequate building systems, aging infrastructure, and the accumulated risk of all other operational and structural factors led to this decision. Covia initiated a months-long closure and transition process to ensure that these risks would not cause harm to the residents of Los Gatos Meadows. As of September 30, 2019, all residents of Los Gatos Meadows had found new homes, with a vast majority of life care residents either moving to another community owned and operated by Covia Communities or moving to a non-Covia community but retaining their life care contract with Covia.

Application

- Planned Development (PD) Overlay permit (PD-20-001)

A Planned Development application has been filed by the applicant requesting a "Planned Development" overlay be applied to the site's existing "Residential Planned Development" zoning designation. A subsequent Architecture and Site application will be required if the Planned Development application is approved by the Town Council. In accordance with Town Code Section 29.20.140(d), the Architecture and Site approval is required for purposes of approving the development plan for the new senior living community to ensure conformance with Town regulations related to the height, width, shape, proportion, siting, exterior construction and design of buildings and to ensure that they are architecturally compatible with their surroundings.

Proposed Land Uses

The site is zoned "Residential Planned Development (R:PD)" and has a General Plan land use designation of Medium Density Residential. The General Plan land use designation of Medium Density Residential allows for a maximum density of 12 dwelling units per acre.

However, consistent with density bonus laws in California, General Plan Action HOU-1.3 provides up to a 100 percent density bonus for developments that include housing for the elderly. The project proposes a density of 16 dwelling units per acre, which is within the maximum allowed for the site under the existing PD permit conditions. A comparison of the proposed project to the existing PD permit conditions is provided in Table 4-1, Comparison of Planned Development Permit Conditions, below.

Table 4-1 Comparison of Planned Development Permit Conditions

Permit Condition	Original 1968 PD Conditions	Proposed Project Conditions
Site Coverage	24.6%[5]	22.5%
Total Site Area Coverage (Square Footage)	116,427	106,540
Maximum Dwelling Unit Density	18 units per acre	16 units per acre
Total Number of Independent Residential Apartments[1]	184	174
Total Number of Units in Health Center	38	17
Total Units Permitted	222[2]	191
Total Gross Square Footage (Floor Area)[6]	150,475	430,816
Open Space	75.4%	77.5%
Building Setbacks from property line[4]	Front: 20'-0" Side: 15'-0", 27'-0" Rear: 15'-0"	Front: 34'-10" Side: 40'-10", 60'-10" Rear: 32'-11"
Parking	111 parking spaces[3]	77 parking spaces
Height[4]	Predominantly two-story with some basement or below grade space for infirmary, parking, storage and mechanical. Heights vary between 30'-9" and 55'-2".	3-5 stories above landscaped Terrace Level. G Level below contains parking, storage, mechanical space, main entry, and health center. Heights vary between 59'-0" and 85'-6" feet.

SOURCE: Rockwood Pacific 2020; Covia 2020

NOTE:

1. 184 units is the number of independent residential apartments allowed; total unit count including skilled nursing beds permitted is 222 total units.
2. Total applicable unit count after consolidation/combination of units is 205 (129 independent living units, 27 assisted living units, 10 memory care units and 39 skilled nursing beds).
3. The current number of spaces onsite is 130.
4. Neither minimum building height nor maximum setbacks are specified under the 1968 entitlement. Table 4-1 includes setback and heights under the current and proposed conditions.
5. Lot Coverage Calculation Method: Only the footprints of the eight buildings were in the initial application. This included balconies but did not include covered walkways connecting between buildings. Covered walkway areas have been added to the totals on the Plan Set Cover Page, and in the resubmitted Project Description and Letter of Justification. The G level area not under bldg. footprints above was not included, as the spaces above are landscaped courtyards. The cooling tower/generator enclosure is open to the sky and was not included. Total site gross square footage is 472,185.
6. Total gross square footage (floor area) excludes parking, balconies (not used for egress), and generator/cooling tower enclosure areas

Proposed Improvements

Senior Living Community

The proposed project involves the redevelopment of the site with a state-of-the-art senior living community that would replace the existing Los Gatos Meadows senior living community. Figure 4-1, Site Plan, presents the proposed redevelopment of the property. The complete set of plans is included in Appendix B. The project includes the construction of eight, three- to five-story buildings rising from a grade level base containing the main building entry and reception, health center, and garage. Building heights would vary between 59 feet and 85.5 feet, with residential villas varying between three and five stories. The project would include 174 independent residential apartments totaling 334,574 square feet with 57 one-bedroom apartments and 117 two-bedroom apartments. The project would include a 20,588 square foot health center with 17 supporting care units specializing in assisted living care, memory care and respite care. In addition, the project would consist of 35,429 square feet of total amenity space (including fitness and dining areas) and 35,280 square feet for back of house and mechanical space. The project would include 91,827 square feet of parking space, with 77 standard parking spaces in the new structure. Table 4-2, Summary of Proposed Buildings, provides a summary of the proposed buildings, including all service and amenity areas.

Table 4-2 Summary of Proposed Buildings

Building	# of Apartments	Gross Square Footage (SF)	Building Heights[2]
A	46	157,054[1]	85.5
B	20	41,483	70.5
C	29	56,891	81.5
D	15	31,426	70.5
E	18	40,712	82
F	17	40,712	82
G	14	31,426	70.5
H	15	31,112	59

SOURCE: Rockwood Pacific 2020
NOTE: 1. Building A GSF includes service spaces on Level G including entry/reception, fitness area, health center and several back of house areas.
2. Finished building height dimensions are to ground level (+488').

Site improvements would include on-site amenity areas, parking, new landscaping, and a variety of energy efficient and sustainable interior and exterior building elements. Parking for residents, staff, and visitors would be provided within a new structure which would include 77 standard, non-tandem parking spaces of which approximately 30 would be near

the garage entrance and the balance on the main parking level. The property owner has indicated they would be able to increase the parking capacity to 229 spaces by implementing a valet parking service.

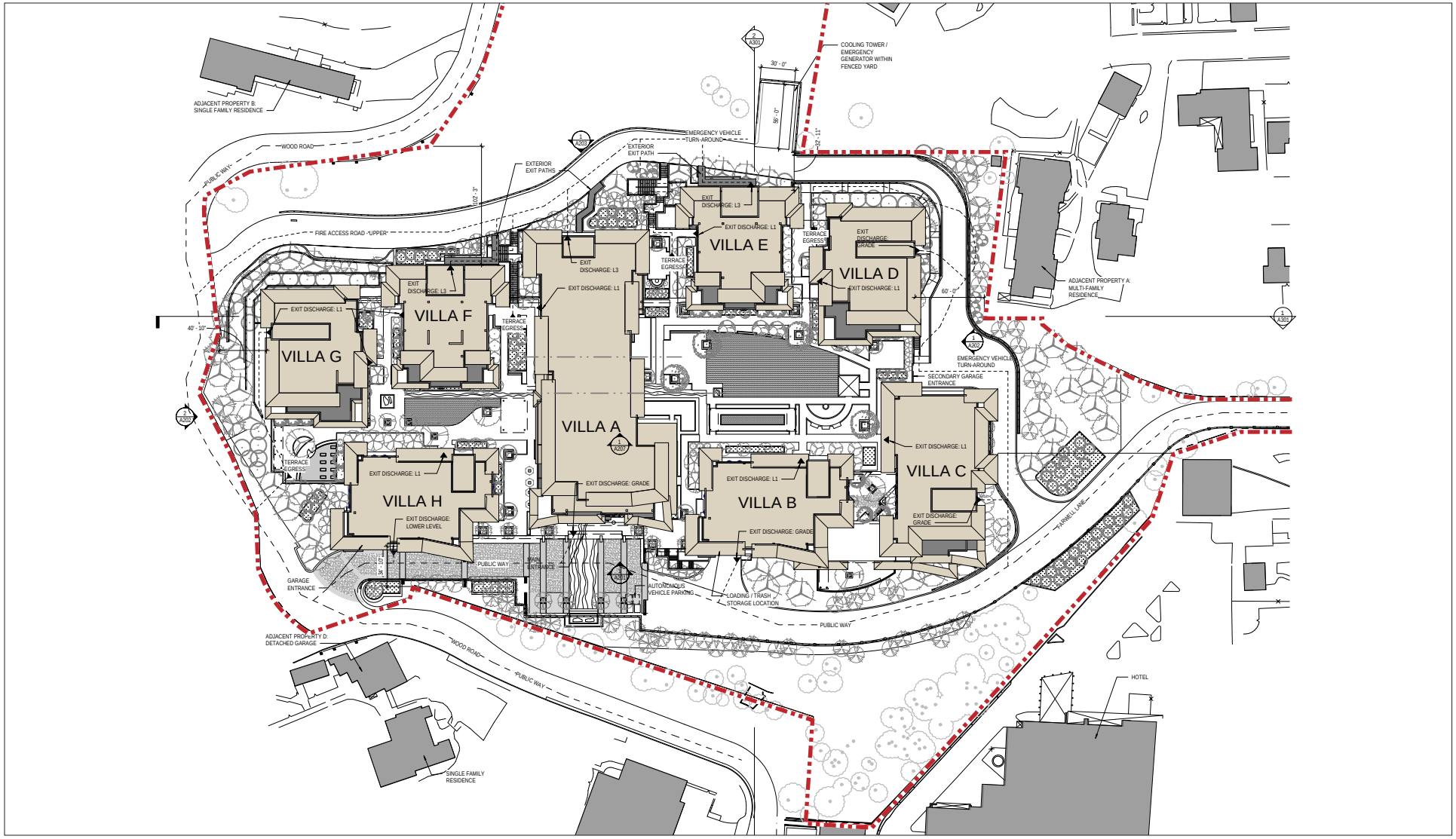
Site improvements would require demolition of all existing site improvements. The project is anticipated to be built over a period of approximately 26 to 30 months. Demolition of the existing improvements is expected to require approximately four (4) months.

Access and Circulation

The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance. The project would reconfigure the existing "exit only" driveway (Farwell Lane) located on Broadway, and would convert the driveway into a pedestrian and bicycle lane. The driveway would also serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. Locations throughout the project would have various turning movement restrictions to ensure site distance visibility, and safe turning movement distances. The project would incorporate a dedicated road for emergency fire access, which would be located on the western side of the property.

Supplemental Transportation

As part of the project, the applicant has included an autonomous vehicle alternative transportation solution to enhance connectivity and mobility between the proposed project and Broadway, enabling access for residents to connect to Downtown Los Gatos. The project would consider Aurrigo, Automated Driverless Technology, as a vendor providing such services, headquartered in the United Kingdom. The project team has assessed the specifications of Aurrigo's four-seater devpod and concluded that the devpod aligns well with the constraints of and vision for Farwell Lane. The devpod is a full drive, steer and brake by wire vehicle system which is controlled through an application programming interface (API) enabling full control and customization of the devpod to its route. The current plan envisions one or more devpods and corresponding control systems deployed along Farwell Lane to enable an alternative means of transporting residents between Los Gatos Meadows and Town retail, entertainment, and civil services. The devpods would be equipped with fully compliant autonomous control systems comprised of stereo cameras, LIDAR sensors, GPS units, wheel odometry, safety lasers and ultrasonic transducers that enable autonomous mobility. In-cab passenger facing cameras are installed to ensure passenger safety. All camera feeds are available remotely and in conjunction with external CCTV and the Aurrigo control room, potentially providing all on-board supervisory needs, negating the need for a physical on-board safety person. Residents would be able to request a devpod via their mobile phones. Although the project is considering Aurrigo as the autonomous technology vendor, ultimate vendor selection would depend on cost, availability, and technology for meeting site requirements.



0 125 feet

Project Site

Source: Kimley-Horn 2020, Perkins Eastman 2020, Google Earth 2020

Figure 4-1
Site Plan

This side intentionally left blank.

Demolition

Site preparation would require demolition of all existing site improvements, which is expected to take approximately four (4) months.

Grading Activities

The preliminary cut and fill plan presents the preliminary earthwork quantity as follows: total cut is 146,700 cubic yards and total fill is 6,400 cubic yards, resulting in an export of 140,300 cubic yards. The Town Municipal Code Section 12.20.010 requires a grading permit prior to any grading work or any other land-disturbing activity.

Tree Removal

The tree preservation/removal plan shows that out of 375 existing trees, 213 trees would be removed and 118 trees would be preserved. The landscape plans indicate that new trees would be planted on the terrace level and grade level.

Open Space and Landscaping

Approximately 77.5 percent of the site would be open space, contributing to the visual compatibility of the surrounding hillside as well as create a natural environment for the residents. The project would result in a slight reduction in the overall development pad, increasing the amount of common open space available in comparison to the existing development. Small pockets of greenery and passive gardens would provide landscaped zones throughout the site. The plant palette for the proposed development includes several native tree and plant species along with ornamental shrubs, grasses, and groundcover. In addition, the project landscaping plan incorporates tree replacement and use of mature trees and a Village Green area, to ensure consistency with the surrounding hillside woodland habitat. The project would also include a series of covered walkways connecting to the buildings throughout the project site. Open space would be controlled by topography, use of underground parking, and specific building location, in order to protect the hillside.

Stormwater Management

Development of the project as proposed would result in a net decrease in impervious surface area of approximately 4,000 square feet. The project would mimic existing drainage patterns with modifications to meet current stormwater runoff requirements that would result in slower runoff during small storms. Stormwater would be collected on-site via drain inlets and roof drains and would be treated on-site. The stormwater would first be treated on-site with bioretention systems approved by the Town, and then would be conveyed to the existing public stormwater infrastructure that serves the site.

Standard best management practices (BMPs) have been integrated into the proposed project in order to reduce any runoff and potential erosion impacts during construction activities in compliance with the General Construction Permit. Standard BMPs that would be incorporated in the erosion control plan include, but are not limited to:

1. Inlet Protection;
2. Hydroseeding;
3. Fiber rolls; and
4. Check dams.

Sustainability Improvements

The proposed project, designed to meet or exceed the individual requirements of the California Building, Energy, and CalGreen Codes, as well as the Town's Build It Green (GreenPoint Rated) Standards, would bring significant improvements over the existing structures for energy efficiency, resiliency, water usage, and storm water management. Use of noncombustible building systems, as well as management of the surrounding forest and landscape would minimize fire spread factor both to and from the new buildings. A centralized building heating and cooling system would provide energy efficiency above code requirements. In line with the Town's prioritization of passive and active solar energy measures, and in keeping with the state Energy Code requirement, a minimum of 15 percent of the total roof areas would be provided as "solar ready" surfaces. Per the Cal Green requirements, 10 percent of all parking spaces would be designed to allow for future implementation of electric vehicle charging stations.

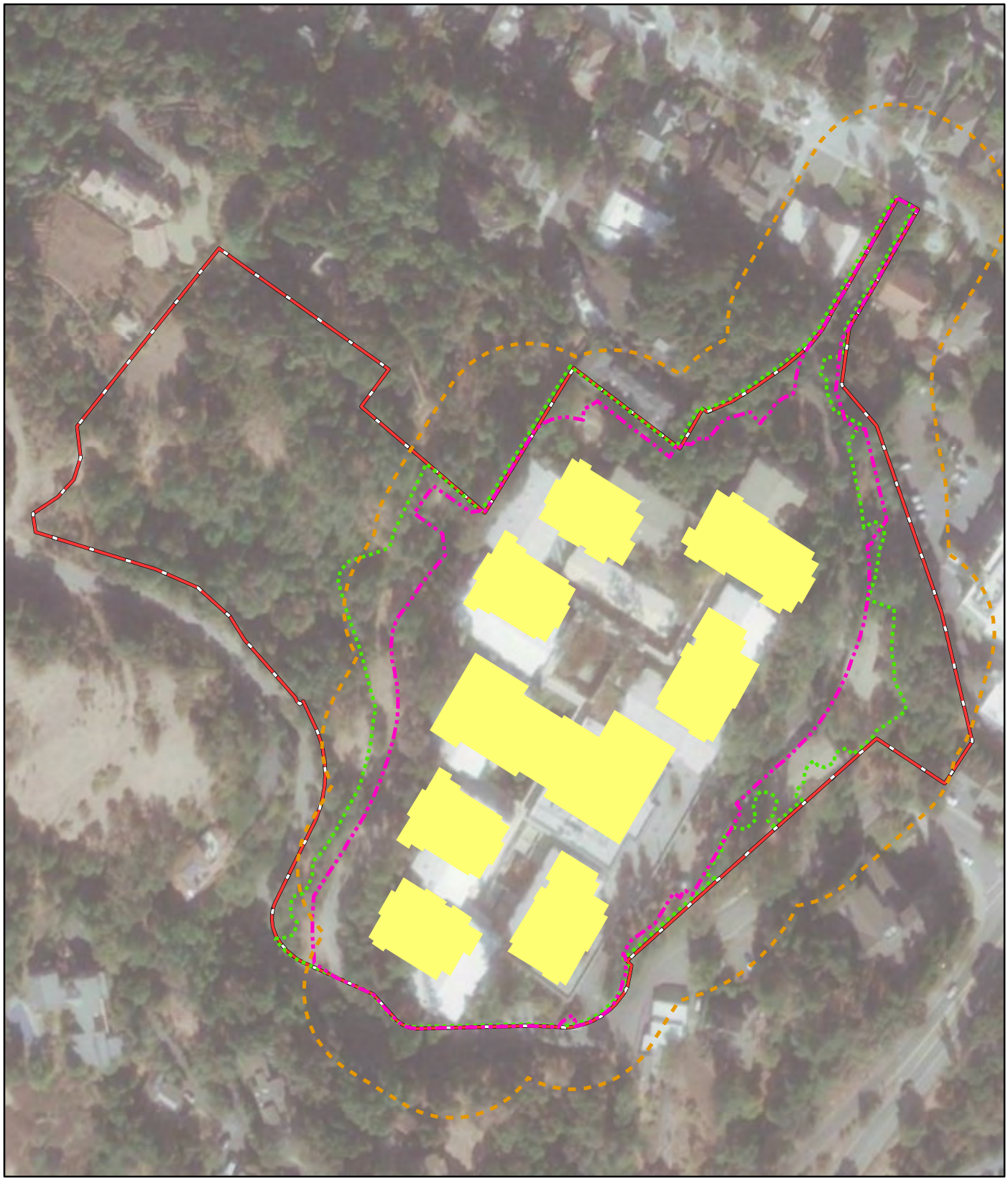
Area of Impact

Figure 4-2, Area of Impact, provides an overview of the actual development footprint of the proposed project. Table 4-3, Area of Impact, provides a further articulation in acreage of the impact footprint in relation to the overall project site acreage.

Table 4-3 Area of Impact

Impact Type	Impact Area Acreage[1]
Cut and Fill Area (Grading – Includes Existing Developed Area)	6.4
Tree Removal Area	7.3
Defensible Fire Space Area	7.1
Total Project Site	**10.9**

SOURCE: Kimley Horn 2020; EMC Planning Group 2021
NOTE: 1. Impact area acreage includes overlapping acreage with other impact types



Source: ESRI 2021, Santa Clara County 2020, Kimley Horn 2020

Figure 4-2

Area of Impact

This side intentionally left blank.

Construction Phasing

The project is anticipated to be built over a period of approximately 26 to 30 months. Demolition of the existing improvements is expected to require approximately four (4) months.

Population and Employment

Table 4-4, Approximate Population Projection, presents the anticipated resident population.

Table 4-4 Approximate Population Projection

Unit Type	Number of Units	Population Rate[1]	Total Residents
1 Bedroom	57	1.1	63
2 Bedroom	112	1.3	146
Penthouse (2 Bedroom)	5	1.3	7
Independent Residential Unit Subtotal	**174**		**216**
Supporting Care Units	17	1.0	17
Grand Total	**191**		**233**

SOURCE: Kimley-Horn 2021; Covia 2021
NOTE: 1. Population rates based on actual population in Covia facilities and are similar to number of residents previously housed at the Los Gatos Meadows facility. These rates are subject to minor fluctuations.

According to the applicant-prepared *Letter of Justification: Rebuild Los Gatos Meadows* (dated June 30, 2020), an estimated 120 full-time equivalent employees would be anticipated with the proposed project. This is commensurate to the number of employees on-site prior to the closure of the existing facility in September 2019.

4.3 Intended Uses of the EIR

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

Town of Los Gatos

- Planned Development Application (PD-20-001);
- Architecture and Site Permit;
- Tree Removal Permit;
- Demolition Permit;

- Grading Permit;
- Building Permit; and
- Occupancy Permit.

Other Agencies (Possible Permits)

- U.S. Army Corps of Engineers;
- California Department of Fish and Wildlife; and/or
- California Regional Water Quality Control Board.

5.0
Aesthetics

This section of the draft EIR addresses the project's effects on scenic resources, the change in the visual character of the project site and its surroundings due to the project, and the impacts of new sources of light and glare that could be added by the project. Information in this section is derived primarily from project plans prepared by the project applicant, *The Town of Los Gatos General Plan* and *The Town of Los Gatos General Plan Draft and Final EIRs* (2010), a site visit conducted by EMC Planning Group staff on August 28, 2020 and September 4, 2020, and visual simulations prepared by the applicant.

No comments were received in response to the notice of preparation regarding aesthetics. The Town's notice of preparation and comment letters on the notice are included in Appendix A.

5.1 Environmental Setting

Los Gatos Visual Qualities

The natural visual character of Los Gatos is defined by its setting at the eastern base of the Santa Cruz Mountains, which is integrated into the Town's fabric through views of forested hillsides, mature trees, and creek-side trails. The urban character of Los Gatos is densely knit with a high level of architectural detail. The Town has created and maintained an attractively built environment through careful attention to the design of buildings, landscaping, public improvements, and the preservation of and careful integration with the natural environment.

Mature trees cover much of the Los Gatos landscape, particularly in the hillside neighborhoods. Los Gatos is one of many communities in California designated a "Tree City USA" and has been in the Tree City USA Program since 1980. This program provides national recognition and technical assistance to towns and cities for preserving and maintaining trees in their jurisdictions.

A scenic vista is generally described as a clear, expansive view of significant regional features possessing visual and aesthetic qualities of value to the community. The primary scenic views within Los Gatos are those of the Santa Cruz Mountains, particularly the Sierra Azul Ridge to the south. Many major roads that run north-south have views of the ridge to the south. However, these views are often blocked or partially blocked by trees.

There are no State-designated scenic highways within Los Gatos. However, State Route 9 is a designated scenic highway just outside Town limits and State Route 17 passing through Los Gatos is an eligible State scenic highway. The project site is located more than ½ mile from State Route 9 and is not visible from this highway. At its closest point, the project is located approximately 470 feet from State Route 17. Views of the project site from this highway are intermittent and largely obscured by existing vegetation and structures.

Visual Quality and Character of Project Site

The project site is currently developed with 10 two-to-three-story residential buildings (up to 55 feet in height) making up the former Los Gatos Meadows senior living community. The facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. Los Gatos Meadows was constructed on a moderately steep to steep slope with slope inclinations averaging 24 percent and abundant tree cover and landscaping. The arborist report prepared for the project documents 331 trees onsite, which include 57 species but are largely made up of Coast live oak and California bay. The site is surrounded by commercial and rural residential properties. Photographs of the project site are presented in Figure 3-3, Existing Facility Representative Photos.

Public Views

Based on location and topography, the project site is principally visible from locations within the project site itself, though limited views of the project site are available from above the project on Wood Road, from S. Santa Cruz Avenue (looking west) and from East Main Street (looking south) as illustrated in the visual simulations prepared by the applicant (see sheets A406-A408). The project site is not viewable from any of the Town's four (4) "Viewing Areas" as established in the Town's Hillside Development Standards and Guidelines (discussed further below). These "Viewing Areas" are primarily situated to establish visual impacts to the hillsides further to the east across State Route 17. The closest established "Viewing Area" is located approximately 950 feet northwest of the project site at the northwest corner of the intersection of W. Main Street and Bayview Avenue. From this viewing area location, the project site is entirely obscured due to vegetation and/or buildings along Bayview Avenue.

Light and Glare

The existing senior living community contains sources of light and glare in the form of existing on-site nighttime lighting and reflective glass windows on portions of all existing buildings. Existing light and glare sources in the surrounding hillside area are primarily from existing residences. Sources of light and glare from the commercial downtown area to the northeast along North Santa Cruz Boulevard are primarily from existing commercial and office buildings.

5.2 REGULATORY SETTING

Section 3.0, Environmental Setting, includes a consistency evaluation of the relevant environmental policies of the *Town of Los Gatos 2020 General Plan*, and the *Los Gatos Sustainability Plan*. In addition to those relevant policies, the following standards and guidelines also apply to the proposed project.

Hillside Specific Plan

The project site is located within sub-area 6 of the *Los Gatos Hillside Specific Plan*. However, the project site is not located within the "Hillside Area" as shown in the "Town of Los Gatos Hillside Area Map" and therefore not subject to the Hillside Development Standards & Guidelines (HDS&G) visibility analysis requirements. However, as noted in Section 4.0, Project Description, in 2008 the Conceptual Development Advisory Committee (CDAC) requested that the site be rebuilt in the spirit of the HDS&G and as noted by the applicant, design components of the proposed project are intended to meet this request.

Town of Los Gatos Town Code

As part of its Zoning Ordinance, the Town of Los Gatos adopted a Tree Protection Ordinance (Sec 29.10.0950 et seq.) that sets forth parameters for tree removal. The Town's tree ordinance is discussed in greater detail within Section 7, Biological Resources. Town Code Section 29.10.09035 prohibits the production of direct or reflected glare (such as that produced by floodlighting) onto any area outside of the boundaries of a given property.

5.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of aesthetics, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of aesthetics impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant aesthetics impact would occur if implementation of the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;

- In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings. In an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

These are the issues evaluated in the following impact analysis.

5.4 Analysis, Impacts, and Mitigation Measures

Approach to the Environmental Analysis

This section evaluates whether the proposed project would result in significant impacts on aesthetic, or scenic resources. The significance criteria above were used to evaluate the proposed project's effects on aesthetic resources relative to the existing baseline condition. The visual analysis is based on site investigations, evaluations of ground-based photographs of the project site and locations therein where modifications are proposed, review of project application materials and communications submitted by the applicant regarding visual aspects of the proposed project, and consideration of Town policies and guidelines related to visual resources.

Actions with long-term visual effects, such as constructing new buildings, grading, vegetation removal, and introducing new sources of nighttime light and daytime glare, can permanently alter the landscape in a manner that could affect existing scenic resources and the visual character or quality of an area, depending on the perspective of the viewer and the visual sensitivity of an area.

Effects on Scenic Vistas

IMPACT 5-1	**The Proposed Project Would Have an Effect on a Scenic Vista**	**Less-than-Significant**

As previous discussed, the property is not located in the area subject to the Town's HDS&G. However, the CDAC suggested that the spirit and intent of the HDS&G should be applied within the design of the project including as relates to protecting existing hillside scenic vistas and preventing ridgeline development. In addition, the Town's General Plan establishes goals and policies which are intended to preserve the natural beauty and ecological integrity of the Santa Cruz Mountains and surrounding hillsides (General Plan Goal CD-14) by discouraging inappropriate development on and near the hillsides that significantly impacts viewsheds (General Plan Policy CD 14.6).

As shown in the project plans (see sheets A205 through A207), the project would generally align building roof lines with the contour of the hill and incorporate smaller roof components, minimizing the contrast between buildings and the existing environment. As noted by the applicant and independently verified by Town staff and EMC Planning Group, the spirit of the HDS&G is integrated into the project by stepping the buildings into the hillside, minimizing the dimensions of the Town-facing buildings, saving some existing trees per the arborist plan, implementing a landscape and tree-replacement plan, and presenting a carefully developed scale. Views from downtown Los Gatos towards the site (as demonstrated in the E. Main Street View Corridor exhibit on sheet A406 and included as Figure 5-1, View Corridor from East Main Street to Project Site), would be limited to the top of new building rooflines and upper floor windows, which is similar of views towards the existing facility though at a slightly greater height as viewed from downtown. However, this increased visibility would not substantially alter scenic views towards the designated Hillside Area and Santa Cruz Mountains beyond the project site. Therefore, the proposed project would have a less-than-significant effect on a scenic vista.

Effects on Scenic Resources within a State Scenic Highway

IMPACT 5-2	**The Proposed Project Would Not Have an Adverse Effect on Scenic Resources within a State Scenic Highway**	**No Impact**

As previously noted, the project site is not located within the viewshed of either State Route 9 (designated scenic highway) or State Route 17 (eligible scenic highway). Very limited views exist of the project site from State Route 17; however, they are intermittent and largely obscured by existing vegetation and topography. Therefore, the proposed project would have no adverse impact on views from scenic highways.

Visual Character and Quality Effects

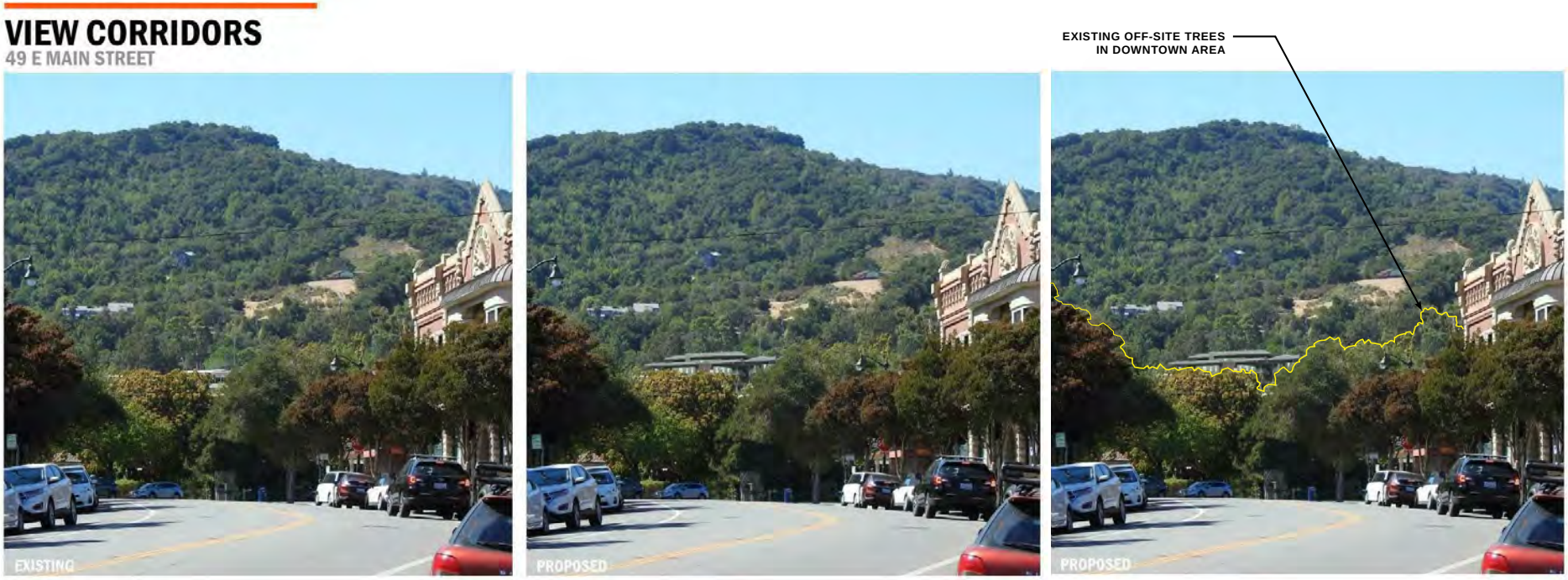
IMPACT 5-3	**The Proposed Project Would Alter the Existing Visual Character of the Site but Would Not Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality**	**Less than Significant**

The existing visual character of the project site can be considered as having a moderate visual quality based on the existing developed though heavily wooded hillside setting. As previously discussed, the property is not located in the area subject to the Town's HDS&G. However, the CDAC suggested that the spirit and intent of the HDS&G should be applied within the design of the project. The proposed project would result in the reduction of the overall site development (from 24.6 percent of the site to 22.5 percent of the site) and the increase in overall open space (from 75.4 percent of the site to 77.5 percent), which would generally be consistent with the HDS&G. In addition to this, development of the multi-story

senior living community would be subject to the requirements of the Town's Architecture and Site application process upon approval of the Planned Development overlay application. As part of this process, the Town would require each structure's design to be consistent with the *Los Gatos Hillside Specific Plan* and in the spirit of the HDS&G for site planning, development intensity, architectural design, site elements, and landscape design, as well as for light and glare. Figure 5-2, Proposed Southeast Elevation (Villa H), provides an architectural elevation rendering of Villa H, as viewed from the southeast boundary of the project site. Figure 5-3, Proposed Northeast Elevation (Villa C), presents an architectural elevation rending of Villa C, as viewed from the northeast boundary of the project site.

The HDS&G also emphasize minimizing grading and preserving natural features (including drainage channels and trees). While this analysis acknowledges that some structures could be visible from adjacent or nearby areas, the Town's Architecture and Site application process would ensure that tree removal, building design, and landscape planting for proposed buildings would be consistent with the Town's design standards that guide residential and non-residential development in hillside areas. The application of these guidelines would help to reduce any potential degradation of the visual character of the project vicinity. Figures 5-4, Existing and Proposed Project Site Cross Section, presents three cross sections of the project site with existing and proposed building outlines set against the surrounding hillside setting with building heights, exiting trees, and neighboring homes as seen from different directional vantage points looking towards the project site.

As discussed in the project's arborist report, Appendix C, and in the Biological Resources section of this draft EIR, 213 trees would be removed for new buildings, infrastructure and roadway improvements. Landscaping plans have been submitted for the senior living community site and show placement and selection of a variety of native plants, replacement trees, retention/preservation of 118 mature existing trees, a Village Green area, and passive gardens that are consistent with the General Plan and *Los Gatos Hillside Specific Plan* policies (see Table 3-1 under "Community Design Element"). In addition, landscaping plans are in keeping with landscaping design concepts and goals contained in the HDS&G, which emphasize maintaining the natural appearance of the hillsides where possible, designing for fire safety including maintaining adequate defensible space, utilizing native plant species, controlling erosion, screening buildings, and providing privacy. All these design principles also ensure consistency with the proposed PD zoning overlay (Town Code Section 28.80.075) by enhancing the natural features of the site, decreasing the overall developed area on the site and maintaining open space. The proposed project, while increasing the overall height and scale of buildings on site as seen from the surrounding area, would be compatible with the general character of the hillside area and consistent with the visual quality of the existing developed site. Therefore, impacts to the visual character of the project site associated with the proposed project would be less than significant.



Source: Perkins-Eastman 2021

Figure 5-1
View Corridor from East Main Street to Project Site

This side intentionally left blank.

Source: Perkins-Eastman 2021

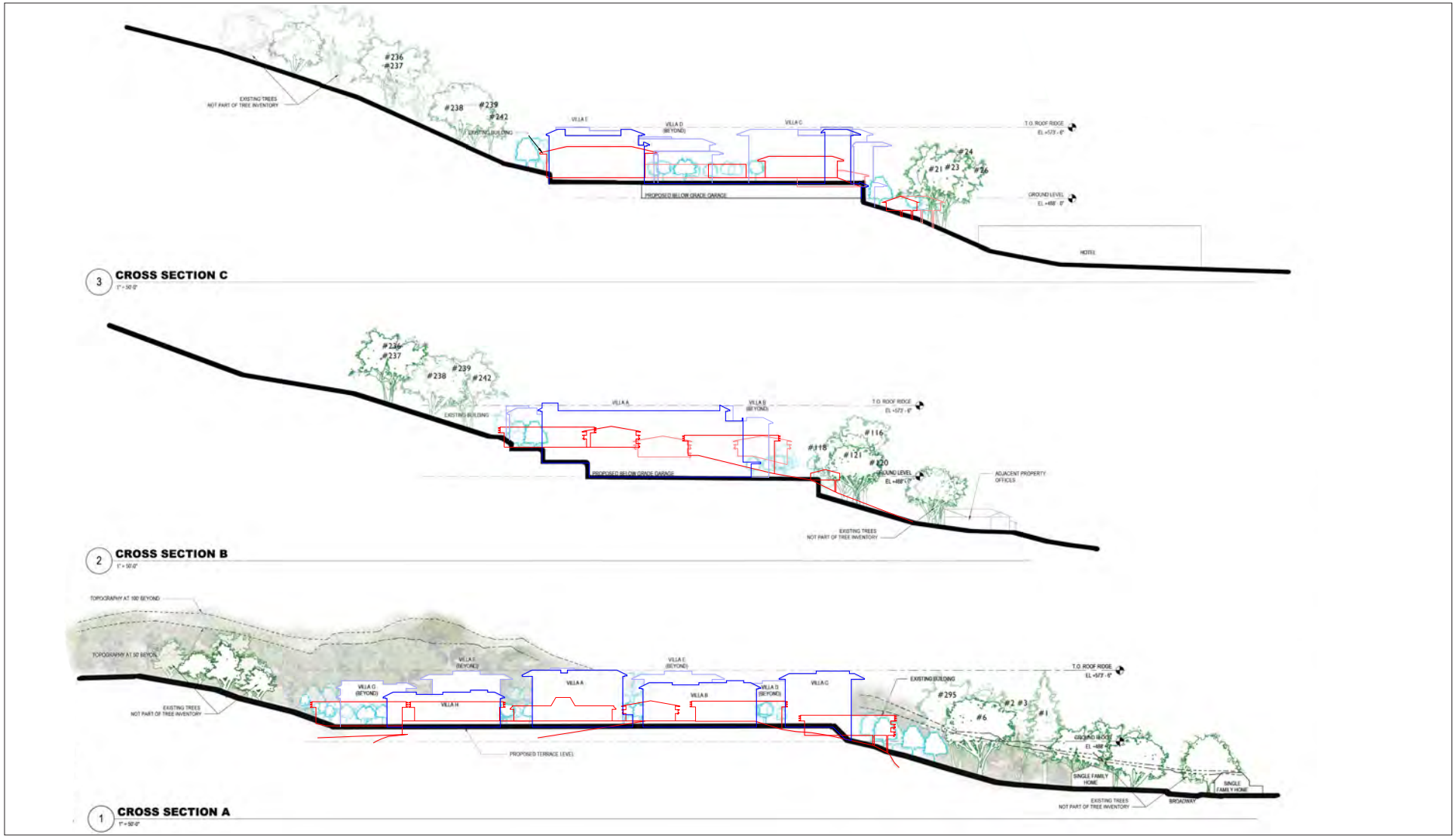
Figure 5-2
Proposed Southeast Elevation (Villa H)

This side intentionally left blank.

Source: Perkins-Eastman 2021

Figure 5-3
Proposed Northeast Elevation (Villa C)

This side intentionally left blank.



Source: Perkins-Eastman 2021

Figure 5-4

Existing and Proposed Project Site Cross Sections

This side intentionally left blank.

Light and Glare Effects

IMPACT 5-4	The Proposed Project Would Introduce New Sources of Light and Glare	Less than Significant

The existing facility currently has exterior security and surface parking lighting and lighting typical of multifamily residential and senior living communities. The proposed project would be the same as the existing use and would continue to have lighting typical to senior living communities. As shown on the "Site Lighting Concept Plan" (see sheet LS-12 of the project plans), proposed lighting fixtures for the project include post top lights, bollard lights, and various wall mounted lights all of which comply with Town Code Section 29.10.09035, which prohibits the generation of direct or reflected light onto any area outside of the project boundaries. In addition, all exterior fixtures would comply with the Town requirements to be downward directed and shielded. The lighting will also be required to comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6, which requires reducing wasteful and unnecessary energy consumption in newly constructed and existing buildings including utilizing low intensity lighting designs and devices. Prior to the issuance of building permits, a final exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture shall be provided to the Town of Los Gatos for review and approval as part of the Architecture and Site Review approval.

Implementation of this condition would reduce the impact by requiring lighting design and controls for each building on the project site. Therefore, with the implementation of this condition, impacts would be reduced to a less-than-significant level. No mitigation measures are necessary.

This side intentionally left blank.

6.0
Air Quality

This section evaluates the potential impacts of the proposed project on regional and local air quality during construction activities. The health risks associated with project construction on nearby sensitive receptors are also evaluated.

The information within this section is derived from a variety of sources including:

- *California Environmental Quality Act Air Quality Guidelines* (Bay Area Air Quality Management District 2017a);
- *2017 Clean Air Plan: Spare the Air, Cool the Climate* (Bay Area Air Quality Management District 2017b);
- CalEEMod Results Winter and Summer (EMC Planning Group 2021a); and
- *110 Wood Road – Los Gatos Continuing Care Retirement Community Health Risk Assessment* (EMC Planning Group 2021b).

Additional sources of information are introduced where applicable. There were no responses to the NOP regarding air quality.

6.1 Environmental Setting

Regional Climate and Topography

The project site is located within the San Francisco Bay Area Air Basin ("air basin"). The air basin encompasses all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, and Napa counties, and the southern portions of Solano and Sonoma counties.

The air basin is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range splits at San Francisco Bay, resulting in a western coast gap, the Golden Gate, and an eastern coast gap, the Carquinez Strait, which allows air to flow in and out of the air basin and the Central Valley to the east.

The climate is dominated by the strength and location of a semi-permanent, subtropical high-pressure cell. During the summer, the Pacific high-pressure cell is centered over the northeastern Pacific Ocean resulting in stable meteorological conditions and a steady

northwesterly wind flow. Upwelling of cold ocean water from below to the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold-water band resulting in condensation and the presence of fog and stratus clouds along the Northern California coast. In the winter, the Pacific high-pressure cell weakens and shifts southward resulting in wind flow offshore, the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds lessen the region's air pollution.

Criteria Air Pollutants and Precursors and Their Effects on Human Health

The six most common and widespread air pollutants of concern, or "criteria air pollutants," are ground-level ozone, nitrogen dioxide, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, reactive organic gases are a key contributor to the criteria pollutants because they react with other substances to form ground-level ozone. The common properties, sources, and related health and environmental effects of these pollutants are summarized in Table 6-1, Criteria Air Pollutants.

Health effects of criteria air pollutants include, but are not limited to, asthma, bronchitis, chest pain, coughing, throat irritation, and airway inflammation. Currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's criteria air pollutant emissions and specific human health impacts. Consequently, the Bay Area Air Quality Management District's thresholds of significance for criteria air pollutants are not intended to address regional impacts, but address localized human health impacts that may result from an individual project's criteria air pollutant emissions.

Ozone

Ground-level ozone (O_3) is created by complex chemical reactions between nitrogen oxides and volatile organic compounds in the presence of sunlight. Since ground-level O_3 is not emitted directly into the atmosphere, but is formed because of photochemical reactions, it is considered a secondary pollutant.

O_3 is a strong irritant that attacks the respiratory system, leading to the damage of lung tissue. Asthma, bronchitis, and other respiratory ailments, as well as cardiovascular diseases, are aggravated by exposure to O_3. A healthy person exposed to high concentrations may become nauseated or dizzy, may develop a headache or cough, or may experience a burning sensation in the chest. Research has shown that exposure to O_3 damages the alveoli (the individual air sacs in the lung where the exchange of oxygen and carbon dioxide between the air and blood takes place). Research has shown that O_3 also damages vegetation.

Table 6-1 Criteria Air Pollutants

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone	Ground-level ozone is not emitted directly into the air. It results from chemical reactions between nitrogen oxides and volatile organic compounds in presence of sunlight.	▪ Automobiles; ▪ Industrial facilities; ▪ Gasoline vapors; ▪ Chemical solvents; ▪ Electric utilities.	▪ Chest pain, coughing, throat irritation, and airway inflammation ▪ Worsens bronchitis, emphysema, and asthma. ▪ Affects sensitive vegetation and ecosystems.
Nitrogen Dioxide	Reddish-brown gas formed during combustion of fuel. Nitrogen dioxide is a part of a group of highly reactive gases known as nitrogen oxides.	▪ Combustion of fuel; ▪ Automobiles; ▪ Power plant; ▪ Off-road Equipment.	▪ Irritate respiratory system / increase respiratory infections ▪ Development of asthma ▪ Forms acid rain – harms sensitive ecosystems ▪ Creates hazy air ▪ Contributes to nutrient pollution in coastal waters
Respirable and Fine Particulate Matter	Mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, soot, dirt, or smoke can be seen with the naked eye. Others are so small that they can only be detected with an electron microscope.	▪ Automobiles; ▪ Power Plants; ▪ Construction sites; ▪ Tilled farm fields; ▪ Unpaved roads; ▪ Smokestacks.	▪ Aggravated asthma; ▪ Irritation of the airways, coughing, and difficulty breathing; ▪ Decreased lung function; ▪ Premature death; ▪ Reduced visibility.
Carbon Monoxide	Colorless, odorless gas released when something is burned.	▪ Fuel combustion; ▪ Industrial processes; ▪ Highly congested traffic.	▪ Chest pain for those with heart disease; ▪ Vision problems; ▪ Dizziness, unconsciousness, and death (at high levels).
Sulfur Dioxide	Colorless acid gas with a pungent odor formed during combustion of fuel. In the entire group of sulfur oxides, sulfur dioxide is the component of the greatest concern.	▪ Fuel combustion; ▪ Industrial processes; ▪ Locomotives, ships, and other heavy equipment; ▪ Volcanoes.	▪ Makes breathing difficult; ▪ Worsens asthma; ▪ Contributes to acid rain; ▪ Reduced visibility; ▪ Damages statues and monuments.
Lead	Lead is a naturally occurring element found in small amounts in the earth's crust.	▪ Ore and metal processing; ▪ Leaded aviation fuel; ▪ Waste Incinerators; ▪ Utilities; ▪ Lead-acid battery manufacturers.	▪ High blood pressure and heart disease in adults; ▪ Behavioral problems, learning deficits, and lowered IQ in infants and young children; ▪ Decreased plant and animal growth; ▪ Neurological effects in vertebrates.

SOURCE: United States Environmental Protection Agency 2018

If project-generated concentrations of reactive organic gases and/or nitrogen oxides exceed the applicable thresholds of significance, concentrations of ground-level O_3 resulting from these pollutants could potentially result in significant adverse human health impacts.

Reactive Organic Gases

Reactive organic gases (ROGs) are emitted from a variety of sources, including liquid and solid fuel combustion, evaporation of organic solvents, and waste disposal. ROGs are any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, as well as a list of compounds specifically excluded by the California Air Resources Board or the United States Environmental Protection Agency.

Nitrogen Dioxide

Nitrogen dioxide (NO_2) primarily gets in the air from the combustion of fuel in cars, trucks and buses, power plants, and off-road equipment. NO_2 is a reddish-brown gas that can irritate the lungs and can cause breathing difficulties at high concentrations. NO_2 is one of a group of highly reactive gases known as nitrogen oxides (NO_X). NO_2 is used as the indicator for the larger group of NO_X, which also includes nitrous acid and nitric acid. NO_X is a major contributor to ozone formation. NO_X also contributes to the formation of particulate matter (see discussion below).

Particulate Matter

Particulate matter refers to a wide range of solid or liquid particles in the atmosphere, including smoke, dust, aerosols, and metallic oxides. Particulate matter with diameter of 10 micrometers or less is referred to as PM_{10}. $PM_{2.5}$ includes a subgroup of finer particles that have a diameter of 2.5 micrometers or less. Particulate matter is directly emitted to the atmosphere as a byproduct of fuel combustion, wind erosion of soil and unpaved roads, and from construction or agricultural operations. Small particles are also created in the atmosphere through chemical reactions. Approximately 64 percent of fugitive dust is respirable particulate matter. Minimal grading typically generates about 10 pounds per day per acre on average while excavation and earthmoving activities typically generate about 38 pounds per day per acre.

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

Carbon Monoxide

Carbon monoxide (CO) is an odorless, colorless gas that is released when fuel is burned. The greatest sources of CO to outdoor air are cars, trucks and other vehicles or machinery that burn fossil fuels.
A variety of household items such as gas space heaters, furnaces, fireplaces, lanterns, gas stoves, grills, and lawn equipment also release CO and can affect air quality indoors.

When inhaled at high concentrations, CO combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease or anemia, as well as fetuses. Even healthy people exposed to high CO concentrations can experience headaches, dizziness, fatigue, unconsciousness, and even death.

Sulfur Dioxide

Within the larger group of gaseous sulfur oxides (SO_X), sulfur dioxide (SO_2) is the component of greatest concern, and is used as the indicator for the group. Emissions that lead to high concentrations of SO_2 generally also lead to the formation of other SO_X. SO_2 is a colorless acid gas with a pungent odor. SO_2 is produced by the combustion of sulfur-containing fuels, such as oil, coal and diesel. SO_2 dissolves in water vapor to form acid, and interacts with other gases and particles in the air to form sulfates and other products that can be harmful to people and their environment. Health effects of SO_2 include damage to lung tissue and increased risk of acute and chronic respiratory disease.

Lead

Lead (Pb) is a metal found naturally in the environment as well as in manufactured products. Thirty years ago, mobile sources were the main contributor to ambient Pb concentrations in the air. Pb was phased out of on-road vehicle gasoline between 1975 and 1996 (Newell and Rogers 2003). Consequently, levels of Pb in the air decreased 98 percent between 1980 and 2014 (United States Environmental Protection Agency 2017). As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of Pb in air are generally found near Pb smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

Toxic Air Contaminants and their Effects on Human Health

Toxic air contaminants (“TACs”) are pollutants that may be expected to result in an increase in mortality or serious illness or may pose a present or potential hazard to human health. Health effects include cancer, birth defects, neurological damage, damage to the body's natural defense systems, and diseases that lead to death. TACs can be classified as either carcinogens or non-carcinogens.

Diesel Emissions

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and TACs. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter (DPM). Diesel exhaust also contains over 40 cancer-causing substances, most of which are readily adsorbed on the soot particles. Among the TACs contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein. Diesel engine emissions are responsible for about 70 percent of California's estimated cancer risk attributable to TACs (California Air Resources Board 2020a). As a significant fraction of particulate pollution, diesel particulate matter contributes to numerous health impacts, including increased hospital admissions, particularly for heart disease, but also for respiratory illness, and even premature death.

Construction Emissions

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

Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, retirement homes, and hospitals.

Existing sensitive receptors located adjacent to or in the vicinity of the project site include single-family residences to the north and east, a single-family home to the southeast, and hillside residences to the south and west (refer to Figure 3-2, Aerial Photograph).

6.2 REGULATORY SETTING

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (EPA) was established on December 2, 1970 to create a single agency that covered several agency concerns: federal research, monitoring, standard-setting and enforcement.

The EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1993 to reduce nitrogen oxides and particulate emissions from off-road and highway diesel equipment. Before EPA began regulating sulfur in diesel, diesel fuel contained as much as 5,000 parts per million (ppm) of sulfur. In 2006, EPA introduced stringent regulations to lower the amount of sulfur in diesel fuels to 15 ppm (Environmental Protection Agency 2017). This fuel is known as ultra-low sulfur diesel.

EPA Tier 1 non-road diesel engine standards were introduced in 1996, Tier 2 in 2001, Tier 3 in 2006, with final Tier 4 in 2014 (DieselNet 2017). Table 6-2, Typical Non-road Engine Emissions Standards, compares emissions standards for NO_X and particulate matter from non-road engine Tier 1 through Tier 4 for typical engine sizes. As illustrated in the table, emissions for these pollutants have decreased significantly for construction equipment manufactured over the past 20 years, and especially for construction equipment manufactured in the past five years.

Table 6-2 Typical Non-road Engine Emissions Standards

Engine Tier and Year Introduced	NO_X Emissions[1]			Particulate Emissions[1]		
	100-175 HP	175-300 HP	300-600 HP	100-175 HP	175-300 HP	300-600 HP
Tier 1 (1996)	6.90	6.90	6.90	--	0.40	0.40
Tier 2 (2001)	--[2]	--[2]	--[2]	0.22	0.15	0.15
Tier 3 (2006)	--[2]	--[2]	--[2]	-- †[3]	-- †[3]	-- †[3]
Tier 4 (2014)	0.30	0.30	0.30	0.015	0.015	0.015

SOURCE: DieselNet 2017

NOTES:

1. Expressed in g/bhp-hr. where g/bhp-hr. stands for grams per brake horsepower-hour.
2. Tier 1 standards for NO_X remained in effect.
3. † - Not adopted, engines must meet Tier 2 PM standard.

Federal Clean Air Act

Air quality is regulated at the federal level by the Clean Air Act, which was adopted in 1970 and then amended in 1990. The federal Clean Air Act required the EPA to set National Ambient Air Quality Standards for several air pollutants on the basis of human health and welfare criteria. The Clean Air Act also set deadlines for the attainment of these standards. The Clean Air Act established two types of national air standards: primary and secondary standards. Primary standards set limits to protect public health, including the health of sensitive persons such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. Historically, air quality laws and regulations have divided air pollutants into two broad categories of airborne pollutants: criteria pollutants and TACs.

National Ambient Air Quality Standards

Ambient air quality is described in terms of compliance with the state and national standards. In general, criteria pollutants are pervasive constituents, such as those emitted in vast quantities by the combustion of fossil fuels. Both the state and federal governments have developed ambient air quality standards for the most prevalent pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter, and fine particulate matter. Table 6-3, National and California Ambient Air Quality Standards, lists national and California ambient air quality standards for common air pollutants.

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

State

California Air Resources Board

The federal Clean Air Act gives states primary responsibility for directly monitoring, controlling, and preventing air pollution. The California Air Resources Board (CARB) is responsible for coordination and oversight of federal, state, and local air pollution control programs in California and for implementing the requirements of the federal Clean Air Act and California Clean Air Act. CARB oversees regional or local air quality management or air pollution control districts that are charged with developing attainment plans for the areas over which they have jurisdiction.

Table 6-3 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	National Standards[1]				California Standards[2]	
		Primary[3,4]		Secondary[3,5]		Concentration[3]	
		ppm	µg/m³	ppm	µg/m³	ppm	µg/m³
O_3[6]	1 Hour	-	-	-	-	0.09	180
	8 Hour	0.07	137	0.07	137	0.07	137
PM_{10}[7]	24 Hour	-	150	-	150	-	50
	Annual	-	-	-	-	-	20
$PM_{2.5}$[7]	24 Hour	-	35	-	35	-	-
	Annual	-	12	-	15	-	12
CO	8 Hour	9	10	-	-	9.0	10
	1 Hour	35	40	-	-	20.0	23
NO_2[8]	Annual	0.053	100	0.053	100	0.03	57
	1 Hour	0.10	188	-	-	0.18	339
SO_2[9]	Annual	0.03	See note 9	-	-	-	-
	24 Hour	0.14	See note 9	-	-	0.04	105
	3 Hour	-	-	0.5	1,300	-	-
	1 Hour	0.075	196	-	-	0.25	655
Pb[10,11]	30 Day Average	-	-	-	-	-	1.5
	Rolling 3-month Average	-	0.15	-	0.15	-	-
	Calendar Quarter	See note 10	1.5	See note 10	1.5	-	-
Visibility Reducing Paarticles[12]	8 Hour	No Federal Standards				See note 12	
Sulfates	24 Hour					-	25
Hydrogen Sulfide	1 Hour					0.03	42
Vinyl Chloride[10]	24 Hour					0.01	26

SOURCE: California Air Resources Board 2016

NOTES:

1. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For $PM_{2.5}$, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact EPA for further clarification and current federal policies.
2. California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM_{10}, $PM_{2.5}$, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or

exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
6. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
7. On December 14, 2012, the national annual $PM_{2.5}$ primary standard was lowered from 15 µg/m^3 to 12.0 µg/m^3. The existing national 24-hour $PM_{2.5}$ standards (primary and secondary) were retained at 35 µg/m^3, as was the annual secondary standard of 15 µg/m^3. The existing 24-hour PM_{10} standards (primary and secondary) of 150 µg/m^3 also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
9. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
10. The California Air Resources Board has identified lead and vinyl chloride as 'TACs' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m^3 as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
12. In 1989, the California Air Resources Board converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Air Quality Management Plans

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

California Air Toxics Program

California has a comprehensive and effective Air Toxics Program. Several pieces of legislation form the basis for the CARB to identify and control air toxics from a multitude of sources, inform the public of significant toxic exposures and provide ways to reduce risks from these exposures.

The Toxic Air Contaminant Identification and Control Act of 1983 or Assembly Bill ("AB") 1807 established the California Air Toxics Program that was designed to reduce exposure to air toxics. The program involves a two-step process: risk identification and risk management. In the risk identification step, upon CARB's request, the Office of Environmental Health Hazard Assessment evaluates the health effects of substances other than pesticides and their pesticidal uses. Substances with the potential to be emitted or are currently being emitted into the ambient air may be identified as a TAC. Once a substance is identified as a TAC, and with the participation of local air districts, industry, and interested public, CARB prepares a report that outlines the need and degree to regulate the TAC through a control measure (California Air Resources Board 2021a).

The Air Toxics Hot Spots Information and Assessment Act or AB 2588 was enacted in 1987, and requires stationary sources to report the types and quantities of certain substances their facilities routinely release into the air. The goals of AB 2588 are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels (California Air Resources Board 2021b).

California Ambient Air Quality Standards

The California Ambient Air Quality Standards were established in 1959 by the California Department of Public Health to set air quality standards and controls for vehicle emissions.

The California Ambient Air Quality Standards are often stricter than the National Ambient Air Quality Standards (refer to Table 6-3, National and California Ambient Air Quality Standards). When state thresholds are exceeded at regional monitoring stations, an "attainment plan" must be prepared that outlines how an air quality district will achieve compliance with the state standards.

Truck and Bus Regulation

As heavy-duty on-road vehicles are a significant source of TACs, the Truck and Bus Regulation is one of the most far-reaching and important tools to reduce smog-forming and toxic emissions and protect public health in disadvantaged communities. The Truck and Bus Regulation requires all trucks and buses, by January 1, 2023, to have 2010 or newer model year engines to reduce DPM and NO_x emissions (California Air Resources Board 2021a). To help ensure that the benefits of this regulation are achieved, starting January 1, 2020, only vehicles compliant with this regulation will be registered by the California Department of Motor Vehicles.

California Supreme Court Decision Affecting Air Quality Analysis in CEQA Documents

The Friant Ranch Case

On December 24, 2018, the California Supreme Court released a decision on *Sierra Club v. County of Fresno (Friant Ranch, L.P.)* (2018) ("Friant Ranch Case"). The Friant Ranch project consists of a 942-acre master-planned, mixed-use development with over 2,500 senior residential units, 250,000 square feet of commercial space, and extensive open space/ recreational amenities on former agricultural land in north central Fresno County.

In 2011, litigation was filed by the Sierra Club and other groups challenging the adequacy of Fresno County's EIR for failing to comply with CEQA. The Superior Court upheld all aspects of the EIR, but an appeal then followed, ultimately reversing the decision.

The Supreme Court ruled that the EIR's air quality analysis failed to adequately disclose the nature and magnitude of significant, long-term air quality impacts from emissions of ozone precursors "in sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues the proposed project raises." The Court noted that the air quality analysis did not provide a discussion of the foreseeable effects of project-generated emissions on the likelihood of exceeding the National Ambient Air Quality Standards and California Ambient Air Quality Standards, nor did it draw a connection between the project emissions and adverse health consequences or explain why it was not "scientifically possible" to define such a connection. The Court concluded that "because the EIR as written makes it impossible for the public to translate the bare numbers provided into adverse health impacts or to understand why such translation is not possible at this time," the EIR's discussion of air quality impacts was inadequate to inform the public.

Regional/Local

Bay Area Air Quality Management District

The Bay Area Air Quality Management District ("air district") is the agency with primary responsibility for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. The air district is charged with regulatory authority over stationary sources of air emissions, monitoring air quality within the air basin, and preparing an air quality management plan to maintain or improve air quality in the air basin. The air district also requires construction health risk assessments, where construction would occur within 1,000 feet of sensitive receptors. The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans. The guidance is contained in the *2017 CEQA Air Quality Guidelines* ("2017 CEQA Guidelines").

Air Basin Attainment Status

In accordance with the Clean Air Act, CARB is required to designate regions of the state as attainment, non-attainment, or unclassified with regard to that region's compliance with criteria air pollutants standards. An "attainment" designation for a region signifies that pollutant concentrations do not violate the standard for that pollutant in that region. A "non-attainment" designation indicates that a pollutant concentration violated the standard at least once. An "unclassified" designation signifies that available data does not support either an attainment or non-attainment status. The air basin is currently designated as a non-attainment area for state and national ozone standards, for state and national $PM_{2.5}$ standards, and state PM_{10} standards. With respect to national PM_{10} standards, the air basin is unclassified. Table 6-4, San Francisco Bay Area Air Basin Attainment Status Designations, identifies the current status within the air basin for each criteria pollutant.

Table 6-4 San Francisco Bay Area Air Basin Attainment Status Designations

Pollutant	State Standards	National Standards
O_3	Non-attainment	Non-attainment
PM_{10}	Non-attainment	Unclassified
$PM_{2.5}$	Non-attainment	Non-attainment
CO	Attainment	Attainment
NO_2	Attainment	Unclassified/Attainment
SO_2	Attainment	Unclassified/Attainment
Pb	-	Attainment

SOURCE: Bay Area Air Quality Management District 2017a

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

2017 Clean Air Plan

The air district has adopted several plans in an attempt to achieve state and federal air quality standards. Because the air basin has been designated as a non-attainment area for the national ozone standard since 1998, the air district has prepared ozone attainment plans in

1999, 2001, 2005, and 2010. The *2017 Clean Air Plan: Spare the Air, Cool the Climate* ("2017 Clean Air Plan") updates the air district's most recent state ozone plan, the 2010 Clean Air Plan, pursuant to the requirements of the California Health and Safety Code. The 2017 Clean Air Plan defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, TACs, ozone precursors and greenhouse gases. The 2017 Clean Air Plan includes a variety of control measures, many of which relate to industrial uses or are for regional implementation; some of the control measures relate to residential or commercial development. Refer to Volume 2 of the 2017 Clean Air Plan for full descriptions of the control measures (Bay Area Air Quality Management District 2017a).

6.3 THRESHOLDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of air quality, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of air quality impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries presented in Appendix G and to use that language in fashioning thresholds. The Town has done so here.

For the purposes of this EIR, a significant impact related to air quality would occur if implementation of the proposed project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations; and
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Air District Significance Threshold Criteria

2017 Clean Air Plan Consistency

The 2017 CEQA Guidelines specify 2017 Clean Air Plan consistency methods for plan-level evaluation only. Guidance for project-level analysis focuses on attainment of criteria air pollutant emissions thresholds and health risk standards. The proposed project could be considered to be consistent with the 2017 Clean Air Plan if emissions are within the project-level thresholds presented below.

Criteria Air Pollutant Thresholds

The air district's thresholds of significance for criteria air pollutant emissions generated during construction and operation are presented in Table 6-5, Thresholds of Significance for Criteria Air Pollutants and Precursors.

Table 6-5 Thresholds of Significance for Criteria Air Pollutants and Precursors

Criteria Air Pollutants and Precursors	Construction Thresholds[1]	Operational Thresholds	
	Average Daily Emissions (lb/day)	Average Daily Emissions (lb/day)	Annual Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10

SOURCE: Bay Area Air Quality Management District 2017a
NOTES:
1 The air district's numeric thresholds for particulate matter emissions from project construction apply to exhaust emissions only. The air district recommends implementation of best management practices to reduce fugitive dust emissions.

Carbon Monoxide Thresholds

The quantitative thresholds for localized carbon monoxide are presented below:

- 1-Hour CAAQS Averaging Time: concentration of 20.0 ppm; and
- 8-Hour CAAQS Averaging Time: concentration of 9.0 ppm.

According to the air district's 2017 CEQA Guidelines, a proposed project would result in less-than-significant impacts to localized carbon monoxide concentrations if all of the following screening criteria are met:

- The project is consistent with an applicable congestion management program (CMP) established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Community Risk and Hazard Thresholds

The community risk and hazard thresholds for new source toxic air contaminants and receptors within the 1,000-foot radius are presented below:

- Compliance with a qualified community risk reduction plan; or
- Increased cancer risk of greater than 10.0 in a million, increased non-cancer risk of greater than 1.0 hazard index (chronic or acute); or ambient $PM_{2.5}$ increase greater than 0.3 $\mu g/m^3$ annual average.

Odor Thresholds

The thresholds of significance for odor impacts are qualitative in nature. According to the air district's 2017 CEQA Guidelines, the threshold of significance for odor sources is five confirmed complaints per year averaged over three years.

6.4 Analysis, Impacts, and Mitigation Measures

This evaluation is based the air quality impact analysis guidance from the air district in the *California Environmental Quality Act Air Quality Guidelines* (Bay Area Air Quality Management District 2017a).

Conflict with Clean Air Plan

IMPACT 6-1	**Proposed Project does not Conflict with the Clean Air Plan**	**No Impact**

During its construction and operation, the proposed project would generate criteria air pollutant emissions that do not exceed the air district thresholds for criteria pollutants (see the discussion in impact 6-2 below). Further, the proposed project's construction-related impacts on the health of nearby sensitive receptors would be less than significant with implementation of mitigation measures 6-5a and 6-5b (see the discussion in impact 6-5 below).

Conclusion

Since the project's emissions would be reduced to below the air district's thresholds, the proposed project would not conflict with or obstruct the implementation of the 2017 Clean Air Plan.

Criteria Air Pollutant Emissions During Construction

IMPACT 6-2	Criteria Air Pollutant Emissions During Project Construction Would Degrade Air Quality, but Would not Exceed the Air District Thresholds	Less Than Significant

Construction emissions include mobile source exhaust emissions, emissions generated during the application of asphalt paving material and architectural coatings, as well as emissions of fugitive dust during demolition and grading. The criteria air pollutants generated during construction of the proposed project were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2. According to the model results, the proposed project would not generate criteria pollutants emissions volumes that exceed the air district standards listed in Table 6-5. Table 6-6, Construction Criteria Air Pollutant Emissions, summarizes the unmitigated criteria air pollutant emissions resulting from project construction and compares them against the air district thresholds). The CalEEMod results and an assessment describing the CalEEMod modeling assumptions and methodology, *110 Wood Road – Criteria Air Pollutant Emissions Modeling Assumptions and Methodology* are included in Appendix D.

Table 6-6 Construction Criteria Air Pollutant Emissions

Emissions	ROG	NO_X	PM_{10}	$PM_{2.5}$
Total Annual Emissions (tons/year)[1]	3.48	4.60	0.84	0.33
Average Daily Emissions (pounds/day)[1,2]	17.89	25.20	4.32	1.81
Air District Thresholds (pounds/day)	54	54	82	54
Exceeds Thresholds?	*No*	*No*	*No*	*No*

SOURCE: EMC Planning Group 2021
NOTES:
1. Results have been rounded, and may, therefore, vary slightly.
2. CalEEMod estimates construction criteria air pollutant emissions in tons per year. A U.S. ton is equal to 2,000 pounds. The emissions estimates in ton per year are multiped by 2,000 pounds to arrive at emissions in pounds per year. CalEEMod estimates a total of 389 construction days (see Section 3.0 of the CalEEMod results in Appendix D). Average daily emissions (in pounds per day) are computed by dividing the annual construction emissions (in pounds per year) by the number of construction days.

Conclusion

As summarized in Table 6-6, construction of the proposed project would not result in criteria air emissions that exceed the air district thresholds. Emissions generated during construction would result in a less-than-significant air quality impact; the contribution of the project's construction criteria pollutant emissions to regional air quality conditions is less than cumulatively considerable.

Criteria Air Pollutant Emissions During Operations

IMPACT 6-3	Criteria Air Pollutant Emissions During Project Operations Would Degrade Air Quality, but Would not Exceed the Air District Thresholds	Less Than Significant

The project site is currently developed with a 205-unit senior living community that includes independent residential apartments and supporting health care units. The proposed project would replace the existing facility with a 191-unit facility and underground parking garage. Project operations would generate mobile, area, and energy source criteria air pollutant emissions. Existing and proposed operational emissions were modeled using CalEEMod and are reported in tons per day (refer to Appendix D).

Existing and proposed operational criteria pollutant emissions are compared in Table 6-7, Operational Criteria Pollutant Emissions.

Table 6-7 Operational Criteria Pollutant Emissions

Source	ROG[1,2]	NOx[1,2]	CO[1,2,3]	CO[1,2,3]	PM_{10}[1,2]	$PM_{2.5}$[1,2]
Existing	1.75	1.95	6.61[4]	1.63[5]	0.56	0.26
Proposed[5]	2.14	0.51	0.94	0.94	0.39	0.12
Change	+0.39	-1.44	-5.67	0.69	-0.17	-0.14

SOURCE: EMC Planning Group 2020; 2021
NOTES:
1. Results have been rounded, and may, therefore, vary slightly.
2. All values are reported in tons per day.
3. Mobile-source CO emissions, Baseline, Year 2005.
4. Mobile-source CO emissions, Year 2019.
5. Mitigated operational emissions.

With the exception of ROG emissions, the proposed project would generate fewer operational criteria pollutant emissions than the existing facility. The proposed project would increase ROG emissions by about 2.14 pounds per day [(0.39 x 2000)/365]; however, the increased emissions are far below the air district threshold.

Conclusion

The proposed project's operational ROG emissions would not exceed air district thresholds and would be less than significant. All other project operational criteria pollutant emissions would be reduced from baseline conditions, which is a beneficial impact.

Exposure of Sensitive Receptors to Carbon Monoxide

IMPACT 6-4	Vehicle Trips Associated with the Project Would not Expose Sensitive Receptors to Increased Levels of Carbon Monoxide	Beneficial

According to the traffic report, the proposed project would increase vehicle trips from baseline conditions by 10 average daily trips (Kimley-Horn 2020); however, as vehicles become more fuel efficient, most carbon-based mobile-source emissions decrease. To demonstrate this point, mobile-source CO emissions based on the facility's last year of operations (2019) were estimated in addition to modeling 2005 baseline emissions. The CalEEMod results for 2019 mobile-source emissions are included in Appendix D.

Despite an increase in vehicle trips from either baseline conditions or 2019 conditions to proposed conditions, the emissions modeling results for mobile source CO emissions under each scenario (Table 6-7) show that the proposed project would generate fewer mobile-source CO emissions than the baseline (2005) facility by approximately 5.67 tons per year (31 pounds per day), and from 2019 conditions by 0.69 tons per year (3.78 pounds per day). Therefore, this is a beneficial impact.

Community/Sensitive Receptor Exposure to Toxic Air Contaminants

IMPACT 6-5	Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants	Less Than Significant with Mitigation

A community health risk assessment (HRA) was prepared to evaluate substantial sources of TACs that could affect sensitive receptors located within 1,000 feet of the project's construction boundary. The potential health risk impacts to nearby sensitive receptors from exposure to emissions generated by project demolition and construction activity were evaluated individually and in combination with exposures to existing TACs generated by vehicles traveling on State Route 17, a high-volume roadway. The impact analysis is based on guidance provided by the air district and OEHHA.

Construction emissions volumes were modeled using CalEEMod; downwind concentrations of DPM were calculated using AERMOD, and the location of the Maximally Exposed Individual (MEI) was also determined. The MEI is the individual who would be exposed to the highest concentration of construction emissions. The MEI is located at a single-family home west of the project site. The MEI and other sensitive receptors located within a 1,000-foot radius of proposed construction activity, are shown in Figure 2-1 of the HRA. The HRA is included as Appendix E.

Cancer Risks

The HRA concluded that the maximum increased lifetime adult residential cancer risk and DPM hazard index derived from unmitigated construction emissions would not exceed the air district thresholds and are less than significant. However, the infant/child cancer risk at the MEI is during building construction (estimated year 2024) is 36.48 cases per million (HRA Table 4-1 A), which exceeds the air district significance threshold of 10 cases per million and is a significant impact. Mitigation is necessary to reduce DPM emissions by 78 percent to achieve the necessary infant/child cancer risk reduction. Modeling results demonstrate that emissions volumes can be reduced to meet the air district cancer risk threshold by the use of Tier III engines on heavier construction equipment (HRA Table 4-2). Adherence to the air district's best management practices for the control of equipment exhaust PM_{10}, such as limiting engine idling and reducing speeds on unpaved roads, would also reduce DPM emissions. Other options for reducing DPM emissions include the use of alternative fuels and electrifying construction equipment.

$PM_{2.5}$ Concentrations

The HRA determined that the maximum annual $PM_{2.5}$ concentration at the MEI would be 0.50 $\mu g/m^3$ (HRA Table 4-4) which exceeds the air district significance threshold of 0.30 $\mu g/m^3$, even with the use of Tier III engines on heavy equipment. This is a significant impact and mitigation is necessary to further reduce $PM_{2.5}$ concentrations during excavation and grading activities to meet the threshold. Additional measures to reduce $PM_{2.5}$ emissions include, but would not be limited to, increasing the frequency of watering unpaved roads and excavated soils, reducing travel speeds on unpaved surfaces, limiting construction activities to low wind or non-windy days, and installing low-porosity windscreens downwind of construction activities.

Conclusion

Sensitive receptors within 1,000 feet of construction activities would be exposed to construction TAC emissions volumes that exceed the air district significance thresholds for infant/child cancer risks and $PM_{2.5}$ concentrations. These are significant impacts. Implementation of the following Mitigation Measures would reduce the impacts to a less-than-significant level.

Mitigation Measures

6-5a During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;

b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;

c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site;

d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;

e. All vehicle speeds on unpaved roads shall be limited to five (5) mph;

f. 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;

g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (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;

h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;

i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;

j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;

k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;

l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and

m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos 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.

6-5b Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 78 percent reduction of DPM emissions and a 60 percent reduction of $PM_{2.5}$ exposures at the MEI to meet the air district's risk thresholds.

The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:

a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;

b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);

c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and

d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.

Implementation of these mitigation measures would reduce significant impacts associated with exposure of sensitive receptors to TACs during construction by requiring that the project contractor implement dust and exhaust emissions reductions measures to reduce cancer risks through a 78 percent reduction in DPM emissions and implement a plan to reduce construction particulate matter emissions by 60 percent, subject to review and approval of the Town of Los Gatos Community Development Director.

Odor Generation

IMPACT 6-6	Construction of the Proposed Project Would Generate Odors that Could Affect Sensitive Receptors	Less Than Significant

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). Odor impacts could result from siting a new odor source near existing sensitive receptors or siting a new sensitive receptor near an existing odor source. Examples of land uses that have the potential to generate considerable odors include, but are not limited to: wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The proposed project is not an industrial use that would generate substantial odors and is not located in proximity to industrial facilities that have the potential to expose receptors to substantial odors.

Construction of the project may generate nuisance diesel odors associated with operation of diesel construction equipment on-site (primarily during initial grading phases), but this effect would be localized, sporadic, and short-term in nature.

Conclusion

The proposed project is a senior living community that does not site a new odor source. The proposed project is not located within the screening distances from existing odors sources identified in the air district's 2017 CEQA Guidelines Table 3-3, Odor Screening Distances. Therefore, no odor impacts would occur during project operations. Short term construction activities have the potential to generate temporary odors that could generate nuisance complaints. Odors produced during construction would not be permanent. Therefore, the proposed project would not result in significant odor impacts.

This side intentionally left blank.

7.0
Biological Resources

This section addresses existing biological resources on the project site; the federal, state, and regional/local regulatory framework pertaining to biological resources; and anticipated impacts to biological resources as a result of the proposed project. This evaluation is based on a reconnaissance field survey conducted by an EMC Planning Group biologist; a review of existing scientific literature, aerial photographs, technical background information, and policies applicable to projects located in the Town of Los Gatos and Santa Clara County.

Information in this section is derived from various sources including:

- Project applications and plans;
- *Town of Los Gatos 2020 General Plan*;
- *Town of Los Gatos 2020 General Plan EIR;*
- *Town of Los Gatos Municipal Code*;
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2020);
- California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2020);
- U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2020a) and *National Wetlands Inventory* (USFWS 2020b);
- *Arborist Report, Los Gatos Meadows, Los Gatos, CA* (HortScience | Bartlett Consulting 2018);
- *Arborist's Review, 110 Wood Road, Los Gatos, CA* (Monarch Consulting Arborists 2020);
- *Arborist Report Update, Los Gatos Meadows, Los Gatos, CA* (HortScience | Bartlett Consulting 2020);
- *Response to Los Gatos Meadows Arborist Peer Review Letter dated July 6, 2020* (Gates and Associates 2020); and
- *Los Gatos Meadows Focused Survey Report* (EMC Planning Group 2021).

The arborist reports, arborist reports peer review, and the focused survey report are included in Appendix C. One comment on the NOP was received on March 4, 2021 from the CDFW. Measures to address potential impacts to roosting bats and nesting birds were recommended, and are included in this EIR section, below.

7.1 ENVIRONMENTAL SETTING

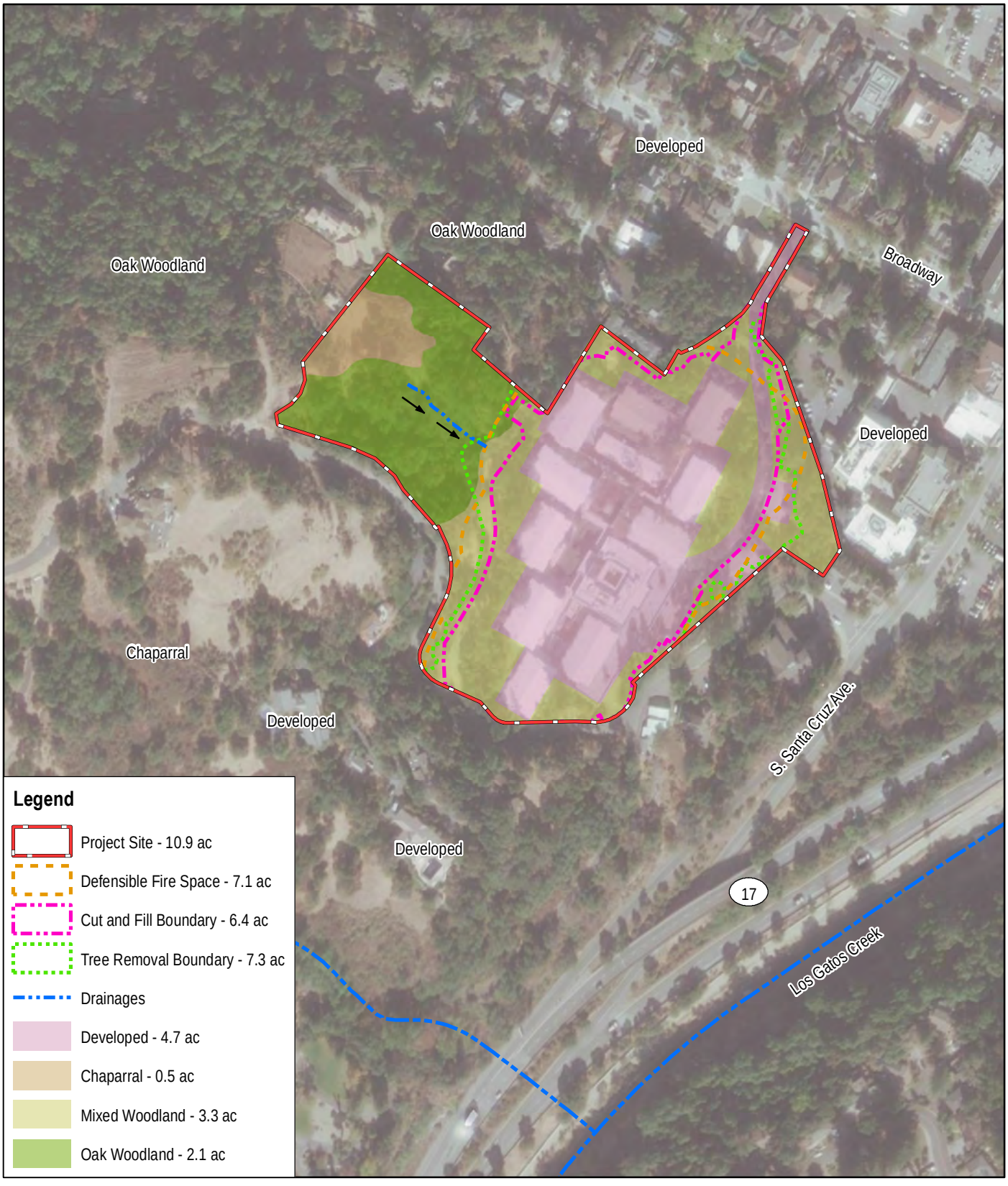
EMC Planning Group biologist Patrick Furtado, MS, conducted a reconnaissance-level biological survey at the project site on September 4, 2020 to document existing plant communities and wildlife habitats, and to evaluate the potential for special-status biological resources to occur on the site. Qualitative observations of plant cover, structure, and species composition were used to determine plant communities and wildlife habitats. Habitat quality and disturbance levels were documented.

Mr. Furtado subsequently conducted a focused plant survey at the project site on April 22, 2021 for special-status plant species with the potential to occur on the site. This survey was conducted in accordance with California Department of Fish and Wildlife (CDFW) and California Native Plant Society (CNPS) rare plant survey protocols. The survey was conducted in the approximately 4.5 acres of mixed woodland found within the project impact boundary. All of the project impact area was systematically surveyed and plant species observed were recorded in field notes.

Existing Conditions

The project site is located in the Town of Los Gatos, California, on an approximately 10.84-acre site near the intersection of Wood Road and South Santa Cruz Avenue. The site is situated on the Los Gatos U.S. Geological Survey (USGS) 7.5-minute quadrangle map, and ranges in elevation from roughly 434 to 682 feet. The site is within the San Francisco Bay Bioregion, which encompasses a diversity of plant communities from wet redwood forest to dry oak woodland and chaparral. The climate in the area is Mediterranean, with warm and dry summers, and winters tending to be cool and wet. Most of the annual rainfall occurs between the months of December and March. The soil type mapped across the project site is Katykat-Mouser-Sanikara complex (30 to 50 percent slopes), which consists of loam to sandy clay loam, with sandstone and mudstone parent materials (USDA NRCS 2020).

The site is currently developed with ten residential buildings, two cottages, several auxiliary buildings, parking garage, parking spaces, and a paved entry road. The proposed project includes the demolition of existing structures and the rebuilding of the facility on the same footprint with some modifications. Figure 7-1, Habitat Map, shows habitat mapped on the project site.



Source: ESRI 2021, Santa Clara County 2020, Kimley Horn 2020

Figure 7-1

Habitat Map

This side intentionally left blank.

Developed

The proposed project will generally follow the existing footprint of the developed area. The vegetation within and around the buildings and infrastructure consists of nonnative horticultural plantings of oleander (*Nerium oleander*), pittosporum (*Pittosporum* spp., English ivy (*Hedera helix*), box (*Buxus sempervirens*), Japanese maple (*Acer palmatum*), Chinese elm (*Ulmus parvifolia*), Italian cypress (*Cupressus sempervirens*), cycad (*Cycas* spp.), blue gum (*Eucalyptus globulus*), and strawberry tree (*Arbutus unedo*). Native California bay (*Umbellularia californica*) and coast live oak (*Quercus agrifolia*) can also be found outside of the building areas. The combination of developed areas, ornamental species, and disturbance defines this area as low-quality mixed oak woodland.

Oak Woodland

The upslope (western) section of the parcel is undeveloped and consists primarily of native oak woodland with small, scattered patches of chaparral. The oak woodland is dominated by coast live oak and California bay. Other common species include valley oak (*Quercus lobata*), poison oak (*Toxicodendron diversilobum*), California coffee berry (*Frangula californica*), toyon (*Heteromeles arbutifolia*), California buckeye (*Aesculus calfornica*), and California blackberry (*Rubus ursinus*). The combination of species present and relatively low level of disturbance defines the area northeast part of the parcel as high-quality oak/bay woodland.

Bird species observed on the site include red-shouldered hawk (*Buteo lineatus*), dark-eyed junco (*Junco hyemalis*), California scrub jay (*Aphelocoma californica*), Steller's jay (*Cyanocitta stelleri*), acorn woodpecker (*Melanerpes formicivorus*), chestnut-backed chickadee (*Poecile rufescens*), white-breasted nuthatch (*Sitta carolinensis*), and mourning dove (*Zenaida macroura*). Bird species expected to utilize the habitat include wild turkey (*Meleagris gallopavo*), bushtit (*Psaltriparus minimus*), Anna's hummingbird (*Calypte anna*), turkey vulture (*Cathartes aura*), and California quail (*Callipepla californica*).

Mammal species expected to utilize the habitat include California vole (*Microtus californicus*), Botta's pocket gopher (*Thomomys bottae*), striped skunk (*Mephitis mephitis*), California ground squirrel (*Spermophilus beecheyi*), and raccoon (*Procyon lotor*). Reptile species expected to utilize the habitat include western fence lizard (*Sceloporus occidentalis*), California alligator lizard (*Elgaria multicarinata multicarinata*), Pacific ring-necked snake (*Diadophis punctatus amabilis*), coast garter snake (*Thamnophis elegans terrestris*), Pacific gopher snake (*Pituophis catenifer catenifer*), and northern Pacific rattlesnake (*Crotalus oreganus oreganus*).

Wetlands and Waterways

A drainage descends from the upslope oak woodland and flows towards the project site. These drainages are likely ephemeral and only flow during rain events. They are not mapped on the USFWS National Wetlands Inventory Wetlands Mapper or on the USGS topographical map of the area.

Water collecting within the drainage likely flows to existing storm drain lines that currently direct and store water within the development footprint, conveying storm water to the Wood Road storm water system. No wetland plant species were observed in the drainages during the reconnaissance-level biological survey of the project site, however runoff from elevations higher than the project may flow through the drainage and the site in the direction of Los Gatos Creek, just south of State Route 17.

Special-Status Species with Potential to Occur in Vicinity

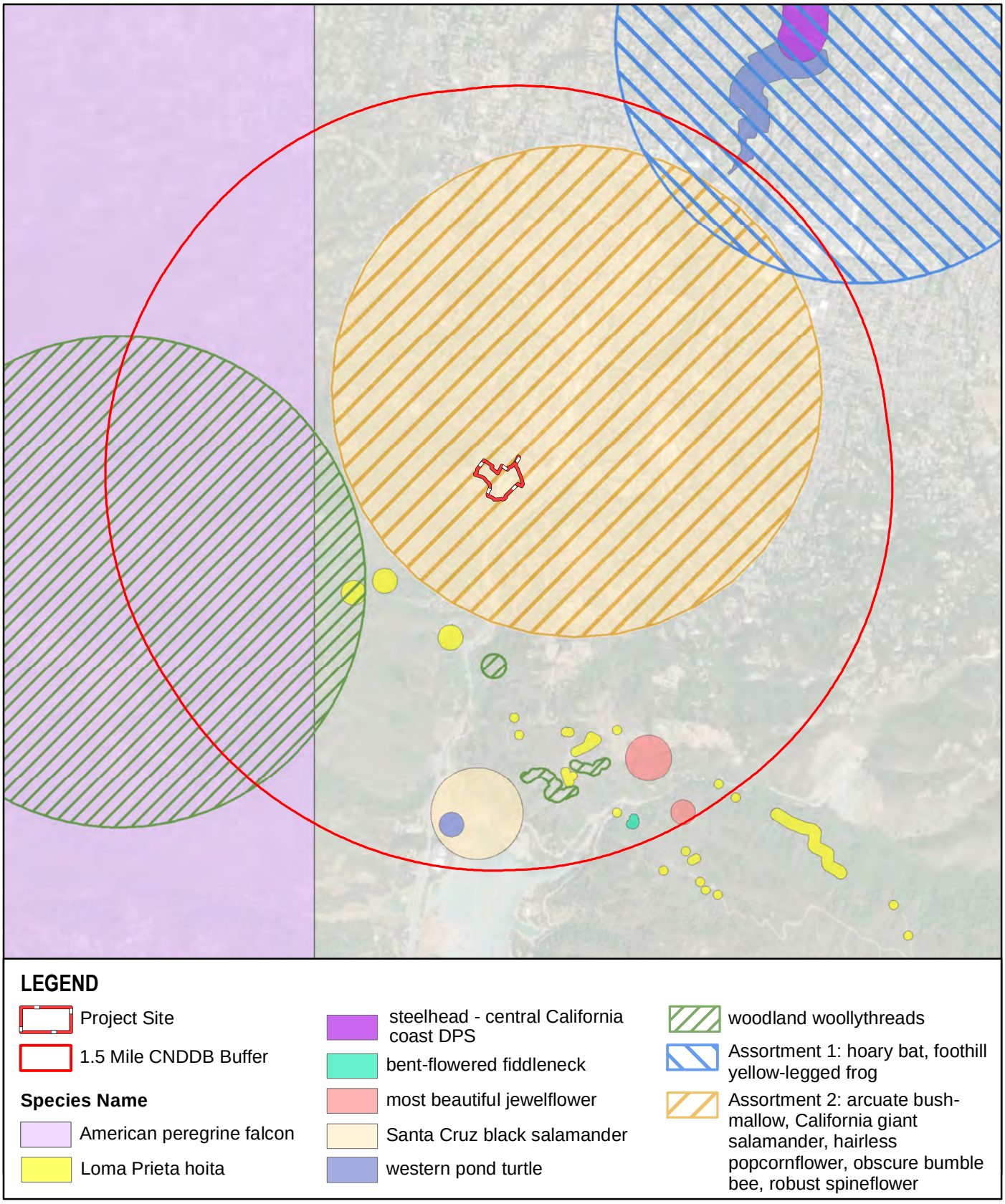
Special-status species are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS or CDFW under the state and/or federal Endangered Species Acts. The special-status designation also includes CDFW Species of Special Concern and Fully Protected species, California Native Plant Society (CNPS) Rare Plant Rank 1B and 2B species, and other locally rare species that meet the criteria for listing as described in Section 15380 of CEQA Guidelines. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

A search of the CDFW *California Natural Diversity Database* (CDFW 2020) was conducted for the Cupertino, San Jose West, San Jose East, Castle Rock Ridge, Los Gatos, Santa Teresa Hills, Felton, Laurel, and Loma Prieta USGS quadrangles in order to evaluate potentially occurring special-status plant and wildlife species in the project vicinity. Figure 7-2, Special-Status Species, shows the locations of special-status species recorded in the project vicinity. Records of occurrence for special-status plants were reviewed for the same USGS quadrangles in the CNPS *Inventory of Rare and Endangered Plants* (CNPS 2020). A USFWS *Endangered Species Program* threatened and endangered species list was also generated for Santa Clara County (USFWS 2020a).

Table 7-1, Special-Status Plant Species with Potential to Occur in Vicinity, and Table 7-2, Special-Status Wildlife Species with Potential to Occur in Vicinity, show special-status species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site.

Special-Status Plants

The upslope, undeveloped habitats of the parcel provide marginally suitable habitat for three special-status plant species. These habitats are upslope (west) of the construction footprint and are not expected to be disturbed. Database search results and the potential for special-status plants to occur on the project site and vicinity are presented in Table 7-1, Special-Status Plant Species with Potential to Occur in the Project Vicinity, and are discussed in the Impacts and Mitigation Measures section, below. These species include arcuate bush-mallow (*Malacothamnus arcuatus*), Loma Prieta hoita (*Hoita strobilina*), and woodland woollythreads (*Monolopia gracilens*).



Source: ESRI 2020, California Natural Diversity Database 2020

Figure 7-2

Special-Status Species

This side intentionally left blank.

Table 7-1 Special-Status Plant Species with Potential to Occur in the Project Vicinity

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Anderson's manzanita *(Arctostaphylos andersonii)*	--/--/1B.2	Broadleaved upland forest, chaparral, and North Coast coniferous forest. Known only from the Santa Cruz Mountains. Prefers open sites in redwood forest; elevation 180-800m. Blooming Period: November – April.	Not expected. Species occurs at higher elevations in Santa Cruz Mountains.
Arcuate bush-mallow *(Malacothamnus arcuatus)*	--/--/1B.2	Chaparral, in gravelly alluvium; elevation 80-355m. Blooming Period: April – September.	Not expected. Proposed project will not encroach chaparral vegetation found along the northwestern boundary.
Ben Lomond buckwheat *(Eriogonum nudum* var. *decurrens)*	--/--/1B.1	Chaparral, cismontane woodland, lower montane coniferous forest, and ponderosa pine sand hills; elevation 50-800m. Blooming Period: June – October.	Not expected. No suitable habitat found on the site.
Ben Lomond spineflower *(Chorizanthe pungens* var. *hartwegiana)*	FE/--/1B.1	Lower montane coniferous forest; found on Ben Lomond sands and Zayante coarse sands in maritime ponderosa pine sand hills; elevation 120-470m. Blooming Period: April - July	Not expected. No suitable habitat found on the site.
Bent-flowered fiddleneck *(Amsinckia lunaris)*	--/--/1B.2	Coastal bluff scrub, cismontane woodland, and valley and foothill grassland, on decomposed shale soils; elevation 3-500m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Big-scale balsamroot *(Balsamorhiza macrolepis)*	--/--/1B.2	Valley and foothill grassland, and cismontane woodland; sometimes on serpentine; elevation 35-1000m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Bonny Doon manzanita *(Arctostaphylos silvicola)*	--/--/1B.2	Chaparral, closed-cone coniferous forest, and lower montane coniferous forest. Known only from inland marine Zayante sands in Santa Cruz County; elevation 120-390m. Blooming Period: February – March.	Not expected. No suitable habitat found on the site.
Bristly sedge *(Carex comosa)*	--/--/2B.1	Coastal prairie, marshes and swamps (lake margins), and valley and foothill grassland; elevation 0-625m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
Caper-fruited tropidocarpum *(Tropidocarpum capparideum)*	--/--/1B.1	Valley and foothill grassland on alkaline clay; elevation 0-445m. Blooming Period: March – April.	Not expected. No suitable habitat found on the site.
Chaparral ragwort *(Senecio aphanactis)*	--/--/2B.2	Cismontane woodland and coastal scrub. Prefers drying alkaline flats; elevation 20-575m. Blooming Period: January – April.	Not expected. No suitable habitat found on the site.
Choris' popcorn-flower *(Plagiobothrys chorisianus* var. *chorisianus)*	--/--/1B.2	Chaparral, coastal scrub, coastal prairie, mesic sites; elevation 15-100m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Congdon's tarplant *(Centromadia parryi* spp. *congdonii)*	--/--/1B.1	Valley and foothill grassland (alkaline); elevation 1-230m. Known to occur on various substrates, and in disturbed and ruderal (weedy) areas. Blooming Period: June – November.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Contra Costa goldfields *(Lasthenia conjugens)*	FE/--/1B.1	Wet areas in cismontane woodland, playas (alkaline), valley and foothill grassland, and vernal pools; elevation 0-470m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.
Coyote ceanothus *(Ceanothus ferrisiae)*	FE/--/1B.1	Serpentine sites in chaparral, coastal scrub, and valley and foothill grassland; elevation 120-460m. Blooming Period: January – May.	Not expected. No suitable habitat found on the site.
Deceiving sedge *(Carex saliniformis)*	--/--/1B.2	Wet areas in coastal prairie, coastal scrub, meadows and seeps, and coastal salt marshes and swamps; elevation 3-230m. Blooming Period: June – July.	Not expected. No suitable habitat found on the site.
Dudley's lousewort *(Pedicularis dudleyi)*	--/SR/1B.2	Chaparral, North Coast coniferous forest, valley and foothill grassland. Deep shady woods of older coast redwood forests, also in maritime chaparral; elevation 100-490m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Dwarf soaproot *(Chlorogalum pomeridianum var. minus)*	--/--/1B.2	Chaparral, serpentine; elevation 120-1220m. Blooming Period: May – August.	Not expected. No suitable habitat found on the site.
Fragrant fritillary *(Fritillaria liliacea)*	--/--/1B.2	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine; various soils reported though usually clay in grassland; elevation 3-410m. Blooming Period: February – April.	Not expected. No suitable habitat found on the site.
Hairless popcorn flower *(Plagiobothrys glaber)*	--/--/1A	Meadows and seeps (alkaline), marshes and swamps (coastal salt); elevation 15-180m. Blooming Period: March – May.	Not expected. No suitable habitat found on the site. Possibly extirpated.
Hall's bush-mallow *(Malacothamnus hallii)*	--/--/1B.2	Chaparral, some populations on serpentine; elevation 10-550m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
Kellogg's horkelia *(Horkelia cuneata* ssp. *sericea)*	--/--/1B.1	Closed-cone coniferous forest, maritime chaparral, coastal scrub, sandy or gravelly openings; elevation 10-200m. Blooming Period: April – September.	Not expected. No suitable habitat found on the site.
Loma Prieta hoita *(Hoita strobilina)*	--/--/1B.1	Wet areas on serpentine substrate in chaparral, cismontane woodland, and riparian woodland; elevation 30-860m. Blooming Period: April – September.	Not expected. Species not found during focused surveys conducted during the blooming period.
Marsh microseris *(Microseris paludosa)*	--/--/1B.2	Closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 5-300m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Marsh sandwort *(Arenaria paludicola)*	FE/SE/1B.1	Sandy openings in freshwater or brackish marshes and swamps; elevation 3-170m. Blooming Period: May – August.	Not expected. No suitable habitat found on the site.
Metcalf Canyon jewel-flower *(Streptanthus albidus* ssp. *albidus)*	FE/--/1B.1	Valley and foothill grassland. Endemic to Santa Clara County. Relatively open areas in dry grassy meadows on serpentine soils/serpentine balds; elevation 45-245m. Blooming Period: April – July.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Minute pocket moss *(Fissidens pauperculus)*	--/--/1B.2	North coast coniferous forest. Moss growing on damp soil along the coast; elevation 10-100m. Evergreen.	Not expected. No suitable habitat found on the site.
Monterey spineflower *(Chorizanthe pungens* var. *pungens)*	FT/--/1B.2	Sandy openings in maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland; elevation 3-450m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Most beautiful jewel-flower *(Streptanthus albidus* ssp. *peramoenus)*	--/--/1B.2	Chaparral, valley and foothill grassland, and cismontane woodland; serpentine outcrops, on ridges and slopes; elevation 120-730m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Mt. Hamilton fountain thistle *(Cirsium fontinale* var. *campylon)*	--/--/1B.2	Serpentine seeps in chaparral, cismontane woodland, and valley and foothill grassland; elevation 100-890m. Blooming Period: February – October.	Not expected. No suitable habitat found on the site.
Northern curly-leaved monardella *(Monardella sinuata ssp. nigrescens)*	--/--/1B.2	Sandy sites in chaparral, coastal dunes, coastal scrub, and lower montane coniferous forest (ponderosa pine sandhills); elevation 0-300m. Blooming Period: April – September.	Not expected. No suitable habitat found on the site.
Pacific Grove clover *(Trifolium polyodon)*	--/SR/1B.1	Closed-cone coniferous forest, coastal prairie, meadows and seeps, valley and foothill grassland, mesic; elevation 5-120m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Point Reyes horkelia *(Horkelia marinensis)*	--/--/1B.2	Sandy sites in coastal dunes, coastal prairie, and coastal scrub; elevation 5-755m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
Robust spineflower *(Chorizanthe robusta* var. *robusta)*	FE/--/1B.1	Sandy or gravelly openings in cismontane woodland, coastal dunes, and coastal scrub; prefers sandy terraces and bluffs or loose sand; elevation 3-300m. Blooming Period: April – July.	Not expected. No suitable habitat found on the site. Possibly extirpated locally.
Rock sanicle *(Sanicula saxatilis)*	--/SR/1B.2	Rocky sites in broadleaved upland forest, chaparral, and valley and foothill grassland; prefers bedrock outcrops and talus slopes; elevation 620-1175m. Blooming Period: April – May.	Not expected. No suitable habitat found on the site.
Saline clover *(Trifolium hydrophilum)*	--/--/1B.2	Marshes and swamps, valley and foothill grassland, and vernal pools. Prefers wet, alkaline sites; elevation 0-300m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
San Francisco campion *(Silene verecunda* ssp. *verecunda)*	--/--/1B.2	Coastal scrub, valley and foothill grassland, coastal bluff scrub, chaparral, and coastal prairie on mudstone/shale and serpentine substrates; elevation 30-645m. Blooming Period: March – August.	Not expected. No suitable habitat found on the site.
San Francisco collinsia *(Collinsia multicolor)*	--/--/1B.2	Serpentine sites in closed cone coniferous forest and coastal scrub. Prefers decomposed shale (mudstone) mixed with humus; elevation 30-250m. Blooming Period: March – May.	Not expected. No suitable habitat found on the site.
San Francisco popcornflower *(Plagiobothrys diffusus)*	--/SE/1B.1	Valley and foothill grassland, and coastal prairie. Historically from grassy slopes with marine influence; elevation 60-485m. Blooming Period: March – June.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Santa Clara Valley dudleya *(Dudleya abramsii* ssp. *setchellii)*	FE/--/1B.1	Valley and foothill grassland, and cismontane woodland. Endemic to serpentine outcrops and on rocks within grassland or woodland in Santa Clara County; elevation 80-335m. Blooming Period: April – June.	Not expected. No suitable habitat found on the site.
Santa Cruz clover *(Trifolium buckwestiorum)*	--/--/1B.1	Broadleaved upland forest, cismontane woodland, and coastal prairie; prefers moist grassland and gravelly margins; elevation 105-610m. Blooming Period: April – October.	Not expected. No suitable habitat found on the site.
Santa Cruz cypress *(Hesperocyparis abramsiana* var. *abramsiana)*	FE/SE/1B.2	Closed-cone coniferous forest and lower montane coniferous forest in the Santa Cruz Mountains on sandstone and granitic derived soils; elevation 300-800m. Evergreen	Not expected. No suitable habitat found on the site.
Santa Cruz microseris *(Stebbinsoseris decipiens)*	--/--/1B	Broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, valley and foothill grassland, open areas, sometimes serpentine; elevation 10-500m. Blooming Period: April - May	Not expected. No suitable habitat found on the site.
Santa Cruz Mountains beardtongue *(Penstemon rattanii* var. *kleei)*	--/--/1B.2	Chaparral and lower montane coniferous forest. Sandy shale slopes in transition zone between forest and chaparral; elevation 400-1100m. Blooming Period: May – June.	Not expected. No suitable habitat found on the site.
Santa Cruz Mountains pussypaws *(Calyptridium parryi* var. *hesseae)*	--/--/1B.1	Sandy or gravelly openings in chaparral and cismontane woodland; elevation 305-1530m. Blooming Period: May – August.	Not expected. No suitable habitat found on the site.
Santa Cruz tarplant *(Holocarpha macradenia)*	FT/SE/1B.1	Coastal prairie, coastal scrub, and valley and foothill grassland; often on clay or sandy soils; elevation 10-220m. Blooming Period: June – October.	Not expected. No suitable habitat found on the site.
Santa Cruz wallflower *(Erysimum teretifolium)*	FE/SE/1B.1	Lower montane coniferous forest and chaparral. Pine Parkland Area, on inland marine sands (Zayante coarse sand); elevation 120-610m. Blooming Period: March – July.	Not expected. No suitable habitat found on the site.
Scotts Valley polygonum *(Polygonum hickmanii)*	FE/SE/1B.1	Valley and foothill grassland. Purisima sandstone or mudstone with a thin soil layer, vernally moist due to runoff; elevation 210-250m. Blooming Period: May – October.	Not expected. No suitable habitat found on the site.
Scotts Valley spineflower *(Chorizanthe robusta* var. *hartwegii)*	FE/--/1B.1	Meadows, and valley and foothill grassland. In grasslands with mudstone and sandstone outcrops; elevation 230-245m. Blooming Period: April – July.	Not expected. No suitable habitat found on the site.
Slender silver-moss *(Anomobryum julaceum)*	--/--/2B.2	Broadleaved upland forest, lower montane coniferous forest, North Coast coniferous forest, damp rocks and soil, usually seen on road cuts; elevation 100-1000m. Evergreen.	Not expected. No suitable habitat found on the site.
Smooth lessingia *(Lessingia micradenia* var. *glabrata)*	--/--/1B.2	Chaparral; endemic to Santa Clara County. Serpentine, often on roadsides; elevation 120-485m. Blooming Period: July – November.	Not expected. No suitable habitat found on the site.
Swamp harebell *(Campanula californica)*	--/--/1B.2	Mesic sites in bogs and fens, closed-cone coniferous forest, coastal prairie, meadows and seeps, freshwater marshes and swamps, and	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
		North Coast coniferous forest; elevation 1-405m. Blooming Period: June – October.	
Tear drop moss *(Dacryophyllum falcifolium)*	--/--/1B.3	Carbonate substrates in North Coast coniferous forest; elevation 50-275m. Evergreen.	Not expected. No suitable habitat found on the site.
Western leatherwood *(Dirca occidentalis)*	--/--/1B.2	Broadleaf upland forest, chaparral, closed cone coniferous forest, cismontane woodland, North Coast coniferous forest, riparian forest, and riparian woodland. Found on brushy slopes, in mesic sites, mostly in mixed evergreen and foothill woodland communities; elevation 30-550m. Blooming Period: January – April.	Not expected. No suitable habitat found on the site.
White-flowered rein orchid *(Piperia candida)*	--/--/1B.2	Broadleaf upland forest, lower montane coniferous forest, and North Coast coniferous forest; sometimes serpentine; elevation 30-1310m. Blooming Period: May – September.	Not expected. No suitable habitat found on the site.
White-rayed pentachaeta *(Pentachaeta bellidiflora)*	FE/SE/1B.1	Valley and foothill grassland. Open dry, rocky slopes and grassy areas, often on soils derived from serpentine bedrock; elevation 35-620m. Blooming Period: March – May.	Not expected. No suitable habitat found on the site.
Woodland woollythreads *(Monolopia gracilens)*	--/--/1B.2	Serpentine, open sites in broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland; elevation 100-1200m. Blooming Period: March – July.	Not expected. Species not found during focused surveys conducted during the blooming period.

SOURCE: CDFW 2020, CNPS 2020

NOTE: Status Codes:

Federal (USFWS)

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

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

FC: A Candidate for listing as Threatened or Endangered under the Federal Endangered Species Act.

FSC: Species of Special Concern.

FD: Delisted under the Federal Endangered Species Act.

State (CDFW)

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

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

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

SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.

SSC: Species of Special Concern.

SFP: Fully Protected species under the California Fish and Game Code.

SD: Delisted under the California Endangered Species Act.

CNPS Rare Plant Ranks and Threat Code Extensions
1B: Plants that are considered Rare, Threatened, or Endangered in California and elsewhere.
2B: Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere.
.1: Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).
.2: Fairly endangered in California (20-80% occurrences threatened).
.3: Not very endangered in California (<20% of occurrences threatened or no current threats known).

Table 7-2 Special-Status Wildlife Species with Potential to Occur in the Project Vicinity

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
American badger *(Taxidea taxus)*	--/SSC	Most abundant in drier, open stages of most shrub, forest, and herbaceous habitats. Need sufficient food and open, uncultivated ground with friable soils to dig burrows. Prey on burrowing rodents.	Not expected. No suitable habitat found on site.
American peregrine falcon *(Falco peregrinus anatum)*	FD/SD,SFP	Occurs near wetlands, lakes, rivers, or other waters on cliffs, banks, dunes, mounds, and human-made structures. Nest consists of a scrape on a depression or ledge in an open site.	Not expected. No suitable nesting habitat found on site.
Bay checkerspot butterfly *(Euphydryas editha bayensis)*	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. *Plantago erecta* is the primary host plant; *Castilleja densiflora* and *C. exserta* are secondary host plants.	Not expected. No habitat found on site.
Black swift *(Cypseloides niger)*	--/SSC	Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea bluffs above surf; forages widely.	Not expected. No suitable nesting habitat found on site.
Burrowing owl *(Athene cunicularia)*	--/SSC	Open, dry, annual or perennial grasslands, desert, or scrubland, with available small mammal burrows.	Not expected. No suitable nesting habitat found on site.
California giant salamander *(Anodonta californiensis)*	--/SSC	Known from wet coastal forests near streams ad seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not expected. No suitable habitat found on site.
California red-legged frog *(Rana draytonii)*	FT/SSC	Rivers, creeks, and stock ponds with pools and overhanging vegetation. Requires dense, shrubby or emergent riparian vegetation, and prefers short riffles and pools with slow-moving, well-oxygenated water. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter.	Not expected. No suitable habitat found on site.
California tiger salamander *(Ambystoma californiense)*	FT/ST	Grasslands and oak woodlands near seasonal pools and stock ponds in central and coastal California. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter. Requires seasonal water sources that persist into late March for breeding habitat.	Not expected. No suitable habitat found on site.
Coast horned lizard *(Phrynosoma blainvillii)*	--/SSC	Arid grassland and scrubland habitats; prefers lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burrowing, and abundant supply of ants and other insects for feeding.	Not expected. No suitable habitat found on site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Coho salmon *(Oncorhynchus kisutch)*	FE/SE	Freshwater habitats; requires beds of loose, silt-free, coarse gravel for spawning, covered cool water, and sufficient oxygen levels.	Not expected. No suitable habitat found on the site.
Cooper's hawk *(Accipter cooperii)*	--/SSC	Oak or riparian woodlands.	Low potential to occur. Marginally suitable habitat found on site.
Foothill yellow-legged frog *(Rana boylii)*	--/SSC	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	Not expected. No suitable habitat found on the site.
Golden eagle *(Aquila chrysaetos)*	--/SFP	Rolling foothill mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range. Also uses large trees in open areas.	Not expected. No suitable habitat found on the site.
Hoary bat *(Lasiurus cinereus)*	--/SSC	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Not expected. No suitable habitat found on the site.
Long-eared myotis *(Myotis evotis)*	--/--	Found in all brush, woodland and forest habitats from sea level to about 9,000 feet. Prefers coniferous woodlands and forests. Nursury colonies in buildings, crevices, spaces under bark and snags. Caves used primarily as night roosts.	Low potential to occur. Marginally suitable habitat found on site.
Marbled murrelet *(Brachyramphus marmoratus)*	FT/SE	Feeds near shore, and nests up to six miles inland from coast from Half Moon Bay to Santa Cruz in old-growth redwood forests, often in Douglas fir trees.	Not expected. No suitable habitat found on the site.
Mount Hermon (=barbate) June beetle *(Polyphylla barbata)*	FE/--	Sand hills at Mount Hermon.	Not expected. No suitable habitat found on the site.
Northern california legless lizard *(Anniella pulchra)*	--/SSC	Sandy or loose loamy soils under sparse vegetation, moist soils. Anniella pulchra is traditionally split into two subspecies: *A. pulchra pulchra* (silvery legless lizard) and *A. pulchra nigra* (black legless lizard), but these subspecies are typically no longer recognized.	Not expected. No suitable habitat found on the site.
Ohlone tiger beetle *(Cicindela ohlone)*	FE/--	Remnant native grasslands in Santa Cruz County. Substrate is poorly drained clay or sandy clay soil over bedrock of Santa Cruz mudstone.	Not expected. No suitable habitat found on the site.
Opler's longhorn moth *(Adela oplerella)*	FSC/--	From Marin county and the Oakland area on the inner coast ranges south to Santa Clara County. Serpentine grassland, larvae feed on *Platystemon californicus*.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Osprey *(Pandion haliaetus)*	--/--	Ocean shore, bays, fresh-water lakes, and larger streams. Large nests built in tree-tops within 15 miles of a good fish-producing body of water.	Not expected. No suitable habitat found on the site.
Pallid bat *(Antrozous pallidus)*	--/SSC	Deserts, grasslands, scrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures.	Low potential to occur. Marginally suitable habitat found on site.
Purple martin *(Progne subis)*	--/SSC	Inhabits woodlands, particularly low elevation coniferous forests (Douglas fir, ponderosa pine, and Monterey pine). Nests in cavities, often in tall, isolated trees or snags, and also in man-made structures.	Not expected. No suitable habitat found on site.
San Francisco dusky-footed woodrat *(Neotoma fuscipes annectens)*	--/SSC	Forest habitats of moderate canopy and moderate to dense understory. Constructs nest of shredded grass, leaves, and other materials.	Low potential to occur. Marginally suitable nesting resources available within oak woodland habitats on site. No nests identified during survey.
Santa Cruz black salamander *(Aneides flavipunctatus niger)*	--/SSC	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz, and Santa Clara Counties. Adults found under rocks, talus, and damp woody debris.	Low potential to occur. Marginally suitable habitat found on site. Species has been observed in proximity to project site.
Santa Cruz kangaroo rat *(Dipodomys venustus venustus)*	--/--	Silverleaf manzanita mixed chaparral in the Zayante sand hills ecosystem of the Santa Cruz Mountains. Needs soft, well-drained sand.	Not expected. No suitable habitat found on the site.
Smith's blue butterfly *(Euphilotes enoptes smithi)*	FE/--	Coastal dunes and coastal sage scrub plant communities. Host plants include *Eriogonum latifolium* and *E. parvifolium* for larval and adult stages.	Not expected. No suitable habitat found on the site.
Snowy egret *(Egretta thula)*	--/--	(Nesting) Colonial nester with nest sites situated in protected beds of dense tules. Rookery sites situated close to foraging areas, including marshes, tidal flats, streams, wet meadows, and borders of lakes.	Not expected. No suitable habitat found on the site.
Steelhead *(Oncorhynchus mykiss irideus)*	FT/--	Coastal stream with clean spawning gravel. Requires cool water and pools. Needs migratory access between natal stream and ocean.	Not expected. No suitable habitat found on the site.
Swainson's hawk *(Buteo swainsoni)*	--/ST	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas, such as grasslands or agricultural fields supporting rodent populations.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Townsend's big-eared bat *(Corynorhinus townsendii)*	--/SCT	Inhabits a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Low potential to occur. Marginally suitable habitat found on site.
Tricolored blackbird *(Agelaius tricolor)*	--/SE	Areas adjacent to open water with protected nesting substrate, which typically consists of dense, emergent freshwater marsh vegetation.	Not expected. No suitable habitat found on the site.
Western bumble bee (*Bombus occidentalis*)	--/CE	Meadows and grasslands with flowering plants; can also be found in natural areas within urban environments.	Not expected. No suitable habitat found on the site.
Western pond turtle *(Emys marmorata)*	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites (such as rocks or partially submerged logs) and suitable upland habitat for egg-laying (sandy banks or grassy open fields).	Not expected. No suitable habitat found on the site.
White-tailed kite *(Elanus leucurus)*	--/SFP	Rolling foothills and valley margins with scattered oaks, and river bottomlands or marshes next to deciduous woodlands. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Not expected. No suitable habitat found on the site.
Yellow rail *(Corturnicops noveboracensis)*	--/SSC	Summer resident in eastern Sierra Nevadas, prefers freshwater marshlands.	Not expected. No suitable habitat found on the site.
Yuma myotis *(Myotis yumanensis)*	--/--	Optimal habitats are open forests and woodlands with sources of water over which to feed. Distribution is closely tied to bodies of water. Maternity colonies in caves, mines, buildings, or crevices.	Not expected. No suitable habitat found on the site.
Zayante band-winged grasshopper *(Trimerotropis infantilis)*	FE/--	Isolated sandstone deposits in the Santa Cruz Mountains, Zayante Hills ecosystem.	Not expected. No suitable habitat found on the site.

SOURCE: CDFW 2020

NOTE: Status Codes:

Federal (USFWS)

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

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

FC: A Candidate for listing as Threatened or Endangered under the Federal Endangered Species Act.

FSC: Species of Special Concern.

FD: Delisted under the Federal Endangered Species Act.

State (CDFW)
SE: Listed as Endangered under the California Endangered Species Act.
ST: Listed as Threatened under the California Endangered Species Act.
SR: Listed as Rare under the California Endangered Species Act.
SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.
SSC: Species of Special Concern.
SFP: Fully Protected species under the California Fish and Game Code.
SD: Delisted under the California Endangered Species Act.

Special-Status Wildlife

Special-status wildlife species potentially occurring in the project vicinity were evaluated for their potential to occur on the project site. Database search results and the potential for special-status wildlife to occur on the project site and vicinity are presented in Table 7-2, Special-Status Wildlife Species with Potential to Occur in the Project Vicinity, and are discussed in in the Impacts and Mitigation Measures section, below. These species include: San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and nesting raptors and migratory birds.

Regulated Trees

The project site contains hundreds of native and nonnative trees representing over fifty species. In accordance with the Town's Tree Protection Ordinance, a tree inventory and assessment were conducted in 2018 by HortScience|Bartlett Consulting under contract with the applicant for the proposed project and included all trees with trunk diameters greater than four inches (those trees protected by the Ordinance). A total of 375 trees representing 57 species were evaluated.

A peer review of the 2018 arborist report was performed in 2020 by Monarch Consulting Arborists, the Town's consulting arborist. Monarch found the 2018 arborist report outdated as at least 20 trees had been removed since the report was drafted. Monarch also found that within the report there is no differentiation between "Protected," "Large Protected," "Heritage," and "Exceptions" trees. Los Gatos has specific definitions for these designations and they are not interchangeable. The peer review recommended that the 2018 arborist report and tables be revised to reflect current conditions and trees recently removed.

In 2019, selected trees were removed in response to a Wildland Urban Interface fire management review. Hort Science | Bartlett Consulting prepared an *Arborist Report Update* to incorporate data on trees removed and also responds to the peer review conducted by Monarch Consulting (2020). Forty-four (44) trees were removed and three hundred thirty-one (331) trees remain. A *Response to Los Gatos Meadows Arborist Peer Review Letter dated July 6, 2020* was also submitted to address how comments and recommendations from the peer review and revised Arborist Report were incorporated into the landscape and tree planting plans (Gates and Associates 2020).

Sensitive Natural Communities

As described in more detail above in the Existing Conditions section, the site supports low-quality mixed oak woodland and high-quality native oak/bay woodland habitat. Oak woodlands are generally considered sensitive natural communities by CDFW because they support a diverse assemblage of native species. CDFW also recognizes wetlands and waterways as sensitive natural communities (described in the wetlands and waterways section above).

Wildlife Movement

Wildlife movement includes migration (usually movement one way per season), inter-population movement (long-term dispersal and genetic flow), and small travel pathways (daily movement within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connection between outlying populations and the main populations, permitting an increase in gene flow among populations. These habitat linkages can extend for miles and occur on a large scale throughout the greater region. Habitat linkages facilitate movement between populations located in discrete locales and populations located within larger habitat areas.

The project site is located within an area between developed areas and wildland areas generally known as "urban/wildland interface". The northwestern portion of the parcel contains relatively undisturbed oak woodland and chaparral plant communities contiguous to wild areas north of the site. As shown on Figure 7-1, Habitat Map, the project impact boundary is limited to areas close to the existing developed area and does not extend far into the oak woodland north of the developed area. Movement within the habitats in and around the buildings is likely restricted to that of common wildlife species and this portion of the project site does not function as a regional wildlife movement corridor or habitat linkage.

7.2 REGULATORY SETTING

This section briefly describes federal, state, and local regulations, permits, and policies pertaining to biological resources and wetlands as they apply to the project.

Federal Plans and Regulations

Endangered Species Act

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

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 prohibits killing, possessing, or trading in migratory birds, and protects the nesting activities of native birds including common species, except in accordance with certain regulations prescribed by the Secretary of the Interior. Over 1,000 native nesting bird species are currently protected under the federal law. This Act encompasses whole birds, parts of birds, bird nests, and eggs.

The USFWS published a proposed rule to clarify prohibitions governing the "take" of birds under the Migratory Bird Treaty Act on February 3, 2020. This proposed rule clarifies that the scope of the Migratory Bird Treaty Act applies only to intentional injuring or killing of birds. Conduct that results in the unintentional (incidental) injury or death of migratory birds is not prohibited under the Act. On January 7, 2021, the final regulation defining the scope of the Migratory Bird Treaty Act was published in the Federal Register. The rule goes into effect on February 8, 2021.

With the change of administrations, the future of the new rule is uncertain. The effective date of the rule will likely be extended, along with other rules that have not yet taken effect as the Biden Administration begins in January 2021. With the status of the revised rule unknown, the previous interpretation of the law, which prohibits intentional and unintentional take of migratory birds, remains in effect.

Clean Water Act

Section 404 of the Clean Water Act of 1972 regulates the discharge of dredge and fill material into “Waters of the U.S.”. “Waters of the U.S.” are waters such as oceans, rivers, streams, lakes, ponds, and wetlands subject to U.S. Army Corps of Engineers (USACE) Regulatory Program jurisdiction under Section 404 of the Clean Water Act. Certain artificial drainage channels, ditches and wetlands are also considered jurisdictional “Waters of the U.S.” On June 22, 2020, the Environmental Protection Agency and the Department of the Army’s Navigable Waters Protection Rule: Definition of “Waters of the United States” (NWPR) became effective in 49 states and in all US territories. The San Francisco USACE District uses the NWPR definitions of “Waters of the U.S.” when making permit decisions and providing landowners written determinations of the limits of federal jurisdiction on their property.

The USACE determines the extent of its jurisdiction as defined by ordinary high-water marks on channel banks, wetland boundaries, and/or connectivity to a navigable water. Wetlands are habitats with soils that are intermittently or permanently saturated or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 *Corps of Engineers Wetlands Delineation Manual* and the 2008 *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*.

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

State Plans and Regulations

California Endangered Species Act

Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the CDFW is required for projects that could result in the "take" of a state-listed Threatened or Endangered species. "Take" is defined under these laws as an activity that would directly or indirectly kill an individual of a species. If a project would result in the "take" of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a conservation plan, would be required.

Nesting Birds and Birds of Prey

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

Streambed Alterations

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

California Porter-Cologne Water Quality Control Act

Under the California Porter-Cologne Water Quality Control Act, the applicable Regional Water Quality Control Board (regional board) may necessitate Waste Discharge Requirements for the fill or alteration of "Waters of the State," which according to California Water Code Section 13050 includes "any surface water or groundwater, including saline waters, within the boundaries of the state." The regional board may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction.

Also, under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state regional board is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System permits.

Local Plans and Regulations

Town of Los Gatos 2020 General Plan

Los Gatos has been recognized for excellence in urban forestry management and is proud of its status as a "Tree City USA." As stated in the General Plan, "Trees and other plant life can prevent soil erosion, landslides, and flooding while ensuring a scenic buffer from the effects of development and providing wildlife habitats. Wildlife populations must be preserved as having intrinsic value that contributes to the quality of Town life, while keeping in mind the safety and well-being of Town residents."

The 2020 General Plan Environment and Sustainability (ENV) element contains the following goal and policies associated with biological resources that are applicable to the proposed project:

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

> **Policy ENV-1.1:** Preserve trees that are protected under the Town's Tree Protection Ordinance, as well as other native heritage, heritage and specimen trees.
>
> **Policy ENV-1.2:** Public and private projects shall protect special-status native plant species.
>
> **Policy ENV-1.3:** Prohibit development that significantly depletes, damages or alters existing special-status plants.
>
> **Policy ENV-1.4:** Prohibit bicycles in native plant habitats unless on designated trails.

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

Policy ENV-1.6: Use native plants that are indigenous to the Los Gatos area on Town-owned and controlled property.

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

Town of Los Gatos Municipal Code

The *Town of Los Gatos Municipal Code* Section 29.10.0960 Scope of Protected Trees defines the following as protected trees:

1. All trees which have a twelve-inch or greater diameter (thirty-seven and one-half-inch circumference) of any trunk or in the case of multi-trunk trees, a total of eighteen inches or greater diameter (fifty-six and one-half-inch circumference) of the sum of all trunks, where such trees are located on developed residential property.
2. All trees which have an eight-inch or greater diameter (twenty-five-inch circumference) of any trunk or in the case of multi-trunk trees, a total of eight inches or greater diameter (twenty-five-inch circumference) of the sum of all trunks, where such trees are located on developed Hillside residential property.
3. All trees of the following species which have an eight-inch or greater diameter (twenty-five-inch circumference) located on developed residential property: Blue Oak (*Quercus douglasii*); Black Oak (*Quercus kellogii*); California Buckeye (*Aesculus californica*); Pacific Madrone (*Arbutus menziesii*).
4. All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required.
5. Any tree that existed at the time of a zoning approval or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (6) of this section (e.g., landscape or site plans).
6. Any tree that was required by the Town to be planted or retained by the terms and conditions of a development application, building permit or subdivision approval in all zoning districts, tree removal permit or code enforcement action.
7. All trees, which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk and are located on property other than developed residential property.

8. All publicly owned trees growing on Town lands, public places or in a public right-of-way easement, which have a four-inch or greater diameter (twelve and one-half-inch circumference) of any trunk.
9. A protected tree shall also include a stand of trees, the nature of which makes each dependent upon the other for the survival of the stand.
10. The following trees shall also be considered protected trees and shall be subject to the pruning permit requirements set forth in section 29.10.0982 and the public noticing procedures set forth in section 20.10.0994: Heritage trees; Large protected trees.

Fire Hazards Hazardous Brush Abatement Program

The Santa Clara County Fire Department provides fire protection services to the Town of Los Gatos and manages and implements a hazardous brush abatement program for hillside areas within its jurisdictional boundaries. In January of each year, homeowners are reminded that they must remove native brush and vegetation from around their home to create defensible space at least 100 feet from building edges. The brush abatement program entails inspections of hillside properties by fire crews beginning early April each year. If properties are found out of compliance with the regulations found in the California Fire Code relative to vegetation clearance, they are given notice of the violation. If compliance is still not achieved by approximately the end of June each year, a contractor is authorized to perform the necessary work. The costs associated with the abatement work are then placed on the property tax bill for that parcel (Santa Clara County Fire Department 2018).

7.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

The CEQA Guidelines indicate that a project may have a significant effect on the environment if it would have any of the effects listed below.

- 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;
- 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;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

No habitat conservation plans apply to the project area. No further discussion of this topic is required. The applicable issues for the proposed project are evaluated in the impact analysis below.

7.4 Analysis, Impacts, and Mitigation Measures

This evaluation is based a review of existing scientific literature, aerial photographs, technical background information; relevant documents addressing biological resources at the project site; surveys conducted by EMC Planning Group; arborist reports, and policies applicable to projects located in the Town of Los Gatos. See the beginning of this EIR section for a list of relevant documents used in this analysis.

Effects on Special-Status Plant and Wildlife Species

IMPACT 7-1	**Potential Effect on Special-Status Plant Species: Arcuate Bush-Mallow, Loma Prieta Hoita, and Woodland Woollythreads**	**No Impact**

The project site contains marginally suitable habitat for three special-status plant species: arcuate bush-mallow, Loma Prieta hoita, and woodland woollythreads.

Arcuate bush-mallow (*Malacothamnus arcuatus*) is listed by the CNPS as 1B.2 (fairly endangered in California) and is found in chaparral plant communities with gravelly alluvium substrates. This species blooms from April to September. The nearest recorded observation of this species is approximately 0.5 miles northeast of the project site (Occurrence No. 38, CNDDB 2020). Arcuate-bush mallow could potentially be found growing within chaparral along the northern parcel boundary (Figure 7-1, Habitat Map). This area is outside of the project impact boundary and will not be disturbed as a result of the proposed project. No mitigation is necessary.

Loma Prieta hoita (*Hoita strobilina*) is listed by the CNPS as 1B.1 (seriously endangered in California) and is found on serpentine substrate in chaparral and oak woodland. This species blooms from April to September. The nearest recorded observation of this species is

approximately 0.6 miles southwest of the project site (Occurrence No. 19, CNDDB 2020). Loma Prieta hoita could potentially be found growing in oak woodland within the upslope (western) portion of the project site or within mixed oak woodland closer to the existing developed area (Figure 7-1, Habitat Map).

Woodland woollythreads (*Monolopia gracilens*) is listed by the CNPS as 1B.2 (fairly endangered in California) and is found in open sites in chaparral and oak woodland. This species blooms from March to July. The nearest recorded observation of this species is approximately 1.5 miles southwest of the project site (Occurrence No. 30, CNDDB 2020). Woodland woollythreads could potentially be found growing in oak woodland within the upslope (western) portion of the project site or within mixed oak woodland closer to the existing developed area (Figure 7-1, Habitat Map).

Conclusion

No special-status plant species, including Loma Prieta hoita (*Hoita strobilina*) and woodland woollythreads (*Monolopia gracilens*), were observed during the focused plant survey on April 22, 2021 (EMC Planning Group 2021). Focused plant survey results are generally considered valid for about five years. The proposed project will have no impact on special-status plant species and no mitigation is required.

IMPACT 7-2	Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)	Less than Significant with Mitigation

San Francisco dusky-footed woodrat is a California Species of Special Concern and is typically found within dense chaparral or oak woodland habitats with moderately dense understory growth and abundant dead wood available for midden construction. A midden is a small pile or "house" made of sticks, leaves, bones, seeds, etc. gathered by a rodent. The project site is within the known range of this species. The nearest observation of the species was recorded in 2016 approximately six miles north of the project site (Occurrence No. 17, CNDDB 2020). Possible midden locations were identified in the mixed woodland and oak/bay woodland areas where fallen tree branches, leaves, and sticks had accumulated to provide resources for midden construction.

Conclusion

If San Francisco dusky-footed woodrat is present within the 0.3 acres of oak/bay woodland or 5.2 acres of mixed woodland within the proposed project impact area, loss or disturbance of woodrats due to midden removal during construction and fire safety activities would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

7-2 Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.

Implementation of this mitigation measure would reduce the potential impact by requiring pre-construction surveys for San Francisco dusky-footed woodrat middens, and avoidance or dismantling of any middens within the development footprints. Therefore, this impact is less than significant with mitigation incorporated.

IMPACT 7-3	Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)	Less than Significant with Mitigation

The proposed project includes the removal of 213 trees and requires demolition of structures. Cavities in mature, hollow trees and structures on the project site provide potential roosting habitat for two special-status bat species: the California Species of Special Concern pallid bat and candidate species for state listing as threatened Townsend's big-eared bat. Both species are known to occur in the project region. The nearest observation of the pallid bat was recorded in 2004 approximately 4.4 miles east of the project site (Occurrence No. 100, CNDDB 2020). The nearest observation of Townsend's big-eared bat was recorded in 2002 approximately 2.8 miles southwest of the project site (Occurrence No. 600, CNDDB 2020).

Conclusion

Potential habitat for pallid bat and Townsend's big-eared bat occurs in mature, hollow trees and around structures present within the project site. If special-status bats are present on the site, tree removal and other construction activities could result in the loss of individual

animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

7-3 Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer

zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.

Implementation of this mitigation measure would reduce the potential significant impact to special-status bats to a less-than-significant level by requiring pre-construction surveys and incorporation of appropriate avoidance and minimization measures should evidence of roosting bats be found on the project site. Therefore, this impact is less than significant with mitigation incorporated.

IMPACT 7-4	Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)	Less than Significant with Mitigation

Various bird species may nest throughout the project site, including in buildings, on open ground, or in any type of vegetation. Several avian species were observed at the project site during the reconnaissance field survey, including red-shouldered hawk, dark-eyed junco, California scrub jay, Steller's jay, acorn woodpecker, chestnut-backed chickadee, white-breasted nuthatch, and mourning dove. No nesting activity was observed during the surveys. However, many bird species are migratory and fall under the jurisdiction of the Migratory Bird Treaty Act, protections for birds of prey, and/or are considered Fully Protected Species.

Protected nesting birds, including raptor species such as Cooper's hawk (*Accipiter cooperii*), have potential to nest on and adjacent to the project site during the nesting bird season (January 15 through September 15).

Conclusion

If nesting birds protected by state and federal regulations are present on or adjacent to the site during construction activities including vegetation removal and site preparation including building demolition, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

7-4 Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.

a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.

b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.

Implementation of this mitigation measure would reduce potential significant impacts to nesting birds and raptors to less than significant by requiring a preconstruction survey prior to construction in and adjacent to the project site boundary. If nesting activity is observed, measures to protect the nest(s) shall be implemented. Therefore, this impact is less than significant with mitigation.

Protected Wetlands or Waters of the U.S.

IMPACT 7-5	Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)	Less than Significant with Mitigation

A potentially jurisdictional aquatic feature was identified within the project site boundary (Figure 7-1, Habitat Map). An approximately 230-foot-long ephemeral drainage was identified within the oak woodland northwest of the developed area. Runoff from upslope likely collects within the drainage as a result of natural elevation changes directing flow south towards Los Gatos Creek. Water collecting within the drainage likely flows to existing storm drain lines that currently direct and store water within the development footprint, conveying storm water to the Wood Road storm water system.

Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology. Waterways or drainage channels are defined by their ordinary high-water marks on channel banks and their connection to other waterways or aquatic features. Although no wetland vegetation was identified associated with the drainage, the drainage feature could connect to Los Gatos Creek.

Conclusion

The Town of Los Gatos General Plan 2020 requires for all development to "protect wetlands and riparian corridors, including intermittent and ephemeral streams." The on-site drainage feature may also fall under the jurisdiction of the USACE, RWQCB, and/or CDFW. Impacts to jurisdictional wetland and waterway features are considered significant adverse environmental impacts. The following mitigation measures would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measures

7-5a To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.

7-5b If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a

qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.

b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

Implementation of these mitigation measure shall ensure that impacts to potentially jurisdictional wetlands and waterways are mitigated by avoiding the feature through establishment of a setback or requiring a wetland assessment/jurisdictional determination and associated permitting if avoidance is not possible. With implementation of these mitigation measures, construction of the proposed project would not have a substantial adverse effect on federally or state-protected wetlands through direct removal, filling, hydrological interruption, or other means. Therefore, this impact is less than significant with mitigation.

Protection of Regulated Trees

IMPACT 7-6	Damage or Removal of Regulated Trees	Less than Significant with Mitigation

The *Town of Los Gatos Municipal Code* Section 29.10.0960 Scope of Protected Trees includes a definition of protected trees (see details in the Regulatory Section above), and outlines the requirements if protected trees may be damaged or removed by a project (Town of Los Gatos 2020).

A tree inventory and assessment were conducted in 2018 by HortScience|Bartlett Consulting for the proposed project and included all trees with trunk diameters greater than four inches (those trees protected by the Ordinance). A total of 375 trees representing 57 species were evaluated. A peer review of the 2018 arborist report was performed in 2020 by Monarch Consulting Arborists.

In 2019, selected trees were removed in response to a Wildland Urban Interface fire management review. Hort Science | Bartlett Consulting prepared an *Arborist Report Update* to incorporate data on trees removed and also responds to the peer review conducted by Monarch Consulting (2020). Forty-four (44) trees were removed and three hundred thirty-one (331) trees remain. A *Response to Los Gatos Meadows Arborist Peer Review Letter dated July 6, 2020* was also submitted to address how comments and recommendations from the peer review and revised Arborist Report were incorporated into the landscape and tree planting plans (Gates and Associates 2020).

Conclusion

The *Arborist Report Update* re-evaluated the potential impacts to trees as a result of the project as shown on the Planning Submittal Set (10/8/2020) and the Preliminary Drainage Plan (6/30/2020). The disposition of each tree is shown in the exhibit attached to the *Arborist Report Update*, and summarized in Table 7-3, Trees Planned for Removal and Preservation, below.

Table 7-3 Trees Planned for Removal and Preservation

	Protected	Large Protected	Total
Trees Planned for Removal	205	8	213
Trees Planned for Preservation	109	9	118

Source: HortScience | Bartlett Consulting 2020

The proposed project could remove up to 213 regulated trees. This would be a significant potential adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than significant level.

Mitigation Measure

7-6 Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree

Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.

Implementation of this mitigation measure would reduce potential impacts to regulated trees by requiring Town approval prior to removal of regulated trees, installation of adequate replacement trees, and protection of all retained trees during construction. Therefore, this impact is less than significant with mitigation incorporated.

Wildlife Movement

IMPACT 7-7	Interference with Movement of Wildlife Species or with Established Wildlife Corridors	Less than Significant

Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory).

Conclusion

The Town of Los Gatos General Plan 2020 states that "Town staff shall review site plans to ensure that existing significant wildlife habitats and migration corridors are not adversely affected by either individual or cumulative development impacts (Policy ENV-4.11)."

The proposed project would impede to a limited degree the local movement of common wildlife species due to habitat loss. However, the impact to animals that may occasionally traverse these areas would be less than significant given the amount of similar habitat in the vicinity and region. Therefore, no mitigation measures are necessary.

Sensitive Natural Communities

IMPACT 7-8	Effect on Sensitive Natural Communities	Less than Significant with Mitigation

Sensitive natural communities are those that are listed in the CNDDB due to the rarity of the community in the state or throughout its entire range (globally). Ranking of plant communities occurs according to their degree of imperilment, as measured by rarity, trends, and threats. Sensitive natural communities that may occur in the Central California region include, but are not limited to, the following: wetland and marsh, riparian forest, sycamore alluvial woodland, oak woodland, maritime chaparral, manzanita chaparral, dune scrub, and vernal pools.

The proposed project would disturb approximately 0.3 acres of oak/bay woodland and 5.2 acres of mixed woodland within the proposed project impact area. Oak/bay and mixed oak woodlands are considered a CDFW-designated sensitive natural community. Given that replacement plantings would be required for removal of each Town-regulated tree, including native oaks, this is a less than significant environmental impact. No additional mitigation measures are required.

Conclusion

Sensitive natural communities potentially present on the site are limited to highly impacted drainage channels and oak woodland. Prior mitigation measures require the developer to determine the extent of potentially regulated drainage channels and regulated trees prior to initiation of ground disturbance or construction activities. To compensate for temporary and/or permanent impacts, mitigation shall be provided as required by regulatory permits. No additional mitigation measures are necessary.

General Plan policies ENV-1.5 and ENV-1.7 prohibit the use of invasive species listed by the California Invasive Plant Council (Cal-IPC) for all new construction and requires new development to use native plants or other appropriate non-invasive plants to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitat. The spread of invasive species is considered a significant potential impact. The following mitigation measure would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measure

7-8 On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping.

The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.

Implementation of this mitigation measure would reduce potential impacts to sensitive plant communities by requiring Town approval of the plant palette prior to landscaping. Therefore, this impact is less than significant with mitigation incorporated.

8.0
Cultural, Paleontological, and Tribal Resources

Information in this section is derived from a variety of sources including:

- California Historical Resources Information System, Northwest Information Center, Sonoma State University, September 9, 2020, File No. 20-0383;
- EMC Planning Group archaeological survey of the project site (August 27, 2020);
- *Town of Los Gatos 2020 General Plan Final EIR* (June 2010); and
- Correspondence with the Native American Heritage Commission, August 31, 2020.

The Native American Heritage Commission responded with a list of tribes that are traditionally and culturally affiliated with the geographic area of the project site and recommended consultation with the tribes. Consultation was conducted and the results are presented herein. In addition, a response to the notice of preparation was received from the Native American Heritage Commission (dated February 1, 2021). The notice of preparation and responses are included as Appendix A. The response is a standard letter about AB 52 and SB 18 consultation.

8.1 Environmental Setting

General Plan EIR

The environmental setting for cultural resources within Los Gatos is summarized in Chapter 5 of the General Plan EIR, which addresses cultural and historic resources. According to the General Plan EIR, the proposed project site is not located within the major archaeological resource areas.

Tribal Cultural Resources/Sacred Lands

On August 31, 2020, the Native American Heritage Commission responded to a request for knowledge of sacred lands and other cultural resources within the proposed project site. They responded with a list of tribes that are traditionally and culturally affiliated with the geographic area of the site. A request for additional information was sent to the tribes on the

list and only one response was received from Valentin Lopez, Chairperson of the Amah Mutsun Tribal Band, who stated the project site is outside the tribe's traditional tribal territory and therefore, they have no comment.

Northwest Information Center Search Results

EMC Planning Group conducted a records search through the California Historical Resources Information System (CHRIS). According to the results of the records search, there are no previously recorded archaeological resources within the project site and one resource (P-43-002455), a historic building, within a quarter mile radius. There was no history of archaeological reports prepared for the project site.

National Register of Historic Places Search Results

A search of the National Register of Historic Places database did not result in any listed properties within the project site or area.

8.2 REGULATORY SETTING

Federal Regulations-National Park Service

National Historic Preservation Act (1966)

This Act was passed into law in 1966. The purpose of the Act is to establish systems and standards for coordinating historic preservation efforts between the federal government and state, local, and tribal governments. This Act includes Title I, Historic Preservation Programs, Section 101, which states the Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Additional information about this Act can be found under Title 54 U.S.C. Chapter 3021-National Register of Historic Places, 54 U.S.C. 302101 (National Conference of State Historic Preservation Officers 2021).

Native American Graves Protection and Repatriation Act

This Act was passed into law on November 16, 1990 and has been amended twice. This Act describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. Additional information about this Act can be found under Public Law 101-601; 54 U.S.C. (National Park Service 2021).

State Laws, Regulations, and Statutes

California Environmental Quality Act (CEQA) Archaeological Resources (California Public Resources Code § 21083.2)

It is the responsibility of the lead agency to determine whether a project may have a significant effect on archaeological resources. If the lead agency determines that a project may have a significant effect on historic resources or unique archaeological resources, the EIR shall address the issue of those resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state.

Assembly Bill 52

The legislation requires consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures. AB 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, unique archaeological, and paleontological resources. AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area.

To participate in AB 52, a tribe requests, in writing, that they wish the lead agency to notify them through a formal notification of proposed projects within the tribe's geographic area where they are traditionally and culturally affiliated. The lead agency has 14 days after determining that an application for a project is complete, or a decision by a public agency to undertake a project, to provide formal notification to the designated contact or tribal representative of traditionally and culturally affiliated California Native American tribes that have requested notice.

The Town of Los Gatos has not received any written requests for consultation from tribes traditionally or culturally affiliated with the project area. Therefore, tribal cultural resources consultation is not required and no further discussion of tribal cultural resources is required.

State Historical Resources Commission (California Public Resources Code § 5020)

Under California Public Resources Code section 5020.5, the State Historical Resources Commission shall develop criteria and methods for determining the significance of archaeological sites, for selecting the most important archaeological sites, and for determining whether the most significant archaeological sites should be preserved intact or excavated and interpreted. The commission shall also develop guidelines for the reasonable and feasible collection, storage, and display of archaeological specimens. The commission oversees the California Register (California Office of Historic Preservation 2021).

State Historic Preservation Officer (SHPO) (California Public Resources Code § 5020.6)

In consultation with the State Historical Resource Commission, the SHPO acts as the executive secretary of the commission and shall be the chief administrative officer of the Office of Historic Preservation (California Office of Historic Preservation 2019).

California Register of Historical Resources (California Public Resources Code § 5024.1)

The California Register is an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change (California Office of Historic Preservation 2021).

Native American Heritage Commission (California Public Resources Code § 5097.9)

The commission shall identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The commission shall notify landowners on whose property such graves and cemeteries are determined to exist, and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property. The commission shall make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans (California Office of Historic Preservation 2021).

Human Remains (California Health and Safety Code § 7050.5)

Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstance, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his/her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall

make his/her determination within two workings days from the time the person responsible for the excavation, or his/her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his/her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he/she shall contact, by telephone within 24 hours, the Native American Heritage Commission (California Office of Historic Preservation 2021).

8.3 THRESHOLDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of cultural resources and tribal cultural resources, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of cultural and tribal cultural resources impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries presented in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

Historic and Unique Archaeological Resources

- Cause a substantial adverse change in the significance of a historical resource;
- Cause a substantial adverse change in significance of a (unique) archaeological resource; or
- Disturb any (Native American) human remains, including those interred outside of dedicated cemeteries.

Paleontology

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Tribal Cultural Resources

- 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:

- 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
- 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Issues not Discussed Further in this Section

- Directly or indirectly destroy a unique geologic feature.

The proposed project site is developed with steep slopes surrounding the property. Due to the disturbed nature of the property, unique geologic features are not addressed in this EIR.

8.4 Analysis, Impacts and Mitigation Measures

Historic Resources and Unique Archaeological Resources

IMPACT 8-1	**Potential Adverse Change to Historic Resources and/or Unique Archaeological Resources During Construction**	**Less than Significant**

According to the General Plan EIR, the proposed project site is not situated within identified major archaeological resources, however, should there be unanticipated impacts on historic resources and unique archaeological resources from development of the project site, the impacts would be less that significant with implementation of General Plan policies and mitigation measures in the General Plan EIR. The subject policies and mitigations are identified in Chapter 5 of the General Plan EIR.

The cultural resources survey identified one ground stone isolate, a handstone (planning tool), on the surface among sparse landscaping on the southwest part of the site. Careful searching around the isolate did not locate additional artifacts. The isolate was not in situ and therefore cannot be considered a significant or unique cultural resource. However, there is always a possibility that additional subsurface or nearby resources could be found during soil-disturbing activities.

While it is possible that unknown historic and unique archaeological resources could be uncovered during site preparation and/or other site disturbance activities, implementation of the following Los Gatos standard conditions of approval would ensure that this potential impact, if it were to occur, would be less than significant. No mitigation is necessary.

Standard Conditions of Approval

In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.

If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.

If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.

A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

Paleontological Resources

IMPACT 8-2	Potential Destruction of a Unique Paleontological Resource or Site During Construction	Less than Significant

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. The Temblor Sandstone, Monterey Formation, and Santa Clara Formation have previously yielded numerous vertebrate fossils in Santa Clara County and throughout California.

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 (Town of Los Gatos 2019).

Conclusion

While it is possible that unknown unique paleontological resources could be uncovered during site preparation and/or other site disturbance activities, implementation of the following mitigation measure would ensure the impact is less than significant.

Mitigation Measure

8-2 The following measure shall be included in project plans, prior to issuance of a demolition permit:

If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.

Native American Human Remains

IMPACT 8-3	Potential Adverse Impact to Native American Human Remains During Construction	Less than Significant

The archival records search through CHRIS and the Native American Heritage Commission did not identify any known Native American burials or cemeteries within the proposed project site, and no human remains were discovered during the archaeological survey.

Conclusion

The project site is not known to contain Native American remains, but excavation during construction of project improvements could result in disturbance of unknown human remains, should they be buried on site. However, implementation of the standard conditions of approval presented earlier under Impact 8-1 would ensure that this potential impact, if it were to occur, would be less than significant.

9.0
Energy

This section of the EIR includes analysis of projected operational and construction energy demand for the proposed project and includes a determination about whether that demand could be considered wasteful or inefficient. Applicable uniform regulations for energy efficiency and conservation are also reviewed.

No comments regarding energy were received in response to the notice of preparation. The notice of preparation and comment letters are included in Appendix A.

9.1 Environmental Setting

Population growth is a key driver for increasing residential and commercial energy electricity and natural gas demand, and Los Gatos' population and energy demand will continue to grow. To minimize the need for additional electricity generation facilities, both the state and regional energy utilities have focused investments on many energy related sector initiatives. Energy purveyors have also focused on obtaining larger shares of retail power from renewable sources.

Pacific Gas and Electric, one of the five largest utilities in the state, is the primary purveyor of electricity and natural gas in Los Gatos. Pacific Gas and Electric operates a major network of electricity and natural gas transmission lines within its service area, including Los Gatos.

9.2 Regulatory Setting

Energy Use and Conservation

For decades, federal, state, and regional energy agencies and energy providers have been focused on reducing growth in fossil fuel-based energy demand, especially in the form of transportation fuel and electricity. Key related environmental goals have been to reduce air pollutants and greenhouse gases. Public and private investments in a range of transportation technology, energy efficiency and energy conservation programs and technologies to improve transportation fuel efficiency have been increasing, as has the focus on land use planning as a tool to reduce vehicle trips/lengths and transportation-related energy use.

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar™ program) and to transportation (e.g., vehicle fuel efficiency standards). At the state level, Title 24 of the California Code of Regulations sets energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas.

Representative state energy efficiency and conservation, and transportation energy demand guidance, regulations, and legislation are summarized below. Additional related regulations and legislation are found in Section 10.0, Greenhouse Gas Emissions.

State

California Energy Commission

The California Energy Commission is California's primary energy policy and energy planning agency. Created by the California Legislature in 1974, the California Energy Commission has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 megawatts or larger; 3) promoting energy efficiency through appliance and building standards; 4) developing energy technologies and supporting renewable energy; and 5) planning for and directing state response to energy emergencies. Under the requirements of the California Public Resources Code, the California Energy Commission, in conjunction with the Department of Conservation's Division of Oil, Gas, and Geothermal Resources, is required to assess electricity and natural gas resources on an annual basis or as necessary. The Systems Assessment and Facilities Siting Division ensures that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

California 2008 Energy Action Plan Update

The state adopted the Energy Action Plan in 2003, followed by the Energy Action Plan II in 2005. The current plan, the California 2008 Energy Action Plan Update, is California's principal energy planning and policy document. The updated document examines the state's ongoing actions in the context of global climate change, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. The Energy Action Plan Update establishes energy efficiency and demand response (i.e., reduction of customer energy usage during peak periods) as the first-priority actions to address increasing energy demands. Additional priorities include using renewable sources of power and distributed generation (e.g., using relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy increasing energy demand and transmission capacity needs, clean and efficient fossil-fired generation is supported. The Energy Action Plan Update examines policy changes in

the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change (California Energy Commission 2008).

California Building Codes

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce energy consumption. The California Energy Code is updated every three years as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. Adopted by the California Energy Commission in May 2018, the 2019 BEES went into effect on January 1, 2020. The 2019 BEES are structured to achieve the state's goal that all new low-rise residential buildings (single-family homes) be zero net energy. Multi-family homes and non-residential buildings built to the 2019 BEES will use about 30 percent less energy compared to the 2016 BEES (California Energy Commission 2018).

The Green Building Standards Code, also known as CALGreen, which requires all new buildings in the state to be more energy efficient and environmentally responsible, was most recently updated in July 2019. These comprehensive regulations are intended to achieve major reductions in interior and exterior building energy consumption.

Assembly Bill 2021 (Energy Efficiency Act of 2006)

This bill encourages all investor-owned and municipal utilities to aggressively invest in achievable, cost-effective, energy efficiency programs in their service territories.

Assembly Bill 1493 (Pavley I Rule)

AB 1493 was enacted on July 22, 2002. It requires the CARB to develop and adopt regulations that improve fuel efficiency of vehicles and light-duty trucks. Pavley I requirements apply to these vehicles in the model years 2009 to 2016.

Advanced Clean Cars

In January 2012, CARB adopted an Advanced Clean Cars program, which is aimed at increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies.

Renewable Energy Legislation/Orders

The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The renewable portfolio standard was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard

approved by CARB in September 2010, requiring all utilities to meet a 33 percent target by 2020. The Legislature then codified this mandate in 2011 with the enactment of SB X1-2. SB 350, adopted in September 2015, increases the standard to 50 percent by 2030. This same legislation includes statutes directing the California Energy Commission and Public Utilities Commission to regulate utilities producing electricity so that they will create electricity-generation capacity sufficient for the widespread electrification of California's vehicle fleet, as a means of reducing GHG emissions associated with the combustion of gasoline and other fossil fuels. The Legislature envisions a dramatic increase in the sales and use of electric cars, which will be recharged with electricity produced with increasingly cleaner power sources.

On September 10, 2018, former Governor Jerry Brown signed into law SB 100 and Executive Order B-55-18. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045, and sets a goal to maintain net negative emissions thereafter.

Senate Bill 743

SB 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directed the Governor's Office of Planning and Research to update the CEQA Guidelines to replace automobile delay—as described solely by level of service or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts.

Local

GreenPoint Rated Building Guidelines

In 2008, the Town of Los Gatos adopted the GreenPoint Rated Building Guidelines. These guidelines address design, construction, and operation of new homes and remodels. GreenPoint Rated is administered by Build It Green, a non-profit organization whose mission is to promote healthy, energy and resource efficient buildings in California. GreenPoint Rated includes measures that give builders and contractors multiple pathways to achieve above-code, high-performing homes at GreenPoint Rated certified, silver, gold, and platinum levels, with additional recognition for net zero energy.

Town of Los Sustainability Plan

The Town adopted its *Town of Los Gatos Sustainability Plan* in 2012. The Sustainability Plan addresses the major sources of GHG emissions in Los Gatos and sets forth a detailed and long-term strategy that the Town and community can implement to achieve the GHG

emissions reduction target set by the Town. The Sustainability Plan includes numerous GHG reduction measures that the Town is implementing over time to reduce GHG emissions, including measures that would directly or indirectly reduce electricity, natural gas and transportation fuel demand. Examples include green building, renewable energy, energy conservation, transportation and land use, and water and wastewater measures.

9.4 THRESHOLDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of energy resources, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of energy resource impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries included in Appendix G and to use that language in fashioning thresholds. The Town has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Issues or Potential Impacts not Discussed Further

Conflict with State or Local Plan for Renewable Energy or Energy Efficiency

A multitude of state regulations and legislative acts are aimed at improving energy efficiency and enhancing energy conservation. While most of the energy-related legislation is enforced at the state level, the California Building Standards Code is enforceable at the local level by the Town of Los Gatos through the development review process. That enforcement is the primary mechanism through which the applicant will be required to implement state-mandated energy efficiency/conservation measures that are within the control of the applicant and the city.

The City GreenPoint Rated building guidelines and Sustainability Plan function as relevant local plans for renewable energy and energy efficiency as both include related measures.

The proposed project includes several renewable energy and energy efficiency features. As described in Section 4.0, Project Description, the proposed project would include a centralized building heating and cooling system that would operate at efficiencies that exceed code requirements. In line with the Town's prioritization of passive and active solar energy measures, and in keeping with state energy code requirements, a minimum of 15 percent of the total roof areas would be provided as "solar ready" surface. Per CALGreen requirements, 10 percent of all parking spaces would be designed with capacity to install electric vehicle charging stations. Further, the overall project would be designed to meet the minimum requirements to certify the project through the GreenPoint Rated system. Given these features, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No further discussion is required.

9.5 Analysis, Impacts, and Mitigation Measures

Energy Use

IMPACT 9-1	Proposed Project Results in the Consumption of Energy Resources	Less than Significant

Energy Consumption - Operations

This analysis of project impacts from energy use is qualitative. The proposed project transportation fuel, electrical energy, and natural gas demand characteristics are evaluated relative to the baseline condition. This approach is being taken because the baseline use and the proposed project are of the same use type and have similar resident/employee capacity. If the proposed project demand is similar to or lower than the existing demand, a qualitative conclusion can be made that the proposed project does not result in excessive energy consumption. Where proposed project demand is greater than baseline demand, further examination of how the project must comply with uniform regulations for energy demand reduction is provided.

Transportation Energy Demand

Section 10.0, Greenhouse Gas Emissions, includes a review of the vehicle miles traveled (VMT) by all vehicles traveling to and from the site under baseline project conditions and proposed project conditions. In basic terms, the number of vehicle miles traveled on a daily or annual basis is the product of the average vehicle trip volume and average trip length. VMT is an indicator of the magnitude of potential transportation fuel demand – as VMT increases, transportation fuel demand increases.

Since the baseline and the proposed project are the same use type, it is assumed that the average trip lengths for each would be similar. Thus, the difference between daily trip volumes for each condition becomes the primary variable for comparing their respective fuel demand characteristics. Table 3, Project Trip Generation, in the *Los Gatos Meadows Transportation Analysis* (Kimley-Horn 2020) included as an attachment to the initial study (see Appendix A), shows that the proposed project would result in a net increase of 10 daily vehicle trips relative to the baseline use. This is equivalent to the number of daily vehicle trips generated by a single-family home. Given this very minor change in VMT, the proposed project transportation fuel demand would similar to the baseline use.

Electricity Demand

The proposed project would replace the existing 205-unit senior community facility with a 191-unit senior community facility. While the proposed project has fewer units, its total building capacity is about 280,341 square feet greater than the existing facility (430,816 square feet proposed compared to 150,475 square feet existing). Electricity and natural gas demand commonly increase as building square footage increases. Consequently, the lower unit number is not inherently an indicator that electrical and/or natural gas energy demand from the proposed use would be lower than the existing use. Conversely, the existing use was constructed at a time when energy efficiency standards were much less stringent than under the current BESS, such that baseline electricity demand would be higher than an equivalent project constructed under the current standards.

Electricity demand for baseline and proposed project conditions were estimated using CalEEMod. The CalEEMod results for each run are contained in Appendix D, with electricity demand calculations shown in Section 5.3, Energy by Land Use – Electricity. Baseline electricity demand is estimated at about 880,680 kilowatt hours per year. Baseline demand was calculated based on Title 24 energy efficiency requirements in effect in 2005, the earliest year for which Title 24 regulations are provided as a model run option. Since the existing facility was constructed in the early 1970s, the 2005 Title 24 regulations do not reflect the much less stringent building energy efficiency regulations in place at that time. Therefore, the baseline conditions result likely underestimates actual baseline electricity demand.

With more square footage of building floor area plus a new parking garage, the proposed project demand is estimated at 1,405,158 kilowatt hours per year. Proposed project demand is greater than the baseline demand.

Natural Gas Demand

Natural gas demand for baseline versus proposed project conditions is also shown in the CalEEMod results in Appendix D, with natural gas demand calculations shown in Section 5.2, Energy by Land Use – Natural Gas. For baseline conditions, demand was estimated at 5,308,540,000 British Thermal Units per year, or 5,308 therms per year. Like

electricity demand, baseline demand was calculated based on Title 24 requirements in effect in 2005, which do not reflect the much lower building energy efficiency regulations in place when the existing facility was constructed. Therefore, the baseline natural gas demand is likely underestimated. The proposed project demand is estimated at 1,544,370,000 British Thermal Units, or 1,544 therms. Proposed project demand is notably lower than the baseline demand.

Energy Consumption - Construction

During construction, diesel and gasoline use in construction equipment, construction material transport vehicles, portable power generation systems, and worker vehicles would be the primary source of energy use. Construction energy demand would be higher for the proposed project than for typical development on vacant land because the existing facility must first be demolished.

The Environmental Protection Agency regulates diesel engine design and fuel composition at the federal level, and has adopted multiple tiers of emission standards that result in reduced fuel consumption. Generally, California policy and regulations are as or more comprehensive and stringent than federal actions. At the state-level, the California Air Resources Board enforces off-road diesel engine vehicle and equipment regulations. Representative legislation and standards for improving transportation fuel efficiency of off-road vehicles includes, but is not limited to the Truck and Bus Regulation, Regulation for In-Use Off-Road Diesel-Fueled Fleets, and Portable Equipment Registration Program. The California Air Resources Board also regulates on-road vehicles including passenger cars, light-duty trucks, and medium-duty vehicles that would be used by construction workers. Representative legislation and standards for improving transportation fuel efficiency of on-road vehicles includes, but is not limited to the Pavley standards and the Advanced Clean Cars program.

Conclusion

The proposed project would have similar operational transportation fuel demand and lower natural gas demand than the baseline use. Therefore, the proposed project would have no impact with regard to demand for these types of energy.

The proposed project would have greater electricity demand than the baseline use. However, the increased demand is not wasteful, inefficient or unnecessary. The proposed project is a common land use development type whose energy demand would not be excessive. The proposed use would provide a community resource, senior housing, on a site that has already been developed for the same use and is designated for such use by the Town. Thus, the proposed use is not considered to be unnecessary or excessive. Further, the proposed project includes several design features that would reduce energy demand, including

electricity demand, and its design must conform to a range of regulations designed to improve energy efficiency, including the BESS and CALGreen. The Town of Los Gatos enforces the BESS and CALGreen through the development review process.

Given the considerations summarized above, the proposed project would have a less-than-significant impact from wasteful, inefficient, or unnecessary energy resource demand during operations and construction.

This side intentionally left blank.

10.0
Greenhouse Gas Emissions

The proposed project is of the same use type and of similar development intensity as the existing senior living community that was constructed on the site in the early 1970s. The existing use is considered to be the baseline condition. Because the baseline use and proposed project are similar, a detailed, quantified operational analysis of greenhouse gas (GHG) effects of the proposed project has not been conducted. Rather, the impact analysis and significance determination are based on a qualitative comparison of operational GHG effects of the proposed project relative to the baseline use. The extent to which the proposed use produced GHG emissions of substantially greater volume than the baseline use is the basis for determining impact significance. Construction GHG emissions are quantified and reviewed for significance.

Information in this section is derived primarily from project plans found in Appendix B, results of CalEEMod modeling found in Appendix D, and the *Los Gatos Meadows Transportation Analysis* (Kimley-Horn 2020) found in an appendix to the initial study found in Appendix A to this EIR.

No comments regarding GHG emissions were received in response to the notice of preparation. The notice of preparation and comment letters are included in Appendix A.

10.1 Environmental Setting

This section provides a general overview of climate change science, causes and effects of climate change, California and local GHG inventories, and GHG emissions produced from the current use of the project site.

Climate Change Science

The international scientific community has concluded with a high degree of confidence that human activities are causing an accelerated warming of the atmosphere. The resulting change in climate has serious global implications and consequently, human activities that contribute to climate change may have a potentially significant effect on the environment. In recent years, concern about climate change and its potential impacts has risen dramatically. That concern has translated into a range of international treaties and national and regional agreements aimed at diminishing the rate at which global warming is occurring. The federal

government, under former President Obama, began to tackle concerns about climate change through a range of initiatives and regulatory actions. Many states and local agencies, private sector interests, and other public and private interests have also taken initiative to combat climate change. At the state level, California has taken a leadership role in tackling climate change, as evidenced by the programs outlined in the Regulatory Setting section below.

Causes of Climate Change

The greenhouse effect naturally regulates the Earth's temperature. However, human activity has increased the intensity of the greenhouse effect by releasing increasing amounts of GHGs into the atmosphere. GHGs can remain in the atmosphere for decades or even hundreds of thousands of years (depending on the particular GHG). The GHG emissions that are already in the atmosphere will continue to cause climate change for years to come, just as the warming being experienced now is the result of emissions produced in the past. Climatic changes are happening now and are projected to increase in frequency and severity before the benefits of GHG emission reductions will be realized. Increased concentrations of GHGs in the atmosphere result in increased air, surface, and ocean temperatures. Many of the effects and impacts of climate change stem from resulting changes in temperature and meteorological responses to those changes.

Effects of Climate Change

Increased concentrations of GHGs in the atmosphere result in increased air, surface, and ocean temperatures. Many of the effects and impacts of climate change stem from resulting changes in temperature and meteorological responses to those changes.

Rising Temperatures

The Intergovernmental Panel on Climate Change, which includes more than 1,300 scientists from the United States and other countries, estimated that global temperatures have increased by about 2 degrees Fahrenheit (°F) during the 20th century (NASA 2020). The Intergovernmental Panel on Climate Change forecasts indicate that global temperatures can be expected to continue to rise between 2.5 and 10°F over the next century. According to the *California's Fourth Climate Change Assessment: Statewide Summary Report* (2019), average temperatures in California are projected to increase 5.6°F to 8.8°F by 2100.

According to Cal-Adapt, a climate change projection modeling tool developed by California Energy Commission, temperatures in Los Gatos have historically (1961-1990) averaged about 70.5°F. Average temperatures are projected to rise between 3.9 and 6.9°F by 2099, based on medium and high emissions scenarios. Los Gatos has historically experienced four extreme heat days per year (over 97.0°F). The model projections fluctuate on an annual basis. The number of extreme heat days per year is expected to increase to 11 days by 2099 (Cal-Adapt 2021a).

Reduced Snowpack

The Sierra Nevada snowpack acts as a large natural reservoir that stores water during the winter and releases it into rivers and reservoirs in the spring and summer. It is expected that there will be less snowfall in the Sierra Nevada and that the elevations at which snow falls will rise. Similarly, there will be less snowpack water storage to supply runoff water in the warmer months. It has already been documented that California's snow line is rising. More precipitation is expected to fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack. The spring snowpack in the Sierra Nevada decreased by 10 percent in the last century and may decrease as much as 70 to 90 percent by 2100 (Cal-Adapt 2021b). It is estimated that for each 1.8°F increase in Earth's average temperature, the Sierra snowpack will retreat 500 feet in elevation and an overall reduction of 25 to 40 percent reduction in snowpack by 2050 is projected. The Sierra Nevada snowpack provides approximately 80 percent of California's annual water supply. The rapid decrease in snowpack and spring melt poses a threat to groundwater resources in many parts of the state where rivers that recharge groundwater with melt water from the Sierra Nevada will have reduced groundwater recharge potential.

Water Supply

Climate change is expected to increase pressure on and competition for water resources, further exacerbating already stretched water supplies. Decreasing snowpack and spring stream flows and increasing demand for water from a growing population and hotter climate could lead to increasing water shortages. Water supplies are also at risk from rising sea levels. Competition for water between cities, farmers, and the environment is expected to increase.

Anticipated changes to source water conditions including more intense storm events, longer drought periods, reduced snowpack at lower elevations, and earlier spring runoff will likely impact the quality of the source waters. Changes in source water quantity and quality may result in increased treatment needs and increased treatment costs.

Precipitation Levels

Precipitation levels are difficult to predict compared to other indicators of climate change. Annual rain and snowfall patterns vary widely from year to year, especially in California. Generally, higher temperatures increase evaporation and decrease snowfall, resulting in a drier climate. On average, Cal-Adapt projections show little change in total annual precipitation in California (Cal-Adapt 2021c). Furthermore, among several models, precipitation projections do not show a consistent trend during the next century. The Mediterranean seasonal precipitation pattern is expected to continue, with most precipitation falling during winter from North Pacific storms. One of the four climate models projects

slightly wetter winters, and another model projects slightly drier winters with a 10 to 20 percent decrease in total annual precipitation. However, even modest changes would have a significant impact because California ecosystems are conditioned to historical precipitation levels and water resources are nearly fully utilized.

The Los Gatos area has historically averaged about 29.0 inches of rainfall per year. That number is forecast to average about 38.6 inches by the end of the century (Cal-Adapt 2021c).

More Frequent and Extreme Storm Events

Extreme weather is expected to become more common throughout California as a result of climate change. More extreme storm events are expected to increase water runoff to streams and rivers during the winter months, heightening flood risks. Warmer ocean surface temperatures have caused warmer and wetter conditions in the Sierra Nevada, increasing flood risk. Strong winter storms may produce atmospheric rivers that transport large amounts of water vapor from the Pacific Ocean to the California coast. As the strength of these storms increases, the risk of flooding increases.

Sea Level Rise

Sea level rise is one of the most significant effects of climate change. Sea level has been rising over the past century, and the rate has increased in recent decades. Global mean sea level in 2017 was the highest annual average in the satellite era (since 1993) with a value of 77 millimeters above the 1993 average (Hartfield, Blunden, and Arndt 2018). Globally, sea levels are rising due to two main reasons: thermal expansion of warming ocean water and melting of ice from glaciers and ice sheets. Rising sea levels amplify the threat and magnitude of storm surges in coastal areas. Water infrastructure, often located along the coast or tidally-influenced water bodies, can be vulnerable to greater changes in storm surge intensity. The threat of flooding and damage to water infrastructure will continue to increase over time as sea levels rise and the magnitude of storms increase. Rising sea levels will create stress on coastal ecosystems that provide recreation, protection from storms, and habitat for fish and wildlife, including commercially valuable fisheries. Rising sea levels can also introduce new, or exacerbate existing, saltwater intrusion into freshwater resources.

Diminished Air Quality

Climate change is expected to exacerbate air quality problems by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation. Higher temperatures and increased ultraviolet radiation from climate change are expected to facilitate the chemical formation of more secondary air pollutants from ground-level sources. Conversely, decreased precipitation is expected to reduce the number of particulates cleansed from the air. Incidents of wildfires are expected to increase due to climate change, further contributing to air quality problems.

According to the American Lung Association's 2020 *State of the Air* report, nearly half of all Americans were exposed to unhealthy air in 2016-2018. The report found that California cities dominate the rankings of the nation's most widespread air pollutants, ozone and particle pollution. In California, over 38 million residents live in counties where ozone or particulate pollution placed their health at risk (American Lung Association 2020).

Ecosystem Changes

Climate change effects will have broad impacts on local and regional ecosystems, habitats, and wildlife as average temperatures increase, precipitation patterns change, and more extreme weather events occur. Species that cannot rapidly adapt are at risk of extinction. As temperatures increase, California vegetation is expected to change. Desert and grassland vegetation are projected to increase while forest vegetation is projected to generally decline. The natural cycle of plant flowering and pollination, as well as the temperature conditions necessary for a thriving locally adapted agriculture, may also be affected. Perennial crops, such as grapes, may take years to recover. Increased temperatures also provide a foothold for invasive species of weeds, insects, and animals.

Social Vulnerability to Climate Change

The impacts of climate change will not affect people equally. People exposed to the most severe climate-related hazards are often those least able to cope with the associated impacts, due to their limited resources and adaptive capacity. Climate change is expected to have a greater impact on larger populations living in poorer and developing countries with lower incomes that rely on natural resources and agricultural systems that will likely be affected by changing climates.

Certain groups in developed countries like the United States will also experience more impacts from climate change than others. People in rural areas are more likely to be affected by climate change related droughts or severe storms compared to their urban counterparts. However, certain groups living in cities will also be at higher risk than others. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Residents at greatest risk include children, the elderly, those with existing health problems, the socially and/or economically disadvantaged, those who are less mobile, and those who work outdoors. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Health Effects/Illness

As temperatures rise from global warming, the frequency and severity of heat waves will grow and increase the potential for bad air days, which can lead to increases in illness and death due to dehydration, heart attack, stroke, and respiratory disease. Additionally, dry conditions can lead to a greater number of wildfires producing smoke that puts people with asthma and respiratory conditions at risk of illness or death.

Higher temperatures and the increased frequency of heat waves are expected to significantly increase heat-related illnesses, such as heat exhaustion and heat stroke, while also exacerbating conditions associated with cardiovascular and respiratory diseases, diabetes, nervous system disorders, emphysema, and epilepsy. An increase of 10°F in average daily temperature is associated with a 2.3 percent increase in mortality. During heat waves mortality rates can increase to about nine percent. As temperatures in the area increase, vulnerable populations such as children, the elderly, people with existing illnesses, and people who work outdoors will face the greatest risk of heat-related illness.

As climate change affects the temperature, humidity, and rainfall levels across California, some areas could become more suitable habitats for insects (especially mosquitoes), ticks, and mites that may carry diseases. Wetter regions are typically more susceptible to vector-borne diseases, especially human hantavirus cardiopulmonary syndrome, Lyme disease, and West Nile virus.

Greenhouse Gas Types

GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming and their relative contribution to it are carbon dioxide, methane, nitrous oxide, and chlorofluorocarbons. The contribution of these GHGs to global warming based on the U.S. inventory of GHGs in 2018 (United States Environmental Protection Agency 2020) is summarized in Table 10-1, Greenhouse Gas Emissions Types and Their Contribution to Global Warming.

Table 10-1 Greenhouse Gas Emissions Types and Their Contribution to Global Warming

Greenhouse Gas	Percent of all GHG	Typical Sources
Carbon dioxide (CO_2)	81 percent	Combustion of fuels, solid waste, wood
Methane (CH_4)	10 percent	Fuel production/combustion; livestock, decay of organic materials
Nitrous Oxide (N_2O)	7 percent	Combustion of fuels, solid waste, agricultural/industrial processes
Chlorofluorocarbons (CFCs)	3 percent	Industrial processes

SOURCE: United States Environmental Protection Agency 2020
NOTE: Percentages may not add up to 100 percent due to independent rounding.

Greenhouse Gas Global Warming Potentials

Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO_2e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO_2 as the base reference. Carbon dioxide equivalent is useful because it allows comparisons of the impact from many different GHGs, such as methane, perfluorocarbons, or nitrous oxide. If a project is a source of several types of GHGs, their individual global warming potential can be standardized and expressed in terms of CO_2e. Table 10-2, Greenhouse Gas Emissions Global Warming Potentials presents a summary of the global warming potential of various GHGs.

Table 10-2 Greenhouse Gas Emissions Global Warming Potentials

GHG	Atmospheric Lifetime (Years)	Global Warming Potential (100-Year Time Horizon)
Carbon Dioxide CO_2	50-200	1
Methane CH_4	12 (+/- 3)	21
Nitrous Oxide N_2O	120	310
HFC-23	264	11,700
HFC-134a	14.6	1,300
HFC-152a	1.5	140
PFC Tetrafluoromethane CF_4	50,000	6,500
PFC Hexafluoroethane C_2F_6	10,000	9,200
Sulfur Hexafluoride SF_6	3,200	23,900

SOURCE: United Nations Framework Convention on Climate Change 2020

Methane has a global warming potential of 21 times that of carbon dioxide, and nitrous oxide has a global warming potential of 310 times that of CO_2. The families of chlorofluorocarbons, hydrofluorocarbons, and perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of CO_2. While CO_2 represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

Greenhouse Gas Inventories

California GHG Emissions Inventory

Based on the CARB's current state GHG inventory data, a net of about 425.3 million metric tons (MMT) of CO_2e were generated in California in 2018 (California Air Resources Board 2021e). In 2018, about 40 percent of all GHG gases emitted in the state came from the transportation sector. Industrial uses and electric power generation (in state generation and out of state generation for imported electricity) were the second and third largest categories at about 21 percent and 15 percent, respectively. The commercial and residential use sectors combined to generate about 10 percent of the 2018 emissions, while the agricultural sector contributed about 8 percent.

Los Gatos GHG Emissions Inventory

The Town conducted a GHG emissions inventory as part of its *Town of Lost Gatos Sustainability Plan*, which was adopted in 2012. More information about the Sustainability Plan is provided below. The inventory was compiled as a three-year average over the period 2006 to 2008, during which Los Gatos's average annual communitywide GHG emissions were 381,640 metric tons CO_2e (carbon dioxide equivalent). Transportation sources constituted about 65 percent of the total, with electricity and natural gas combined about 30 percent of the total.

Existing Sources of GHG Emissions within the Project Site

The project site has historically been in use as a senior living community. The facility was last fully operational in 2019. It consists of 205 independent residential apartments and support care units, with ancillary dining and commons, infirmary, garage and services, multi-purpose, and cottage buildings and facilities at a total building capacity of 150,475 square feet. At the time of full operation, the facility housed approximately 222 residents and employed up to 120 employees. The existing use is considered to be the environmental setting or baseline against which proposed project effects, including GHG impacts, can be compared. Operations of the existing use generated GHGs from transportation sources (e.g., vehicle trips by residents, visitors, employees, vendors, etc.), electricity and natural gas use, water use, wastewater treatment and solid waste disposal.

10.2 Regulatory Setting

The federal government has taken significant regulatory steps toward addressing climate change. Generally, California policy and regulations and regulations implemented at the regional and local levels are as or more comprehensive and stringent than federal actions; therefore, this section focuses on state, regional, and local regulatory actions whose implementation would lessen the contribution of the proposed project to climate change.

State

Overall Statutory Framework

The California Legislature has enacted a series of statutes addressing the need to reduce GHG emissions across the State. These statutes can be categorized into four broad categories: (i) statutes setting numerical statewide targets for GHG reductions, and authorizing CARB to enact regulations to achieve such targets; (ii) statutes setting separate targets for increasing the use of renewable energy for the generation of electricity throughout the state; (iii) statutes addressing the carbon intensity of vehicle fuels, which prompted the adoption of regulations by CARB; and (iv) statutes intended to facilitate land use planning consistent with statewide climate objectives. The discussion below will address each of these key sets of statutes, as well as CARB "Scoping Plans" intended to achieve GHG reductions under the first set of statutes and recent building code requirements intended to reduce energy consumption.

Statutes Setting Statewide GHG Reduction Targets

Assembly Bill 32 (Global Warming Solutions Act)

In September 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as AB 32. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

Senate Bill 32

Effective January 1, 2017, Senate Bill (SB) 32 added a new section to the Health and Safety Code. It requires CARB to ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below those that occurred in 1990 no later than December 31, 2030.

Between AB 32 and SB 32, the Legislature has codified some of the GHG emissions reduction targets included within certain Executive Orders issued by prior governors. The 2020 GHG emissions reduction target in AB 32 was consistent with the second of three statewide GHG emissions reduction targets set forth in the 2005 Executive Order known as S-3-05. Executive Order S-3-05 included the following GHG emissions reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. Executive Order, B-30-15, issued in 2015, created a new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030. The 2030 GHG reduction target in SB 32 is consistent with the reduction target set forth in Executive Order B-30-15.

The Legislature has not yet set a 2050 target, though references to a 2050 target can be found in statutes outside the Health and Safety Code. In 2015, the Legislature passed SB 350, which is discussed in more detail below. This legislation essentially puts into statute the 2050 GHG reduction target already identified in Executive Order S-3-05, albeit in the limited context of new state policies (i) increasing the overall share of electricity that must be produced through renewable energy sources and (ii) directing certain state agencies to begin planning for the widespread electrification of the California vehicle fleet. Section 740.12(a)(1)(D) of the Public Utilities Code now states that reducing GHG emissions to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification and that accelerating investments in transportation electrification is needed to reduce greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.

Statutes Setting Targets for the Use of Renewable Energy for the Generation of Electricity

In September 2002, the Legislature enacted SB 1078, which established the Renewables Portfolio Standard program, requiring retail sellers of electricity, including electrical corporations, community choice aggregators, and electric service providers, to purchase 20 percent of the State's electricity from renewable energy resources such as wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.

In September 2006, the Legislature enacted SB 107, which modified the Renewables Portfolio Standard to require that at least 20 percent of electricity retail sales be served by renewable energy resources by year 2010. In April 2011, the Legislature enacted SB X1-2, which set even more aggressive statutory target that 33 percent of the State's electricity come from renewables by 2020.

In 2015, the Legislature enacted SB 350. SB 350 encourages a substantial increase in the use of electric vehicles and increased the Renewable Portfolio Standard to require 50 percent of electricity generated to be from renewables by 2030. In 2018, former Governor Jerry Brown signed into law SB 100 and Executive Order B-55-18. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and 60 percent by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045; and sets a goal to maintain net negative emissions thereafter.

In March 2012, former Governor Jerry Brown issued an Executive Order, B-16-12, which embodied a similar vision of a future in which zero-emission vehicles will play a big part in helping the state meet its GHG reduction targets. Executive Order B-16-12 directed state government to accelerate the market in California through fleet replacement and electric vehicle infrastructure. The Executive Order set the following targets:

- By 2015, all major cities in California will have adequate infrastructure and be "zero-emission vehicles ready";
- By 2020, the state will have established adequate infrastructure to support one million zero-emission vehicles in California;
- By 2025, there will be 1.5 million zero-emission vehicles on the road in California; and
- By 2050, virtually all personal transportation in the State will be based on zero-emission vehicles, and greenhouse gas emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

In sum, California has set a statutory goal of requiring that, by the year 2030, 60 percent of the electricity generated in California should be from renewable sources, with increased generation capacity intended to be sufficient to allow the mass conversion of the statewide vehicle fleet from petroleum-fueled vehicles to electrical vehicles and/or other zero-emission vehicles. The Legislature is thus looking to California drivers to buy electric cars, powered by green energy, to help the State meet its aggressive statutory goal, created by SB 32, of reducing statewide GHG emissions by 2030 to 40 percent below 1990 levels. Another key prong to this strategy is to make petroleum-based fuels less carbon intensive. A number of statutes in recent years have addressed that strategy. These are discussed below.

Statutes and California Air Resources Board Regulations Addressing the Carbon Intensity of Petroleum-based Transportation Fuels

In July 2002, the Legislature enacted AB 1493 (Pavley Bill), which requires the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks beginning with model year 2009. In September 2004, CARB approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year. These regulations are commonly known as the "Pavley standards." In September 2009, CARB adopted amendments to the Pavley standards to reduce GHG emissions from new motor vehicles through the 2016 model year. These regulations created what are commonly known as the "Pavley II standards."

In January 2012, CARB adopted an Advanced Clean Cars program aimed at reducing both smog-causing pollutants and GHG emissions for vehicles model years 2017-2025. This program combined the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The regulations focus on substantially increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies. The components of the Advanced Clean Cars program are the low-emission vehicle regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the zero-emission vehicle regulation,

which requires manufacturers to produce an increasing number of pure zero-emission vehicles (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles in the 2018 through 2025 model years.

It is expected that the Advanced Clean Car regulations will reduce GHG emissions from California passenger vehicles by about 34 percent below 2016 levels by 2025, all while improving fuel efficiency and reducing motorists' costs.

Statute Intended to Facilitate Land Use Planning Consistent with Statewide Climate Objectives

Senate Bill 375 (Sustainable Communities' Strategy)

This 2008 legislation sets forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for each metropolitan region for the year 2035. Each of California's metropolitan planning organizations then prepares a sustainable communities' strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted by the metropolitan planning organizations, the sustainable communities' strategy is to be incorporated into that region's federally enforceable regional transportation plan. If a metropolitan planning organization is unable to meet the targets through the sustainable communities' strategy, then an alternative planning strategy must be developed that demonstrates how targets could be achieved, even if meeting the targets is deemed to be infeasible.

Local agencies that adopt land use, housing, and transportation policies that are consistent with and facilitate implementation of the related GHG reduction strategies in a sustainable communities strategy benefit through potential CEQA streamlining for qualifying projects proposed within their boundaries. Adoption of such policies can be a part of a general plan update or other similar policy adoption process. However, a local agency's general plan is not required to be consistent with a sustainable communities strategy.

2017 Climate Change Scoping Plan

CARB has been tasked with preparing five-year strategies for how California will achieve GHG reductions embodied in key statewide GHG reduction target-setting legislation. With the passage of SB 32, the Legislature also passed companion legislation AB 197, which provides additional direction for developing CARB's 2017 Scoping Plan. It reflects the 2030 target of reducing statewide GHG emissions by 40 percent below 1990 levels. The GHG reduction strategies in the plan that CARB will implement to meet the target include:

- SB 350 - achieve 50 percent Renewables Portfolio Standard by 2030 and doubling of energy efficiency savings by 2030;

- Low Carbon Fuel Standard - increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020);
- Mobile Source Strategy (Cleaner Technology and Fuels Scenario) - maintaining existing GHG standards for light- and heavy-duty vehicles, put 4.2 million zero-emission vehicles on the roads, and increase zero-emission buses, delivery and other trucks;
- Sustainable Freight Action Plan - improve freight system efficiency, maximize use of near-zero emission vehicles and equipment powered by renewable energy, and deploy over 100,000 zero-emission trucks and equipment by 2030;
- Short-Lived Climate Pollutant Reduction Strategy - reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and reduce emissions of black carbon 50 percent below 2013 levels by 2030;
- SB 375 Sustainable Communities' Strategies - increased stringency of 2035 targets;
- Post-2020 Cap-and-Trade Program - declining caps, continued linkage with Québec, and linkage to Ontario, Canada;
- 20 percent reduction in greenhouse gas emissions from the refinery sector; and
- By 2018, develop an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Building Code Requirements Intended to Reduce GHG Emissions

California Energy Code

The California Energy Code (California Code of Regulations, Title 24, Part 6), which is incorporated into the California Building Standards Code, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. Increased energy efficiency results in decreased GHG emissions because energy efficient buildings require less electricity produced by fossil fuel powered power plants that generate GHGs. The BEES apply to new construction of, and additions and alterations to, residential and non-residential buildings.

The current 2019 BEES went into effect on January 1, 2020. Residential and non-residential buildings permitted after January 1, 2020 are required to comply with the 2019 BEES. The 2019 BEES are structured to achieve the state's goal that all new low-rise residential buildings (single-family homes) be zero net energy. That is, the amount of energy provided by on-site renewable energy sources is equal to the amount of energy used by the homes. For residential buildings, the 2019 BEES encourage demand responsive technologies including

battery storage and heat pump water heaters and require improved building thermal envelopes through high performance attics, walls and windows. In non-residential buildings, the 2019 BEES update indoor and outdoor lighting making maximum use of LED technology.

Single-family homes built with the 2019 BEES will use about seven percent less energy versus those built under the 2016 BEES. Multi-family homes and non-residential buildings built under the 2019 BEES will use about 30 percent less energy compared to the 2016 BEES (California Energy Commission 2018).

California Green Building Standards Code

The purpose of the California Green Building Standards Code (California Code of Regulations Title 24, Part 11) is to improve building design and construction to reduce negative environmental impacts through sustainable construction practices. Design and construction categories include: 1) planning and design; 2) energy efficiency; 3) water efficiency and conservation; 4) material conservation and resource efficiency; and 5) environmental quality. The 2019 California Green Building Standards update instituted mandatory and voluntary environmental performance standards for all ground-up new construction of commercial, low-rise residential uses, and state-owned buildings, as well as schools and hospitals.

The mandatory standards require the following:

- Water conserving plumbing fixtures and fittings for indoor water use;
- 65 percent construction/demolition waste must be diverted from landfills;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and
- Low pollutant-emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

The voluntary standards require the following:

- Tier I: on-site renewable energy generation, stricter water conservation requirements for specific fixtures, 65 percent reduction in construction waste, 10 percent recycled content, 20 percent permeable paving, 20 percent cement reduction, 90 percent resilient flooring systems, electric vehicle charging spaces, thermal insulation, and cool/solar reflective roof.
- Tier II: on-site renewable energy generation, stricter water conservation requirements for specific fixtures, 75 percent reduction in construction waste, 15 percent recycled content, 30 percent permeable paving, 25 percent cement reduction, 100 percent resilient flooring systems, electric vehicle charging spaces, thermal insulation, and cool/solar reflective roof.

Regional/Local

Plan Bay Area 2040

Plan Bay Area 2040: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017-2040 ("Plan Bay Area 2040") (Association of Bay Area Governments and Metropolitan Transportation Commission 2017) is the strategic update to *Plan Bay Area: Strategy for a Sustainable Region*, and it 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 fulfills obligations under SB 375, the California Sustainable Communities and Climate Protection Act of 2008, which requires a sustainable communities strategy as a part of the regional transportation plan. The sustainable communities strategy must promote compact, mixed-use commercial and residential development. Two performance targets are mandated by SB 375: reduce its per-capita CO_2 emissions from cars and light-duty trucks by 15 percent by 2040; and provide adequate housing by requiring the region to house 100 percent of its projected population growth by income level. Plan Bay Area 2040 integrates land use strategies by establishing priority development areas, and identifying how the Bay Area can accommodate residential growth through 2040.

Bay Area Air Quality Management District Clean Air Plan

The air district adopted the 2017 Clean Air Plan on April 19, 2017. The 2017 Clean Air Plan defines a vision for achieving ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

There are 85 control measures in the 2017 Clean Air Plan, many of which are applicable only for regional or government implementation. The 2017 Clean Air Plan control measures that address GHG emissions include TR1: Clean Air Teleworking Initiative; TR 2: Trip Reduction Programs; TR19: Medium and Heavy Duty Trucks; TR 22: Construction, Freight, and Farming Equipment; BL1: Green Buildings; BL2: Decarbonize Buildings; BL4: Urban Heat Island Mitigation; and SL1: Short-Lived Climate Pollutants.

Town of Los Gatos Sustainability Plan

The Town adopted its Sustainability Plan in 2012. The Sustainability Plan is the Town's guidance for addressing climate change. It sets forth a GHG emissions reduction target and identifies GHG reduction measures that together would achieve the reduction target. The

Sustainability Plan was based on an emissions reduction goal associated with AB 32 for the year 2020. Therefore, it does not identify an emissions reduction target or related emission reductions needed for the Town to contribute to achieving the deeper emissions reductions needed between 2020 and 2030 that are needed to achieve the 2030 statewide emissions reduction goal identified in SB 32. Nevertheless, the Sustainability Plan still serves as an effective guide for reducing GHG emissions in the Town relative to baseline conditions.

The Sustainability Plan includes a variety of emissions reduction measures that address transportation and land use, green building, renewable energy, energy conservation, water and wastewater, solid waste, open space, purchasing, and community action. Most of the measures are to be implemented by the Town itself. However, several are within the control of individual developers and would apply to new development.

10.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of greenhouse gas emissions, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of public services impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant GHG impact would occur if implementation of the proposed project would:

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

10.4 ANALYSIS, IMPACTS AND MITIGATION MEASURES

This section includes information and data regarding GHGs that are relevant to the proposed project based on the thresholds of significance described above. The information and data are used as a basis for determining impact significance as described below.

Generation of Greenhouse Gas Emissions

IMPACT 10-1	Generate Greenhouse Gas Emissions	Less than Significant

Operational GHG Analysis

This analysis of operational project impacts from generating GHGs is qualitative. It is based on comparing GHG emissions from the baseline condition to GHG emissions under proposed project conditions. This approach is being taken because the baseline use and the proposed project are of the same use type and have similar resident/employee capacity. Taken together, transportation- and electricity-source GHG emissions constitute a substantial percentage of the total GHG emissions inventory for most land use projects. Therefore, the comparison focuses on these two GHG sources. The impact determination is based on the extent to which these emissions from the proposed project exceed those of the baseline use.

Transportation-Source GHG Emissions Comparison

Vehicle miles traveled (VMT) by all vehicles traveling to and from the site is an indicator of the magnitude of potential transportation-source GHG emissions volumes that were generated under baseline project conditions and that would be generated under proposed project conditions. In basic terms, the number of vehicle miles traveled on a daily or annual basis is the product of the average daily vehicle trip volume and average trip length. Since the baseline and the proposed project are the same use type, it is assumed that the average trip lengths for each would be similar. Thus, the difference between daily trip volumes for each condition becomes the primary variable for comparing their respective transportation-source GHG emissions. Table 3, Project Trip Generation, in the *Los Gatos Meadows Transportation Analysis* (Kimley-Horn 2020) found in an appendix to the initial study prepared for the project (see Appendix A), shows that the proposed project would result in a net increase of 10 daily vehicle trips relative to the baseline use. This is equivalent to the number of daily vehicle trips generated by a single-family home.

The GHG emissions volume generated by 10 daily vehicle trips is minor. For context, the air district's 2017 *CEQA Guidelines* state that a single-family residential development with up to 56 homes (that would generate GHG emissions from mobile-source as well as non-mobile sources including electricity and natural gas) would be considered to have a less-than-significant GHG impact. This GHG impact screening threshold is based on the air district's year 2020 GHG emissions reduction target for the air basin, which in turn is based on AB 32. The 2020 target is less rigorous than would be a current SB 32-based, year 2030 emissions reduction target for the air basin (refer to the Regulatory Setting section above for AB 32 and SB 32 summaries). Regardless, the screening threshold is a clear indicator that the net increase in mobile source GHG emissions volume from the proposed project would be minor.

Electricity-Source GHG Emissions Comparison

The existing facility was approved in 1969 and constructed in the early 1970's. Building energy efficiency requirements at that time were substantially less stringent than the requirements with which the proposed project must conform (refer to the Regulatory Setting section above for summaries of current building energy efficiency and green building standards). Further, the carbon intensity of utility-provided electricity was substantially higher in the 1970s than is currently the case. Carbon intensity refers to the volume of GHG emissions produced per unit of electrical energy produced. As evidence, the carbon intensity of electricity generated in 2005 (the earliest year for which carbon intensity data is available as a model run option in CalEEMod) was 641 pounds CO_2/kilowatt hour. The current default carbon intensity is 206 pounds CO_2/kilowatt hour. Though the facility operated for approximately 35 years prior to 2005 when the carbon intensity of energy produced was even higher, the year 2005 is being used as a conservative reference point.

The CalEEMod results shown in Section 5.3, Energy by Land Use – Electricity, for baseline conditions and proposed project conditions (both found in Appendix D) allow comparison of GHG emissions volumes from electricity demand. GHG emissions from baseline operations are estimated at 257 metric tons CO_2e per year. GHG emissions from the proposed project are projected at about 133 metric tons CO_2e per year. Thus, GHG emissions from the proposed project would be below the baseline volume.

Conclusion

Transportation-source GHG emissions from the proposed project would be similar to the baseline use. Electricity-source GHG emissions from the proposed project would be substantially lower than the baseline use. Consequently, the proposed project would not likely result in GHG emissions that exceed the baseline use and would not generate new GHG emissions that would have a substantial impact on the environment. The project impact is less than significant. No mitigation measures are required.

Construction GHG Analysis

The air district's 2017 *CEQA Guidelines* do not include a threshold of significance for construction GHG emissions. However, the air district recommends that construction GHG emissions be quantified and disclosed, and that their significance be determined.

Construction GHG emissions for the proposed project were quantified using CalEEMod. Construction emissions are summarized in Section 2.1, Overall Construction, of the CalEEMod results in Appendix D. Over the approximate three-year project construction period, about 1,420 metric tons of CO_2e would be produced.

It is common practice to amortize construction emissions over the operational life of a project (commonly 30 years) and to then evaluate the sum of annual construction and annual operational emissions against a threshold of significance. Annual amortized emissions would be approximately 47 metric tons CO_2e/year. Since annual operational emissions are expected to be very minor, construction emissions represent nearly the entire annual GHG emissions volume from the project.

The air district's *CEQA Guidelines* include a bright line operational GHG emissions threshold of significance of 1,100 metric tons CO_2e/year. This threshold is only applicable up to the year 2020 because the district's guidance is based on achieving the statewide AB 32 GHG reduction target of 20 percent below 1990 levels by 2020. As described previously, the 2020 threshold is less rigorous than would be an updated bright line threshold of significance designed to achieve the 40 percent below 1990 statewide target defined in SB 32. Nevertheless, at approximately four percent of the 2020 bright line threshold volume, annual project construction emissions would be so low that their impact would be less than significant.

This side intentionally left blank.

11.0
Noise

The discussion in this section is based upon information from the *Town of Los Gatos 2020 General Plan* and the Municipal Code (Chapter 16 – Noise). The Town did not receive any responses to the notice of preparation regarding noise.

11.1 Environmental Setting

Acoustic Fundamentals

When describing sound levels, the more common descriptors used are Day/Night Level ("DNL or L_{dn}"), and Community Noise Equivalent Level ("CNEL"). The descriptor L_{eq} refers to the equivalent sound level, which contains the same total energy intensity of noise over any given period of time. DNL refers to the day/night average sound level during a 24-hour day, which is obtained after the addition of ten decibels, as a penalty, to the sound levels after 10 pm and before 7 am.

The CNEL is the average equivalent sound level during a 24-hour day, achieved after the supplement of five decibels to the sound level, as a penalty, in the evening from 7 pm to 10 pm. An additional ten decibels are also added to the sound level in the night, before 7 am and after 10 pm.

Effects of Noise on People

The effects of noise on people vary from person to person. Therefore, the common and most effective way to determine noise impacts is to compare a new noise, typically the noise created or generated by a project, to the existing noise within the area. Existing noise is also referred to as the "ambient" environment. As a general rule of thumb, a new noise would be less acceptable if it exceeds the current ambient noise level. At extreme noise levels noise can result in adverse physical and mental effects.

Baseline Noise Conditions

The project site is currently developed with a presently closed senior living community and is located within a rural, hillside residential area of Los Gatos; however, for purposes of this noise analysis, the baseline noise conditions are the conditions when the existing senior living community was operational. The ambient noise environment at the project site is

generally quiet with varying levels of perceptible vehicle traffic noise from S. Santa Cruz Avenue and State Route 17 to the east (350 feet away) and southeast (500 feet away), respectively. According to General Plan Figure 4.10-3, Future Noise Contours, projected noise levels with 2020 buildout of the General Plan, immediately north and south of S. Santa Cruz Avenue, are projected to be 60 CNEL. Noise contours associated with State Route 17 are anticipated to be between 65 and 70 CNEL within a large portion of the project site according to General Plan Figure 4.10-3.

The nearest airports to the project site are Norman Y. Mineta San Jose International Airport, approximately 10.25 miles to the north, and Reid-Hillview Airport, 12 miles to the northeast. The project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip.

11.2 REGULATORY SETTING

Section 3.0, Environmental Setting includes a consistency evaluation of the relevant environmental policies of the *Town of Los Gatos 2020 General Plan* and the *Los Gatos Hillside Specific Plan.* No other regulations associated with the proposed project's noise impacts on the environment apply to the proposed project.

11.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of noise, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of noise impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant noise impact would occur if implementation of the proposed project would result in:

- Generation of a substantial temporary increase in ambient noise levels during construction activities 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; or
- Generation of excessive groundborne vibration or groundborne noise levels during construction.

In addition, the General Plan Noise Element includes a goal, policies and an action to address short-term construction noise impacts. Goal NOI-1 ensures noise from new development would not adversely affect existing land uses. Policy NOI-1.1 would minimize construction noise by requiring applicants to prepare an acoustical analysis for proposed projects. Policy NOI-5.1 protects residential uses from noise by requiring appropriate site design, sound walls and landscaping, and by using noise attenuating construction techniques and materials.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 am to 6:00 pm on weekdays, 9:00 am to 4:00 pm Saturdays, and prohibits construction activities on Sundays and holidays. The noise ordinance requires that no individual piece of equipment produce a noise level exceeding 85 dBA at 25 feet (Town Code Section 16.20.35(a)(1) and (c)).

Checklist Questions Deemed Not Applicable

- 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.

Since the project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip, the proposed project would not expose residents or workers to excessive noise levels from airport or airstrip operations. No further discussion of this issue is necessary.

11.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding noise that are relevant to the proposed project based on the threshold of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures.

Effects Adequately Addressed in the Initial Study

As noted in the initial study prepared to evaluate the proposed project (see Appendix A), operational noise levels associated with the proposed project would be similar to the existing development while it was operational. Since the proposed project would not result in an increase in noise over baseline conditions, there would be no impacts associated with operational noise. Operational activities are also not expected to result in any vibration impacts at nearby sensitive uses.

Construction Noise Impacts

IMPACT 11-1	Construction Activities Could Cause a Substantial Temporary Noise Increase	Less than Significant

Construction activities, which are anticipated to last approximately 30 months, would result in temporary, short-term noise increases due to the operation of heavy equipment on the project site. Construction-related noise can range from about 76 to 85 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 91 dBA at 50 feet for certain types of earthmoving and impact equipment (Federal Highway Administration 2015).

Construction of the proposed project would take place near existing hillside residences as close as 100 feet from the boundaries of the project site. Most residences in the vicinity are located north toward Broadway. Rural, hillside residences and estates are located south and west uphill from the project site. These sensitive receptors may be affected by construction-related noise.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 am to 6:00 pm on weekdays and 9:00 am to 4:00 pm on Saturdays. Construction activities are prohibited on Sundays and holidays. No individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. The General Plan EIR states that adherence to the Town's Noise Ordinance would reduce construction-related noise impacts to a less-than-significant level (General Plan EIR, page 4.10-16).

Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive areas (single-family residences) during the anticipated 30 months of construction. However, based on the distance to adjacent residences, construction noise would not be anticipated to exceed 60 dBA L_{eq} at adjacent noise sensitive outdoor use areas. Construction on the project site would not occur during nighttime hours, when occupants of the residences would be expected to be most sensitive to noise.

As a result, construction noise generation from the proposed project would be considered a less-than-significant impact, assuming that construction activities are conducted in accordance with the implementation of the following construction best management practices, as identified in the Town's Noise Ordinance:

- Pursuant to the Municipal Code, restrict noise-generating construction activities to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and holidays.
- Pursuant to the Municipal Code, construction activities meet at least one of the following noise limitations:

- No individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to 25 feet from the device as possible.
- The noise level at any point outside of the property plane shall not exceed 85 dBA.
- All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

With the incorporation of noise ordinance requirements, the construction noise impact resulting from construction of the proposed project and other site improvements would be less than significant.

Construction Groundborne Vibration Impacts

IMPACT 11-2	**Groundborne Vibration during Construction Activities**	**Less than Significant**

According to the Federal Transportation Administration (FTA), a significant impact would be identified if the construction of the project would generate groundborne vibration levels at adjacent structures exceeding 0.3 in/sec PPV because these levels would have the potential to result in "architectural" damage to normal buildings.

Construction activities include demolition of existing structures, site grading and excavation, underground garage construction, new building construction, and paving. The applicant has indicated that pile driving would not be needed for project construction. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the work area. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 11-1, Vibration Source Levels for Construction Equipment, presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet (Federal Transit Administration 2006).

Table 11-1 Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in./sec.)	Approximate L_v at 25 ft. (VdB)
Pile Driver (impact)	Upper range	1.518	112
	Typical	0.644	104
Pile Driver (sonic)	Upper range	0.734	105
	Typical	0.170	93
Clam shovel drop (slurry wall)		0.202	94
Hydromill (slurry wall)	In soil	0.008	66
	In rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

SOURCE: Federal Highway Administration 2006b (Table 12-2, p. 12-12)

The California Department of Transportation (Caltrans) provides further guidance on vibration issues associated with construction and operation of project in relation to human perception and structural damage in its 2020 *Transportation and Construction Vibration Guidance Manual*. Recommendations are provided for levels of vibration that could result in damage to structures exposed to continuous vibration. 0.2 in/sec PPV is Caltrans' recommended vibration level where the risk of architectural damage could occur to normal dwelling houses (Caltrans 2020, Technical Advisory, Table 2).

Operation of construction equipment can cause ground vibrations that diminish in strength with distance from the source. Buildings founded on the soil in the vicinity of a construction site may be affected by these vibrations, with varying results ranging from no perceptible effects at the lowest levels, low rumbling sounds and perceptible vibrations at moderate levels, and slight damage at the highest levels. Typically ground vibration does not reach a level where it damages structures unless the structure is extremely fragile.

Maximum ground vibration levels would be associated with the potential use of large bulldozers during construction activities. According to FTA, vibration levels associated with large bulldozers are 0.089 in/sec PPV and 87 VdB at 25 feet. Vibration levels from large bulldozers could exceed Caltrans recommended level of 0.2 in/sec PPV with respect to the structural damage within 15 feet of large bulldozer activities (Caltrans 2020) and could

exceed FTA's maximum acceptable level of 80 VdB with respect to human response within 43 feet of large bulldozer activities (FTA 2006). The nearest existing structures to project construction areas include single-family residences located as close as approximately 60 feet from the property line to the north, and commercial structures located as close as approximately 75 feet east of the site, along S. Santa Cruz Avenue. Therefore, ground vibration levels from potential large bulldozer activities would not result in levels that could damage nearby structures or result in human disturbance. Project impacts associated with construction-related ground vibration and vibration noise would be less than significant.

This side intentionally left blank.

12.0
Wildfire Hazards

Information is this section is derived from the following sources, as well as sources noted herein:

- *Town of Los Gatos 2020 General Plan* (Town of Los Gatos 2011);
- *Town of Los Gatos 2020 General Plan Draft Environmental Impact Report* (Town of Los Gatos 2010);
- *Town of Los Gatos Emergency Operations Plan* (Town of Los Gatos 2015); and
- *Town of Los Gatos 2040 Background Report* (Town of Los Gatos 2019).

The Town of Los Gatos did not receive any comments regarding wildfire hazards in response to the notice of preparation.

12.1 Environmental Setting

The project site consists of approximately 10.84 acres of heavily vegetated hillside property and is located in the southwestern portion of Los Gatos. Site topography varies and includes slopes that average 24 percent but are as steep as 40 percent. The upslope (western) section of the parcel is undeveloped and consists primarily of native oak woodland with small, scattered patches of chaparral. The oak woodland is dominated by coast live oak and California bay. Semi-rural, single family residences are located north, south, east, and west of the property along with commercial uses to the east along S. Santa Cruz Avenue.

The project site is located in a very high fire hazards area, within a state-mandated Local Responsibility Area (LRA) (Town of Los Gatos 2011, Figure SAF-3, "Wildland-Urban Interface Fire Area"). Figure 12-1, Fire Hazard Severity Zones, presents the project site within the context of very high fire hazard areas as identified in the Town's General Plan.

The wildfire risk in Los Gatos and in the Santa Cruz Mountains above it to the south and west is seasonal in nature. Because of the types of vegetation and typically high moisture content this risk is usually small. Wind patterns in the Santa Clara Valley are influenced greatly by terrain, resulting in a prevailing wind flow roughly parallel to the Valley's northwest-southeast axis. However, during years of drought there are occasions when winds blowing east to west dry out the hillsides and cause wildfire concerns (Town of Los Gatos

2010). The Lexington Fire in 1985, which burned 42 buildings and 13,000 acres, the 1997 Cats Fire that threatened downtown and burned 15 acres immediately south of the project site, the Stevens Canyon Fire in 2007 and the Summit Fire of June 2008 are examples of fires that do threaten the area (Town of Los Gatos 2015). The 2020 CZU August Lighting Fire burned over 86,500 acres in the Santa Cruz Mountains and its eastern perimeter was located approximately 10.25 miles southwest of the project site (InciWeb 2020).

12.2 REGULATORY SETTING

Section 3.0, Environmental Setting includes a consistency evaluation of the relevant environmental policies of the *Town of Los Gatos 2020 General Plan*, the *Los Gatos Sustainability Plan*, and the *Los Gatos Hillside Specific Plan*. In addition to those relevant policies, the following regulations may also apply to the proposed project.

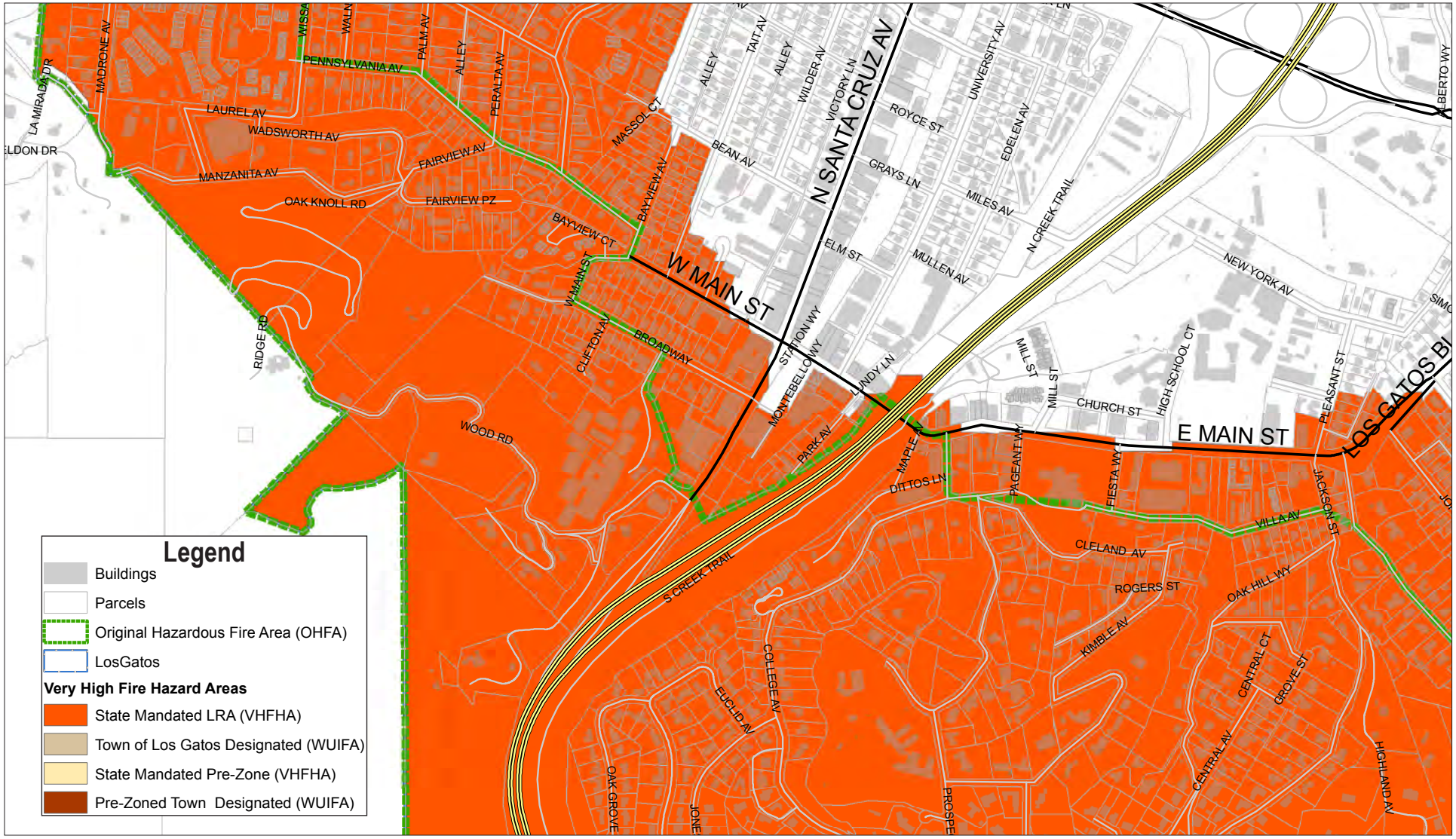
State

California Building Code

The California Building Standards Code (CBC) (California Code of Regulations, Title 24) provides minimum standards for the design and construction of buildings and structures in California. Minimum standards are organized under Part 1 to 12 and include code standards for buildings, mechanical, plumbing, energy, historical buildings, fire safety, and green building standards. State law mandates that local government enforce these regulations, or local ordinances, with qualified reasonably necessary and generally more restrictive building standards than provided in the CBC. Title 24 is applicable to all occupancies, or structures, throughout California, whether or not the local government takes an affirmative action to adopt Title 24.

California Fire Code

The California Fire Code (CFC) is Chapter 9 of Title 24 of the California Code of Regulations (CCR). It was created by the California Building Standards Commission and is based on the International Fire Code created by the International Code Council. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazards classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every three years and was most recently updated in 2019.



Source:

Figure 12-1
Fire Hazard Severity Zones

This side intentionally left blank.

CFC Chapter 49 provides minimum standards to increase building resistance to the intrusion of flame or burning embers projected by a vegetation fire and identifies performance and prescriptive requirements. Section 4906 provides hazardous vegetation fuel management requirements for buildings and structures located on land in a Very High Fire Hazard Severity Zone (VHFHSZ) in Local Responsibility Areas (LRAs) and land in a Moderate Fire Hazard Severity Zone (MFHSZ), High Fire Hazard Severity Zone (HFHSZ), or VHFHSZ in State Responsibility Areas (SRAs). In addition, Section 4907 requires the local entity with jurisdictional authority over areas designated VHFHSZ in LRAs to maintain defensible space near buildings and structures.

County and Local

Santa Clara County Operational Area Hazard Mitigation Plan (2017)

The Santa Clara County Local Planning Team with representatives from the Town of Los Gatos identified 25 possible hazard threats within the county boundary. Santa Clara County's Office of Emergency Services is collaborating with incorporated cities to update the countywide local hazard mitigation plan. This plan outlines mechanisms for increasing the county's resiliency to natural hazard events, including wildfire.

Santa Clara County Hazardous Brush Abatement Program

The Santa Clara County Fire Department manages and implements a hazardous brush abatement program for hillside areas within its jurisdictional boundaries including the Town of Los Gatos. In January of each year, homeowners are reminded that they must remove native brush and vegetation from around their home to create defensible space. The brush abatement program entails inspections of hillside properties by fire crews beginning early April each year. If properties are found to not be in compliance with the regulations found in the California Fire Code relative to vegetation clearance, they are given notice of the violation. If compliance is still not achieved by approximately the end of June each year, a contractor is authorized to perform the necessary work. The costs associated with the abatement work are then placed on the property tax bill for that parcel (Santa Clara County Fire Department 2021).

Town of Los Gatos Emergency Operations Plan (2015)

The Emergency Operational Plan (EOP) for the Town of Los Gatos is a joint effort between the Town of Los Gatos and the Santa Clara County Fire Department. The Santa Clara County Fire Department promotes a regional approach to the service provided. Emergency management staff from the Santa Clara County Fire Department have developed the Emergency Operations Plans for the cities of Campbell, Cupertino, Monte Sereno, Saratoga, and the Town of Los Gatos. By doing so all of the emergency plans of the West Valley cities have a common format and inasmuch as possible standardized procedures and protocols.

This approach ensures compliance with planning requirements and mandates. By planning this way, the partnered cities are able to participate in joint training programs, conduct joint exercises, and manage disasters with the same approach.

The Town of Los Gatos' responsibility within the framework of the EOP is to decide when this plan and the Emergency Operations Center will be activated, coordinate volunteer response efforts, deploy personnel and resources to address disaster caused needs, issue emergency proclamations when needed, and coordinate response and recovery efforts with the County Emergency Operations Center. Town Council members will approve emergency proclamations, maintain public contact, conduct interviews in conjunction with the Public Information Officer, and utilize political connections with their counterparts at the State and Federal levels to ensure response and recovery processes are followed and sustained (Town of Los Gatos 2015).

Town of Los Gatos Code Chapter 9 (Fire Prevention and Protection)

The Town Code sets forth provisions and requirements for fire prevention and protection systems for all new buildings through adoption of the 2019 California Fire Code and 2018 International Fire Code. The Town Code also sets requirements for Wildland-Urban Interface Fire Areas (Chapter 49 of the 2019 California Fire Code) and sets requirements for maintenance of defensible space including maintaining 100 feet from each side, from the front, and rear of any building or structure, maintaining overhanging tree limbs and shrubs, removing combustible vegetation and clearing areas along fire apparatus access roads and driveways.

Town of Los Gatos Roadside Vegetation Management Plan (2020)

The Town of Los Gatos Roadway Vegetation Management Plan (vegetation management plan), adopted in 2020, requires removing hazardous vegetation and creating defensible space around approximately 31.09 miles of Town-owned hillside roadways that have been identified by the Town and Town residents as roadways of high concern. These Town-owned roadways include evacuation routes and other collector, neighborhood, and hillside collector roads that are located within the wildland urban interface (WUI) and/or are have been identified by the Town and Town residents as having inadequate access for emergency response during a wildfire. Under the plan, work will focus on removing roadside vegetation to create a clear space that is 20 feet wide and 13 feet, 6 inches above roadways, as well as clearance of non-fire-resistant vegetation within 10 feet of the roads. Clearing these areas will not only improve emergency vehicle access and evacuation safety, but will also reduce the amount of heat that evacuating residents might be exposed to during a fire, improve visibility, and expand the usable width of roadways on narrow hillside streets.

The Town has identified three priority levels of roadways where vegetation management for fire safety is of utmost concern. These levels are based on Vegetation Management Action Levels (VMAL) which are defined by the amount of vegetation encroachment into and along the edges of the roadway. In the vegetation management plan, Wood Road is identified as "VMAL 2" which is identified as moderate encroachment of roadside vegetation; some areas of dense native woodland as in VMAL1; additional areas of native scrub vegetation on open hillsides with non-native annual grasses, and pockets of dense flammable non-native invasive vegetation (e.g., acacia, broom) in the understory on hillslopes adjacent to roadways." Wood Road is further identified as a "Priority Level 1," an evacuation route, and is essential to ensuring emergency vehicles can access locations along these roads and ensuring the safety of residents as they evacuate in the event of a wildfire (Town of Los Gatos 2020).

12.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of wildfire, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of public services impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Los Gatos has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project (if located in or near state responsibility areas or lands classified as very high fire hazard severity zones) would:

- Substantially impair an adopted emergency response plan or emergency evacuation 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;
- 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; and
- 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.

In addition, CEQA Guidelines Appendix G includes a question under "IX. Hazards and Hazardous Materials," which states a project would result in a significant impact if it would:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

12.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding wildfire that are relevant to the proposed project based on the threshold of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures.

Compatibility with Adopted Emergency Response and Evacuation Plans

IMPACT 12-1	**The Proposed Project Would Result in Short-Term Construction-Related Traffic Activity That Has the Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan**	**Less-than-Significant Impact with Mitigation**

As noted previously, the Town of Los Gatos has, in conjunction with the County of Santa Clara and several other neighboring cities, an adopted EOP, which comprises, along with the 2017 *Santa Clara County Operational Area Hazard Mitigation Plan*, the entirety of emergency planning activities that governs emergency response and evacuation on and around the project site. Implementation of the proposed project would not interfere with an adopted emergency response or evacuation plan, but construction activities associated with the proposed project could result in short-term, temporary impacts on street traffic because of roadway improvements and potential extension of construction activities into the right-of-way. This could result in a reduction in the number of lanes or temporary closure of certain roadway segments near the project site. While any such impacts would be limited to the construction period and would affect only adjacent streets or intersections, the impact would be potentially significant. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

12-1 In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan

shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.

Preparation and implementation of a construction traffic management plan, as required by Mitigation Measure 12-1, would adequately address any potential conflicts with emergency access or evacuation routes during construction by communicating proposed lane and road closures to first responders and allowing first responders to plan accordingly to ensure that emergency response times are met and maintain adequate emergency access. As a result, with mitigation this impact would be less than significant.

Exposure to Pollutant Concentrations from a Wildfire

IMPACT 12-2	**The Proposed Project Could, 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.**	**Less than Significant**

The project site and much of the surrounding area is mapped as a very high fire hazard severity zone in either a LRA or SRA (CAL FIRE 2008). The project site sits on a heavily wooded hillside with slopes that average 24 percent but are as steep as 40 percent. Prevailing winds flow roughly parallel to the Santa Clara Valley's northwest-southeast axis. The project sits at the far western edge of Santa Clara Valley. The upslope (western) section of the project site features native oak woodland with small, scattered patches of chaparral. The oak woodland is dominated by coast live oak and California bay. In addition, a drainage descends form the upslope oak woodland and flows towards the project site though only during rain events and flows to existing storm drain lines to Wood Road.

The proposed senior living community would involve indoor activities, and outdoor activities would be limited to vehicles driving on paved surfaces and people walking on paved surfaces and landscaped areas. The proposed senior living community buildings would be constructed of fire-resistant materials, including stone tiles, metal and concrete panel siding, brush stainless steel window frames, railings, and secondary structures, and standing seam metal roofing (see Sheet A204 of the project plans found in Appendix B for additional material descriptions), in compliance with Chapter 7A of the California Building Code (CBC) which specifies the building materials, systems and/or assemblies that must be used in the exterior design and construction of new buildings located within a Fire Hazards Severity Zone. The proposed project would be required to adhere to all fire prevention and protection requirements and regulations including Chapter 9 (Fire Prevention and Protection) of the Town Code and applicable sections of the California Fire Code, including requirements for the maintenance of defensible space around the buildings on the property. Compliance with these regulations would reduce the potential of the structures on the

project site to catch fire during a wildfire, which in turn would reduce wildfire risk. In addition, as discussed in Section D.9, Hazards and Hazardous Materials, of the initial study, the transport, storage, and use of hazardous materials, including flammable materials, on the project site would be required to comply with existing State and local regulations as enforced by the Santa Clara County Environmental Health Department. This would minimize the potential for the occurrence of a fire due to improper handling of flammable materials.

The Santa Clara County Fire Department has reviewed the proposed project and identified significant wildfire hazards particular to this site. The County Fire Department provided conditions of approval regarding fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements, which are to be incorporated into the permit approvals. Based on the Fire Department's review, the implementation of the conditions of approval would provide a sufficient fire protection system. Therefore, compliance with local and State requirements related to wildfires would reduce the potential of the proposed project to exacerbate wildfire risks and thereby expose project occupants to wildfire pollutants or the uncontrolled spread of a wildfire to a less-than-significant level.

Installation or Maintenance of Associated Infrastructure That May Exacerbate Fire Risk

IMPACT 12-3	**The Project Would Not 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.**	**No Impact**

The project site would be accessible via the existing 22-foot-wide Wood Road and a new 20-foot-wide secondary access (Farwell Lane) which is accessed at both the west and eastern boundaries of the facilities and connects to Broadway to the north of the site. Project plans show full fire access circulation around building perimeter. Additional bump-outs and widening lanes to 26 feet have been included as well (see sheets C108.1, C108.2, and C108.3). In addition, a new fire engine turn-around is proposed at the western edge of the property along the dedicated fire access road to provide adequate turn radius for County Fire Department equipment in case of emergency.

The project site is currently served by at least two fire hydrants located along Wood Road and new fire hydrants are proposed near the entrance to Villa H and Villa B, outside Villa D at the north end of the project site, and at the western edge of the project site near Villa E. Hydrant spacing has been dimensioned on sheet C108 and meets the 500-foot maximum as required by the County Fire Department and the California Fire Code. An additional Preliminary Hose Pull Plan has been broken out with dimensions to show all exterior parts of buildings are within 600 feet of a fire hydrant (see sheet C109). The water line serving the

fire hydrants are shown on sheet C106. A revised fire flow analysis was provided by San Jose Water for the existing fire hydrant across Wood Road east of the project site. The revised fire flow analysis shows a gallons per minute of 650 at 20 pounds per square inch which is below the required 1,500 gallons per minute at 20 pounds per square inch as required in the California Fire Code. This will necessitate improvements to fire flow systems at this fire hydrant to ensure adequate fire-fighting capabilities at and around the project site. These improvements to fire flow will be implemented through conditions of approval through the Santa Clara County Fire Department.

These required infrastructure improvements are intended to enhance and improve the firefighting capabilities of County Fire personnel on and around the project and would not result in additional infrastructure that could exacerbate fire risks or result in other impacts to the environment.

Exposure to Significant Risks as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes

IMPACT 12-4	**The Project Could 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.**	**Less-than-Significant Impact with Mitigation**

As noted in Section 13.0, Effects Not Addressed Further in this EIR, the 2007 *Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows* prepared by Cornerstone Earth Group (Appendix F), the project site and surrounding areas are moderately steep to steep slope with slope inclination up to 40 degrees and noted that portions of the site are located within a State of California Earthquake-Induced Landslide Hazard Zone. However, the 2020 *Geotechnical Investigation and Geologic Hazards Evaluation* (geotechnical report) (Appendix F) also prepared by Cornerstone Earth Group, conducted site-specific subsurface explorations which revealed soil characteristics (alluvial fan deposits underlain by shallow bedrock) that would not suggest the existence of previous landslides through the project site. As noted in the geotechnical report, the proposed project would create relatively deep vertical, retained cuts into the terrace that encompass the developed portion of the site. Localized groundwater seepage may be encountered where the cuts intersect the bedrock surface and installing a network of subdrains and water proofing would address this. The geotechnical report also found the proposed grading plan for the project to be acceptable from a safety standpoint with the exception of a lower slope (below proposed structures) area that may experience a lack of stability with the existing alluvial fan deposit soils there. The geotechnical report recommends removal of these alluvial fan deposits at this location down to bedrock to be replaced by engineered fill. Compliance with this recommendation as

incorporated in Mitigation Measures 13-1 and 13-2 found in Section 13.0 of this EIR (under discussion of "Geology and Soils") would ensure this potentially significant impact would be reduced to a less-than-significant level.

The project site is located within a Federal Emergency Management Agency (FEMA) Flood Zone X, described as "areas of 0.2 percent annual chance flood hazard; areas of one percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile; and areas protected by levees from one percent annual chance flood" (FEMA 2021). However, as noted in the geotechnical report, the topographic characteristics of the project site and its location on a high hilltop far above any nearby bodies of water precludes it from being impacted by flooding from any stream sources or bodies of water. The nearest waterway is Los Gatos Creek, which is located about 0.20 miles southeast from the project site across State Route 17. At this distance and given the elevation of the project site, the project site is unlikely to experience any risk of flooding from this stream.
A drainage descends from the upslope oak woodland and flows towards the project site. These drainages are likely ephemeral and only flow during rain events. Water collecting within the drainage likely flows to existing storm drain lines that currently direct and store water within the development footprint, conveying storm water to the Wood Road storm water system. Currently, several catch basins collect surface runoff water from Wood Road and South Santa Cruz Avenue east of the property line (Cornerstone Earth Group 2020). The proposed project would ensure stormwater would be retained onsite through several bio-retention basins/planters (Kimley-Horn 2021). These bio-retention basins would be required to be constructed in compliance with Town Engineering requirements for stormwater retention facilities. Therefore, post-fire slope instability, increased runoff, or drainage changes in areas surrounding the project site would not expose people or structures at the project site to increased risk of flood or landslides. This impact would be less than significant.

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires

IMPACT 12-5	**The Project Could Expose People or Structures to Significant Risks Associated with Wildland Fires**	**Less than Significant**

The proposed project is located in a very high fire hazards area. The project area is surrounded by forested hillsides and includes redevelopment of the site with a new senior living community to replace the existing, closed senior living facility. While the use of the project site would remain the same, due to the proximity of this new senior living community to forested hillsides, and because of the high fire severity zone rating of the area, the potential to expose people and structures to risk from wildland fires is high and could expose people or structures to significant risks associated with wildland fires.

The proposed project includes design features and infrastructure improvements that are discussed throughout this section help further reduce the overall risk of the project site to wildfire hazards. Conditions of approval and mitigation measures identified throughout this section further reduce risks associated with wildfire hazards and reduce potentially significant impacts to a less-than-significant level.

To further mitigate the existing fire safety issues, the applicant submitted a Tree Management Plan and request for Tree Removal Permit to the Town on September 26, 2019. The tree management recommendations are based on fire safety, sudden oak death, species invasiveness and tree risk. Phase 1 of the Tree Management Plan identified recommendations for removal of 44 trees based on the following criteria: (1) they disproportionately contribute to fire risk or are invasive and (2) based on their health, structure and condition, they do not contribute to site screening between properties. Fire risk and invasive trees are the most imminent risk for the site. Los Gatos Meadows has been closed, in part, due to fire risk. Limiting the spread of invasive species to other portions of the site and neighboring sites is time sensitive as well. Additionally, vegetation management and operational activities on the project site would be required to comply with defensible space requirements found in the Town Code to further reduce wildfire risk.

Each of the measures described above and proposed or already implemented by the applicant are intended to comply with both Santa Clara County Fire Department and California Fire Code requirements and improve overall fire-fighting capabilities of fire personnel on and around the project site. The Santa Clara County Fire Department has reviewed the project and provided conditions of approval regarding fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements, which are to be incorporated into the permit approval. Compliance with these conditions of approval would help further ensure the proposed project would not result in significant exposure of people or structures to wildland fire risk. Therefore, this impact would be less than significant.

This side intentionally left blank.

13.0
Effects Not Addressed Further in this EIR

As noted in Section 1.0, Introduction, this draft EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an initial study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the lead agency subsequently receives information inconsistent with the finding in the initial study.

CEQA allows a lead agency to limit the detail of discussion of the environmental effects that are not considered potentially significant (PRC Section 21100, CCR Sections 15126.2[a] and 15128). Environmental issue areas scoped out of the EIR are listed below with a brief explanation of why a) there would not be an impact to these resource areas, b) there would be a less-than-significant impact, or c) there would be a less-than-significant level with mitigation, as detailed in the initial study prepared for this project (see Appendix A).

13.1 No Impact

Per the findings of the initial study prepared for the proposed project, no impacts were identified in the following areas:

- Agriculture and Forest Resources;
- Land Use and Planning;
- Mineral Resources;
- Population and Housing;
- Public Services;
- Recreation; and
- Utilities and Service Systems.

Refer to the initial study included in Appendix A for additional information for each of the environmental issues noted above.

13.2 LESS-THAN-SIGNIFICANT IMPACT

Hydrology and Water Quality

As noted in Section D.10, Hydrology and Water Quality, of the initial study, the State Water Resources Control Board has implemented a National Pollutant Discharge Elimination System (NPDES) Program to control and enforce storm water pollutant discharge reduction per the Clean Water Act. In accordance with the requirements of this program, the project applicant would be required to obtain a State NPDES Construction General Permit for redevelopment of the 10.84-acre project site.

Further, Section 22.30.035 of the Town Municipal Code outlines requirements for storm water management on new development and redevelopment projects. Every new development or redevelopment project is required to identify the potential for stormwater to be discharged from the project site following completion of construction activity and demonstrate that the plans, drawings, or specifications for such project include the installation of management techniques, practices, and control measures designed to mitigate the potential adverse impacts of storm water that may be discharged from the project site on an ongoing basis, including storm water treatment measures.

By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the proposed project would not violate any water quality standards or degrade water quality and would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Transportation

The *Los Gatos Meadows – Transportation Analysis* (dated January 21, 2020) was prepared for the proposed project by Kimley Horn, the applicant's consultant. TJKM, the Town's transportation consultant, conducted a peer review of the Kimley Horn analysis, which was documented in a memo dated November 24, 2020. Kimley Horn subsequently prepared a revised transportation analysis dated December 9, 2020, as well as a response to comments memo dated December 10, 2020. TJKM then provided further comments based on the revised traffic analysis dated December 14, 2020, concluding that the analysis was acceptable. All of these documents are included in Appendix A of the initial study, in chronologic order.

As detailed in Section D.17, Transportation, of the initial study, the proposed project was determined to not result in significant transportation impacts as the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. In addition, a vehicle miles travelled (VMT) analysis was conducted both with and without the proposed autonomous vehicle alternative transportation solution. With autonomous vehicles, the proposed project would result in no transportation impact; without the autonomous vehicles, the proposed

project would result in a less-than-significant impact as the project would be projected to result in a net increase in 10 vehicle trips per day, which is considerably less than the screening threshold of 110 vehicle trips per day as established by the Office of Planning and Research 's *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2018).

Additionally, the proposed project would not increase hazards due to a design feature or result in inadequate emergency access.

13.3 Impacts Reduced to a Less-Than-Significant Level with Mitigation

Geology and Soils

This section addresses potential impacts associated with geologic hazards. The applicant submitted *Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows*, prepared by Cornerstone Earth Group dated September 17, 2007, which was prepared for a previous owner/operator of the Los Gatos Meadows senior living community. In January 2020, the applicant submitted a *Geotechnical Investigation and Geologic Hazards Evaluation* (draft report) prepared by Cornerstone Earth Group, Inc., dated January 17, 2020; and *Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation*, also prepared by Cornerstone Earth Group, Inc., dated December 13, 2019, as part of the original application submittal. The Town's consulting geologist, Cotton, Shires and Associates, Inc. reviewed all previous geotechnical and soils reports and prepared a peer review letter dated November 25, 2020. This peer review letter recommended submittal of a signed and stamped, final draft of the geotechnical report with clarifications, supplemental laboratory testing, and associated supplemental analysis results. The applicant then submitted a final version of *Geotechnical Investigation and Geotechnical Evaluation* (geotechnical report), prepared by Cornerstone Earth Group, Inc., dated December 30, 2020, in January 2021. A final peer review was prepared by Cotton, Shires and Associates, Inc., dated February 24, 2021, and concluded that that the geotechnical design recommendations contained in the December 2020 geotechnical report appear to be generally consistent with the prevailing standard of practice in the area. All previous and current geotechnical and soils reports along with peer review letters are included in Appendix F. The Town did not receive any responses to the notice of preparation regarding geologic hazards.

The geotechnical report noted several potential geologic impacts that are to be addressed through several design recommendations for the proposed project. These recommendations include, but are not limited to, providing a 25-foot setback from a mapped surface trace of a fault along the eastern edge of the property; underlaying the foundation by ground improvement or deepening the foundation to bedrock to avoid soil instability; removing alluvial fan deposits down to bedrock and replacing with engineering fill along the proposed

retaining wall along the eastside of Farwell Lane for a minimum of 15 feet; removing and replacing all undocumented fill; and designing for sufficient reinforcement for slabs-on-grade. Implementation of the following mitigation measures, as articulated in the February 2021 geotechnical peer review conducted by the Town's geotechnical consultant, would ensure potential geologic impacts are reduced to a less-than-significant level.

Mitigation Measures

13-1 The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures.

The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits.

13-2 The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to:

- Site preparation and grading;
- Ground improvement;
- Shoring measures and design;
- Site surface and subsurface drainage improvements; and
- Excavations for foundations prior to placement of steel and concrete.

In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated.

The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.

Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.

Hazards and Hazardous Materials

As noted in Section D.9, Hazards and Hazardous Materials, in the initial study prepared for the proposed project, *Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation* ("environmental site assessment") was prepared for the proposed project by Cornerstone Earth Group, Inc., dated December 13, 2019 (included as part of Appendix G). This environmental site assessment identifies, to the extent feasible, the presence or likely presence of any hazardous substances in and around the project site. The proposed project includes demolition of the existing senior living community that was constructed in 1971. Based on the age of the existing structures, building materials may contain asbestos. Airborne asbestos fibers pose a serious health threat and the demolition, renovation, or removal of asbestos-containing building materials could result in exposure to these materials. If the existing on-site buildings contain asbestos, demolition could result in the release of asbestos into the air. This is a potentially significant impact.

According to the environmental site assessment, lead-based paint was banned in 1978. The existing senior community was constructed prior to 1978; therefore, lead-based paint may be present in the existing structures on the project site. Lead is a known carcinogen and its release during grading or other ground disturbing activities could pose hazards to public health and safety. This is a potentially significant impact.

Implementation of the following mitigation measure would ensure potential impacts from the release of asbestos and lead-based paint into the environment as a result of demolition activities are reduced to a less-than-significant level.

Mitigation Measure

13-3 The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead.

Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.

Exposure to wildland fire risk as a result of the proposed project is addressed in Section 12.0, Wildfire Hazards, of this draft EIR.

This side intentionally left blank.

14.0
Growth Inducing Impacts

14.1 CEQA Requirements

Public Resources Code Section 21100(b) (5) and CEQA Guidelines Section 15126.2(d) require a discussion in the EIR of the growth-inducing impacts of a proposed project. The EIR must discuss the ways in which the project may directly or indirectly foster economic or population growth or additional housing in the surrounding environment, remove obstacles to growth, tax existing community services facilities, or encourage or facilitate other activities that cause significant environmental effects, either individually or cumulatively. Direct growth-inducing impacts result when the development associated with a project directly induces population growth or the construction of other development within the same geographic area.

The analysis of potential growth-inducing impacts includes a determination of whether a project would remove physical obstacles to population growth. This often occurs with the extension of infrastructure facilities that can provide services to new development. In addition to direct growth-inducing impacts, an EIR must also discuss growth-inducing effects that will result indirectly from the project, by serving as catalysts for future unrelated development in an area. Development of public institutions and the introduction of employment opportunities within the same geographic area are examples of projects that may result in growth-inducing impacts.

An EIR's discussion of growth-inducing effects should not assume that growth is necessarily beneficial, detrimental, or of little significance to the environment. An EIR is required to discuss the ways in which the proposed project could foster growth.

14.2 Thresholds of Significance

CEQA Guidelines Appendix G indicates that a project may have significant growth-inducing impacts if the project would induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).

14.3 GROWTH INDUCING IMPACT ANALYSIS

The approval of the proposed project would not represent a new commitment of land for development. Development of the project site for residential uses, in the form of a senior living community, has been envisioned by the Town since at least 1968, as the project site has a General Plan land use designation of Medium Density Residential and a zoning designation allowing for "Residential Planned Development (R:PD)," as proposed by the project. The General Plan land use designation of Medium Density Residential allows for a maximum density of 12 dwelling units per acre. However, consistent with density bonus laws in California, General Plan Action HOU-1.3 provides up to a 100 percent density bonus for developments that include housing for the elderly. The project proposes a density of 16 dwelling units per acre, which is within the maximum allowed for the site under the existing General Plan land use designation and PD permit conditions. The existing site and surrounding vicinity are located within Town limits and adjacent areas are developed with hillside residential uses as well as commercial development to the east along South Santa Cruz Avenue. Roads and water infrastructure already exist on the project site.

The proposed project's utility infrastructure would be sized to accommodate the proposed project only. The proposed project's infrastructure would not be sized to accommodate additional growth outside of the project site. Adjacent open space areas, Town General Plan land use designations, and Town limits will prevent any significant expansion beyond the project site. Construction and implementation of the proposed project would not remove physical obstacles to population growth. Therefore, the proposed project would not represent direct or in-direct growth-inducing impacts.

15.0
Cumulative Impacts

15.1 CEQA Requirements

CEQA Guidelines Section 15130 requires a discussion of cumulative impacts when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3), which states, "The project has possible environmental effects that are individually limited but cumulative considerable. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulative considerable. A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. When the combined cumulative impacts associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

A lead agency may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and therefore, is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the other identified projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

CEQA requires a cumulative development scenario to consist of either a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or, a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

15.2 CUMULATIVE DEVELOPMENT SCENARIO

Geographic Scope

The geographic scope of the area affected by cumulative impacts can vary with the specific environmental topic being evaluated. Generally, the geographic scope of the area affected by cumulative projects impacts is larger than the boundary of the project site itself, which encompasses 6,216 acres within the Town limits and 5,260 acres outside the Town limits, for a total of 11,476 acres (Town of Los Gatos 2011, pages LU-6 to 7). For purposes of analyzing cumulative projects impacts, the geographic scope of the area affected ranges from development within the Town of Los Gatos to much broader areas such as Santa Clara County or the air basin. For example, aesthetic impacts are evaluated within the context of buildout of the Los Gatos General Plan; the entire air basin is the geographic boundary used in the cumulative air quality analysis; and the proposed project effect on climate change is evaluated at a state scale. Identification of the geographic scope is included in each cumulative impact discussion, and is summarized in Table 15-1, Cumulative Impact Analysis Geographic Scope.

Plans Projections and Projects Contributing to Cumulative Development Conditions in the Town

As allowed by CEQA Guidelines section 15130 (b)(1)(B), this EIR includes a summary of projections contained in the Town of Los Gatos 2020 General Plan to form the cumulative projects scenario; i.e., build-out of the General Plan. The General Plan provides an estimate of about 1,600 new residential units, 419,000 square feet of new retail, 516,000 square feet of new office, and 8,000 square feet of new industrial uses through 2020 within the Town limits and sphere of influence.

A summary of the impacts discussed in the General Plan EIR is presented and is supplemented by new data regarding development projections and impacts, as appropriate. For each topic area, an evaluation and determination as to whether the proposed project's impacts are cumulatively considerable is presented.

Table 15-1 Cumulative Impact Analysis Geographic Scope

Resource Area	Geographic Area
Aesthetics	Los Gatos General Plan Buildout
Air Quality	Los Gatos General Plan Buildout
Biological Resources	Los Gatos General Plan Buildout and Santa Clara Valley Region
Cultural, Paleontological, and Tribal Resources	Los Gatos General Plan Buildout
Energy	State of California
Geology and Soils	Los Gatos General Plan Buildout
Greenhouse Gases	State of California
Hazards and Hazardous Materials	Los Gatos General Plan Buildout
Hydrology and Water Quality	Los Gatos General Plan Buildout
Noise	Los Gatos General Plan Buildout
Transportation	Los Gatos General Plan Buildout
Wildfire Hazards	Los Gatos General Plan Buildout

SOURCE: EMC Planning Group 2021

15.3 CUMULATIVE ANALYSIS

The following sections include an evaluation of the cumulative scenario's impacts, and addresses whether the proposed project's contribution is considerable.

Aesthetics

Proposed Project Impact Summary

Aesthetic impacts are discussed in Section 5.0, Aesthetics. The proposed project would result in the following aesthetic impacts:

- Impact 5-1. The proposed project would have an effect on a scenic vista (less than significant);
- Impact 5-3. The proposed project would alter the existing visual character or quality of the site and its surroundings but would not conflict with applicable zoning and other regulations governing scenic quality (less than significant); and
- Impact 5-4. The proposed project would introduce new sources of light or glare (less than significant).

Geographic Scope

The geographic scope for aesthetics impacts of the proposed project is the buildout of the Town General Plan.

Cumulative Impacts

The General Plan EIR concluded that build-out of the General Plan would result in less-than-significant aesthetic impacts (Town of Los Gatos 2010), with implementation of the General Plan goals, policies, and actions. Build-out of the General Plan would not result in cumulative aesthetics impacts due to design criteria and policies included in the General Plan, *Hillside Development Standards and Guidelines*, and *Hillside Specific Plan* requirements, and zoning standards contained in the Town Code.

Project Contribution to Cumulative Impacts

No significant aesthetic impacts were identified for the proposed project and cumulative aesthetic impacts were determined to be less than significant in the General Plan. Therefore, the proposed project contribution to cumulative projects' aesthetic impacts would be less than cumulatively considerable.

Air Quality

Proposed Project Impact Summary

Air quality impacts are discussed in Section 6.0, Air Quality. The proposed project would result in the following air quality impacts:

- Impact 6-2. Criteria air pollutant emissions during project construction would degrade air quality, but would not exceed the air district thresholds (less than significant);
- Impact 6-3. Criteria air pollutant emissions during project operations would degrade air quality (less than significant);
- Impact 6-5. Construction activity would expose sensitive receptors to toxic air contaminants (less than significant with mitigation); and
- Impact 6-6. Construction of the proposed project would generate odors that could affect sensitive receptors (less than significant).

Cumulative Impacts

Construction Impacts – Criteria Air Pollutants

New emissions would be generated from construction activities associated with development allowed under the 2020 General Plan. Varying amounts of construction would likely occur over time until buildout of the 2020 General Plan is achieved. Construction-related emissions would result from excavation, grading, demolition, vehicle travel on paved and unpaved surfaces and vehicle and equipment exhaust. Individual projects would vary in

size and have the potential to generate significant construction emissions. BAAQMD emphasizes the implementation of effective and comprehensive control measures rather than detailed quantification of construction emissions. BAAQMD has identified a set of feasible particulate matter control measures for construction activities.

Operational Impacts – Criteria Air Pollutants

The General Plan EIR concluded that build-out of the General Plan would be inconsistent with applicable clean air planning efforts of the air district, as projected vehicle miles traveled that could occur under the General Plan would increase at a greater rate than population growth. The General Plan includes extensive goals, policies, and actions that aim to reduce vehicle reliance and vehicle miles travelled within the Town. However, the projected growth in vehicle travel could still lead to an increase in regional vehicle miles travelled beyond that anticipated in the then-current clean air plan. As a result, development in Los Gatos consistent with the General Plan would contribute to the on-going violations of ozone ambient air quality standards in the air basin (Town of Los Gatos 2010). Therefore, buildout of the General Plan would result in a significant cumulative impact on air quality.

Toxic Air Contaminants and Sensitive Receptors

The General Plan EIR concluded that operations associated with buildout of the General Plan would result in less-than-significant impacts associated with toxic air contaminants (TAC) on sensitive receptors. The General Plan EIR did not include an evaluation of construction-related TAC from buildout of the General Plan.

Project Contribution to Cumulative Impacts

Construction Impacts – Criteria Air Pollutants

Construction of the proposed project would result in criteria air pollutants, but the volumes would be significantly below the air district's threshold (Table 6-6) in Section 6.0. Therefore, the proposed project's contribution to cumulative project criteria air pollutants during construction activities would not be considerable.

Operational Impacts – Criteria Air Pollutants

In developing thresholds of significance for air pollutants, the air district considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions (Bay Area Air Quality Management District 2017). The proposed project operations would result in fewer operational criteria pollutant emissions than the existing facility, resulting in a beneficial impact over baseline conditions. Refer to the detailed discussion in Section 6.0, Air Quality. Therefore, the proposed project would not contribute to the cumulative operational air quality impacts of General Plan buildout.

Toxic Air Contaminants and Sensitive Receptors

The HRA concluded that cumulative community health risks would be less than cumulatively considerable. The cumulative community risk impacts at the MEI are summarized in Table 15-2, Cumulative Heath Risks at Construction MEIs.

Table 15-2 Cumulative Health Risks at Construction MEIs

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Hazard Index
Project Construction (Mitigated)[1,2]	3.70 (infant/child)	<0.3	0.06
State Route 17 (80,000 ADT)	13.84	0.262	<0.01
Santa Cruz Avenue (6,800 ADT)	1.26	0.024	<0.01
No permitted sources within 1000 feet	0	0	0
Cumulative (Mitigated)[2]	18.80	<0.586	<1.0
Air District Cumulative-Source Threshold	100.0	0.80	10.0
Exceeds Thresholds? (Mitigated)	*No*	*No*	*No*

SOURCE: EMC Planning Group 2021.
NOTES:
1. Results have been rounded, and may, therefore, vary slightly.
2. Includes reductions due to use of Tier III diesel engines and alternative fuels in other construction equipment (Mitigation Measure AQ-2).

Table 15-1 shows the mitigated health risk for cumulative sources. The resulting mitigated cumulative cancer risk is 18.80 per million, a $PM_{2.5}$ concentration of less than 0.3 $\mu g/m^3$, and a hazard index less than 1.0. The project's contribution to community health risks would not exceed the air district's cumulative thresholds and are less than cumulatively considerable.

Biological Resources

Proposed Project Impact Summary

Biological resource impacts are discussed in Section 7.0, Biological Resources. The proposed project would result in the following biological resource impacts:

- Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat) (less than significant with mitigation);
- Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat) (less than significant with mitigation);
- Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds) (less than significant with mitigation);
- Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage) (less than significant with mitigation);

- Impact 7-6. Damage or Removal of Regulated Trees (less than significant with mitigation);
- Impact 7-7. Interference with Movement of Wildlife Species or with Established Wildlife Corridors (less than significant); and
- Impact 7-8. Effect on Sensitive Natural Communities (less-than-significant with mitigation).

Geographic Scope

The geographic distribution ranges for special-status species vary greatly depending largely on environmental factors such as habitat suitability criteria (e.g., some species may only occur locally while others may range throughout large geographic areas such as the western U.S.). For the purposes of cumulative analysis for special status species and other biological resources, including jurisdictional wetlands and waterways, the geographic boundary for cumulative impacts is generally defined as the Santa Clara Valley region, particularly the Los Gatos General Plan growth boundary and immediate vicinity. An analysis at this level is considered adequate for determining whether impacts could affect the sustainability of special status species and their habitats. Within this area, regulatory agencies and conservation organizations including U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, and California Native Plant Society, work to establish and update critical distribution range information for species thought to be declining within their geographic ranges due to habitat loss and degradation.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to candidate, sensitive, and special-status species, riparian and sensitive natural communities, protected wetlands, and wildlife corridors and nursery sites. The EIR concluded that build-out of the General Plan would not result in significant cumulative impacts to biological resources (Town of Los Gatos 2010), with implementation of the applicable goals, policies, and actions in the General Plan.

Project Contribution to Cumulative Impacts

This EIR addresses all of the issues identified in the General Plan EIR, and implements the applicable goals, policies, and actions in the General Plan. All of the proposed project's biological impacts (potential loss or reduction of the following: sensitive plant species, San Francisco dusky-footed woodrat, pallid bat and Townsend's big-eared bat, protected nesting birds, and regulated trees) would be mitigated to a less-than-significant level with the implementation of the mitigation measures presented in Section 7.0, Biological Resources. Therefore, as mitigated, the proposed project impacts on biological resources would not be cumulatively considerable.

Cultural, Paleontological, and Tribal Resources

Proposed Project Impact Summary

Cultural and tribal resource impacts are discussed in Section 8.0, Cultural and Tribal Resources. The proposed project would result in the following cultural and tribal resource impacts:

- Impact 8-1. Potential Adverse Change to Historic Resources and/or Unique Archaeological Resources During Construction (less than significant);
- Impact 8-2. Potential Destruction of a Unique Paleontological Resource or Site During Construction (less than significant); and
- Impact 8-3. Potential Adverse Impact to Native American Human Remains During Construction (less than significant).

Geographic Scope

The geographic scope for cumulative impacts on cultural resources is the Town's planning area as identified in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over activities with potential to impact cultural resources, including the proposed project. The cultural resources effects of the proposed project are common to land use projects over which the Town has discretionary authority.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to historical resources, archaeological resources, paleontological resources, and disturbance of human remains associated with historical and pre-contact archaeological deposits associated with general plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with cultural resources (archaeological and historic resources) with implementation of General Plan goals, policies, and actions (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

An EMC Planning Group archaeologist conducted a site reconnaissance and a records search, and concluded that there was no record or surface evidence of significant cultural or tribal resources on the project site. The potential that unknown buried cultural resources could be disturbed during construction is mitigated through protocols consistent with policies in the General Plan, as presented in Section 8.0, Cultural, Paleontological, and Tribal Resources.

Additionally, although there is no evidence of buried paleontological resources, there is a possibility that these resources could be accidentally discovered during earth-moving activities. Implementation of a mitigation measure in Section 8.0 would ensure this potential impact would be mitigated to a less-than-significant level.

Therefore, the proposed project would not result in a cumulatively considerable impact on sensitive cultural, paleontological, and tribal resources.

Energy

Proposed Project Impact Summary

Energy impacts are discussed in Section 9.0, Energy. The proposed project would result in the following energy impact:

- Impact 9-1. Consumption of Energy Resources (Less than Significant).

Geographic Scope

The geographic scope for this effect is cumulative development in California. This broad scope is reflective of the rigorous state effort, as expressed through multitude of legislative acts and regulations, to reduce energy consumption across energy consumptive uses and sectors. The state effort has and continues to focus on the benefits of energy conservation with specific regard to addressing climate change and natural resource conservation.

Cumulative Impacts

The General Plan EIR concluded that energy impacts from buildout of the General Plan would be less than significant with implementation of General Plan policies and implementing actions. However, since 2010 when the General Plan EIR was certified, the Town and state have continued to advance energy conservation and efficient initiatives that create greater expectations of land use projects and local jurisdictions.

There is no codified or single CEQA analysis practice standard for determining what constitutes a significant impact relative to guidance provided in Appendix G of the CEQA Guidelines regarding wasteful or inefficient use of energy. However, it can be assumed that past cumulative projects have been less energy efficient with regard to electricity and natural gas use and that older transportation technologies have been less efficient with regard to fuel use than would be current and future projects and technologies. As California continues to implement more and more rigorous legislation and regulations to reduce energy use through improved energy efficiency and transportation technology changes, it can be assumed that current and future projects, particularly land development projects, will not be sources of wasteful or inefficient energy use.

Project Contribution to Cumulative Impacts

The General Plan EIR found energy impacts to be less than significant when evaluated in the context of cumulative impacts within the state, based on the information available at that time. Relative to conditions in 2010 when the General Plan EIR was certified, proposed project energy would be further reduced for several reasons. The proposed project includes several renewable energy and energy efficiency features. As described in Section 4.0, Project Description, the proposed project would include a centralized building heating and cooling system that would operate at efficiencies that exceed code requirements. In line with the Town's prioritization of passive and active solar energy measures, and in keeping with state energy code requirements, a minimum of 15 percent of the total roof areas would be provided as "solar ready" surface. Per CALGreen requirements, 10 percent of all parking spaces would be designed with capacity to install electric vehicle charging stations. In addition, the overall project would be designed to meet the minimum requirements to certify the project through the GreenPoint Rated system. Relative to 2010, state building energy efficiency standards are now more stringent – this will result in reduce electricity and natural gas consumption than projected in 2010. Further, as quantified in Section 9.0, transportation fuel energy demand and natural gas demand are projected to be similar to or lower for the proposed project than for the existing baseline use.

Given these considerations, the proposed project contribution to energy wasteful or inefficient energy consumption would be less than cumulatively considerable and the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Geology and Soils

Proposed Project Impact Summary

The geotechnical report prepared for the proposed project noted several potential geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.

Geographic Scope

The geographic scope for geologic impacts of the proposed project is the buildout of the Town General Plan.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts related to seismic hazards, expansive soils and unstable geologic units, erosion, and placement of septic tanks in inadequate soils associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with geology, soils, or seismicity (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

The proposed project would not have significant geologic or soils impacts with implementation of the mitigation measures (13-1 and 13-2) presented in Section 13.0, Effects Not Addressed Further in this EIR. Therefore, as mitigated, the proposed project would not result in a cumulatively considerable impact to geology or soils.

Greenhouse Gas Emissions

Proposed Project Impact Summary

The GHG impacts of the project are discussed in Section 10.0, Greenhouse Gas Emissions. The proposed project would result in the following GHG impacts:

- Impact 10-1. Generation of Greenhouse Gas Emissions (Less than Significant).

Geographic Scope

Because climate change is a global phenomenon, it is highly unlikely that any one development project located anywhere in the world would have a significant individual impact on climate change. It is the sum total of contributions of development around the world that contribute to the problem. Individual land use projects that generate GHGs inherently contribute to the cumulative effect. However, the precise indirect effects of that contribution are difficult if not impossible to identify due to the complexity of local, regional, and global atmospheric dynamics and the broad scale at which global warming impacts such as sea level rise, increase in weather intensity, decrease in snowpack, etc. are known to occur.

While the true geographic scope of the area affected by GHG emissions is global, for purposes of this EIR, the geographic scope is considered to be the state. This scope is selected because the broad array of state legislation and regulatory requirements for reducing GHGs includes direction for local agency actions needed to reduce GHGs for the purpose of helping to meet statewide GHG reduction goals.

Cumulative Impacts

The General Plan EIR concluded that build-out of the General Plan would make a significant unavoidable contribution to the cumulative impact of climate change (Town of Los Gatos 2010c, page 2-7). The General Plan EIR states the implementation of policy measures contained in the General Plan would result in an approximate 25 percent reduction in annual GHG emissions by 2020. However, the General Plan EIR concludes that it is uncertain whether this level of reduction will be achieved and therefore, it is uncertain if the AB 32 Scoping Plan target reduction level of 20 percent would be met by 2020.

Project Contribution to Cumulative Impacts

Because the potential impact of the proposed project is inherently also its cumulative contribution to climate change, the analysis in Section 10.0, Greenhouse Gas Emissions, is also a cumulative impact assessment. That analysis found that GHGs from mobile sources would be essentially the same for the proposed use as for the existing baseline use, while GHG emissions from electricity demand would be lower for the proposed use than the existing baseline use. As these two GHG emissions sources commonly comprise a significant majority of the emissions inventory of land use projects such as the proposed project, it was concluded that the proposed project would result in little to no increase in GHG emissions relative to the existing, baseline use of the project site. Consequently, the proposed project would not likely result in an increase in GHG emissions and its contribution to cumulative impacts on climate change would be less than cumulatively considerable.

Hazards and Hazardous Materials

Proposed Project Impact Summary

According to the environmental site assessment prepared for the proposed project site, asbestos and lead-based paint may have been used during construction of the existing facilities onsite and may result in a potentially significant impact if released during demolition activities.

Geographic Scope

The geographic scope for cumulative hazardous materials conditions is the Town's planning area as described in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over hazards and hazardous materials conditions that could pose risk to the public. The hazards and hazardous material conditions associated with the proposed project are common to land use projects over which the Town has discretionary authority.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to the transport, use, or disposal of hazardous materials, hazardous materials accidents, hazardous materials near schools, and hazardous materials sites associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with hazardous materials and safety (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

The proposed project would not result in the transport and use of significant quantities of hazardous materials. There are no proposed uses for the proposed project that pose a heightened risk of exposure to or upset of hazardous materials. There would not be a cumulatively considerable effect on associated with hazardous materials.

Hydrology and Water Quality

Proposed Project Impact Summary

As noted in Section D.10, Hydrology and Water Quality, of the initial study, the proposed project has the potential to result in significant impacts related to erosion or siltation on or off-site and the creation of runoff water that would exceed the capacity of existing or planned storm water drainage systems or create additional sources of polluted runoff. By complying with the Construction General Stormwater Permit and the Town's stormwater management requirements, the proposed project would not violate any water quality standards or degrade water quality and would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Geographic Scope

The geographic scope for assessment of cumulative hydrology and water quality impacts is the Town's planning area, including the project site, as described in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over water hydrology and water quality conditions. The hydrology and water quality conditions associated with the proposed project are common to land use projects over which the Town has discretionary authority.

In addition, the San Francisco Bay Regional Water Quality Control Board regulates surface water and groundwater quality in the San Francisco Bay region under the guidance of the *San Francisco Bay Region Basin Plan*. The basin plan uses a watershed management approach focused on the particular needs of each watershed. The Town and the regional board have programs in place to minimize the introduction of pollutants and sediment into water bodies.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts to construction of new stormwater drainage facilities, violation of water quality standards or discharge requirements, depletion or interference with groundwater supplies, as well as impacts related to erosion, siltation and flooding associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with hydrology and water quality (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

With the proposed project and other development within the Town constructed in accordance with General Plan policies, Town erosion control and grading regulations, and regional board regulations, there would not be any significant cumulative water quality impacts, and the project's contribution would not be considerable.

Noise

Proposed Project Impact Summary

Noise impacts are discussed in Section 11.0, Noise. The proposed project would result in the following noise impacts:

- Impact 11-1. Construction activities associated with the proposed project could cause a substantial temporary noise increase (less than significant); and
- Impact 11-2. Groundborne vibration during construction activities (less than significant).

Geographic Scope

The geographic scope for cumulative noise and vibration impacts is the Town's planning area as described in the General Plan.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts due to exposure of noise levels in excess of local standards for construction noise impacts and operational noise impacts, exposure to excessive groundborne vibration or noise, and increases in ambient noise levels associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with noise (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

Cumulative Construction Noise and Groundborne Vibration Impacts

Construction activities associated with the proposed project, which are anticipated to last approximately 30 months, would result in temporary, short-term noise and groundborne vibration increases due to the operation of heavy equipment on the project site. These short-term construction-related noise and groundborne vibration increases would contribute to cumulative construction noise and vibration impacts addressed in the General Plan EIR. For the significant cumulative impact to be reduced to less than significant and the proposed project contribution to that impact to be reduced to less than considerable, construction activities associated with the proposed project shall be required to comply with construction best management practices, as identified in the Town's Noise Ordinance and listed in Section 11.0, Noise, of this draft EIR. Therefore, project impacts associated with construction-related ground vibration and vibration noise would not be considerable.

Cumulative Operational Noise Impacts

As noted in the initial study included as Appendix A, operational noise levels associated with the proposed project would be similar to the existing development while it was operational. Since the proposed project would not result in an increase in noise over baseline

conditions, there would be no impacts associated with operational noise. Operational activities are also not expected to result in any vibration impacts at nearby sensitive uses. As a result, the proposed project's contribution to operational noise would not be considerable.

Wildfire Hazards

Proposed Project Impact Summary

Wildfire hazard impacts are discussed in Section 12.0, Wildfire Hazards. The proposed project would result in the following wildfire hazard impacts:

- Impact 12-1. The proposed project would result in short-term construction-related traffic activity that would has the potential to impair an adopted emergency response plan or emergency evacuation plan (less than significant with mitigation);
- Impact 12-2. The proposed project could, 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 (less than significant);
- Impact 12-4. The project could 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 (less than significant with mitigation); and
- Impact 12-5. The project could expose people or structures to significant risks associated with wildland fires (less than significant).

Geographic Scope

The geographic scope for cumulative wildfire hazard conditions is the Town's planning area as described in the General Plan. This scope boundary was selected because it identifies the limits within which the Town exercises control over wildfire hazard conditions that could pose risk to the public. The wildfire hazards associated with the proposed project are common to land use projects over which the Town has discretionary authority.

Cumulative Impacts

The General Plan EIR identified potentially significant impacts due to wildland fires and emergency preparedness associated with General Plan buildout. The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with wildfire hazards through the implementation of the 2020 General Plan goals, policies and actions (Town of Los Gatos 2010).

Project Contribution to Cumulative Impacts

The project site is located in a Very High Fire Severity Zone as are all of the properties within the general vicinity. Therefore, the proposed project would increase the potential for wildfires within this area of Los Gatos, and this increase could be cumulatively considerable. Redevelopment of the project site with a new senior living community would be required to comply with all of the Town requirements for construction, as well as the requirements of the Santa Clara County Fire Department. The County Fire Department is reviewing the project for fire department apparatus access roadways, wildland-urban interface, fire hydrant availability and fire flow adequacy, emergency access and driveways, fire engine driveway turnaround requirements, construction site fire safety, and fire sprinklers in structures. Approval by the fire department is required prior to issuance of building permits (Santa Clara County Fire Department 2020). A mitigation measure is included in Section 12.0, Wildfire Hazards, requiring preparation and implementation of a site-specific construction traffic management to address potential impacts as a result of construction-related traffic impacts and emergency access to and around the project site. In addition, compliance with all conditions of approval required by the County Fire Department and implementation of mitigation measures identified in Section 13.0, Effects Not Addressed Further in this EIR, related to geotechnical recommendations to address the threat of wildfire-induced landslides. Compliance with this recommendation as incorporated in Mitigation Measures 13-1 and 13-2 would ensure this potentially significant impact would be reduced to a less-than-significant level. With implementation of these mitigation measures, the proposed project's contribution to the potential for wildfires would not be cumulatively considerable.

16.0 Alternatives

16.1 CEQA Requirements

CEQA Guidelines section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The EIR must present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

16.2 Project Objectives and Significant Impacts

As discussed above, alternatives must be able to meet most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. Therefore, the proposed project objectives and significant effects are summarized here.

Objectives

- Consistent with the Town's General Plan goals and policies and density allowed by the existing site zoning, rebuild the Los Gatos Meadows site into a contemporary, full-service senior living community (Life Plan Community) that provides seniors 62 years and over an opportunity to age in place and live successfully in the Los Gatos Community;

- Revitalize the site with a request for a new (updated) Planned Development (PD) that would allow the same number of apartments permitted under the existing PD entitlement in a manner responsive to market demand and financially feasible for Covia Communities (property owner) to implement & operate;
- Revitalize the site with intent of minimizing overall building site coverage, integrating the apartments with the natural topography, minimizing visual impacts and substantially improving fire safety;
- Assist in the implementation of the Town's 2015-2023 Housing Element by furthering the Goals and Policies specific to providing housing opportunities, lifestyle living and assisted living facilities for seniors;
- Further the Town's Human Services Element by revitalizing Los Gatos Meadows into a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility and ensures a safe environment for Los Gatos seniors;
- Provide seniors with an alternative mode of transportation by incorporating autonomous vehicle technology into the project to assist in enhanced connectivity between Los Gatos Meadows and proximate Town services such as the Library, Civic Center and retail/entertainment uses;
- Utilize architectural design principles and techniques that incorporate the Town's Sustainable Design strategies and materials to promote a healthy living environment;
- Provide a mix of different unit sizes and varying levels of care that respond to the needs of an active, aging community;
- Improve the integration of the site with the broader Los Gatos Community by closing Farwell Lane to through traffic and transitioning the Lane from Los Gatos Meadows to Broadway into a naturally landscaped, pedestrian-friendly connection to Downtown Los Gatos;
- Use the project as an opportunity to integrate the site design & architecture with existing topography and natural landscape in a manner that more harmoniously reflects the site's natural beauty than exists today; and
- Integrate and evoke the experience of nature by utilizing natural building materials, finishes, forms, patterns and colors that reflect the character of the surrounding hillside setting.

Significant and Unavoidable Impacts

No significant and unavoidable impacts were identified. All identified significant impacts can be mitigated to a less-than-significant level.

Significant Impacts

Significant Impacts Reduced to Less-than-Significant with Mitigation Measures

- Impact 6-5. Construction activity would expose sensitive receptors to toxic air contaminants (Mitigation Measures 6-5a and 6-5b);
- Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat) (Mitigation Measure 7-2);
- Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat) (Mitigation Measure 7-3);
- Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds) (Mitigation Measure 7-4);
- Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage) (Mitigation Measure 7-5a and 7-5b);
- Impact 7-6. Damage or Removal of Regulated Trees (Mitigation Measure 7-6);
- Impact 7-8. Effect on Sensitive Natural Communities (Mitigation Measure 7-8);
- Impact 12-1. The proposed project would result in short-term construction-related traffic activity that would has the potential to impair an adopted emergency response plan or emergency evacuation plan (Mitigation Measure 12-1);
- Geologic Impacts (Mitigation Measures 13-1 and 13-2); and
- Hazards and Hazardous Materials Impacts (Mitigation Measure 13-3).

16.3 Alternatives Considered but Rejected

Alternative Project Location

CEQA Guidelines section 15126.6(f)(2) identifies considerations for evaluating an alternative project location. Among these are whether any of the significant effects of the project would be avoided or substantially lessened and whether feasible alternative locations exist. Feasibility is described in section 15126.6(f)(1) and includes factors such as site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

An "alternate site" alternative for the proposed project was investigated. The consultant reviewed similarly sized, vacant sites within the Town limits with a similar general plan land use and zoning designation that could accommodate a senior living community at the size, scale, and capacity of the proposed project. Several vacant, agricultural parcels were reviewed near the State Route 85 and 17 interchange that were of a similar size and land use designation (Low and Medium Density Residential), including the northern portion of the North Forty Specific Plan as well as several parcels to the west of State Route 17 between Lark Avenue to the south and State Route 85 to the north.

However, these alternative locations were rejected for further consideration for the following reasons:

- The project at the proposed location would not result in any significant and unavoidable impacts;
- The project at the proposed location is the replacement of an existing on-site senior community with a new senior community, built to current standards;
- Development of the project at one of these alternative locations would result in conversion of unique or prime farmland to urban uses (Department of Conservation 2016), an impact which does not occur with implementation of the project at the proposed site; and
- The proposed project site is in proximity to one major highway (State Route 17); however, these alternative sites are located in proximity to two major highways (State Route 17 and State Route 85), resulting in potentially greater air pollutant impacts to the project.

Therefore, although development of the project at one of these alternative locations would meet the basic objectives of the proposed project, development of any these parcels could result in greater environmental impacts than would development of the project at the proposed project site.

Convert Project Site to Open Space or Park

Converting the project site to open space and/or a park was considered. Although nearly all of the proposed project's environmental impacts would be reduced or eliminated, this alternative would require an amendment to the General Plan, and would not meet any of the project objectives. Therefore, this alternative was rejected for further consideration.

16.4 ALTERNATIVES CONSIDERED

The following alternatives to the project are considered:

1. Alternative 1: No Project – Existing (Closed) Senior Living Community;
2. Alternative 2: No Project – Residential Project Consistent with the Project Site's General Plan Designation; and
3. Alternative 3: Reduced Scale (Removal of Villas B and C from Proposed Site Plan).

Per CEQA Guidelines section 15130, the no project alternative must be evaluated. CEQA Guidelines section 15126.6 (e) requires the "No Project" alternative be evaluated along with its impacts. The "No Project" alternatives (Alternative 1 and Alternative 2) analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The other reduced scale alternative (Alternative 3) was selected based on its ability to substantially reduce or avoid one or more of the significant mitigable impacts as summarized in Section 16.2 above. The descriptions of each alternative identify the significant mitigable impacts which each alternative is intended to further reduce or avoid.

Each of these alternatives is described below, followed by an analysis of how each may reduce significant mitigable impacts associated with the proposed project.

Alternative 1: No Project – Existing (Closed) Senior Living Community

Alternative Description

This no project alternative investigates if the proposed project were not approved and the existing senior living community facilities were left in place though closed and vacant. As noted in Section 3.0, Environmental Setting, the project site is currently developed with 10 residential buildings ranging from one to four stories, which include a total of 205 independent residential apartments and supporting health care units. The existing facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages.

No Project – Existing (Closed) Senior Living Community Alternative Attainment of Project Objectives

This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement.

No Project – Existing (Closed) Senior Living Community Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the significant, mitigable impacts of redeveloping the site with a new senior living community. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

The "no project alternative" would not result in visual impacts as there would be no change in the existing visual setting.

Air Quality

The "no project alternative" would not result in air quality impacts as demolition of the existing facility and construction of the proposed project would not occur.

Biological Resources

The "no project alternative" would not result in biological resource impacts as there would be no tree removal and disturbance of the native habitat.

Cultural, Paleontological and Tribal Resources

The "no project alternative" would not result in potential cultural and tribal resource impacts, as there would be no ground disturbance.

Energy

The "no project alternative" would not result in energy impacts as there would be no construction or operation of a new facility.

Geology and Soils

The "no project alternative" would not result in geologic hazard impacts, as there are currently no residents at the existing facility.

Greenhouse Gas Emissions

The "no project alternative" would not result in greenhouse gas emissions impacts, as demolition of the existing facility and construction of the proposed project would not occur.

Hazards and Hazardous Materials

The "no project alternative" would not result in potential hazards and hazardous materials impacts, as demolition of the existing buildings with the potential to release asbestos would not occur.

Noise

The "no project alternative" would not result in noise impacts, as demolition of the existing facility and construction of the proposed facility would not occur.

Wildfire Hazards

The "no project alternative" would not result in an increase in wildfire hazard impacts, as demolition and construction activities would not occur, and there would be no increase in the number of residents occupying the project site.

Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation

This no project alternative investigates what could be reasonably expected to occur on the project site in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The project site has a General Plan designation of Medium Density Residential. Under this designation, the project site could be developed with a multi-family, duplex, and/or small single-family residential project with a density range of 5 to 12 dwelling units per net acre with up to 24 persons per acre. Conceivably, such a project could include a range of home product types including townhomes, condominiums, and/or apartments. This alternative project considers the site constraints of the 10.84-acre site, much of which is steep, heavily wooded hillside that could not reasonably accommodate residential buildings. To determine a probable number of Medium Density Residential dwelling units that the site could accommodate, this alternative utilizes approximately 50 percent of the total net acreage or approximately 5.42 acres. Therefore, a Medium Density Residential project with a maximum of 65 units would be possible. Assuming an average of 2.51 persons per household (U.S. Census 2021), such a project would result in 163 new residents, substantially less than the 233 total residents anticipated as part of the proposed project.

No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation Alternative Impacts Comparison

This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement. This analysis identifies potential impacts associated with this alternative and compares it with the significant, mitigable impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

This alternative would generally require the same footprint as the proposed project, but would be limited to 30 feet, consistent with the regulations in the zoning code for R-M or

Multiple-Family Residential Zone. The existing structures are predominately two-stories. This alternative assumes that the proposed tree removal would also be likely, and that the trees would need to be replaced per the Town's requirements.

This alternative would generally be developed on the same footprint and at the same height as the existing facility, and any trees removed would be replaced. Therefore, this alternative would not result in significant visual impacts.

The proposed project would also be developed on generally the same footprint and include the removal and replacement of trees. However, the proposed project's building would be up to 85 feet high, significantly higher than the 30-foot height of this alternative. Therefore, although both the proposed project and the alternative would result in less-than-significant adverse visual impacts, this alternative's visual impact would be less than the proposed project's visual impact.

Air Quality

Construction Impacts. This alternative could result in significant demolition and construction related impacts. These impacts can be reduced to a less-than-significant level with implementation of standard conditions of approval and mitigation measures. However, the proposed project's impacts would likely be somewhat greater because the proposed project's square footage (at up to five stories) is greater than the alternative's square footage. Although the construction-related impacts for both this alternative and the proposed project would be less than significant, this alternative would result in fewer impacts that the proposed project.

Operational Impacts. Refer to the transportation section below for additional information regarding trip generation. This alternative would result in approximately 354 trips per day, which is significantly lower than the 708 trips per day from the existing baseline facility (Kimley-Horn 2020, page 9). Therefore, this alternative would result in fewer air quality impacts from vehicle use than the baseline conditions.

The proposed project would result in 718 trips per day (Kimley-Horn 2020, page 11), only 10 more than the baseline conditions. This is a less-than-significant impact. Therefore, although both the proposed project and this alternative would result in less-than-significant adverse operational air quality impacts, this alternative's impact would be less than the proposed project's impact.

Biological Resources

This alternative would have no change in biological resources impacts when compared to the proposed project, because the same development area would be disturbed.

Cultural, Paleontological and Tribal Resources

This alternative would have no change in cultural, paleontological, and tribal resources impacts when compared to the proposed project, because the same development area would be disturbed.

Energy

This alternative would likely result in somewhat less energy impacts associated with construction energy consumption as demolition would be the same, but the construction activities would be less, as this alternative would not be as dense as the proposed project. Additionally, operational energy impacts would be less because there would be fewer units and fewer people living at the site, as well as fewer energy associated with transportation fuel. See Transportation/Traffic discussion below explaining how this alternative would result in fewer vehicles trip generated.

Geology and Soils

This alternative would have no change in geologic hazard impacts when compared to the proposed project, because the same development area would be disturbed and Medium Density Residential homes would generally be located in the same building footprints.

Greenhouse Gas Emissions

This alternative would result in fewer operational greenhouse gas emissions impacts when compared to the proposed project, as Medium Density Residential uses would result in fewer traffic generation that would result in increased operational greenhouse gas emissions as compared to the proposed project. Construction greenhouse gas emissions for this alternative would be expected to be less than the proposed project because this alternative is less dense than the proposed project.

Hazards and Hazardous Materials

This alternative would have no change in hazards impacts when compared to the proposed project as the same level of demolition activity and potential for encountering hazardous materials would occur.

Noise

This alternative includes a similar level of demolition and construction activities as compared to the proposed senior living community, thus creating a similar level of construction noise impacts. Operational noise impacts would likely be slightly increased as well due to the presence of Medium Density Residential homes, which would exhibit greater day-to-day noise from traffic and activities than a senior living community. Therefore, this alternative would have greater noise impacts when compared to the proposed project.

Transportation/Traffic

Multi-family housing projects generate about 5.44 trips per day per unit, according to the Institute of Transportation Engineers Trip Generation Manual. Therefore, this alternative, with 65 multi-family units, would result in approximately 354 trips per day, which is significantly lower than the 708 trips per day from the existing baseline facility (Kimley-Horn 2020, page 9). The proposed project would result in 718 trips per day (Kimley-Horn 2020, page 11). Therefore, although both the proposed project and the alternative would result in less-than-significant adverse transportation impacts, this alternative's transportation impact would be less than the proposed project's transportation impact.

Wildfire Hazards

This alternative would slightly reduce wildfire hazard impacts when compared to the proposed project as a Medium Density Residential project would likely result in smaller population generation as compared to a senior living community and therefore expose fewer future residents to wildfire hazards.

Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan

Alternative Description

The reduced scale alternative ("reduced scale alternative") consists of a reduction in development capacity sufficient to avoid or reduce significant, but mitigable, impacts associated with grading and removal of trees required to accommodate Villas B and C and a corresponding area of the grade level below on the northwestern corner of the proposed site plan. The reduced scale alternative would reduce the number of living units by 20 units (Villa B) and 29 units (Villa C), for a total reduction of 49 units, and would result in the reduction of approximately 98,374 square feet of floor space in Villas B and C, approximately 26,000 square feet of floor space from the grade level including portions of the health center, and approximately 26,000 square feet of developed area (building footprints). In addition, this alternative could result in removing approximately 62 fewer trees. Removal of Villa B (70.5 feet in height) and Villa C (81.5 feet in height) would also help reduce visual impacts associated with scenic views from downtown Los Gatos towards the project site and scenic hillside areas beyond as these two buildings would be two of the most publicly visible buildings from multiple vantage points.

Reduced Scale Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the significant, mitigable impacts of redeveloping the site with a new senior living community. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

This alternative could reduce the developed area footprint of the proposed project by approximately 26,000 square feet and could result in removal of 62 fewer trees, which may be noticeable from some viewing locations. This alternative would also result in a less-than-significant, adverse impact on the existing visual character and quality of the project site as this alternative would still result in development of a large portion of the site that could still impact views towards and beyond the project site; however, removing Villas B and C and a corresponding area of the grade level below from the site plan would preserve at least some of the trees planned for removal, increase conservation of existing open space areas, and would result in reduced visibility as compared to the proposed project. Therefore, the reduced scale alternative is also superior to the proposed project relative to these effects.

Air Quality

This alternative would result in reduced operational and construction-related air quality impacts when compared to the proposed project; however, the air quality impact would not avoid the potentially significant but mitigable impacts of the proposed project. Therefore, the reduced scale alternative is superior to the proposed project relative to these effects.

Biological Resources

By reducing the developed area footprint of the proposed project and reducing the number of trees required to be removed by 62 trees, this alternative would reduce the area of disturbance within which sensitive biological resources may be located. This alternative would lessen the significance of, but not avoid, potentially significant but mitigable impacts of the proposed project on biological resources. Therefore, it would be superior to the proposed project from a biological resource perspective.

Cultural, Paleontological and Tribal Resources

By reducing the developed area footprint of the proposed project, this alternative would reduce the area of disturbance within which unknown cultural and tribal cultural resources could be accidentally damaged or destroyed. Therefore, this alternative would reduce the potential cultural and tribal resources impacts of the proposed and would be superior to the proposed project from a cultural and tribal resources perspective.

Energy

This alternative would result in slightly reduced operational and construction-related energy impacts when compared to the proposed project.

Geology and Soils

As discussed in Section 13.0, Effects Not Addressed Further in this EIR, the proposed project could be affected by significant ground shaking and unstable soils impacts, but the possible

impacts would be less-than-significant level with implementation of mitigation measures. Impacts associated with liquefaction were determined to be less than significant. This alternative would result in reduced geologic hazard impacts when compared to the proposed project, because the removal of Villas B and C and a corresponding area of the grade level below would not necessitate the level of grading required to safely accommodate those two buildings and grade level area.

Greenhouse Gas Emissions

This alternative would result in slightly reduced operational and construction-related greenhouse gas emissions impacts when compared to the proposed project as both the overall developed area and associated construction activities would be reduced. Therefore, although both the proposed project and the alternative would result in less-than-significant adverse greenhouse gas impacts, this alternative's greenhouse gas emissions impact would be less than the proposed project's greenhouse gas emissions impact.

Hazards and Hazardous Materials

As discussed in Section 13.0, Effects Not Addressed Further in this EIR, the release of asbestos and lead-based paint into the environment as a result of demolition activities associated with the proposed project would be reduced to a less-than-significant level through implementation of mitigation measure 13-3. This alternative would result in similar impacts as both existing buildings occupying the site of the proposed Villas B and C and a corresponding area of the grade level below would still be removed as part of this alternative and associated hazardous material impacts would still occur. This alternative would be similar to the proposed project from a hazardous materials perspective.

Noise

The reduced scale alternative would have potentially significant noise impacts that are similar to the proposed project. Though the area over which construction activity would occur is reduced relative to the proposed project, construction would still occur in the vicinity of sensitive receptors. This alternative would be similar to the proposed project from a construction noise perspective. Operational noise impacts, however, would be expected to be reduced as the overall development area and activity would be reduced with the reduction in living units, residents, and the associated noise-generating facility operations.

Transportation/Traffic

This alternative, with 49 less units than the proposed project, would result in a reduction of 197 trips per day or 477 total daily trips, which is significantly lower than the 718 trips per day expected for the proposed project (Kimley-Horn 2020, page 11). Therefore, although both the proposed project and the alternative would result in less-than-significant adverse transportation impacts, this alternative's transportation impact would be less than the proposed project's transportation impact.

Wildfire Hazards

This alternative would result in slightly reduced wildfire hazard impacts when compared to the proposed project as the overall development footprint would be reduced and the number of residents exposed to wildfire risk would be reduced.

16.5 COMPARISON OF ALTERNATIVES

The alternatives are summarized and compared in a matrix format in Table 16-1, Comparison of Project Alternatives to the Proposed Project.

Alternative 1, the No Project – Existing (Closed) Senior Living Community, would not result in adverse environmental impacts. Alternative 1 is the environmentally superior alternative but would not meet any of the proposed project objectives. Alternative 2, the No Project – Residential Project Consistent with the Site's General Plan Land Use Designation, would result in similar, but somewhat reduced, environmental impacts. Alternative 3, the Reduced Scale Alternative - Removal of Villas B and C from Proposed Site Plan, would also result in reduced environmental impacts.

Table 16-1 Comparison of Project Alternatives to the Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Aesthetics				
Impact 5-1. Effect on a Scenic Vista	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-3. Alter the Existing Visual Character or Quality of the Site and its Surroundings	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-4. Introduce New Sources of Light and Glare	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Air Quality				
Impact 6-2. Criteria Air Pollutant Emissions During Project Construction Would Degrade Air Quality	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Impact 6-3. Criteria Air Pollutant Emissions During Project Operations Would Degrade Air Quality	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 6-5. Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants	LTSM	NI Avoids Impact	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 6-6. Generate Odors that Could Affect Sensitive Receptors	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Biological Resources				
Impact 7-2. Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-4. Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-5. Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Impact 7-6. Damage or Removal of Regulated Trees	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Impact 7-7. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Impact 7-8. Effect on Sensitive Natural Communities	LTSM	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Cultural, Paleontological, and Tribal Resources				
Impact 8-1. Potential Adverse Change to Historic Resources and/or Unique Archaeological Resources During Construction	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Impact 8-2. Potential Destruction of a Unique Paleontological Resource or Site During Construction	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Impact 8-3. Potential Adverse Impact to Native American Human Remains During Construction	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Less than Proposed Project
Energy				
Impact 9-1. Proposed Project Results in the Consumption of Energy Resources	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Geology and Soils				
Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Less than Proposed Project
Greenhouse Gas Emissions				
Impact 10-1. Generate Greenhouse Gas Emissions	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Hazards and Hazardous Materials				
Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Noise				
Impact 11-1. Construction Activities Could Cause a Substantial Temporary Noise Increase	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Similar to Proposed Project
Impact 11-2. Groundborne Vibration during Construction Activities	LTS	NI Avoids Impact	LTS Similar to Proposed Project	LTS Similar to Proposed Project
Transportation				
Traffic and Vehicle Miles Traveled Increase	LTS	NI	NI (or Beneficial Impact)	NI (or Beneficial Impact)
Wildfire Hazards				
Impact 12-1. Short-Term Construction-Related Traffic Activity That Has the Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	LTSM	NI Avoids Impact	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 12-2. 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.	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project - Existing (Closed) Senior Living Community	Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation	Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan
Impact 12-4. 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.	LTSM	NI Avoids Impact	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 12-5. Expose People or Structures to Significant Risks Associated with Wildland Fires	LTS	NI Avoids Impact	LTS Less than Proposed Project	LTS Less than Proposed Project
Project Objectives	Met	Not Met	Not Met	Partially Met

SOURCE: EMC Planning Group 2021
NOTE: NI – No Impact; LTS – Less Than Significant; LTSM – Less-Than-Significant with Mitigation; SU – Significant and Unavoidable

16.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The no project alternative is the environmentally superior alternative. It would avoid all of the project's less-than-significant impacts, and significant but mitigable impacts.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 3, the Reduced Scale alternative, is considered to be the environmentally superior alternative among the remaining alternatives. It is the only alternative that could accomplish some of the basic project objectives while minimally reducing some of the less-than-significant and/or significant and mitigable environmental impacts identified for the proposed project.

This side intentionally left blank.

17.0
Document and Web Sources

This section provides the document and web sources referenced in the EIR. Sources are provided by section.

17.1 INTRODUCTION

No sources.

17.2 SUMMARY

No sources.

17.3 ENVIRONMENTAL SETTING

Town of Los Gatos. 1978. *Los Gatos Hillside Specific Plan*. Accessed January 8, 2021. https://www.losgatosca.gov/1146/Los-Gatos-Hillside-Specific-Plan

———. March 10, 2010a. *Town of Los Gatos 2020 General Plan Draft EIR*. Accessed January 8, 2021. https://www.losgatosca.gov/DocumentCenter/View/2058/Los_Gatos_2020_General_Plan_Draft_EIR

———. June 16, 2010b. *Town of Los Gatos 2020 General Plan Final EIR*. Accessed January 8, 2021. https://www.losgatosca.gov/DocumentCenter/View/2065/LosGatos-2020-FEIR_Complete-Report

———. January 7, 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 8, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

———. October 15, 2012. *Los Gatos Sustainability Plan*. Accessed January 8, 2021. https://www.losgatosca.gov/DocumentCenter/View/8122/LosGatosSustainability-Plan_October-2012

17.4 PROJECT DESCRIPTION

Kimley-Horn. January 15, 2021. Response to Staff Technical Review (110 Wood Road Planned Development Application PD-20-001).

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

17.5 AESTHETICS

Kimley-Horn. January 15, 2021. Response to Staff Technical Review (110 Wood Road Planned Development Application PD-20-001).

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

17.6 AIR QUALITY

American Lung Association. April 21, 2020. "State of the Air." https://www.lung.org/media/press-releases/state-of-the-air-california

———. July 26, 2017. *Plan Bay Area 2040: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017-2040*. San Francisco Bay Area, CA. https://mtc.ca.gov/sites/default/files/Final_Plan_Bay_Area_2040.pdf

Bay Area Air Quality Management District. April 19, 2017a. *2017 Clean Air Plan: Spare the Air, Cool the Climate*. San Francisco, CA. http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en

———. May 2017b. *California Environmental Quality Act Air Quality Guidelines*. San Francisco, CA. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

———. December 2016. *BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines*. https://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en

———. *Air Quality Standards and Attainment Status.* Accessed February 17, 2021. https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status.

California Air Resources Board. "AB 1807 – Toxics Air Contaminant Identification and Control." Accessed February 17, 2021a. https://ww2.arb.ca.gov/resources/documents/ab-1807-toxics-air-contaminant-identification-and-control

———. "Air Toxics Hot Spots Information and Assessment Act (AB 2588)." Accessed February 17, 2021b. https://ww2.arb.ca.gov/resources/documents/air-toxics-hot-spots-information-and-assessment-act-ab-2588

———. May 4, 2016. "Ambient Air Quality Standards." https://www.arb.ca.gov/research/aaqs/aaqs2.pdf

California Building Standards Commission. 2016. *Title 24 including Part 11, 2019 California Green Building Standards Code (CALGreen)*. https://codes.iccsafe.org/content/chapter/15761/

California Energy Commission. March 2018. *2019 Building Energy Efficiency Standards: Frequently Asked Questions*. https://ww2.energy.ca.gov/title24/2019standards/documents/Title_24_2019_Building_Standards_FAQ_ada.pdf.

DieselNet. "United States: Nonroad Diesel Engines." Last modified December 2017. https://www.dieselnet.com/standards/us/nonroad.php

EMC Planning Group. March 16, 2021. *110 Wood Road Criteria Air Pollutant Emissions Modeling Methodology and Assumptions*. Monterey, CA.

Google, Inc. 2020. Google Earth.

Newell and Rogers. June 2003. *The U.S. Experience with the Phasedown of Lead in Gasoline. Washington D.C: Resources for the Future*. https://web.mit.edu/ckolstad/www/Newell.pdf

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

Town of Los Gatos. September 20, 2010. Town of Los Gatos General Plan 2020. Accessed January 2021. https://www.losgatosca.gov/27/General-Plan.

United States Environmental Protection Agency. "Criteria Air Pollutants." Last modified March 8, 2018. https://www.epa.gov/criteria-air-pollutants

———. "Basic Information about Lead Air Pollution." Last modified November 29, 2017. https://www.epa.gov/lead-air-pollution/basic-information-about-lead-air-pollution

———. "Diesel Fuel Standards and Rule Makings." Last modified August 5, 2019. https://www.epa.gov/diesel-fuel-standards/diesel-fuel-standards-and-rulemakings

17.7 BIOLOGICAL RESOURCES

California Department of Fish and Wildlife (CDFW). 2020. California Natural Diversity Database. Records of occurrence for Cupertino, San Jose West, San Jose East, Castle Rock Ridge, Los Gatos, Santa Teresa Hills, Felton, Laurel, and Loma Prieta quadrangle maps. Sacramento, CA. https://wildlife.ca.gov/data/cnddb

California Invasive Plant Council (Cal-IPC). 2020. Invasive Plant Inventory. https://www.cal-ipc.org/plants/inventory/

California Native Plant Society (CNPS). 2020. Inventory of Rare and Endangered Plants. Records of occurrence for Cupertino, San Jose West, San Jose East, Castle Rock Ridge, Los Gatos, Santa Teresa Hills, Felton, Laurel, and Loma Prieta quadrangle maps. Sacramento, CA. http://www.cnps.org/inventory.

EMC Planning Group. 2021. *Los Gatos Meadows Focused Survey Report*.

Gates and Associates. 2020. Response to Los Gatos Meadows Arborist Peer Review Letter dated July 6, 2020. November 20, 2020.

HortScience | Bartlett Consulting. 2020 Arborist Report Update, Los Gatos Meadows, Los Gatos, CA. October 12, 2020.

HortScience Bartlett Consulting. 2018. Arborist Report, Los Gatos Meadows. August 28, 2018.

Monarch Consulting Arborists. 2020. Arborist's Review, 110 Wood Road. July 6, 2020.

U.S. Fish and Wildlife Service (USFWS). 2020a. Endangered Species Program. Species list for Santa Clara County. Washington, D.C. http://www.fws.gov/endangered/.

———. 2020b. National Wetlands Inventory Wetland Mapper. https://www.fws.gov/wetlands/data/mapper.html.

17.8 CULTURAL RESOURCES

California Office of Historic Preservation. Accessed March 17, 2021. https://ohp.parks.ca.gov/

National Conference of State Historic Preservation Officers. Accessed March 17, 2021. https://ncshpo.org/resources/national-historic-preservation-act-of-1966/

National Park Service. Accessed March 17, 20210. https://www.nps.gov/subjects/nagpra/index.htm

Town of Los Gatos. March 2019. *Town of Los Gatos 2040 General Plan Background Report (Public Draft).* Accessed March 17, 2021. http://www.losgatos2040.com/documents.html

———. 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 8, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

17.9 ENERGY

Kimley-Horn. 2020. *Los Gatos Meadows Transportation Analysis*.

Town of Los Gatos. 2012. Town of Los Gatos Sustainability Plan. https://www.losgatosca.gov/DocumentCenter/View/8162/LosGatosSustainability-Plan_October-2012_20130812181058238?bidId=

17.10 GREENHOUSE GAS EMISSIONS

American Lung Association. April 21, 2020. "State of the Air." https://www.lung.org/media/press-releases/state-of-the-air-california

Association of Bay Area Governments and Metropolitan Transportation Commission. July 18, 2013. *Plan Bay Area: Strategy for a Sustainable Region*. San Francisco Bay Area, CA. http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf

———. July 26, 2017. *Plan Bay Area 2040: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017-2040*. San Francisco Bay Area, CA. https://mtc.ca.gov/sites/default/files/Final_Plan_Bay_Area_2040.pdf

Bay Area Air Quality Management District. April 19, 2017a. *2017 Clean Air Plan: Spare the Air, Cool the Climate*. San Francisco, CA. http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en

———. May 2017b. *California Environmental Quality Act Air Quality Guidelines*. San Francisco, CA. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

Cal-Adapt. "Extreme Heat." Accessed March 14, 2021. https://cal-adapt.org/tools/extreme-heat/

———. "Snowpack." Accessed March 13, 2021. https://cal-adapt.org/tools/snowpack/#climatevar=swe&scenario=rcp45&lat=36.78125&lng=-121.34375&boundary=locagrid&units=inch

———. "Annual Averages." Accessed March 14, 2021. https://cal-adapt.org/tools/annual-averages/#climatevar=pr&scenario=rcp45&lat=36.90625&lng=-121.71875&boundary=locagrid&units=inches%20per%20day

California Air Resources Board. "Summary: Diesel Particulate Matter Health Impacts." Accessed September 29, 2020a. https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts

———. "Portable Equipment Registration Program (PERP)." Accessed September 29, 2020b. https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp

———. "AB 1807 – Toxics Air Contaminant Identification and Control." Accessed September 29, 2020c. https://ww2.arb.ca.gov/resources/documents/ab-1807-toxics-air-contaminant-identification-and-control

———. "Air Toxics Hot Spots Information and Assessment Act (AB 2588)." Accessed September 29, 2020d. https://ww2.arb.ca.gov/resources/documents/air-toxics-hot-spots-information-and-assessment-act-ab-2588

———. "GHG Current California Emission Inventory Data." Accessed September 28, March 13, 2021e. https://ww2.arb.ca.gov/ghg-inventory-data

———. May 4, 2016. "Ambient Air Quality Standards." https://www.arb.ca.gov/research/aaqs/aaqs2.pdf

———. May 2014. *First Update to the Climate Change Scoping Plan*. https://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf

California Building Standards Commission. 2016. *Title 24 including Part 11, 2019 California Green Building Standards Code (CALGreen)*. https://codes.iccsafe.org/content/chapter/15761/

California Department of Finance. January 2020a. T*able P-1: Total Estimated and Projected Population for California and Counties: July 1, 2010 to July 1, 2060 in 1-year Increments*; Accessed November 23, 2020. http://www.dof.ca.gov/Forecasting/Demographics/projections/

California Department of Finance. May 2020b. *Report E-5: Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2020, with 2010 Benchmark*; Accessed September 29, 2020. http://dof.ca.gov/Forecasting/Demographics/Estimates/e-5/

California Employment Development Department. July 2020. *2018-2028 Occupational Employment Projections California*; Accessed November 23, 2020. https://www.labormarketinfo.edd.ca.gov/data/employment-projections.html

California Energy Commission. March 2018. *2019 Building Energy Efficiency Standards: Frequently Asked Questions*. https://ww2.energy.ca.gov/title24/2019standards/documents/Title_24_2019_Building_Standards_FAQ_ada.pdf

DieselNet. "United States: Nonroad Diesel Engines." Last modified December 2017. https://www.dieselnet.com/standards/us/nonroad.php

EMC Planning Group. July 16, 2020. *110-150 Charter Street – Emissions Modeling Methodology and Assumptions*. Monterey, CA.

G. Hartfield, J. Blunden, and D. S. Arndt. August 2018. *A Look at 2017: Takeaway Points from the State of the Climate Supplement*. https://www.ametsoc.net/sotc2017/SoC2017_ExecSumm.pdf

Google, Inc. 2020. Google Earth.

NASA. "The Effects of Climate Change." Last modified September 28, 2020. https://climate.nasa.gov/effects/

Newell and Rogers. June 2003. *The U.S. Experience with the Phasedown of Lead in Gasoline. Washington D.C: Resources for the Future*. https://web.mit.edu/ckolstad/www/Newell.pdf

Office of Planning and Research, California Energy Commission, and California Natural Resources Agency. January 16, 2019. *California's Fourth Climate Change Assessment: Statewide Summary Report*. https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf

Town of Los Gatos. 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 8, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

United Nations Framework Convention on Climate Change. "Global Warming Potentials." Accessed September 28, 2020. https://unfccc.int/process/transparency-and-reporting/greenhouse-gas-data/greenhouse-gas-data-unfccc/global-warming-potentials

United States Environmental Protection Agency. "Criteria Air Pollutants." Last modified March 8, 2018. https://www.epa.gov/criteria-air-pollutants

———. "Basic Information about Lead Air Pollution." Last modified November 29, 2017. https://www.epa.gov/lead-air-pollution/basic-information-about-lead-air-pollution

———. "Diesel Fuel Standards and Rule Makings." Last modified August 5, 2019. https://www.epa.gov/diesel-fuel-standards/diesel-fuel-standards-and-rulemakings

———. "Overview of Greenhouse Gases". Last modified September 8, 2020. https://www.epa.gov/ghgemissions/overview-greenhouse-gases

17.11 NOISE

California Department of Transportation (Caltrans). April 2020. *Transportation and Construction Vibration Guidance Manual*. Sacramento, CA. Accessed March 16, 2021. https://dot.ca.gov/programs/environmental-analysis/noise-vibration/guidance-manuals

Town of Los Gatos. March 10, 2010a. *Town of Los Gatos 2020 General Plan Draft EIR*. Accessed February 18, 2021. https://www.losgatosca.gov/DocumentCenter/View/2058/Los_Gatos_2020_General_Plan_Draft_EIR

———. June 16, 2010b. *Town of Los Gatos 2020 General Plan Final EIR*. Accessed February 18, 2021. https://www.losgatosca.gov/DocumentCenter/View/2065/LosGatos-2020-FEIR_Complete-Report

———. January 7, 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

U.S. Department of Transportation, Federal Highway Administration. January 2006a. *Federal Highway Administration Roadway Construction Noise Model User's Guide*. Accessed February 18, 2021. https://www.fhwa.dot.gov/Environment/noise/construction_noise/rcnm/rcnm.pdf

———. May 2006b. *Transit Noise and Vibration Impact. Assessment*. Accessed February 18, 2021. https://docs.vcrma.org/images/pdf/planning/ceqa/FTA_Noise_and_Vibration_Manual.pdf

———. 2015. *Construction Noise Handbook*. Accessed February 18, 2021. https://www.fhwa.dot.gov/environment/noise/construction_noise/

17.12 WILDFIRE HAZARDS

California Board of Forestry and Fire Protection. June 24, 2019. *California Vegetation Treatment Program Draft Program Environmental Impact Report (State Clearinghouse #2019012052).* Accessed January 13, 2021. https://ceqanet.opr.ca.gov/2019012052/2

California Department of Forestry and Fire Protection (CAL FIRE). November 2007. Santa Clara County (State Responsibility Area Map). Accessed January 13, 2021. https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf

———. October 2008. Santa Clara County (Local Responsibility Area Map). Accessed January 13, 2021. https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf

Cornerstone Earth Group. September 17, 2007. *Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows*. Sunnyvale, CA.

———. December 30, 2020. *Geotechnical Investigation and Geologic Hazards Evaluation Los Gatos Meadows*. Sunnyvale, CA.

Federal Emergency Management Agency (FEMA). 2021. FEMA Flood Map Service Center website. Accessed January 22, 2021. https://msc.fema.gov/portal/home

InciWeb (Incident Information System). 2020. CZU August Lightning Complex. https://inciweb.nwcg.gov/incident/7028/

Kimley-Horn. January 2021. *Los Gatos Meadows Preliminary Stormwater Control Plan*. Pleasanton, CA.

Kimley-Horn. January 15, 2021. Response to Staff Technical Review (110 Wood Road Planned Development Application PD-20-001).

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

Santa Clara County Fire Department. 2021. Fire Prevention web page. Accessed January 8, 2021. http://www.sccfd.org/fire-prevention/fire-prevention-overview.

State of California. California Fire Code 2019. Accessed January 8, 2021. https://up.codes/viewer/california/ca-fire-code-2019

Town of Los Gatos. March 10, 2010a. *Town of Los Gatos 2020 General Plan Draft EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2058/Los_Gatos_2020_General_Plan_Draft_EIR

———. June 16, 2010b. *Town of Los Gatos 2020 General Plan Final EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2065/LosGatos-2020-FEIR_Complete-Report

———. January 7, 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

———. 2015. *Emergency Operations Plan*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/15967/Los-Gatos-EOP-final-1-21-2016

———. March 2019. *Town of Los Gatos 2040 General Plan Background Report (Public Draft).* Accessed February 26, 2021. http://www.losgatos2040.com/documents.html

———. September 2020. *Town of Los Gatos Roadside Vegetation Management Plan and Environmental Exemption Analysis*. Accessed February 26, 2021. https://www.losgatosca.gov/VegetationManagement

17.13 EFFECTS NOT ADDRESSED FURTHER IN THIS EIR

Kimley Horn. January 21, 2020. *Los Gatos Meadows – Transportation Analysis*. Pleasanton, CA.

———. December 9, 2020. *Memorandum re: Los Gatos Meadows –Transportation Analysis*. Pleasanton, CA.

———. December 10, 2020. *Response to TJKM Traffic Comments (110 Wood Road).* Pleasanton, CA.

Kimley-Horn. January 15, 2021. Response to Staff Technical Review (110 Wood Road Planned Development Application PD-20-001).

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

TJKM. November 24, 2020. Technical Memorandum Subject: TJKM Peer Review of 101 Wood Road. Pleasanton, CA.

———. December 14, 2020. *Technical Memorandum Subject: TJKM Review of 101 Wood Road Peer Review Responses*. Pleasanton, CA.

Town of Los Gatos. March 10, 2010a. *Town of Los Gatos 2020 General Plan Draft EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2058/Los_Gatos_2020_General_Plan_Draft_EIR

———. June 16, 2010b. *Town of Los Gatos 2020 General Plan Final EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2065/LosGatos-2020-FEIR_Complete-Report

———. January 7, 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

17.15 GROWTH INDUCING IMPACTS

Kimley-Horn. January 15, 2021. Response to Staff Technical Review (110 Wood Road Planned Development Application PD-20-001).

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

Town of Los Gatos. March 10, 2010a. *Town of Los Gatos 2020 General Plan Draft EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2058/Los_Gatos_2020_General_Plan_Draft_EIR

———. June 16, 2010b. *Town of Los Gatos 2020 General Plan Final EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2065/LosGatos-2020-FEIR_Complete-Report

———. January 7, 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

17.16 CUMULATIVE IMPACTS

Bay Area Air Quality Management District. May 2017. *California Environmental Quality Act Air Quality Guidelines*. Accessed March 4, 2021. https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

Kimley-Horn. January 15, 2021. Response to Staff Technical Review (110 Wood Road Planned Development Application PD-20-001).

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

Town of Los Gatos. March 10, 2010a. *Town of Los Gatos 2020 General Plan Draft EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2058/Los_Gatos_2020_General_Plan_Draft_EIR

———. June 16, 2010b. *Town of Los Gatos 2020 General Plan Final EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2065/LosGatos-2020-FEIR_Complete-Report

———. January 7, 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

17.17 ALTERNATIVES

California Department of Conservation. September 2018. *Santa Clara County Important Farmland 2016*. Sacramento, CA.

———. 2021. California Important Farmland Finder website. Accessed March 30, 2021. https://maps.conservation.ca.gov/DLRP/CIFF/

Kimley Horn. January 21, 2020. *Los Gatos Meadows – Transportation Analysis*. Pleasanton, CA.

———. January 15, 2021. Response to Staff Technical Review (110 Wood Road Planned Development Application PD-20-001).

Perkins Eastman. October 13, 2020. *Los Gatos Meadows Planning Submittal (Project Plans).* San Francisco, CA.

———. January 12, 2021. *Los Gatos Meadows Resubmittal Architectural Sheets.* San Francisco, CA.

Rockwood Pacific. June 2020a. "Los Gatos Meadows Project Description." Orinda, CA.

———. June 2020b. "Letter of Justification – Rebuild of Los Gatos Meadows." Orinda, CA.

Town of Los Gatos. March 10, 2010a. *Town of Los Gatos 2020 General Plan Draft EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2058/Los_Gatos_2020_General_Plan_Draft_EIR

———. June 16, 2010b. *Town of Los Gatos 2020 General Plan Final EIR*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/2065/LosGatos-2020-FEIR_Complete-Report

———. January 7, 2011. *Town of Los Gatos 2020 General Plan*. Accessed January 13, 2021. https://www.losgatosca.gov/DocumentCenter/View/1725/Los_Gatos_2020_General_Plan?bidId=

U.S. Census Bureau. 2021. "Quick Facts – Los Gatos, California." Accessed March 27, 2021. https://www.census.gov/quickfacts/losgatostowncalifornia

17.18 REPORT PREPARERS

Teri Wissler Adam, Senior Principal
Principal-in-Charge and Project Manager

Stuart Poulter, AICP, MCRP, Associate Planner
Report Preparation and Assistant Project Manager

Ron Sissem, MRP, Principal
Report Preparation

Polaris Kinison Brown, MS, Principal Planner
Report Preparation

Sally Rideout, EMPA, Principal Planner
Report Preparation

David Craft, Senior Planner/Air Quality and Greenhouse Gas Emissions Specialist
Report Preparation

Gail Bellenger, MA, Registered Professional Archaeologist
Report Preparation

Janet Walther, MS, Principal Biologist
Report Preparation

Patrick Furtado, MS, Associate Biologist/Regulatory Specialist
Report Preparation

Evan Jacques, Office Assistant/Graphics
Graphics Preparation

Tiffany Robinson, Production Manager
Document Production