

Town of Los Gatos
Community Development Department



**Winchester Assisted Living and Memory Care
Facility Project**

Initial Study/Mitigated Negative Declaration

June 2022

Prepared by



1501 Sports Drive, Suite A, Sacramento, CA 95834

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INITIAL STUDY

June 2022

A. BACKGROUND

1. Project Title: Winchester Assisted Living and Memory Care Facility Project
2. Lead Agency Name and Address: Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030
3. Contact Person and Phone Number: Jennifer Armer
Planning Manager
(408) 399-5706
4. Project Location: 15860, 15880, and 15894 Winchester Boulevard; and
17484 Shelburne Way
Los Gatos, CA 95030
APNs: 529-11-013, -038, -039, -040
5. Project Sponsor's Name and Address: Mike Black
Swenson Builders
777 North First Street, 5th Floor
San Jose, CA 95112
6. General Plan Designation: Office Professional
7. Zoning Designation: Office (O)
8. Required Approvals from Other Public Agencies: None
9. Surrounding Land Uses and Setting:

The project site, identified by Assessor's Parcel Numbers (APNs) 529-11-013, -038, -039, -040), is located at 15860, 15880, and 15894 Winchester Boulevard and 17484 Shelburne Way in the Town of Los Gatos, California. The 1.31-acre project site is currently developed with three single-family residences, as well as a single-family residential structure which is currently occupied by a commercial construction business. Several outbuildings, including four detached garages/storage sheds and a carport are also located on-site. In total, nine structures currently exist within the project site. The topography of the project site slopes downward towards the east at an approximately seven percent gradient. Surrounding land uses include existing residential condominiums and an apartment complex to the south, service commercial and office uses including a body shop and veterinarian to the east, single-family residential and office uses to the north across Shelburne Way, and single-family residential uses to the west across Winchester Boulevard. The Town of Los Gatos General Plan designates the site as Office Professional and the site is zoned Office (O).

10. Project Description Summary:

The Winchester Assisted Living and Memory Care Facility Project (proposed project) would include the demolition of the existing on-site structures to develop a 125-unit assisted living and memory care facility. The facility would include one, two-to-three story building consisting of 107 assisted living units and 18 memory care units, as well as two dining rooms, a commercial kitchen, theater, library, great room, and other common use spaces. Three landscaped courtyards would be located on the first-floor podium level of the facility. Parking would consist of 54 parking stalls and primary site access would be provided by Winchester Boulevard to the west. The proposed project would require discretionary approval of an Architecture and Site Permit, a Conditional Use Permit (CUP), a Variance for maximum height, and a Variance for overall lot coverage. In addition, a lot merger would be required for the project.

11. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

In compliance with Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1), a project notification letter was distributed to the Tamien Nation on June 21, 2022.

B. SOURCES

The following documents are referenced information sources used for the purpose of this Initial Study:

1. Arbor Resources. *Arborist Report*. February 10, 2021
2. Bay Area Air Quality Management District. *California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance*. May 2017.
3. Bay Area Air Quality Management District. *CEQA Thresholds and Guidelines Update*. Available at: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>. Accessed June 2022.
4. Bollard Acoustical Consultants, Inc. *Peer Review of the Edward L. Pack Associates Noise Assessment Study for the Winchester Assisted Living Development*. September 15, 2021.
5. California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. January 20, 2017.
6. California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed August 2021.
7. California Department of Forestry and Fire Protection. *Fire Hazard Severity Zone Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed August 2021.
8. California Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Available at: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=livermore%2C+ca>. Accessed August 2021.
9. California Department of Transportation. *California Scenic Highway Mapping System*. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>. Accessed August 2021.
10. City of Alhambra. *City of Alhambra Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment*. October 2020.

11. City of Fountain Valley. *Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency*. June 2020.
12. City of San Jose. *San Jose-Santa Clara Regional Wastewater Facility*. Available at: <https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility>. Accessed April 2022.
13. Cornerstone Earth Group. *Design-Level Geotechnical Investigation*. February 10, 2021.
14. Department of Resources Recycling and Recovery. *SWIS Facility/Site Activity Details – Guadalupe Sanitary Landfill (43-AN-0015)*. Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/_1376?siteID=3399. Accessed August 2021.
15. Edward L. Pack Associates, Inc. *Noise Assessment Study “Winchester Assisted Living” 15860 Winchester Boulevard, Los Gatos*. April 5, 2021.
16. Federal Emergency Management Agency. *Flood Insurance Rate Map 06085C0376H*. Updated October 2020.
17. Governor’s Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. December 2018.
18. Monarch Consulting Arborists. *Arborist’s Peer Review*. May 25, 2021.
19. San Jose Water Company. *2020 Urban Water Management Plan*. June 2021.
20. Santa Clara Valley Transportation Authority. *2021 Congestion Management Plan*. December 2021.
21. Santa Clara Valley Water District. *Local Dams and Reservoirs*. Available at: <https://www.valleywater.org/your-water/local-dams-and-reservoirs>. Accessed April 2022.
22. South Coast Air Quality Management District. 2008. *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*. Available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf). Accessed April 2022.
23. Tetra Tech GEO. *Phase I Environmental Site Assessment*. May 11, 2012.
24. TJKM. *Traffic Impact Analysis Report – 15860 Winchester Boulevard Assisted Living and Memory Care*. March 25, 2022.
25. Town of Los Gatos. *Emergency Operation Plan*. 2015
26. Town of Los Gatos. *Town of Los Gatos 2020 Bicycle and Pedestrian Master Plan*. September 29, 2020.
27. Town of Los Gatos. *Town of Los Gatos 2020 General Plan Environmental Impact Report*. March 10, 2010.
28. Town of Los Gatos. *Town of Los Gatos 2020 General Plan*. January 7, 2011.
29. Town of Los Gatos. *Weekday Traffic Volumes 2010-2014*. Available at: <https://www.losgatosca.gov/972/Traffic-Data>. Accessed April 2022.
30. Town of Los Gatos. *What is a Historic Resource?* Available at: <https://www.losgatosca.gov/1718/Introduction-to-Historic-Preservation>. Accessed April 2022.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Less-Than-Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology and Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

D. DETERMINATION

On the basis of this initial study:

- ☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Jennifer Armer, Planning Manager

Printed Name

Date

Town of Los Gatos

For

E. BACKGROUND AND INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document are organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. Where the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures sufficient to reduce the impacts to less-than-significant levels are prescribed. The mitigation measures prescribed for environmental effects described in this IS/MND would be implemented in conjunction with the proposed project, as required by CEQA. The mitigation measures would be incorporated into the proposed project through project conditions of approval. The Town would adopt findings and a Mitigation Monitoring/Reporting Program for the proposed project in conjunction with project approval.

On January 7, 2011, the Town of Los Gatos adopted the 2020 General Plan (General Plan)¹ and certified the associated General Plan Environmental Impact Report (General Plan EIR).² The Town's current General Plan set forth a policy framework to guide the Town's long-term growth and development through the year 2020. The Town is currently in the process of updating the General Plan so the document can continue to provide critical guidance for development in the Town through the year 2040; however, the General Plan Update has not yet been completed. Thus, the current General Plan, adopted in 2011, is still considered the relevant document for the purposes of the analysis included in this IS/MND. Applicable portions of the General Plan and General Plan EIR are incorporated by reference, as necessary, as part of this IS/MND. The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations [CCR], Sections 15000 et seq.). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan.

It should be noted that in November 2016, an IS/MND was prepared for the 15860-15894 Winchester Boulevard Office Project, which included development of a 30,070-square foot (sf), two-story office building and 128 below grade parking stalls on the project site. The original entitlement was approved in 2017; however, the 15860-15894 Winchester Boulevard Office Project was not constructed.

Project-specific technical reports have been prepared for the proposed project and form the basis of several technical sections of this IS/MND. All technical reports used in the preparation of this IS/MND are attached as appendices.

F. PROJECT DESCRIPTION

The following provides a description of the project site's current location and setting, as well as the proposed project components and the discretionary actions required for the project.

Project Location and Setting

The 1.31-acre project site is identified by APNs 529-11-013, -038, -039, -040, and is located at 15860, 15880, and 15894 Winchester Boulevard and 17484 Shelburne Way in the Town of Los Gatos, California (see Figure 1). The site is currently developed with three single-family residences, as well as a single-family residential structure which is currently occupied by a commercial construction business. Several outbuildings, including four detached garages/storage sheds and a carport are also located on-site.

¹ Town of Los Gatos. *Town of Los Gatos 2020 General Plan*. January 7, 2011.

² Town of Los Gatos. *Town of Los Gatos 2020 General Plan Environmental Impact Report*. March 10, 2010.

In total, nine structures currently exist within the project site. The site gradient is approximately 7 percent downward to the east, which creates an elevation change of 14 feet over a horizontal distance of 200 feet.

Surrounding existing land uses include existing residential condominiums and an apartment complex to the south, service commercial and office uses including a body shop and veterinarian to the east, single-family residential and office uses to the north across Shelburne Way, and single-family residential uses to the west across Winchester Boulevard (see Figure 2). The Town of Los Gatos General Plan designates the site as Office Professional and the site is zoned O.

Project Components

The proposed project would include demolition of the nine existing on-site structures to develop a two-to-three story assisted living and memory care facility (see Figure 3 through Figure 7). The proposed project is intended to provide a safe and communitive environment for the aging senior population of Los Gatos and surrounding community by offering a place for older residents to transition from their current residence, and would be designed for seniors who need assistance with their daily routine, such as meal preparation, bathing, grooming, and housekeeping. The total building floor area would be 107,901 sf, and the building would cover approximately 50 percent of the project site.

The assisted living and memory care facility would consist of 107 assisted living units and 18 memory care units, for a total of 125 units. The facility would also include two dining rooms, a commercial kitchen, theater, library, great room, and other common use spaces, as well as three landscaped courtyards, which would be located on the first-floor podium level of the facility. In addition, a ground-level pedestrian path would be developed to circulate the northern and eastern boundaries of the project site.

The proposed project would include 54 parking stalls for staff, residents, and visitors. Of the 54 parking stalls, five would be reserved for Americans with Disabilities Act (ADA)-compliant stalls. Access to the project site would be provided by a driveway located at the northeast corner of the project site, along Shelburne Way, as well as by two driveways located at the western boundary of the project site on Winchester Boulevard. The driveway along Shelburne Way would only provide access to the ground level parking garage, while the two driveways along Winchester Boulevard would be at grade level and would provide access to the porte cochere, which would primarily be used for dropping off and picking up residents, and first floor of the proposed building. The southern project driveway along Winchester Boulevard would be designated specifically for traffic entering the project site, while the northern driveway would be for traffic exiting the site. Shuttle service would also be provided to residents by the assisted living and memory care facility.

The proposed building design would be stepped down toward the rear (east) of the property in order to minimize building height measured from the elevation at the Winchester Boulevard frontage (see Figure 8 and Figure 9). The stepped southern wing was designed in response to neighbors' concerns to minimize the size of the building to their adjacent driveway. The front elevation on Winchester Boulevard is broken into three separate building forms with a central entry/exit framed by porte cochere extending to both sides.

Landscaping improvements, including the three landscaped courtyards between the front elevation building forms, would be included as part of the proposed project. A total of 11,502-sf of landscaped area would exist on-site following project development. Of the 35 trees located on the project site, 26 trees would be removed for project development, and the remaining nine trees would be retained. Additional trees would be planted to account for the removal of the existing on-site trees.

Stormwater runoff within the project site would flow into a series bioretention basins located along the eastern and western boundaries of the project site, which would provide treatment and detention of the on-site stormwater runoff (see Figure 10). The bioretention basins would consist primarily of pervious landscaping, which would treat stormwater by filtering runoff slowly through an active layer of soil, allowing for removal of pollutants. The proposed project would include a series of new on-site pipes, as well as storm drain drop inlets within the bioretention basins, which would collect the treated stormwater from the bioretention basins and convey the discharged water to an existing 12-inch pipe located along the northern portion of the project site. The stormwater would then be discharged to an existing storm drain pipe located within Shelburne Way.

Sewer and water utilities would be provided through new connections to existing utility lines within the project site or vicinity, including, but not limited to, an eight-inch water main located in the northwest corner of the project site, and a six-inch sewer service line located in the southwest corner of the project site (see Figure 11).

Conditional Use Permit

Permitted uses within the Town's O zoning district include offices; administrative, professional, medical, dental and optical laboratories associated with a professional use; real estate; insurance; stocks and bonds; and other similar offices characterized by absence of retail sales (except for retail sales by a pharmacy within a medical building which is permitted). Assisted living facilities are a conditionally permitted use within the Town's O zoning district. As such, development of the proposed project would require the approval of a CUP.

Variances

The proposed building lot coverage would be 50 percent, which is consistent with the total lot coverage permitted in the Office Professional General Plan land use designation of the project site; however, maximum lot coverage permitted within the Town's O zoning district is 40 percent. Therefore, the proposed project would require a variance to use the project site's General Plan lot coverage maximum of 50 percent instead of the current zoning lot coverage maximum of 40 percent.

Additionally, the building height of the proposed project would comply with the maximum building height requirements of the O zone along the Winchester Boulevard frontage and southern property line. However, due to the topography and slope of the project site along Shelburne Way towards University Avenue, the rear of the building would exceed the allowable 35-foot height limit in some locations by 15 feet (see Figure 12 and Figure 13). Therefore, approval of a variance would be required to allow for the proposed building's maximum height to exceed the Town's maximum height limit.

Discretionary Actions

The proposed project would require the following discretionary approvals from the Town of Los Gatos:

- Adoption of the IS/MND;
- Adoption of a Mitigation Monitoring/Reporting Program;
- Architecture and Site Permit;
- CUP;
- Variance for overall lot coverage; and
- Variance for maximum height.

In addition, recordation of a previously approved lot merger would be required for the proposed project, to merge the four lots on which the project site is located.

Figure 1
Regional Project Location

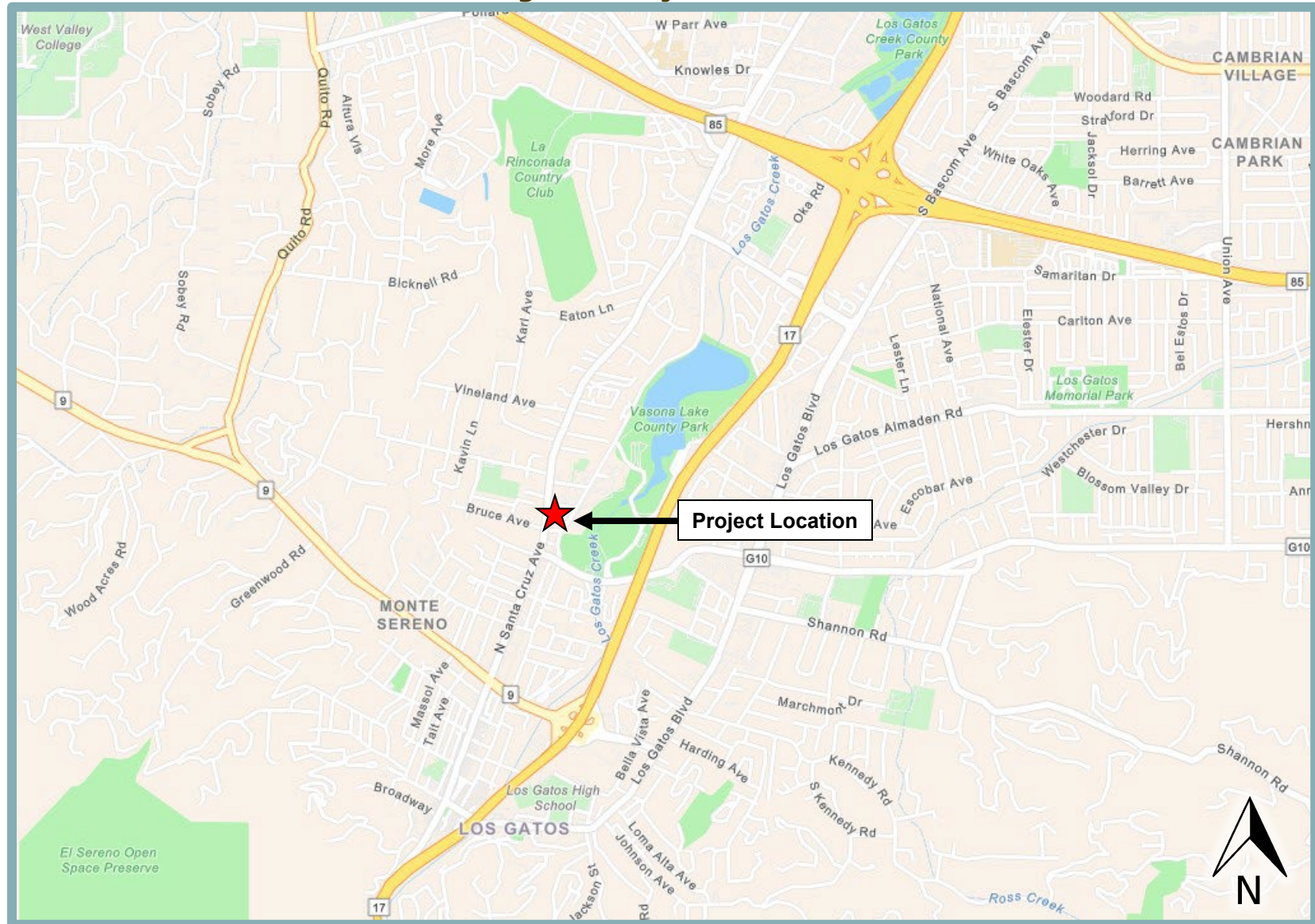


Figure 2
Project Site Boundaries



Figure 3
Preliminary Site Plan

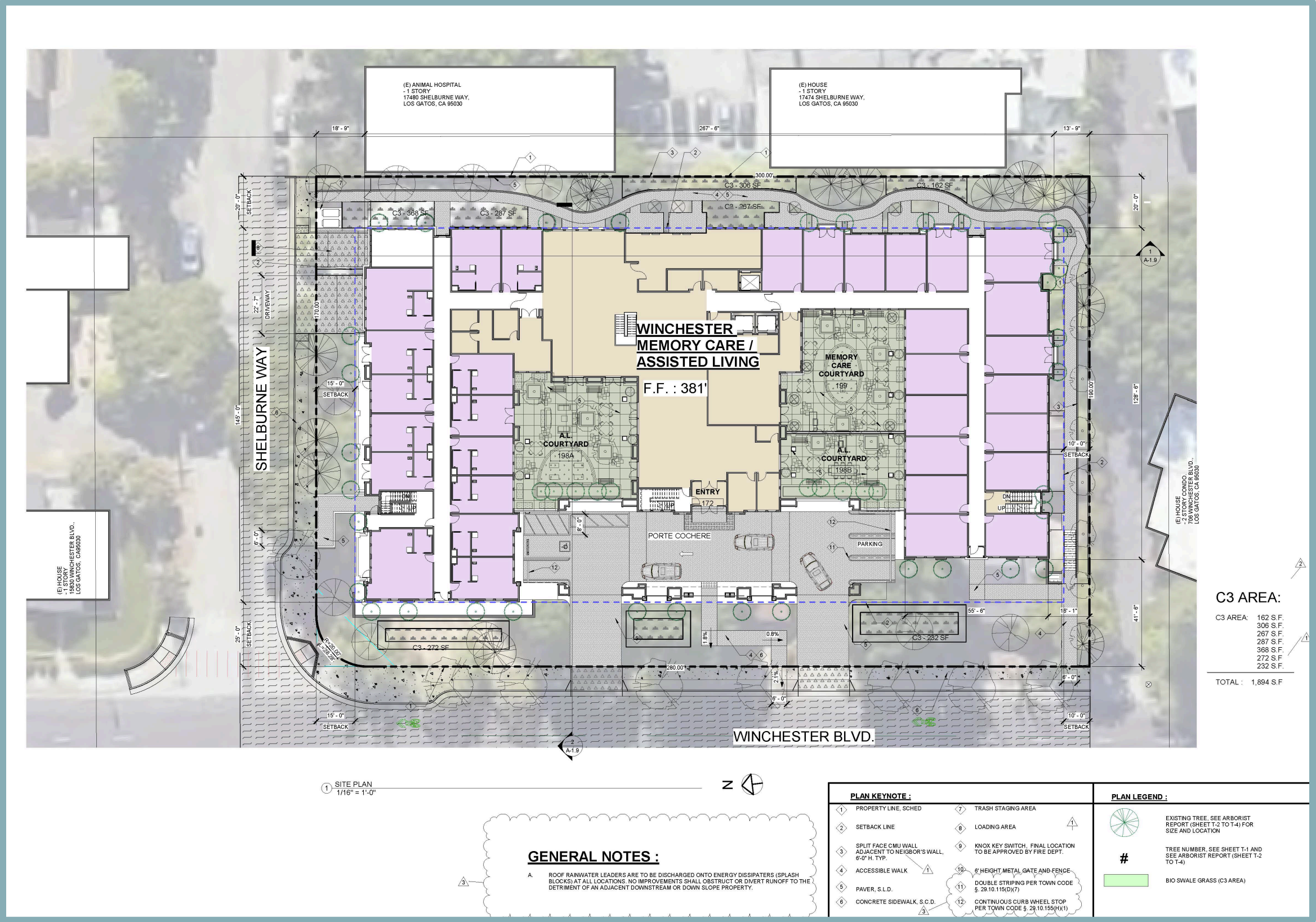


Figure 4
Ground Floor Site Plan

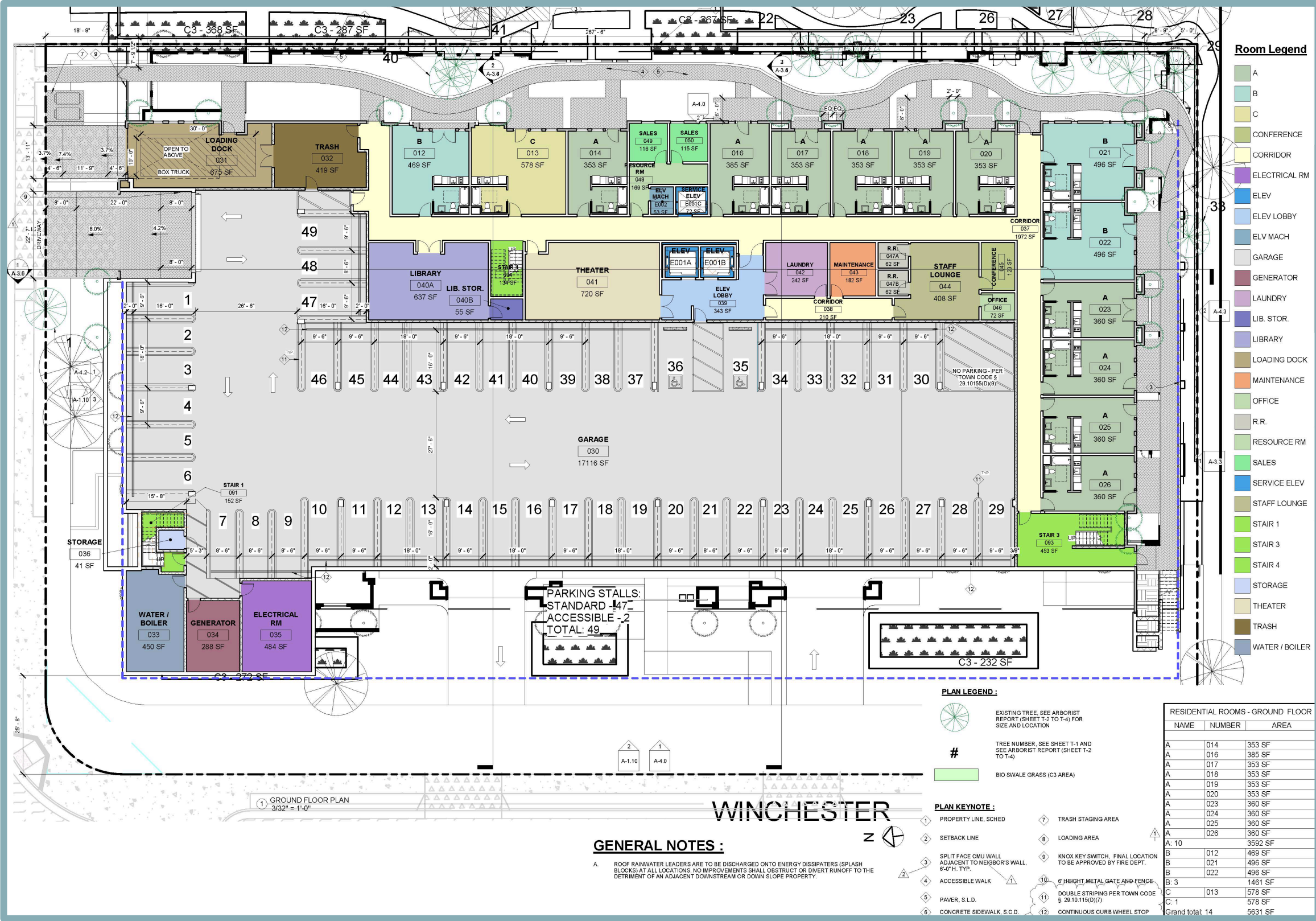


Figure 5
First Floor Site Plan

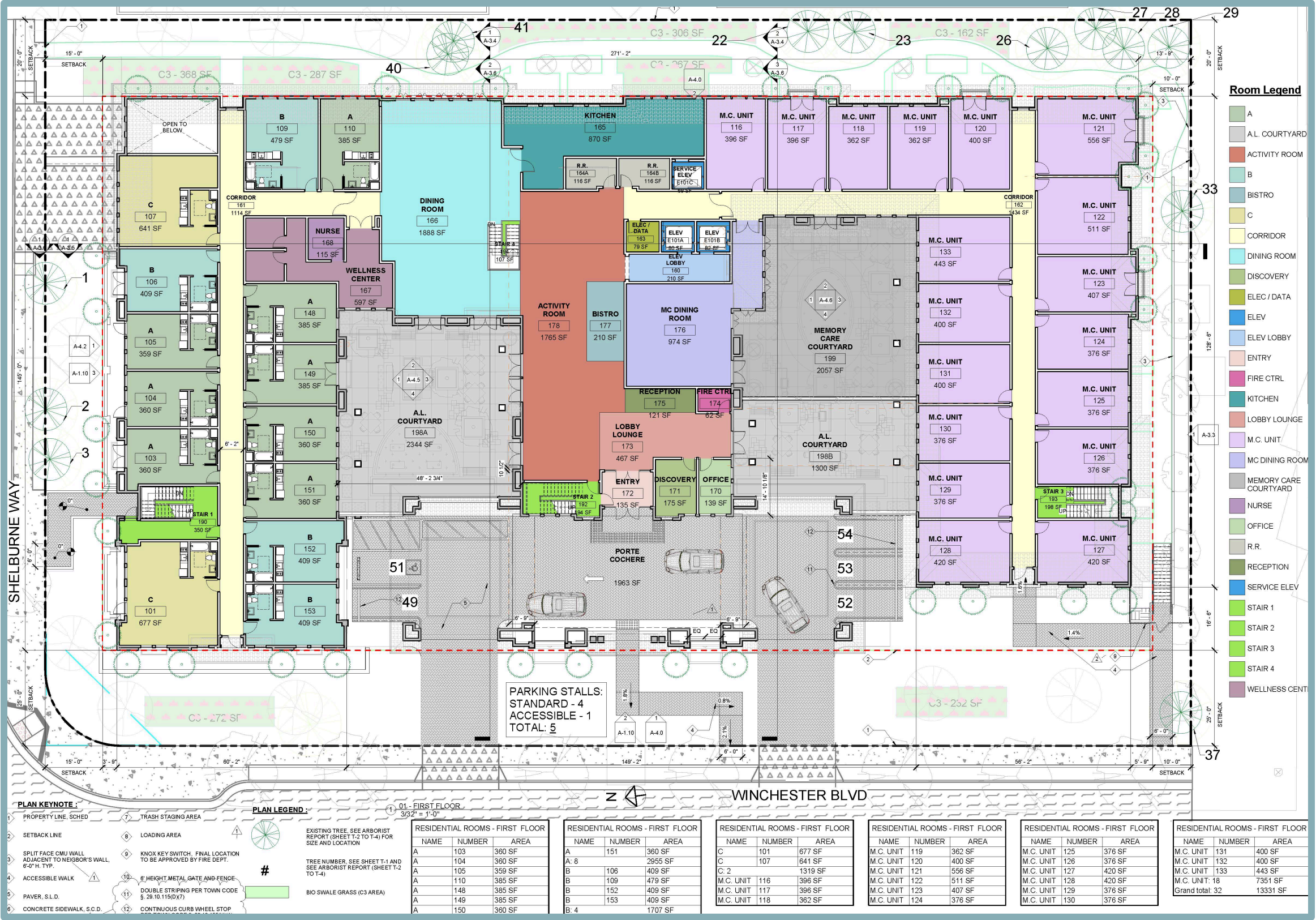


Figure 6
Second Floor Site Plan



Figure 7
Third Floor Site Plan

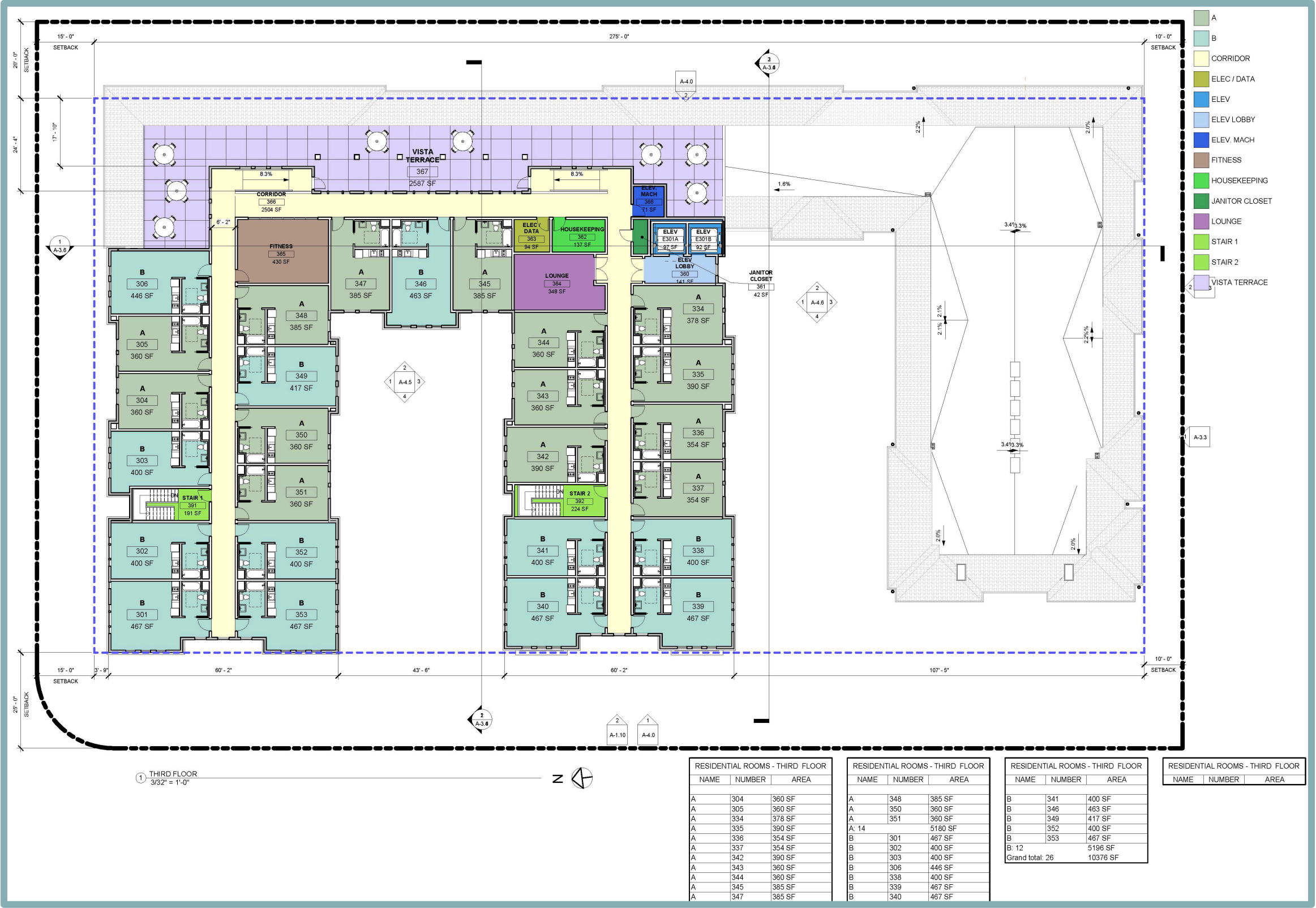


Figure 8
Overall Building Elevations

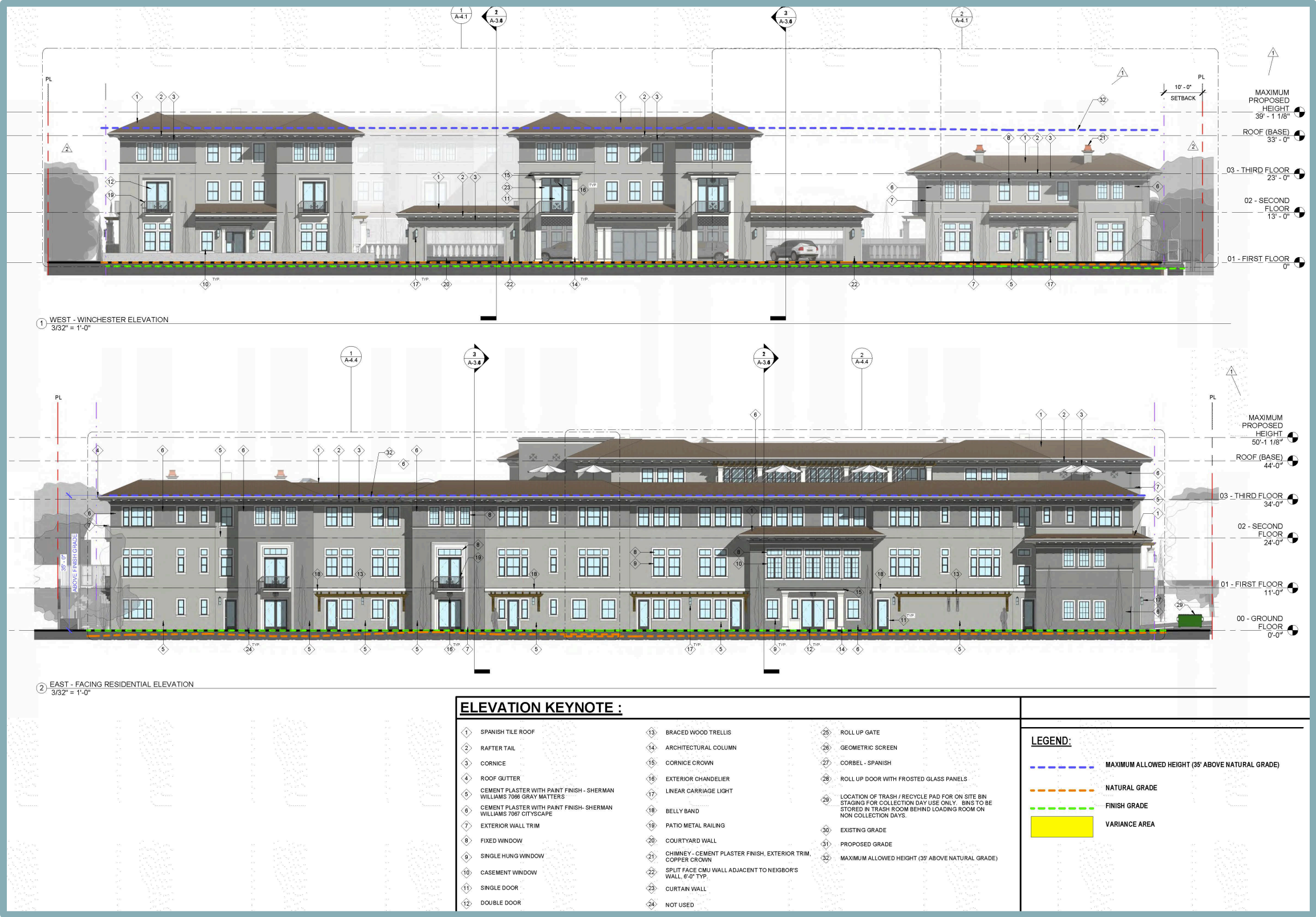


Figure 9
Building Elevations – Shelburne Way

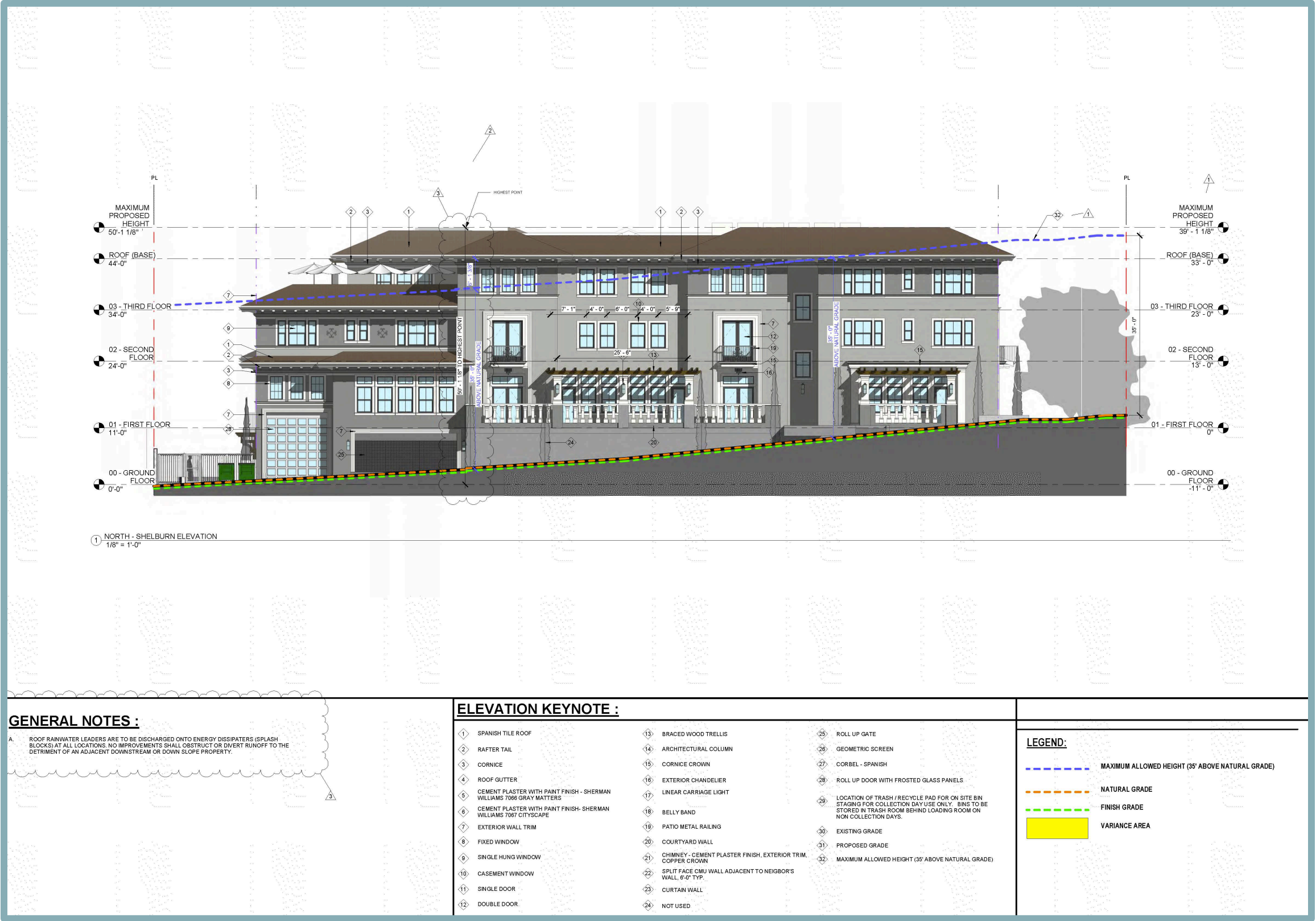


Figure 10
Stormwater Control Plan

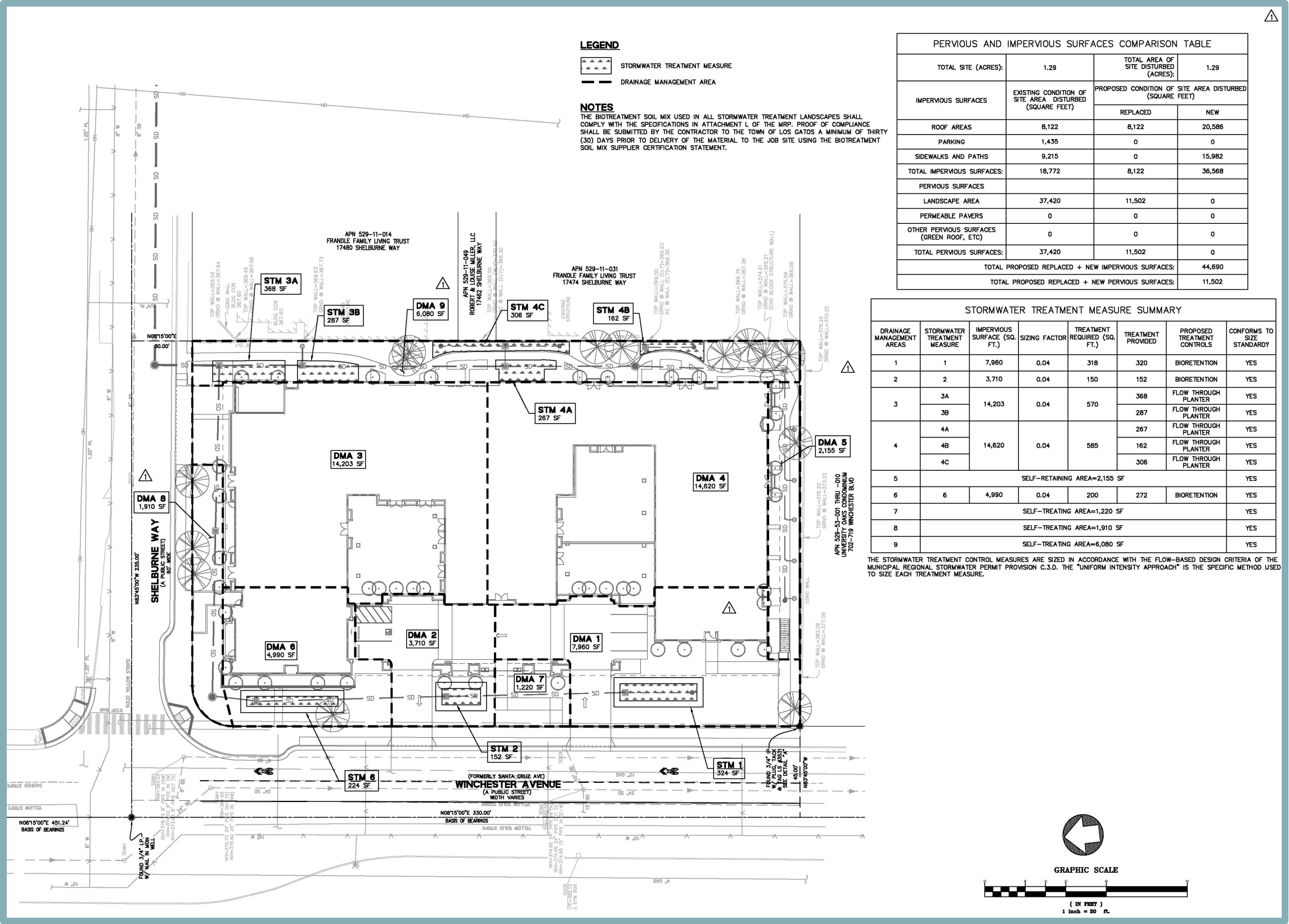


Figure 11
Utility Plan

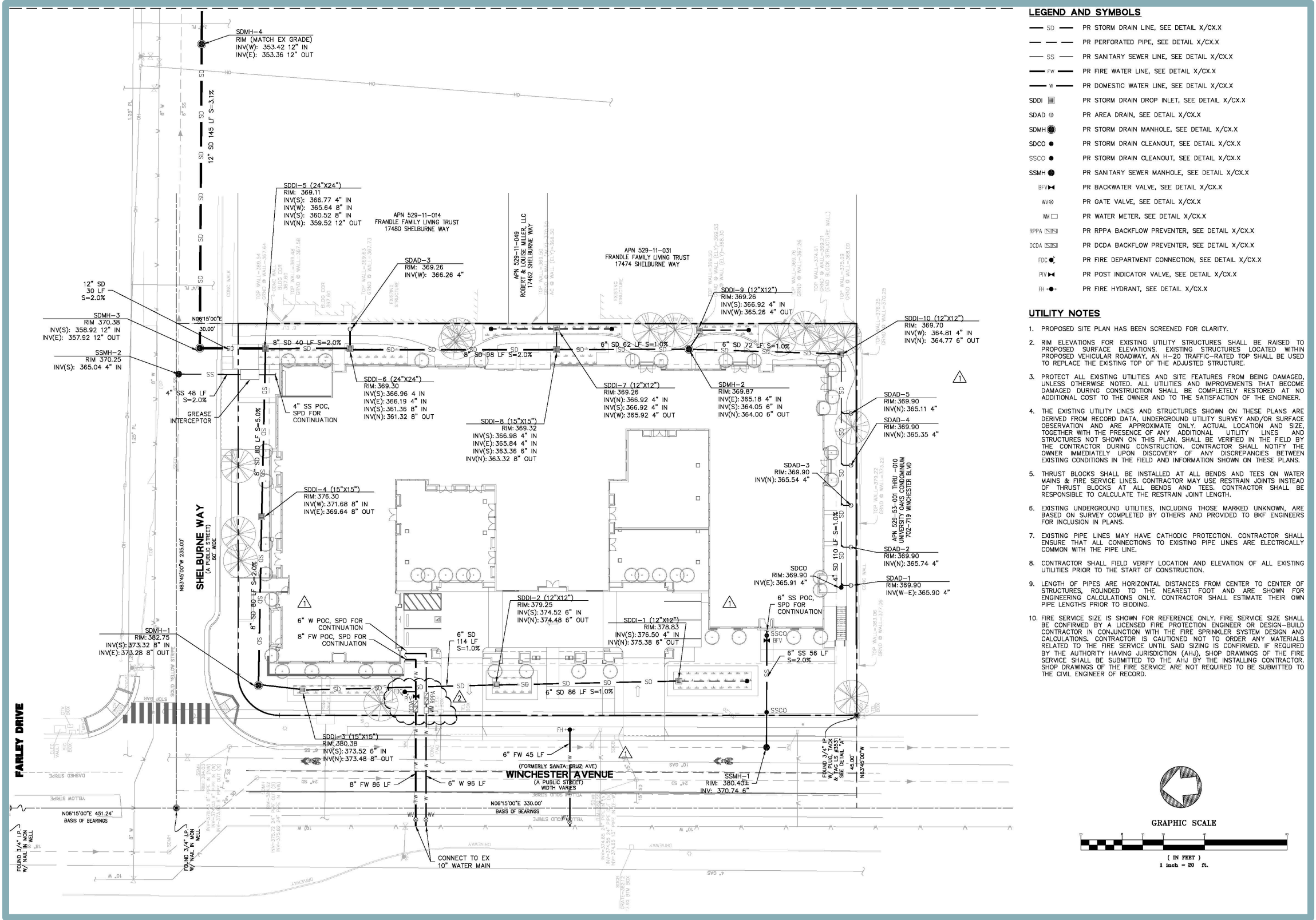


Figure 12
Variance Exhibit – South



Figure 13
Variance Exhibit – North



G. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no sufficient mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

a,b. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. The General Plan EIR identifies southward views of the Santa Cruz Mountains and ridgelines as the primary protected scenic vistas within the Town. Due to the heavily-wooded nature of the Town, scenic views are most prominent from the southbound lanes of the Town's major north-south running streets. Limited distant views of the Santa Cruz Mountains can be seen looking southward from Winchester Boulevard; however, the project site is located along the eastern boundary of Winchester Boulevard and, thus, views of the Santa Cruz Mountains would not be obstructed by project development.

Potential views of the ridgelines beyond the project site are mostly obstructed by existing development or tree cover along Winchester Boulevard. The mountains are briefly visible across the project site at the corner of Shelburne Way. The existing house at that corner is about 18 feet tall with a gable roof and is set back from Winchester Boulevard by about 30 feet and Shelburne Way by about 40 feet. The proposed building would be approximately 15 feet closer to Shelburne Way and approximately twice as tall. Therefore, the proposed project would eliminate the brief view of the mountains from westbound Winchester Boulevard. However, the project includes maintaining several existing trees along Winchester Boulevard and planting new trees lining the street frontage where trees are proposed for removal. The tree planting would preserve comparable views to the views that currently exist on Winchester Boulevard. In addition, the proposed building would be stepped down towards the rear of the property to minimize the height of the building along Winchester Boulevard.

At a local level, the Town does not identify any roadways as scenic routes, and State Scenic Highways are not located within the Town of Los Gatos.³ Therefore, the proposed project would not have the potential to damage scenic resources within the vicinity of a State Scenic Highway.

³ California Department of Transportation. *California Scenic Highway Mapping System*. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>. Accessed August 2021.

Although the proposed project would slightly reduce views of the mountains, the project would not result in significant impacts to any designated scenic vistas as identified in the General Plan. Thus, development of the proposed project would not have a substantial adverse effect on a scenic vista and would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway, and a **less-than-significant** impact would occur.

- c. Pursuant to Appendix G of the CEQA guidelines, because the project site is in an urbanized area, the relevant threshold is whether the proposed project would conflict with applicable zoning and other regulations governing scenic quality rather than whether the project would substantially degrade the existing visual character or quality of public views of the site and its surroundings.

The project site is currently zoned O by the Town of Los Gatos. The Town's O zoning district includes development standards such as minimum setbacks, building height, and lot coverage requirements. As discussed above, the proposed building lot coverage would be 50 percent, which is consistent with the total lot coverage permitted in the Office Professional General Plan land use designation of the project site; however, maximum lot coverage permitted within the Town's O zoning district is 40 percent. Therefore, the proposed project would require a variance to use the project site's General Plan lot coverage maximum of 50 percent instead of the current zoning lot coverage maximum of 40 percent. Additionally, the building height of the proposed project would comply with the maximum building height requirements of the O zone along the Winchester Boulevard frontage and southern property line. However, due to the topography and slope of the project site along Shelburne Way towards University Avenue, the rear of the building would exceed the allowable 35-foot height limit by up to 15 feet. Therefore, approval of a variance would be required to allow for the proposed building's maximum height to exceed the Town's maximum height limit.

Although the lot coverage and building height would exceed the O zone development standards, the building would be built in compliance with the minimum setback requirements of the O zone. The proposed building design would be stepped down toward the rear (east) of the property in order to minimize building height measured from the elevation at the Winchester Boulevard frontage (see Figure 8 and Figure 9). The stepped southern wing was designed in response to neighbors' concerns to minimize the size of the building to their adjacent driveway. The front elevation on Winchester Boulevard is broken into three separate building forms with a central entry/exit framed by porte cochere extending to both sides. As shown in Figure 14 through Figure 17, the building would include articulated design elements, as well as varying textures and colors, to break up the massing of the structure and enhance the visual character of the project area. The proposed building would also provide rooftop screening to ensure that the proposed solar panels and rooftop mechanical equipment are unable to be seen from the street view of the project (see Figure 14). In addition, the proposed project would include the planting of trees and shrubs that would help shield views of the proposed building from surrounding streets. Therefore, while the visual character of the project site would be changed, the change would not result in conflicts with applicable zoning and other regulations governing scenic quality, and a **less-than-significant** impact would occur.

Figure 14
Building Rendering – Aerial View



RENDERING - AERIAL FROM WINCHESTER



Figure 15
Building Rendering – North Elevation



Figure 16
Building Rendering – West Elevation



RENDERING - WEST ELEVATION (WINCHESTER BOULEVARD)

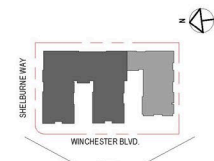


Figure 17
Building Rendering – South View



- d. The project site is currently developed with nine single-story buildings and associated lighting fixtures. Therefore, existing sources of light and glare exist within the project site. In addition, the project site is surrounded by development on all sides, including existing residential condominiums and an apartment complex to the south, service commercial and office uses including a body shop and veterinarian to the east, residential and office uses to the north across Shelburne Way, and residential uses to the west across Winchester Boulevard.

Development of the project site with an assisted living and memory care facility would involve sources of light associated with interior light spilling through windows, vehicle headlights entering and exiting the project site, exterior lighting on the proposed building, parking lot lighting, and light reflected off windows. However, such sources of light and glare would be consistent with the type of lighting anticipated for the project site per the Town's General Plan land use and zoning designations for the site.

Furthermore, the General Plan contains policies and goals for light and glare, implementation of which would reduce potential impacts from new development. Policy CD-3.2 states that street and structural lighting shall be required to achieve minimal visual impact by preventing glare, limiting light on neighboring properties, and avoiding light pollution of the night sky. Policy CD-17.3 requires design standards that include a review of project lighting to be considered for every project. To reduce the potential for disturbance due to nighttime lighting, the project would comply with Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare.

The implementation of the Town's programs, policies, and code requirements would reduce the light and glare related impacts from the proposed project. Thus, implementation of the project would result in a ***less-than-significant*** impact with respect to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗

Discussion

- a,e. Per the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the entirety of the project site is characterized as “Urban and Built-Up Land”.⁴ The project site does not contain, and is not located adjacent to, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Given the designation of the site as Urban and Built-Up Land, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use. Therefore, **no impact** would occur as a result of the proposed project.
- b. The project site is not under a Williamson Act contract and is not zoned for agricultural uses. The site is currently zoned O. Therefore, buildout of the proposed project would not conflict with an agricultural use or a Williamson Act contract, and **no impact** would occur.
- c,d. The project site is not considered forest land (as defined in PRC Section 12220[g]), timberland (as defined by PRC Section 4526), and is not zoned Timberland Production (as defined by Government Code Section 51104[g]). Therefore, the proposed project would have **no impact** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

⁴ California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed August 2021.

III. AIR QUALITY.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a,b. The Town of Los Gatos is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB area is currently designated as a nonattainment area for the State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter (PM_{2.5}), and State respirable particulate matter 10 microns in diameter (PM₁₀) ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour PM_{2.5} federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal PM_{2.5} AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour PM_{2.5}.

In compliance with regulations, due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG).

The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001, for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan, adopted on April 19, 2017. The 2017 Clean Air Plan was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although a plan for achieving the State PM₁₀ standard is not required, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2017 Clean Air Plan. The control strategy serves as the backbone of the BAAQMD's current PM control program.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure

continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans. The BAAQMD's established significance thresholds associated with development projects for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_x), as well as for PM₁₀ and PM_{2.5}, expressed in pounds per day (lbs/day) and tons per year (tons/yr), are listed in Table 1. By exceeding the BAAQMD's mass emission thresholds for ROG, NO_x, PM₁₀, or PM_{2.5}, a project would be considered to conflict with or obstruct implementation of the BAAQMD's air quality planning efforts.

Table 1 BAAQMD Thresholds of Significance			
Pollutant	Construction	Operational	
	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀ (exhaust)	82	82	15
PM _{2.5} (exhaust)	54	54	10
<i>Source: BAAQMD, CEQA Guidelines, May 2017.</i>			

The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2020.4.0 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, trip generation rates, vehicle mix, trip length, average speed, etc. Where project-specific information is available, such information should be applied in the model. The proposed project's modeling assumed the following:

- Construction would commence in January 2023 and take place over approximately two years;
- During site preparation and grading, a total of 16,000 cubic yards (CY) of soil would be exported;
- Approximately 4,500-sf of materials would be removed from the site during demolition;
- The proposed project would result in 2.60 vehicle trips per bed;⁵
- The proposed project would include one, 100-horsepower diesel emergency generator that would run for 30 minutes every two weeks, or 13 hours per year;
- The proposed project would increase transit accessibility through on- and off-site pedestrian connections and by being located approximately 0.1-mile from the nearest transit stop;
- The proposed project would exceed Title 24 standards by 25 percent and would provide approximately 55,000 kilowatt-hours (kWh) of renewable energy on-site;
- The proposed project would comply with BAAQMD Rule 6-3-306, which prohibits wood-burning devices in all new building construction; and

⁵ TJKM. *Traffic Impact Analysis Report – 15860 Winchester Boulevard Assisted Living and Memory Care*. March 25, 2022.

- The proposed project would reduce indoor water consumption by 45 percent and outdoor water consumption by 25 percent.

The proposed project's estimated emissions associated with construction and operations and the project's contribution to cumulative air quality conditions are provided below. All CalEEMod results are included as Appendix A to this IS/MND.

Construction Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated construction criteria air pollutant emissions as shown in Table 2. As shown in the table, the proposed project's construction emissions would be below the applicable thresholds of significance for ROG, NO_x, PM₁₀, and PM_{2.5}.

Table 2 Maximum Unmitigated Construction Emissions (lbs/day)			
Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?
ROG	5.55	54	NO
NO _x	28.31	54	NO
PM ₁₀ *	0.71	82	NO
PM _{2.5} *	0.66	54	NO
* Emissions from exhaust only. BAAQMD has not yet adopted thresholds for fugitive PM emissions.			
Source: CalEEMod, April 2022 (see Appendix A).			

All projects under the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's Basic Construction Mitigation Measures (BCMMs), which include the following:

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

corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The proposed project's required implementation of the BAAQMD's BCMs listed above would help to further minimize construction-related emissions. In particular, implementation of the foregoing measures would reduce fugitive dust emissions resulting from project construction. Even without consideration of BAAQMD's BCMs, as shown in Table 2, construction of the proposed project would result in emissions of criteria air pollutants below BAAQMD's thresholds of significance. Consequently, the proposed project would not conflict with or obstruct implementation of the applicable air quality plans during project construction.

Operational Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated operational criteria air pollutant emissions as shown in Table 3. As shown in the table, the proposed project's operational emissions of ROG, NO_x, PM₁₀, and PM_{2.5} would be below the applicable thresholds. Consequently, the proposed project would not conflict with or obstruct implementation of the applicable air quality plans during project operation.

Table 3 Unmitigated Maximum Operational Emissions					
Pollutant	Proposed Project Emissions		Threshold of Significance		Exceeds Threshold?
	lbs/day	tons/yr	lbs/day	tons/yr	
ROG	4.07	0.66	54	10	NO
NO _x	2.19	0.21	54	10	NO
PM ₁₀ *	0.17	0.01	82	15	NO
PM _{2.5} *	0.17	0.01	54	10	NO
* Emissions from exhaust only. BAAQMD has not yet adopted thresholds for fugitive PM emissions.					
Source: CalEEMod, April 2022 (see Appendix A).					

Cumulative Emissions

Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 1 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions.⁶ If a project exceeds the significance thresholds presented in Table 1, that project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions.

⁶ Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 2-1]. May 2017.

As presented above, the proposed project would not exceed the applicable thresholds for criteria pollutant emissions during project construction or operations. Thus, the project would not result in a cumulatively considerable contribution to the region's existing air quality conditions.

Conclusion

As stated previously, the applicable regional air quality plans include the 2001 Ozone Attainment Plan and the 2017 Clean Air Plan. Because the proposed project would not result in operational emissions of criteria pollutants in excess of BAAQMD's applicable threshold of significance, conflicts with or obstruction of implementation of the applicable regional air quality plans would not occur. Thus, a **less-than-significant** impact would result.

- c. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The existing land uses in the project area consist of residential condominiums and an apartment complex to the south, service commercial and office uses including a body shop and veterinarian to the east, residential and office uses to the north across Shelburne Way, and residential uses to the west across Winchester Boulevard. The nearest existing sensitive receptors are the condominiums located south of the project site, approximately 27 feet from the nearest on-site disturbance areas.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and TAC emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of CO are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood.

In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, the BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions are true for the project:

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

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

Given that the proposed project is consistent with the sites current General Plan designation, the proposed project would not conflict with the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP).⁷ The proposed project is anticipated to generate a total of approximately 351 daily trips, including 26 AM peak hour trips and 35 PM peak hour trips.⁸ According to the most recent traffic data provided by the Town of Los Gatos, the roadways in the project vicinity experience between 6,289 and 16,010 average daily trips.⁹ Therefore, the project would not increase traffic volumes at any nearby intersections to more than 44,000 vehicles per hour. Furthermore, areas where vertical and/or horizontal mixing is limited because tunnels, underpasses, or similar features do not exist in the project area. Therefore, based on the BAAQMD's screening criteria for localized CO emissions, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

TAC Emissions

Another category of environmental concern is TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations would correlate to a higher health risk.

The proposed assisted living facility would not involve any land uses or operations that would be considered major sources of TACs, including DPM. As such, the project would not generate any substantial pollutant concentrations during operations.

Short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Health risks are typically associated with exposure to high concentrations of TACs over extended periods of time (e.g., 30 years or greater), whereas the construction period associated with the proposed project would likely be limited to approximately two years.

⁷ Santa Clara Valley Transportation Authority. *2021 Congestion Management Plan*. December 2021.

⁸ TJKM. *Traffic Impact Analysis Report – 15860 Winchester Boulevard Assisted Living and Memory Care*. March 25, 2022.

⁹ Town of Los Gatos. *Weekday Traffic Volumes 2010-2014*. Available at: <https://www.losgatosca.gov/972/Traffic-Data>. Accessed April 2022.

All construction equipment and operation thereof would be regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. In addition, construction equipment would operate intermittently throughout the day and only on portions of the site at a time.

Because construction equipment on-site would not operate for long periods of time and would be used at varying locations within the site, associated emissions of DPM would not occur at the same location (or be evenly spread throughout the entire project site) for long periods of time. Due to the temporary nature of construction and the relatively short duration of potential exposure to associated emissions, the potential for any one sensitive receptor in the area to be exposed to concentrations of pollutants for a substantially extended period of time would be low. Therefore, construction associated with the proposed project would not be expected to expose any sensitive receptors to substantial pollutant concentrations.

Conclusion

Based on the above, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs during construction or operation. Therefore, the proposed project would result in a ***less-than-significant*** impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

- d. Emissions of concern include those leading to odors, emission of dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections “a” through “c” above. Therefore, the following discussion focuses on emissions of odors and dust.

Per the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.¹⁰ 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). The presence of an odor impact is dependent on a number of variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative analysis to determine the presence of a significant odor impact is difficult. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses.

Construction activities often include diesel-fueled equipment and heavy-duty trucks, which could create odors associated with diesel fumes that may be considered objectionable. However, the construction phase is temporary in nature, and would only occur over approximately two years. In addition, hours of operation for construction equipment would

¹⁰ Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 7-1. May 2017.

be restricted per Section 16.20.035 of the Town's Municipal Code. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. The aforementioned regulations would help to minimize emissions, including emissions leading to odors. Accordingly, substantial objectionable odors would not be expected to occur during construction activities.

As noted previously, all projects under the jurisdiction of BAAQMD are required to implement the BAAQMD's BCMMs. The BCMMs would act to reduce construction-related dust by ensuring that haul trucks with loose material are covered, reducing vehicle dirt track-out, and limiting vehicle speeds within the improvement area, among other methods, which would ensure that construction of the proposed project does not result in substantial emissions of dust. Following construction, the entire improvement area would be either paved or landscaped. Thus, project operations would not generate significant amounts of dust that would adversely affect a substantial number of people.

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and a ***less-than-significant*** impact would result.

IV. BIOLOGICAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. 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?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	×
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	×
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	×
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	×

Discussion

- a. Special-status species include plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal and State Endangered Species Acts. Both acts afford protection to listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, sensitive species included in USFWS Recovery Plans, and CDFW special-status invertebrates are all considered special-status species. Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal. In addition, plant species on California Native Plant Society (CNPS) Lists 1 and 2 are considered special-status plant species and are protected under CEQA.

Currently, the majority of the project site is developed with nine existing buildings. Due to the developed nature of the project site, sensitive habitats supporting special-status species are not present within the site. Based on the limited habitat provided on-site and the developed nature of the project area, special-status species are not likely to occur on the project site and would not be impacted by the proposed project. However, scattered trees located throughout the project site provide nesting habitat for migratory birds.

Nesting birds and raptors are protected under the MBTA and CDFW Code. Tree removal could result in direct impacts to nesting birds, and mechanized work and vehicle traffic associated with construction of the proposed project could indirectly disturb nesting birds and result in nest abandonment if individuals are present during initiation of ground-disturbing activity.

Conclusion

The proposed project could have an adverse effect, either directly or through habitat modifications, on species identified as special-status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS, and a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

IV-1 *A pre-construction survey for nesting birds shall be conducted by a qualified biologist within a 250-foot buffer around the project site boundaries, if feasible, not more than three days prior to site disturbance during the breeding season (February 1st to August 31st). If site disturbance commences outside the breeding season, a pre-construction survey for nesting birds is not required. Survey results shall be submitted to the Town of Los Gatos Community Development Department. If active nests of migratory birds are not detected within approximately 250 feet of the project site, further mitigation is not required. If nesting birds are detected, the applicant shall implement Mitigation Measure IV-2.*

IV-2 *If nesting raptors or other migratory birds are detected on or adjacent to the site during the survey, an appropriate construction-free buffer shall be established around all active nests. Actual size of buffer would be determined by the project biologist, and would depend on species, topography, and type of activity that would occur in the vicinity of the nest. Typical buffers are 25 feet for non-raptors and up to 250 feet for raptors. The project buffer shall be monitored periodically by the project biologist to ensure compliance. After the nesting is completed, as determined by the biologist, the buffer shall no longer be required. Buffers shall remain in place for the duration of the breeding season or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents. Proof of compliance with this Mitigation Measure shall be provided to the Town of Los Gatos Community Development Department prior to recommencing construction within the buffer area.*

- b,c. The project site is currently developed and does not contain any wetlands or aquatic features. Therefore, the proposed project would not have a substantial adverse effect on riparian habitat, sensitive natural communities, or federally protected wetlands, and **no impact** would occur.
- d. The project site is currently developed and bordered by Shelburne Way to the north, Winchester Boulevard to the west, and existing development on all sides. The site is

located within an urbanized area of the Town of Los Gatos. In addition, the project site does not contain streams or other waterways that could be used by migratory fish or as a wildlife corridor for other wildlife species. Therefore, the proposed project would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Thus, **no impact** would occur.

- e. An Arborist Report (Appendix B)¹¹ was prepared to evaluate the health and structural condition of the trees within the proposed project area based on a visual inspection from the ground, determine which trees could be preserved and removed, and provide guidelines for tree preservation during the design, construction, and maintenance phases of development. The Town hired Monarch Consulting Arborists to conduct a peer review of the Arborist Report; Monarch Consulting Arborists found that the Arborist Report was complete and contains the required components as indicated by the Town's Tree Protection Ordinance.¹²

A total of 35 trees of seven various species were inventoried as part of the Arborist Report. The project site is populated predominantly by native oaks, specifically Coast Live Oaks which make up 74 percent of the total trees on site, and Valley Oaks which make up three percent of trees on site. Seven of the 35 trees are located within the public right-of-way and are regarded as street trees, and all 35 trees on site are defined as protected trees per the Town Municipal Code.

Chapter 29.10 of the Town's Municipal Code comprises the Town's Tree Protection Ordinance. The applicable portion of the Town's Tree Protection Ordinance protects trees that meet the following criteria:

- 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.
- 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 landscape or site plans.
- 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.
- 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.
- 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.
- 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.
- 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;

¹¹ Arbor Resources. *Arborist Report*. February 10, 2021

¹² Monarch Consulting Arborists. *Arborist's Peer Review*. May 25, 2021.

- Large protected trees.

Each tree was assigned either a high, moderate or low suitability for preservation rating as a means to cumulatively measure each tree's existing health; structural integrity; anticipated life span; remaining life expectancy; prognosis; location; size; particular species; tolerance to construction impacts; growing space; frequency of care needed; and safety to property and persons within striking distance. Of the trees on site, nine trees (26 percent) were determined to have a high suitability for preservation, followed by 24 trees (68 percent) having moderate suitability, and two trees (six percent) having low suitability. Overall, 26 trees are proposed for removal, and the remaining nine trees, which consist of one high suitability tree and eight moderate suitability trees, would be retained on-site (see Figure 18).

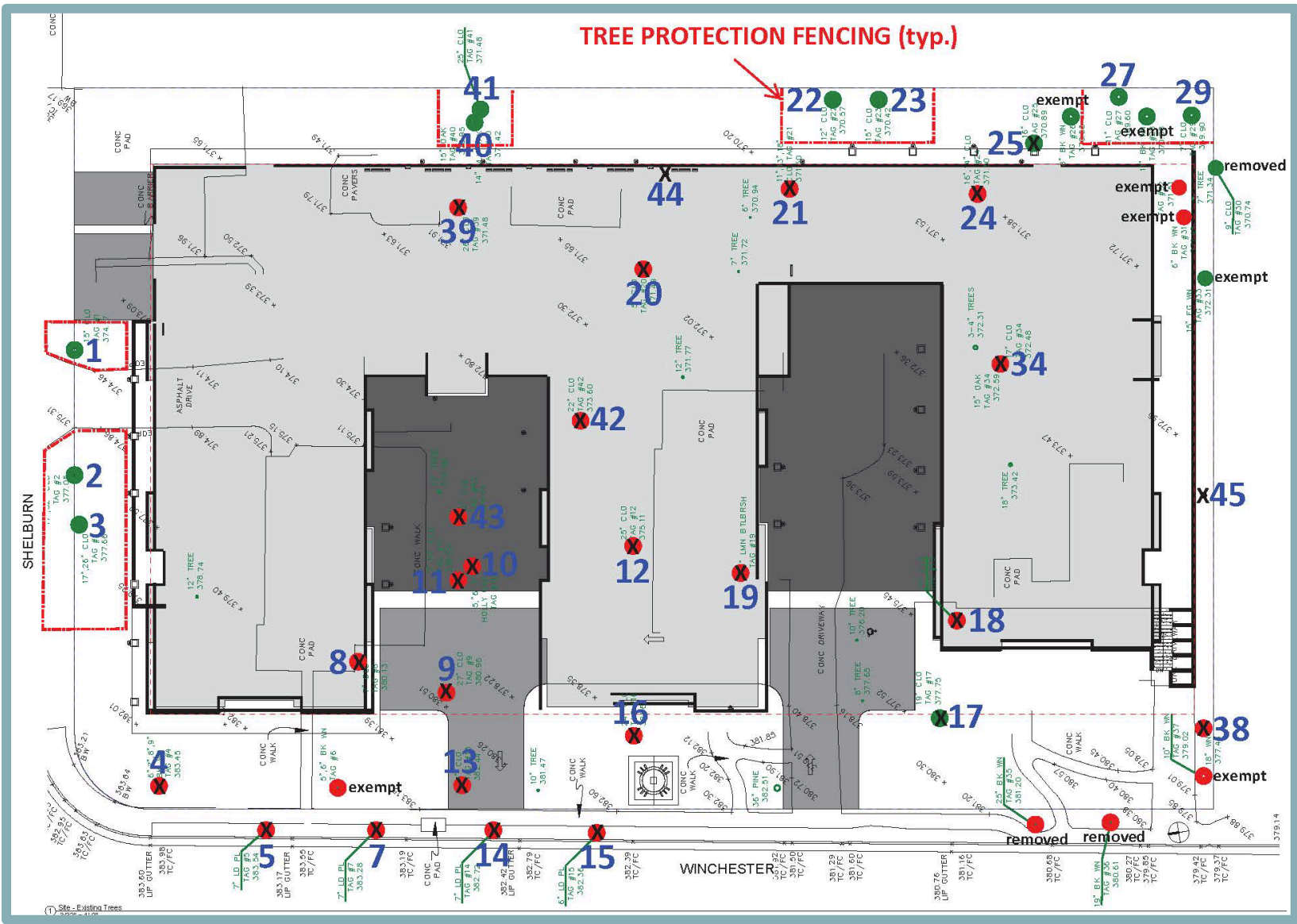
Existing trees retained on sites are often subject to extensive injury during construction or are inadequately maintained, and generally can become a liability rather than an asset. The response of individual trees depends on the amount of excavation and grading, care with which demolition is undertaken, and construction methods. As such, the nine protected trees would require protection during construction. Without adequate protection measures for the trees to be retained on the site, the proposed project could result in injury to protected trees and a **potentially significant** impact could occur related to conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

- IV-3 *The applicant shall comply with the Town of Los Gatos Tree Protection Ordinance and a tree removal permit shall be obtained from the Town for the removal of any on-site trees that qualify as a protected tree. If the trees proposed for removal are found to be in good condition, and the tree removal permit is granted primarily for the convenience of the applicant, then the full cost and responsibility of such removal shall be borne by the applicant including planting of replacement trees.*

Figure 18
Tree Exhibit



Where replanting is impractical or infeasible, the property owner may pay an in-lieu fee in an amount approved by the Town Council. New trees planted on site shall have a trunk diameter of more than 1.5 inches. The above noted requirements shall be completed to the satisfaction of the Town of Los Gatos Parks and Public Works Department.

IV-4 The project applicant shall comply with all recommendations included in the Arborist Report prepared for the proposed project by Arborist Resources (2021) to ensure that tree protection measures are incorporated into the project design and construction. Recommended tree protection measures include, but are not limited to, establishing tree protection zones (TPZs) and setbacks for each protected tree; installing tree protection fencing around each TPZ which would include warning signs stating, "WARNING - Tree Protection Zone - this fence shall not be removed and is subject to penalty according to Town Code 29.10.1025"; avoiding damaging or cutting roots with a diameter of two or more inches; avoiding the use of herbicides; establishing staging, cleanout areas, and all routes of access beyond unpaved areas beneath tree canopies; and conducting a site meeting with the general contractor and project arborist several weeks or months prior to demolition for the purpose of reviewing all tree protection measures. All relevant recommendations included in the Arborist Report shall be noted on project Improvement Plans. Compliance with the recommended tree protection measures shall be monitored by the Town of Los Gatos Parks and Public Works Department and a qualified arborist.

- f. The project site is not located in an area that has an approved Habitat Conservation Plan, Natural Community Conservation Plan, or local, regional, or state habitat conservation plan. Therefore, the proposed project would not conflict with a Habitat Conservation Plan, Natural Conservation Community Plan, and **no impact** would occur.

V. CULTURAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	×
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Historical resources are features that are associated with the lives of historically-important persons and/or historically-significant events, that embody the distinctive characteristics of a type, period, region or method of construction, or that have yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation. Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics.

The Town of Los Gatos recognizes any structure or site as historic if it is located within a historic district, historically designated within the Landmark Historic Preservation overlay, or is a primary structure constructed prior to 1941, unless the Town has specifically determined the structure has no historic significance or architectural merit.¹³ Development of the proposed project would result in demolition of the structures located at 15860, 15880, and 15894 Winchester Boulevard on the project site that were built in 1949, 1939, and 1948, respectively. The project site is not located within a historic district, or within the LHP overlay. However, the residence located at 15880 Winchester Boulevard was constructed prior to 1941.

On September 26, 2012, the Los Gatos Historic Preservation Committee (HPC) members concluded that the HPC could make the required findings for demolition of the structure, and barriers to demolishing the house from a historic perspective did not exist. Additionally, on September 24, 2014, the HPC approved a request to demolish existing structures on the subject property, with a condition that historical records regarding the occupants be submitted. On September 25, 2014, the applicant of a previous project proposed on the project site worked with a Town librarian to research the historical records regarding previous occupants. The research included such items as the Historic Resources Inventory, local directories research, tax assessment and other surveys. The Town librarian found no evidence of any historical significance of tenants on the property. Based on the provided research, the HPC found that the information was in satisfaction of the condition of approval included in the HPC's November 20, 2014 approval letter.

Therefore, the proposed project would not have the potential to cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines Section 15064.5, and **no impact** would occur.

¹³ Town of Los Gatos. *What is a Historic Resource?* Available at: <https://www.losgatosca.gov/1718/Introduction-to-Historic-Preservation>. Accessed April 2022.

- b,c. According to the General Plan EIR, known archeological resources have not been identified on the project site.¹⁴ Additionally, human remains have not been previously discovered within the project site. The project site is currently developed, and has been subject to ground disturbing activities during prior development. However, the potential exists for unknown archaeological resources, including human remains, to be uncovered during ground-disturbing activities for the proposed project. Therefore, if previously unknown resources are encountered during construction activities, the proposed project could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5 and/or disturb human remains, including those interred outside of dedicated cemeteries, during construction.

General Plan policy OSP-9.4 requires that if cultural resources, including archaeological resources are discovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented. Policy OSP-9.1 requires evaluation of archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography, and architectural history. Policy OSP-9.2 requires that the Town ensure the preservation, restoration, and appropriate use of archaeological and/or culturally significant structures and sites. Additionally, General Plan policy OSP-9.3 requires that any human remains discovered during implementation of public and private projects within the Town be treated with respect and dignity and fully comply with California laws that address the identification and treatment of human remains.

Compliance with General Plan policies OSP-1 through OSP-4 would generally help ensure that work would stop if archeological resources or human remains are identified during construction, but do not specify the appropriate course of action if such resources are discovered. As a result, without mitigation, the proposed project could cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines Section 15064.5, or disturb human remains, including those interred outside of dedicated cemeteries, and a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

- V-1 *If historic or archeological resources are encountered during subsurface excavation activities, all construction activities within a 100-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study. The Town shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. Potentially significant cultural resources consist of, but are not limited to, stone, bone,*

¹⁴ Town of Los Gatos. *Town of Los Gatos 2020 General Plan Environmental Impact Report* [pg. 4.4-15]. March 10, 2010.

fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

If the resource is determined to be significant under CEQA, the Town and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System), and provide for the permanent curation of the recovered materials.

V-2

If human remains, or remains that are potentially human, are found during construction, all work shall be halted immediately within 200 feet, and a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Contra Costa County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or MLD must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to the Town's satisfaction.

VI. ENERGY.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a,b. The main forms of available energy supply are electricity, natural gas, and oil. A description of the 2019 California Green Building Standards Code and the Building Energy Efficiency Standards, with which the proposed project would be required to comply, as well as discussions regarding the proposed project's potential effects related to energy demand during construction and operations, are provided below.

California Green Building Standards Code

The 2019 California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11), is a portion of the California Building Standards Code (CBSC), which became effective with the rest of the CBSC on January 1, 2020. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory periodic inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 sf to ensure that all are working at their maximum capacity according to their design efficiencies; and
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

Building Energy Efficiency Standards

The 2019 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy efficiency measures from the 2016 Building Energy Efficiency Standards resulting in a seven percent reduction in energy consumption from the 2016 standards for residential structures and a 30 percent reduction for commercial structures. Energy reductions relative to previous Building Energy Efficiency Standards would be achieved

through various regulations including requirements for the use of high efficacy lighting, improved water heating system efficiency, and high-performance attics and walls. In addition, the Building Energy Efficiency standards require residential buildings that are three stories or less be developed with the solar panels.

Construction Energy Use

Construction of the proposed project would involve on-site energy demand and consumption related to the use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips; hauling and material delivery truck trips; and operation of off-road equipment for demolition and construction activities. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. Project construction or demolition would not involve the use of natural gas appliances or equipment.

Even during the most intense period of construction, due to the different types of demolition and construction activities, only portions of the project site would be disturbed at a time, with operation of demolition and construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

The CARB prepared the *2017 Climate Change Scoping Plan Update* (2017 Scoping Plan),¹⁵ which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The In-Use Off Road regulation described in the Air Quality section of this IS/MND, with which the proposed project must comply, would be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use during demolition of the existing on-site buildings and construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. The proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

¹⁵ California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. January 20, 2017.

Operational Energy Use

Following implementation of the proposed project, PG&E would provide electricity to the project site. Energy use associated with operation of the proposed project would be typical of assisted living facilities, requiring electricity for interior and exterior building lighting, operation of stoves, kitchen and cleaning appliances, security systems, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, the proposed project would result in transportation energy use associated with vehicle trips generated by employee commutes, visitors, residents, and the movement of goods.

The proposed project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and Building Energy Efficiency Standards would ensure that the proposed structures would consume energy efficiently. Required compliance with the CBSC would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In addition, the proposed building would be designed to achieve LEED Silver certification.

Electricity supplied to the project by PG&E would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. The project would also include solar orientation and photovoltaic systems on the rooftop of the proposed building sufficient to provide approximately 55,000 kWh of electricity. Thus, a portion of the energy consumed during project operations would originate from renewable sources.

With regard to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. In addition, as discussed in Section XVII, Transportation, of this IS/MND, the project site is located within close proximity to existing pedestrian infrastructure and public transportation facilities. A shuttle van is proposed to be provided to the residents as part of the project, which would encourage patrons to use alternative transportation and help reduce transportation energy.

Based on the above, compliance with the State's latest energy efficiency standards would ensure that the proposed project would implement all necessary energy efficiency regulations, which would reduce any impacts associated with energy consumption. Furthermore, the proposed project would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated energy demands have been generally anticipated by the Town and evaluated in the General Plan EIR.

Conclusion

Based on the above, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a **less-than-significant** impact would occur.

VII. GEOLOGY AND SOILS.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

The following discussion is based primarily on a Design-Level Geotechnical Investigation prepared by Cornerstone Earth Group for the project site (Appendix C).¹⁶

- a.i-ii. The project site is not located within the boundaries of an Earthquake Fault Zone, as designated pursuant to the Alquist-Priolo Earthquake Fault Zoning Act. However, the site is within a seismically active region and has historically experienced seismic shaking from large earthquakes. The site is located within the Santa Clara Valley, which is a broad alluvial plane between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range. While seismologists cannot predict earthquake events, geologists from the U.S. Geological Survey have recently updated earlier estimates from the 2015 Uniform California Earthquake Rupture Forecast (UCERF). The estimated probability of one or more magnitude 6.7 earthquakes expected to occur somewhere in the San Francisco Bay Area has been increased to 72 percent for the period 2014 to 2043. The faults in the region with the highest estimated probability of generating damaging earthquakes between 2014 and 2043 are the Hayward Fault (33 percent), Calaveras Fault (26 percent), and San Andreas Fault (22 percent). UCERF estimates that each region of California will experience a magnitude 6.7 or larger earthquake in the next 30 years. Additionally, the chance of at least one magnitude 6.7

¹⁶ Cornerstone Earth Group. *Design-Level Geotechnical Investigation*. February 10, 2021.

or greater earthquake occurring in the Bay Area region between 2007 and 2036 is 63 percent. Table 4 below presents the State-considered active faults within the nearest proximity of the project site.

Table 4	
Approximate Fault Distances	
Fault Name	Distance (Miles)
Monte Vista-Shannon	0.8
San Andreas (1906)	4.0
Sargent	7.1
Zayante-Vergeles	10.2
Hayward (Southeast Extension)	12.0
Source: Cornerstone Earth Group, 2021.	

Based on the proximity of the project site to local and regional faulting, as well as historical seismic activity, the project site is considered subject to relatively high ground shaking risk and related effects. However, the site area was designated by the General Plan as having a low fault rupture hazard rating as the project site is outside of areas recognized as fault zones, and does not contain any concentration of photo lineaments or evidence of widespread co-seismic deformation. Additionally, the CBSC provides minimum standards to ensure that the proposed structure would be designed using sound engineering practices and appropriate engineering standards for the seismic area in which the project site is located. Projects designed in accordance with the CBSC should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage, but with some non-structural damage; and 3) resist major earthquakes without collapse, but with some structural, as well as non-structural, damage. Although conformance with the CBSC does not guarantee that substantial structural damage would not occur in the event of a maximum magnitude earthquake, conformance with the CBSC can reasonably be assumed to ensure that the proposed structure would be survivable, allowing occupants to safely evacuate in the event of a major earthquake.

Overall, compliance with the CBSC would generally help ensure that seismic-related effects would not cause adverse impacts; however, proper implementation of the CBSC standards cannot be ensured at this time, and the project's construction activities and operations could result in adverse impacts related to seismic rupture of a known earthquake fault or strong seismic ground shaking. Therefore, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

- VII-1 *The project applicant shall include all relevant 2019 CBSC standards, as recommended by the Design-Level Geotechnical Investigation prepared by Cornerstone Earth Group (2021) on all project improvement plans to ensure that the recommended standards for development of foundations, subsurface improvements, etc. are incorporated into the project design and construction. All project improvement plans shall be reviewed by a licensed engineer and approved by the Town of Los Gatos Community Development Department and the Town's Engineer.*

a.iii-iv,

- c. The proposed project's potential effects related to liquefaction, landslides, lateral spreading, subsidence/settlement, and expansive soils are discussed in detail below.

Liquefaction

Soil liquefaction results from loss of strength during cyclic loading, especially as a result of cyclic loadings induced by earthquakes or ground shaking. Soils most susceptible to liquefaction are clean, loose, saturated, uniformly graded fine sands. Based on the Design-Level Geotechnical Investigation prepared for the proposed project, the probability of soil liquefaction within the project site is low due to the stiff cohesive and very dense granular soils, and medium dense clayey sand underlying the project site.¹⁷ Thus, the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death associated with seismic-related ground failure, including liquefaction.

Landslides

Seismically-induced landslides are triggered by earthquake ground shaking. The risk of landslide hazard is greatest in areas with steep, unstable slopes. While the project site is located within a landslide hazard zone, according to the Santa Clara County Geologic Hazard Zones map, the site is not located within a California Geological Survey (CGS) landslide hazard zone, and is located in an area considered to have negligible potential for slope instability according to the Town's Slope Stability Hazard Map. Additionally, the site gradient is approximately 7 percent downward to the east, which creates an elevation change of 14 feet over a horizontal distance of 200 feet, and the surrounding areas have similar topography. Therefore, the project site does not contain, and is not located adjacent to, any steep, unstable slopes. Thus, the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Lateral Spreading

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. Given that the project site does not contain any free faces, and liquefaction is not expected to occur on-site, the potential for lateral spreading to pose a risk to the proposed development is negligible.

Subsidence/Settlement

Subsidence is the settlement of soils of very low density generally from either oxidation of organic material, or desiccation and shrinkage, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. As discussed above, on-site soils are generally not considered to be subject to substantial liquefaction risks. Because the site presents low potential for liquefaction, the potential for seismically induced settlement to occur at the project site is also considered to be low.

¹⁷ Cornerstone Earth Group. *Design-Level Geotechnical Investigation* [pg. 7]. February 10, 2021

Conclusion

Based on the above discussion, the proposed project would not result in potential hazards or risks related to liquefaction, landslides, lateral spreading, or subsidence, and a **less-than-significant** impact would occur.

- b. Issues related to erosion are discussed in Section X, Hydrology and Water Quality, of this IS/MND. As noted therein, the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, a **less-than-significant** impact would occur.
- d. Expansive soils are soils which undergo significant volume change with changes in moisture content. Specifically, such soils shrink and harden when dried and expand and soften when wetted, potentially resulting in damage to building foundations.

As part of the Design-Level Geotechnical Investigation, soil samples from the project site were analyzed to determine the liquid limit and plasticity index of the soils. Based on the results of the analysis, the expansion potential for the on-site soils was classified as low to moderate. However, the project site is currently developed and known issues related to expansive soils have not occurred. Additionally, the proposed project would be required to comply with the Seismic Design Parameters of the CBSC which would help to ensure that the proposed structure would be designed using sound engineering practices and appropriate engineering standards for the seismic area in which the project site is located. Therefore, the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving expansive soils, and a **less-than-significant** impact would occur.

- e. Town sewer infrastructure currently exists on site and the proposed project would connect to the existing on-site Town sewer lines. Thus, the construction or operation of septic tanks or other alternative wastewater disposal systems is not included as part of the project. Therefore, **no impact** regarding the capability of soil to adequately support the use of septic tanks or alternative wastewater disposal systems would occur.
- f. According to the Town's General Plan EIR, the University of California Museum of Paleontology has determined that known fossil localities do not exist within the Town of Los Gatos. However, deep excavations could disturb unknown underground paleontological resources. While the Town has not been identified as sensitive to potential fossil resources, and the project site would include a relatively limited area to be excavated, the proposed project would involve deep excavations for ground floor parking which has the potential to impact unknown paleontological resources. Implementation of General Plan policy OSP-9.4, which requires that construction stop until appropriate mitigation is implemented if paleontological resources are uncovered during grading or other on-site excavation activities, would help ensure the protection of uncovered paleontological resources. In addition, the proposed project would be required to implement Mitigation Measure V-1, which would further reduce any potential impacts to unknown paleontological resources that are uncovered during project construction. Therefore, the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and a **less-than-significant** impact would occur.

VIII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a,b. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO₂e/yr).

The proposed project is located within the jurisdictional boundaries of BAAQMD. On April 20, 2022, the BAAQMD Board of Directors held a public meeting and adopted proposed CEQA Thresholds for Evaluating the Significance of Climate Change Impacts from Land Use Projects and Plans.¹⁸ The updated GHG thresholds therein address more recent climate change legislation, including SB 32, and provide qualitative thresholds related to Buildings and Transportation. BAAQMD is in the process of updating their CEQA Guidelines to accompany the newly adopted GHG thresholds.

Based on the modeling that Raney conducted for the proposed project, as discussed in Section III, Air Quality, of this IS/MND, construction of the project would result in total GHG emissions of 908.26 MTCO₂e over the entire construction period.

The construction GHG emissions were amortized over the anticipated project lifetime and included in the annual operational GHG emissions.¹⁹ Including the construction emissions

¹⁸ Bay Area Air Quality Management District. *CEQA Thresholds and Guidelines Update*. Available at: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>. Accessed June 2022.

¹⁹ South Coast Air Quality Management District. 2008. *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*. Available at: <http://www.aqmd.gov/docs/default->

(a one-time release that would occur only during construction of the project) with the annual operational emissions (which would occur every year over the lifetime of the entire project) represents a conservative analysis for the annual operational GHG emissions.

As shown in Table 5, the project's total unmitigated annual GHG emissions in the first year of project operation, 2025, including amortized construction-related emissions, were estimated to be approximately 499.35 MTCO₂e/yr.

Table 5	
Unmitigated Operational GHG Emissions	
Source	GHG Emissions (MTCO₂e/yr)
Amortized Construction GHG Emissions	30.28
Operational GHG Emissions	469.07
Area	10.73
Energy	118.22
Mobile	259.44
Offroad	0.50
Waste	61.95
Water	18.23
Total Annual GHG Emissions	499.35
<i>Source: CalEEMod, April 2022 (see Appendix A).</i>	

As noted previously, the BAAQMD's newly adopted thresholds of significance for GHG emissions are qualitative, and the foregoing information is provided for disclosure purposes only. Potential impacts related to GHG emissions resulting from implementation of the proposed project are considered in comparison with BAAQMD's adopted thresholds of significance below.

BAAQMD Thresholds of Significance

According to the new thresholds of significance, a project must either include specific project design elements (e.g., exclude use of natural gas, achieve a specific reduction in project-generated VMT below the regional average) or be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).²⁰

In October 2012, the Town of Los Gatos adopted a Sustainability Plan to ensure the Town's compliance with statewide GHG reduction goals. The Sustainability Plan includes emissions reduction targets for the Town, as well as reduction strategies. As noted therein, the Sustainability Plan can be used for tiering and streamlining of future development within Los Gatos pursuant to CEQA Guidelines Section 15183.5. However, given that the Sustainability Plan was adopted prior to the passing of SB 32, the following analysis focuses on the new BAAQMD GHG thresholds related to specific project design elements. Nonetheless, a discussion of the project's consistency with the Sustainability Plan is also provided below.

Compliance with BAAQMD Thresholds of Significance

According to the BAAQMD's new requirements, in order to find a less-than-significant GHG impact, projects must include, at a minimum, the following project design elements:

source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf. Accessed April 2022.

²⁰ Bay Area Air Quality Management District. *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*. April 2022.

- The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development);
- The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines;
- The project will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA; and
- The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

In order to be consistent with the first criterion, the proposed project is required to include all electric appliances and plumbing. Therefore, Mitigation Measure VIII-1 would be required to prohibit natural gas appliances and natural gas plumbing.

Regarding the second criterion, as discussed in Section VI, Energy, of this IS/MND, the proposed project would comply with all applicable federal, State, and local regulations regarding energy use during both project construction and project operations. In addition, the project would include solar orientation and photovoltaic systems on the rooftop of the proposed building sufficient to provide approximately 55,000 kWh of electricity. Therefore, as discussed therein, the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage.

With respect to the third criterion, as discussed in Section XVII, Transportation, of this IS/MND, it is reasonable to conclude that the project would be local serving, and thus, presumed to have a less-than-significant VMT impact. This concept is consistent with guidance provide by OPR in its *Technical Advisory On Evaluating Transportation Impact in CEQA* (December 2018). Residents of assisted living facilities are typically presumed not to be able to drive themselves, as by definition residents require assistance in one or more areas of daily functioning, nor are the residents assumed to make commute, shopping, or school trips independently. Thus, assisted care uses do not generate trips similar to other residential uses. Instead, most trips are employee commute trips, some local visitor trips, and delivery or service trips unrelated to automobile VMT. Therefore, assisted care uses may be most similar to office or other employment-based uses that involve a limited public component. However, assisted living facilities are generally located to specifically serve the surrounding community, so that residents can be placed close to medical facilities and where the families of the residents live. As such, assisted living facilities may also be considered primarily local-serving. Of cities with adopted VMT policies, typical guidance includes screening out some or all local-serving uses, including day cares, community colleges, houses of worship, and government offices, regardless of the commute characteristics of any employees. In addition, some cities, such as the City of Fountain Valley and the City of Alhambra, include project-type screening for assisted living facilities.^{21,22} Based on the above, consistent with various adopted VMT screening

²¹ City of Fountain Valley. *Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency* [pg.17]. June 2020.

²² City of Alhambra. *City of Alhambra Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment* [pg. 15]. October 2020.

thresholds, the proposed project is presumed to have a less-than-significant impact on VMT. In addition, to ensure the lowest possible VMT related to the proposed project, the Town would require the preparation of a Transportation Demand Management Plan (TDM) as a condition of approval for the proposed project.

With respect to the fourth criterion, under the CBSC, congregate care/assisted living facilities are considered to fall under occupancy group R. Land uses classified as occupancy group R are considered Residential under the CALGreen standards. Thus, the proposed project would be subject to the multi-family residential requirements set forth in the CALGreen standards. For a multi-family residential project to comply with Tier 2 CALGreen standards, as required by BAAQMD, 20 percent of the on-site parking spaces must be electric vehicle (EV) capable. EV capable spaces have the electric infrastructure necessary to support future installation of EV charging units. The site plan for the proposed project includes 49 parking spaces; therefore, 10 of the on-site spaces must be EV capable. However, EV capable spaces are not shown on project plans. Thus, Mitigation Measure VIII-1 would be required to ensure the required amount of EV capable spaces are included within the project site.

Los Gatos Sustainability Plan Consistency

The Los Gatos Sustainability Plan includes measures to reduce GHG emissions within the Town. The Los Gatos Sustainability Plan is the Town's principal tool in implementing sustainability objectives, presenting the Town's strategy to achieve sustainability in transportation, land use, energy conservation, water use, solid waste reduction and open space preservation.

The majority of the GHG reduction measures included within the Town's Sustainability Plan are targeted for implementation at the Town level; however, the proposed project would implement key policies and goals applicable to the project including, but not limited to, TR-1 and TR-2 which require that new projects promote walking, bicycling, and transit by providing adequate alternative transportation infrastructure and facilities. As discussed in Section XVII, Transportation, of this IS/MND, the project site is well served by existing bicycle, transit, and pedestrian facilities in the project vicinity, and would include the development of alternative transportation infrastructure on-site and along the project frontage such as sidewalks, a pedestrian crosswalk, and bicycle infrastructure. Furthermore, Sustainability Plan policies RE-3, RE-5, and EC-10 require solar or other renewable energy for projects over 20,000 sf of floor area. The proposed project would exceed Title 24 standards by 25 percent, and would generate approximately 55,000 kWh of renewable energy through on-site infrastructure. Therefore, the proposed project would not conflict with the Town's Sustainability Plan.

Conclusion

Based on the above, the proposed project could be considered to generate GHG 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 GHGs. Therefore, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

VIII-1

The following requirements shall be noted on project improvement plans, subject to review and approval by the Town of Los Gatos Community Development Department:

- The proposed project shall be designed such that the project is built all-electric, and natural gas infrastructure shall be prohibited on-site; and*
- A minimum 10 electric vehicle (EV) capable parking spaces shall be included on-site, consistent with the Tier 2 CALGreen standards.*

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. Assisted living facilities are not typically associated with the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. Maintenance and operation of the proposed project may use common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the limited amount anticipated to be used on the site, routine use of such products would not represent a substantial risk to public health or the environment. In addition, the proposed project may require the use of limited amounts of standard medical equipment, such as oxygen tanks for residents; however, the use of such equipment would be subject to all State and federal regulations, including Occupational Health and Safety Administration (OSHA) standards. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and a **less-than-significant** impact would occur.
- b. The proposed project's potential effects related to the likely release of hazardous materials through existing site conditions, construction activities, and operations are discussed in detail below. The following discussion is based primarily on a Phase I Environmental Site Assessment (ESA) prepared in 2012 by Tetra Tech for the project site (Appendix D).²³

²³ Tetra Tech GEO. *Phase I Environmental Site Assessment*. May 11, 2012.

Existing Project Site Conditions

As noted previously, the project site is currently developed with a total of nine existing structures. The single-family residential structure located at 17484 Shelburne Way (APN 529-11-013) is currently occupied by a commercial construction business, while the other three single-family homes on-site are rental units. The remaining buildings on site include four detached garages/storage sheds and a carport. The objective of the Phase I ESA was to provide an evaluation of historical use of the project site to assess whether such use has, or is expected to, result in environmental degradation of the site, or Recognized Environmental Conditions (RECs) as defined by the American Society for Testing and Materials (ASTM) Standard. The ASTM Standard E1527-05 defines Recognized Environmental Conditions as the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

Hazardous materials were noted during the site visit conducted as part of the Phase I ESA in the construction contractor's garage and yard area, consisting of gasoline, diesel fuel, oil, and transmission fluid; and multiple 5-gallon pails of concrete color hardener and concrete sealer were also stored outside next to the garage. However, significant indications of leaks or spills were not noted, and evidence of wells or underground storage tanks (USTs) was not present on the project site.

A review of historical sources regarding the project site, including aerial photographs, building department records, and street directory information indicated that the project site was historically used as an orchard, and the structures currently located on-site were constructed between 1939 and 1949. While the records search did not reveal any information suggesting that USTs, above-ground storage tanks, or the use, storage or release of hazardous materials have historically occurred on-site, residual pesticide concentrations may be present in topsoil within undisturbed portions of the project site, which could be released during redevelopment of the project site. Therefore, the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment if pesticides are present within the soils.

Construction Activities

Construction activities associated with the proposed project would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes regulating the handling, storage, and transportation of hazardous and toxic materials.

The proposed project would require the demolition of the existing on-site structures, which could create the potential for hazardous materials related to asbestos or lead-based paint (LBP) to be released. LBP is defined by federal guidelines as any paint, varnish, stain, or other applied coating that has one milligram of lead per square centimeter or greater. Lead is a highly toxic material that may cause a range of serious illnesses, and in some cases

death. In buildings constructed after 1978, the presence of LBP is unlikely. Structures built prior to 1978, and especially prior to the 1960s, are expected to contain LBP. For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system insulation (boiler insulation, pipe lagging, and related materials) and surface materials must be designated as “presumed asbestos-containing material” unless proven otherwise through sampling in accordance with the standards of the Asbestos Hazard Emergency Response Act. The existing on-site structures were constructed in the 1930s and 1940s and, thus, have the potential to contain LBP and asbestos.

Conclusion

Residual pesticide concentrations may be present in topsoil within undisturbed portions of the project site, and LBP or asbestos-containing materials may be present within the existing buildings on-site. Therefore, the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, and a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impacts to a *less-than-significant* level.

- IX-1 *Following demolition and prior to issuance of a grading permit, a sampling grid shall be superimposed across the site and discrete shallow samples shall be collected. The samples shall be tested for organochlorine pesticides to determine whether Regional Water Quality Control Board Environmental Screening Levels (ESLs) are exceeded in any samples. The applicant shall submit a report to the Parks and Public Works Department for review and approval that includes, but is not limited to, sampling activities performed, relevant ESLs for identified contaminants, summary of contaminated concentrations, and locations where ESLs are exceeded, if any. If ESLs are exceeded in on-site soils, the impacted areas shall be removed and properly disposed of under oversight by the Santa Clara County Department of Environmental Health (SCCDEH) prior to issuance of a grading permit; and proof of remediation under SCCDEH oversight shall be provided to the Town of Los Gatos Parks and Public Works Department prior to grading. For larger quantities of soils that are non-hazardous, subject to approval by the Town of Los Gatos Parks and Public Works Department, such soils may generally be placed under interior roads, parking areas, or buildings during normal grading operations, and verification of proper handling and disposal.*
- IX-2 *Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete an asbestos and lead survey. The completed asbestos and lead survey shall be submitted to the Town of Los Gatos Building Department for review and approval. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or*

lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the Town for review and approval. The Town has the right to defer the work plan to the SCCDEH for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.

- c. The nearest school is Daves Elementary School, located approximately 0.26-mile west of the site. Therefore, schools are not located within one-quarter mile of the project site, and the proposed project would result in **no impact** related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. The project site is not included in the California Department of Toxic Substances Control EnviroStor Database.²⁴ The Envirostor Database includes information provided by the Department of Toxic Substances Control (DTSC) and included in the State's Hazardous Waste and Substances Sites (Cortese) List, which is compiled pursuant to Government Code Section 65962.5. Therefore, the proposed project would not create a significant hazard to the public or the environment related to being located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5, and **no impact** would occur.
- e. The project site is not within an airport land use plan, within two miles of a public airport, or near a private landing strip. The nearest airport to the project site is the San Jose International Airport, located approximately seven miles north of the site. Therefore, **no impact** related to a safety hazard for people residing or working in the project area related to such would occur.
- f. The Town's Emergency Operation Plan (EOP) identifies potential threats and outlines response protocols and procedures.²⁵ According to the EOP, evacuations are considered most likely in response to a dam failure or wildfire. In general, during emergencies, major roads, highways, hospitals, and fire stations are important to the initial response of the Town. Additionally, schools, churches, and community centers are frequently used as assembly points for persons displaced from homes, or for distribution of emergency supplies.

²⁴ California Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Available at: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=livermore%2C+ca>. Accessed August 2021.

²⁵ Town of Los Gatos. *Emergency Operation Plan*. 2015

The project site is adjacent to Winchester Boulevard, one of the Town's major roadways. However, implementation of the proposed project would not result in any substantial modifications to the existing roadway system and, thus, would not physically interfere with the EOP, particularly with any emergency evacuation routes. Furthermore, the proposed project would be generally consistent with what has been planned for the site and would not include land uses or operations that could impair implementation of the plan. Therefore, the proposed project would not interfere with an emergency evacuation or response plan, and **no impact** would occur.

- g. Issues related to wildfire hazards are discussed in Section XX, Wildfire, of this IS/MND. As noted therein, the project site is not located within a Very High Fire Hazard Severity Zone (VHFHSZ).²⁶ In addition, the project site is located within an urbanized area of the Town of Los Gatos and is currently developed. The developed nature of the project site and surrounding area minimizes the likelihood for the spread of wildfire to the site. The proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, and a **less-than-significant** impact would occur.

²⁶ California Department of Forestry and Fire Protection. *Fire Hazard Severity Zone Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed August 2021.

X. HYDROLOGY AND WATER QUALITY.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. The following discussion provides a summary of the proposed project's potential to violate water quality standards/waste discharge requirements or otherwise degrade water quality during construction and operation.

Construction

During the early stages of construction activities, topsoil would be exposed during ground-disturbance. Prior to overlaying the ground surface with impervious surfaces and structures, the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality downstream.

The State Water Resources Control Board (SWRCB) regulates stormwater discharges associated with construction activities where clearing, grading, or excavation results in a land disturbance of one or more acres. The Town's National Pollutant Discharge Elimination System (NPDES) permit requires applicants to show proof of coverage under the State's General Construction Permit prior to receipt of any construction permits. The State's General Construction Permit requires a Storm Water Pollution Prevention Plan (SWPPP) to be prepared for the site. A SWPPP describes Best Management Practices (BMPs) to control or minimize pollutants from entering stormwater and must address both grading/erosion impacts and non-point source pollution impacts of the development project. Because the proposed project would disturb greater than one acre of land, the

proposed project would be subject to the requirements of the State's General Construction Permit.

In addition, the project would be required to comply with Chapter 12, Grading, Erosion, and Sediment Control, of the Town's Municipal Code, which includes standards for managing stormwater runoff during construction and operation. Per Section 12.20.050, approval of an erosion and sediment control plan by the Town Engineer is required for new development projects within Los Gatos. The erosion and sediment control plan would include measures such as an effective revegetation program to stabilize all disturbed areas which would not be otherwise protected, and would comply with the recommendations of the civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans, as well as any and all standards and specifications adopted by the Town Engineer for the control of erosion and sedimentation on grading sites. Therefore, the proposed project would not discharge sediment or urban pollutants through soil erosion, violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality during construction.

Operation

Following completion of project buildout, disturbed areas of the site would be largely covered with impervious surfaces and topsoil would no longer be exposed. Although the project site is currently developed, the proposed project would result in approximately 36,483 sf of impervious surfaces within the project site. However, the proposed project would install an on-site stormwater drainage system to collect and treat the on-site runoff. Additionally, all municipalities within Santa Clara County (and the County itself) are required to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide NPDES permit. Thus, typical operations on the project site would not violate any water quality standards or waste discharge requirements, nor degrade water quality.

The Town of Los Gatos has adopted the County C.3 Stormwater Standards, which require new development and redevelopment projects that create or alter 10,000 or more sf of impervious area to contain and treat all stormwater runoff from the project site. A total of approximately 36,483 sf of impervious surfaces would exist on-site following implementation of the proposed project. Thus, the project would be subject to the requirements of the C.3 Stormwater Standards related to stormwater treatment, which are included in the Town's NPDES General Permit. Additionally, Town Code Section 22.30.035 requires permanent storm water pollution prevention measures for development projects to reduce water quality impacts of storm water runoff from the site in accordance with the Town's current NPDES water discharge permit and the Town's policy for storm water management.

The project site would be split into seven drainage management areas (DMAs), which would dictate the direction stormwater runoff would flow following development on the project site. The stormwater runoff within the project site would be directed to flow into a series of seven bioretention basins located along the eastern and western boundaries of the project site, which would provide treatment and detention of the on-site stormwater runoff. In addition, the project would include various other landscaping elements that would allow for stormwater infiltration. The bioretention basins would consist primarily of pervious landscaping, which would treat stormwater by filtering runoff slowly through an active layer of soil, allowing for removal of pollutants. The proposed project would include

a series of new on-site pipes, as well as storm drain drop inlets within the bioretention basins, which would collect the treated stormwater from the bioretention basins and convey the discharged water to an existing 12-inch pipe located along the northern portion of the project site. The stormwater would then be discharged to an existing storm drain pipe located within Shelburne Way.

Each of the bioretention basins would be sized to adequately handle all runoff from the proposed impervious surfaces and landscaping within the project site. Thus, the proposed project would comply with the requirements of the SWRCB and the Regional Water Quality Control Board (RWQCB), and would meet C.3 Standards related to stormwater treatment. During operation, the project would comply with all relevant water quality standards and waste discharge requirements, and would not degrade water quality.

Conclusion

Based on the above, the proposed project would not result in the violation of water quality standards or degradation of water quality during construction or operation, and a ***less-than-significant*** impact would occur.

- b,e. Water supplies in the Town of Los Gatos are provided by the San Jose Water Company (SJW). Groundwater currently accounts for approximately 30 to 40 percent of the SJW's water supplies, while the remaining water supply is sourced from surface water of the Los Gatos Creek watershed.²⁷ Groundwater is drawn from the Santa Clara Subbasin, which is part of the larger Santa Clara Valley Basin. The Santa Clara Subbasin is an unadjudicated groundwater basin and is maintained by the Santa Clara Valley Water District. Between 2016 and 2020, the volume of water pumped from the Santa Clara Subbasin increased from 10,637 acre-feet (AF) to 17,360 AF; however, the groundwater basin has an operational storage capacity of approximately 350,000 AF.

California's Groundwater (Bulletin 118) is the State's official publication on the occurrence and nature of groundwater in California. The publication defines the groundwater basin boundaries and summarizes groundwater information for each of the State's 10 hydrologic regions. Bulletin 118 – Interim Update 2016 defines 517 groundwater basins and subbasins in California. Per the Sustainable Groundwater Management Act (SGMA), the Department of Water Resources (DWR) is required to prioritize the 517 groundwater basins and subbasins as either High, Medium, Low, or Very Low. Prioritization is based on the following considerations:

- The population overlying the basin or subbasin;
- The rate of current and projected growth of the population overlying the basin or subbasin;
- The number of public supply wells that draw from the basin or subbasin;
- The total number of wells that draw from the basin or subbasin;
- The irrigated acreage overlying the basin or subbasin;
- The degree to which persons overlying the basin or subbasin rely on groundwater as their primary source of water;
- Any documented impacts on the groundwater within the basin or subbasin, including overdraft, subsidence, saline intrusion, and other water quality degradation; and

²⁷ San Jose Water Company. 2020 *Urban Water Management Plan*. June 2021.

- Any other information determined to be relevant by the department, including adverse impacts on local habitat and local streamflows.

Each basin's priority determines which provisions of California Statewide Groundwater Elevation Monitoring (CASGEM) and SGMA apply. SGMA requires Medium and High priority basins to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs) and manage groundwater for long-term sustainability. The Santa Clara Subbasin is considered High Priority per the DWR due to the overlying population, projected growth, number of wells, irrigation acreage, groundwater reliance, and groundwater impacts of the area; however, the subbasin has not been identified by DWR as being critically overdrafted.²⁸

The General Plan EIR does not provide a projected demand factor for assisted living facilities; however, the projected demand factor for multi-family residential uses is estimated to be 250 gallons per unit per day. Although the proposed project is anticipated to have a smaller projected demand factor than a multi-family land use, due to the estimated per unit population size, by using the multi-family projected demand factor a conservative estimate of the water usage associated with the proposed project can be made. Using the multi-family projected demand factor, the proposed project would have an estimated water demand of 33,750 gallons per day, which would be approximately 32,550 gallons more than the existing use of approximately 1,200 gallons per day.

As discussed above, groundwater accounts for 30 to 40 percent of water usage in the Town; therefore, aquifer withdrawals would increase by about 11,400 gallons per day, or approximately 12.77 AF per year. However, the volume of water pumped from the Santa Clara Subbasin is approximately 17,360 AF per year, and the Santa Clara Subbasin has an operational storage capacity of approximately 350,000 AF per year.²⁹ Therefore, the proposed project would not substantially increase groundwater usage as compared to current aquifer withdrawals. Additionally, because the proposed project would be consistent with the site's current General Plan land use designation, the proposed project would not result in increased use of groundwater supplies beyond what has been generally anticipated for the site by the Town and accounted for in the Urban Water Management Plan (UWMP). Per the 2020 UWMP, water supplies are projected to meet expected demand for normal year, single-dry year, and multiple-dry year scenarios through 2045.

Additionally, the proposed project would include the development of a new stormwater drainage system to capture and treat all on-site runoff. As such, even with development of the proposed project, groundwater recharge would still occur through the bioretention basins and other pervious surfaces proposed on-site. Thus, the proposed project would not interfere substantially with groundwater recharge in the area because the proposed on-site stormwater drainage system would capture and treat all on-site runoff that would occur from the development of additional impervious surfaces.

Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the Santa Clara Subbasin. In addition, the project would not conflict with or obstruct implementation of a water quality control plan. Thus, a ***less-than-significant*** impact would occur.

²⁸ San Jose Water Company. 2020 Urban Water Management Plan [pg. 6-4]. June 2021

²⁹ San Jose Water Company. 2020 Urban Water Management Plan [pg. 6-4]. June 2021

- c.i-iii. A total of approximately 36,483 sf of impervious surfaces would exist on site following implementation of the proposed project. While the project site is currently developed and contains existing impervious surfaces, development of the proposed project would result in an increase of approximately 17,711 sf of impervious surfaces on the project site. However, the proposed project would include installation of a new stormwater drainage system to capture and treat all on-site runoff.

As discussed above, the project site would be split onto seven DMAs, which would dictate the direction stormwater runoff would flow following development on the project site. The stormwater runoff within the project site would be directed to flow into a series of seven bioretention basins located along the eastern and western boundaries of the project site, which would provide treatment and detention of the on-site stormwater runoff. The proposed detention basins would be adequately sized to accommodate all on-site runoff. In addition, the project would include various other landscaping elements that would allow for stormwater infiltration. The bioretention basins would consist primarily of pervious landscaping, which would treat stormwater by filtering runoff slowly through an active layer of soil, allowing for removal of pollutants. The proposed project would include a series of new on-site pipes, as well as storm drain drop inlets within the bioretention basins, which would collect the treated stormwater from the bioretention basins and convey the discharged water to an existing 12-inch pipe located along the northern portion of the project site. The stormwater would then be discharged to an existing storm drain pipe located within Shelburne Way.

Therefore, the proposed project would not exceed the capacity of existing storm drain infrastructure, cause flooding on- or off-site, or result in off-site erosion or siltation after development of the site. Therefore, a ***less-than-significant*** impact would occur.

- c.iv. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map number 06085C0376H, the project site is located within a 0.2 Percent Annual Chance Flood Hazard Area (Zone X).³⁰ Therefore, development of the proposed project would not impede or redirect flood flows and a ***less-than-significant*** impact would result.
- d. As discussed under question 'c.iv' above, the proposed project would not be subject to substantial flooding risks. The nearest reservoir is the Vasona Reservoir located approximately 0.42-mile northeast of the site. In addition, the Lexington Reservoir and Lenihan Dam are located approximately 2.65 miles south of the site. However, the project site is not located within a dam failure inundation area.³¹ Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir. Due to the project site's substantial distance from the coast, the proposed project would not be exposed to flooding risks associated with tsunamis. Seiches do not pose a risk to the proposed project, as the project site is not located adjacent to any closed body of water. Therefore, the proposed project would not pose a risk related to the release of pollutants due to project inundation due to flooding, tsunami, or seiche, and a ***less-than-significant*** impact would occur.

³⁰ Federal Emergency Management Agency. *Flood Insurance Rate Map 06085C0376H*. Updated October 2020.

³¹ Santa Clara Valley Water District. *Local Dams and Reservoirs*. Available at: <https://www.valleywater.org/your-water/local-dams-and-reservoirs>. Accessed April 2022.

XI. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. A project risks dividing an established community if the project would introduce infrastructure or alter land uses so as to change the land use conditions in the surrounding community, or isolate an existing land use. Currently, the majority of the project site is developed with nine existing structures. Surrounding existing land uses include existing residential condominiums and an apartment complex to the south, service commercial and office uses including a body shop and veterinarian to the east, residential and office uses to the north across Shelburne Way, and residential uses to the west across Winchester Boulevard. In addition, the proposed project would be compatible with the existing surrounding land uses in the project area and would not alter the existing general development trends in the area or isolate an existing land use. Therefore, the proposed project would not physically divide an established community, and **no impact** would occur.
- b. The project site is currently designated Office Professional per the Town's General Plan and is zoned O. As an Assisted Living Facility, the proposed project would require approval of a CUP to be developed within the Town's O zoning designation.

As discussed throughout this IS/MND, the proposed project would not result in any significant environmental effects that cannot be mitigated to a less-than-significant level by the mitigation measures provided herein. In addition, the proposed project would not conflict with Town policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect, including, but not limited to, the Town's noise standards, applicable SWRCB regulations related to stormwater, and the Town's tree protection ordinance. Therefore, the proposed project would not cause a significant environmental impact in excess of what has already been analyzed and anticipated in the General Plan EIR, and would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Thus, a **less-than-significant** impact would occur.

XII. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗

Discussion

- a,b. The General Plan EIR determined that mineral resources are not significant in the Town. Several limestone quarries operated south of Los Gatos in the late 1800s and early 1900s. The nearest active quarries are the Lexington Quarry, east of Lexington Reservoir, and the Lehigh Permanente and Stevens Creek quarries west of Cupertino. However, active mining operations do not exist within the Town of Los Gatos and known mineral resources do not exist in the vicinity of the project site. Thus, the proposed project would not result in any impacts associated with loss of locally or regionally important mineral resources, and ***no impact*** would occur.

XIII. NOISE.

Would the project result in:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
c. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	×

Discussion

- a. The following discussion is based primarily on a Noise Assessment Study prepared by Edward L. Pack Associates, Inc. for the proposed project (Appendix E).³² The discussion below presents information regarding sensitive noise receptors in proximity to the project site, applicable noise standards, the existing noise environment, and the potential for the proposed project to result in noise impacts during project construction and operation. The following terms are referenced in the sections below:

- Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to dB in this report will be A-weighted unless noted otherwise.
- Day-Night Average Level (L_{dn}): The average sound level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours.
- Median Sound Level (L_{50}): The sound level exceeded 50 percent of the time over a given time-period.
- Average (Equivalent) Sound Level (L_{eq}): The steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour).
- Community Noise Equivalent Level (CNEL): The 24-hour average noise level with noise occurring during evening (7:00 PM to 10:00 PM) hours weighted by a factor of three and nighttime hours weighted by a factor of ten prior to averaging.

Sensitive Noise Receptors

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. In the vicinity of the project site, the nearest existing noise sensitive land uses are the residential condominiums located south of the

³² Edward L. Pack Associates, Inc. *Noise Assessment Study "Winchester Assisted Living" 15860 Winchester Boulevard, Los Gatos*. April 5, 2021.

project site, approximately 27 feet from the nearest proposed disturbance areas on-site. Although commercial uses are not considered sensitive noise receptors, it should be noted that the commercial uses to the east of the project site are located approximately five feet from the project site boundary.

Town Noise Standards

Both the Town's Municipal Code and General Plan include regulations related to the generation of noise.

Section 16.20.035 of the Town's Municipal Code states the following regarding construction noise:

Notwithstanding any other provision of this chapter, between the hours of 8:00 a.m. to 6:00 p.m. weekdays, and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be allowed if they meet at least one of the following noise limitations:

- (1) No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible.
- (2) The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

Table NOI-2 of the Town's General Plan establishes a maximum outdoor noise limit of 55 dBA L_{dn} for residential land uses within the Town. The Noise Element of the Town's General Plan also specifies a limit of 45 dBA L_{dn} for residential interiors.

The Town of Los Gatos has not established a threshold for significant increases in traffic noise. However, the Federal Interagency Committee on Noise (FICON) has developed guidance for determining increases in traffic noise. Therefore, increases in the ambient noise environment due to the proposed project were evaluated using the criteria developed by FICON. Although the FICON guidelines were originally developed for aircraft noise impacts, the noise increase thresholds are generally considered appropriate for evaluation of noise increases at noise sensitive uses such as single-family residences. The significance criteria are provided in Table 6, below.

Table 6	
FICON Noise Exposure Increases for Determining Level of Significance	
Noise Exposure without Project	Potential Significant Impact
< 60 dB CNEL	5 dB or more
60-65 dB CNEL	3 dB or more
>65 dB CNEL	1.5 dB or more
<i>Source: Edward L. Pack Associates, Inc, 2021.</i>	

As shown in the table, according to the FICON, an increase in the traffic noise level of 5 dB or more would be significant where the pre-project noise levels are less than 60 dB L_{dn} . In areas where the pre-project noise levels range from 60 to 65 dBA, a 3 dBA barely perceptible noise level increase appears to be appropriate for most people. When the pre-

project noise levels already exceed 65 dBA, any increase in community noise louder than 1.5 dBA or greater is considered a significant impact, given that the noise increase likely contributes to an existing noise exposure exceedance.

Existing Noise Environment

To determine the existing noise environment at the project site, continuous recordings of existing sound levels were made from March 24 to 25, 2021 at the northwest corner of the project site, 25 feet from the property line contiguous with Winchester Boulevard. The noise measurement location corresponds to the planned minimum setback of the building from Winchester Boulevard. The results of the noise level measurements indicated that the existing noise level ranged from 52.8 to 61.7 dBA L_{eq} during the daytime and from 40.8 to 55.2 dBA L_{eq} at night.

Project Construction Noise

During the construction of the proposed project, heavy equipment would be used for demolition, and building construction, which would temporarily increase ambient noise levels when in use. Noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project site would vary depending on the proximity of construction activities to that point. Standard construction equipment, such as backhoes, loaders, and trucks, would be used on-site.

Table 7 shows maximum noise levels associated with typical construction equipment at reference distances of 50 feet and 25 feet. Based on the table, activities involved in typical construction would generate maximum noise levels up to 100 dBA at a distance of 25 feet.

Table 7 Construction Equipment Noise			
Type of Equipment	Maximum Level, dBA at 50 feet	Maximum Level, dBA at 25 feet	Distance to 85 dBA
Demolition and Construction Noise Levels			
Paving Machine	85	91	50 feet
Water Truck	84	90	45 feet
Compactive Rollers	85	91	50 feet
Scrapers	85	91	50 feet
Graders	85	91	50 feet
Wheel Loaders	80	86	28 feet
Trach Loader	85	91	50 feet
Backhoe	80	86	28 feet
Fork Lifts	83	89	40 feet
Bulldozer	85	91	50 feet
Concrete Mixer	85	91	50 feet
Haul Trucks	84	90	45 feet
Crane	82	88	35 feet
Jack Hammer	88	94	71 feet
Excavator	85	91	50 feet
Skid Steer	78	84	22 feet
Wood Chipper	87	93	63 feet
Chain Saw	85	91	50 feet
Building Construction Noise Levels			
Air Compressor	80	86	28 feet

(Table continued on next page)

Table 7 Construction Equipment Noise			
Type of Equipment	Maximum Level, dBA at 50 feet	Maximum Level, dBA at 25 feet	Distance to 85 dBA
Generator	82	88	35 feet
Fork Lifts	83	89	40 feet
Nail Gun	87	93	63 feet
Power Saws	76	82	18 feet
Manual Hammering	94	100	141 feet
Pumps	77	83	20 feet
Source: Edward L. Pack Associates, Inc, 2021.			

Using the maximum construction noise levels provided in Table 7, construction noise generated by the proposed project was calculated at the adjacent properties to the project site. Noise levels at the adjacent land uses are presented in Table 8, below.

Table 8 Construction Noise Levels at Adjacent Properties			
Location	Construction Noise Level, dBA		
	L_{max}	L_{eq}	L_{dn}
North Residences	54-93	57-86	46-75
East Commercial	62-116	65-109	54-98
South Residences	53-101	56-94	45-83
West Residences	53-87	56-80	45-69
Source: Edward L. Pack Associates, Inc, 2021.			

As shown in Table 8, the proposed project would result in maximum construction noise levels between 87 dBA and 116 dBA at the residential and commercial uses surrounding the project site. As discussed above, Section 16.20.035 of the Town's Municipal Code states that the noise level at any point outside of the project site shall not exceed 85 dBA. Therefore, the proposed project would result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local noise ordinance.

Project Operational Noise

The primary sources of operational noise associated with the proposed project would be from traffic and mechanical equipment.

Regarding mechanical equipment, the Noise Assessment Study prepared by Edward L. Pack Associates, Inc. indicated that specific mechanical equipment designs were not available at the time the study was prepared and that a detailed analysis of potential mechanical equipment noise generation could not be completed. A Peer Review of the Noise Assessment Study was conducted by Bollard Acoustical Consultants, Inc. (BAC)³³ on behalf of the Town, which included an analysis of noise impacts due to mechanical equipment at the project site. According to BAC, although the current plans for the proposed project do not indicate the locations of the proposed mechanical equipment, the

³³ Bollard Acoustical Consultants, Inc. *Peer Review of the Edward L. Pack Associates Noise Assessment Study for the Winchester Assisted Living Development*. September 15, 2021.

majority of the exterior noise generation of residential heating, ventilating and air-conditioning (HVAC) systems is typically caused by condenser units.

Typical condenser units generate sound power levels ranging from 66-76 dBA depending on unit size. Assuming a sound power level of 74 dBA and a distance of 30 feet between the proposed condenser units and nearest existing residences to the project site, the predicted noise level at the nearest receptors would be approximately 45 dBA L_{eq} . Even if the HVAC system condenser units were to operate 24-hours per day the resulting DNL at the nearest residences would be below the Town's 55 dB DNL standard. As a result, adverse noise impacts are not anticipated for mechanical equipment operations at the project site.

Similarly, the Noise Assessment Study noted that an analysis of potential impacts associated with off-site increases in traffic noise levels could not be completed because data pertaining to the trip generation of the project was not available at the time the noise study was prepared. However, a Traffic Impact Analysis prepared by TJKM reported that the project would generate approximately 351 daily vehicle trips.³⁴ According to BAC, relative to the projected 14,634 future no-project daily trips on Winchester Boulevard, the increase in off-site traffic noise levels due to the project would be 0.1 dB DNL, which would be imperceptible and is below the FICON traffic noise level increase threshold. As a result, adverse noise impacts are not anticipated to occur due to traffic generated by the proposed project.

Conclusion

Based on the above, construction of the proposed project would result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the Town's Municipal Code. Thus, a **potentially significant** impact would occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

XIII-1 Prior to approval of demolition permits the following requirements shall be noted on project improvement plans, subject to review and approval by the Town of Los Gatos Community Development Department:

- **Operational and Situational Controls:**
 - *All work on-site shall be restricted to the hours of 8:00 AM to 8:00 PM Weekdays, and 9:00 AM to 7:00 PM weekends and Holidays, pursuant to the requirements of the Town of Los Gatos Noise Ordinance.*
 - *All exterior stationary equipment shall be kept at least 100 feet from neighboring property lines unless acoustically shielded.*
 - *Material deliveries shall not be allowed on Sundays or Federal Holidays.*

³⁴ TJKM. *Traffic Impact Analysis Report – 15860 Winchester Boulevard Assisted Living and Memory Care*. March 25, 2022.

- *Cranes shall be located at least 100 feet from any neighboring property line with the exception of cranes or lifts necessary to dismantle scaffolding.*
- *Material movement along the east and south sides of the site shall be minimized.*
- *Stockpiles shall be located adjacent to neighbors as much as possible to help shield people from on-site noise generation.*
- *Music shall not be audible off-site.*
- *Dirt berming and stockpiling materials shall occur whenever possible to reduce noise to sensitive receptor locations.*
- *Mobile equipment such as haul trucks, and concrete trucks, shall be kept off of local streets near residences as much as possible.*
- *Vehicle paths shall be graded smooth as rough roads and paths can cause significant noise and vibration from trucks (particularly empty trucks) rolling over rough surfaces. Loud bangs and ground-borne vibration can occur.*
- ***Interior Work:***
 - *For interior work, the windows of the interior spaces facing neighbors where work is being performed shall be kept closed while work is proceeding.*
 - *Noise generating equipment indoors shall be located within the building to use building elements as noise screens.*
- ***Equipment:***
 - *Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.*
 - *Backfilling: Use a backhoe for backfilling, as it is quieter than either dozers or loaders.*
 - *Ground Preparation: Use a motor grader rather than a bulldozer for final grading. Wheeled heavy equipment is less noisy than track equipment. Use wheeled equipment rather than track equipment whenever possible, with the exception of work within the vibration distances shown in Table IV of the Noise Assessment Study. The soil conditions at the site indicate that wheeled equipment may generate higher levels of ground vibration than tracked equipment. Small, rubber tracked equipment, such as skid steers, would produce the lowest levels of noise and vibration*
 - *Building Construction: Nail guns shall be used where possible as they are less noisy than manual hammering.*
 - *Generators and Compressors: Use generators, compressors and pumps that are housed in acoustical enclosures rather than weather enclosures or none at all.*
 - *Use temporary power service from the utility company in lieu of generators wherever possible.*
 - *All stationary equipment shall be rated no higher than 85 dBA at 25 feet under the equipment's most noisy condition.*
 - *Circular saws, miter/chop saws and radial arm saws shall be used no closer than 50 feet from any residential property line unless the saw is screened from view by any and all residences*

using an air-tight screen material of at least two pounds per sf surface weight, such as three-quarter-inch plywood.

- *Use electrically powered tools rather than pneumatic tools whenever possible.*
- *Mitigation of the construction phase noise at the site can be accomplished by using quiet or "new technology" equipment.*
- *The greatest potential for noise abatement of current equipment shall be the quieting of exhaust noises by use of improved mufflers.*
- *All internal combustion engines used at the project site shall be equipped with a type of muffler recommended by the vehicle manufacturer.*
- *All equipment shall be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engines, drive-trains and other components. Worn, loose or unbalanced parts or components shall be maintained or replaced to minimize noise and vibration.*
- *Use wheeled equipment rather than tracked equipment whenever possible.*
- *Use the lowest vibration inducing equipment when within the distance limits shown in Table IV of the Noise Assessment Study. Small grading and earth moving equipment, such as "Bobcat" size equipment shall be used.*

- **Noise Complaint Management:**

- *The project applicant shall designate a noise complaint officer. The officer shall be available at all times during construction hours by both telephone and email. Signs shall be posted at site entries.*
- *Notify, in writing, all residential and noise sensitive commercial neighbors within 300 feet of the site of construction. The notification shall contain the name, phone number, and email address of the noise complaint officer. A flyer may be placed at the doors of the residences.*
- *A log of all complaints shall be maintained. The logs shall contain the name and address of the complainant, the date and time of the complaint, the nature/description of the noise source, a description of the remediation attempt or the reason remediation could not be attempted.*

- b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration is measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception, as well as damage to structures, have been developed for vibration levels defined in terms of PPV.

Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 9, which was developed by Caltrans, shows the vibration levels that would normally be required to result in damage to structures. As shown in the table, the threshold for architectural damage to structures is 0.20 in/sec PPV.

Table 9 Effects of Vibration on People and Buildings		
Building Category	PPV (in/sec)	Approximate LV (VdB)
I. Reinforced -concrete, steel, or timber (no plaster)	0.50	102
II. Engineered concrete and masonry (no plaster)	0.30	98
III. Non-engineered timber and masonry buildings	0.20	94
IV. Buildings extremely susceptible to vibration damage	0.12	90
Note: RMS velocity in decibels (VdB) = 1 micro-inch/second		
Source: Edward L. Pack Associates, Inc, 2021.		

The proposed project would only cause elevated vibration levels during construction, as the proposed project would not involve any uses or operations that would generate substantial groundborne vibration. The primary vibration-generating activities associated with the proposed project would occur during demolition and building construction. Table 10 shows the typical vibration levels produced by construction equipment at various distances.

As shown in the table, the most substantial source of groundborne vibrations associated with project construction would be the use of large vibratory rollers during construction of the proposed project. As discussed above, the nearest sensitive receptors are located approximately 27 feet south of the project site, and the nearest existing structures are located approximately five feet east of the project site. Thus, groundborne vibration at the nearest existing structures could potentially exceed 0.2 in/sec PPV.

Based on the above, the proposed project could expose people to or generate excessive groundborne vibration or groundborne noise levels, and a **potentially significant** impact would occur.

Mitigation Measure(s)

Implementation of the previous *Mitigation Measure XIII-1* would reduce the above potential impact to a *less-than-significant* level by requiring the use of wheeled equipment rather than tracked equipment within the distances shown in Table 10.

Table 10 Vibration Levels for Various Construction Equipment					
Type of Equipment	Distance for 0.2 PPV Limit (feet)	PPV at Northern Residence (in/sec)	PPV at Eastern Commercial (in/sec)	PPV at Southern Residence (in/sec)	PPV at Western Residence (in/sec)
Excavator	15	0.02	1.00	0.08	0.01
Vibratory Roller	26	0.04	2.35	0.19	0.02
Hoe Ram	15	0.02	1.00	0.08	0.01
Large Bulldozer	15	0.02	1.00	0.08	0.01
Loaded Trucks	13	0.02	0.85	0.07	0.01
Jackhammer	8	0.01	0.39	0.03	0.00
Small Bulldozer	2	0.00	0.03	0.00	0.00
Backhoe	14	0.02	0.98	0.08	0.01
Compactor	28	0.05	2.68	0.21	0.02
Concrete Mixer	14	0.02	0.89	0.07	0.01
Concrete Pump	14	0.02	0.89	0.07	0.01
Crane	3	0.00	0.09	0.01	0.00
Dump Truck	14	0.02	0.89	0.07	0.01
Front End Loader	14	0.02	0.98	0.08	0.01
Grader	14	0.02	0.98	0.08	0.01
Hydra Break Ram	9	0.01	0.45	0.04	0.00
Soil Sampling Rig	14	0.02	0.98	0.08	0.01
Paver	14	0.02	0.89	0.07	0.01
Pickup Truck	14	0.02	0.89	0.07	0.01
Slurry Trenching	5	0.00	0.18	0.01	0.00
Tractor	14	0.02	0.89	0.07	0.01
Vibratory Roller (Large)	45	0.10	5.34	0.43	0.04
Vibratory Roller (Small)	23	0.04	1.97	0.16	0.01
Clam Shovel	26	0.04	2.33	0.19	0.02
Rock Drill	14	0.02	0.98	0.08	0.01
Note: Bold indicates an exceedance of 0.2 PPV (in/sec).					
Source: Edward L. Pack Associates, Inc, 2021.					

- c. The project site is not within an airport land use plan, within two miles of a public airport, or near a private landing strip. The nearest airport to the project site is the San Jose International Airport, located approximately seven miles north of the site. Given that the project site is not located within two miles of a public airport or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with such. Thus, **no impact** would occur.

XIV. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. The proposed project would include the development of an assisted living facility on a site that is currently designated for office uses. The assisted living land use is a conditionally allowed use within the project site's current land use designation. Given that the project is generally consistent with the site's current land use designation, potential growth associated with development of the site has been anticipated by the Town and analyzed in the Town of Los Gatos General Plan EIR.

The proposed project would include a total of 125 units. Given the relatively small scale of the assisted living facility, the proposed project would not directly induce substantial population growth. While the proposed project would include the creation of new jobs, which could potentially result in an increase in the housing demand in the area, such an increase would also be minimal due to the relatively small scale of the proposed project. Thus, the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly, and a **less-than-significant** impact would occur.

- b. The project site is currently developed with nine existing structures, and the proposed project would include the demolition of the existing on-site residences. However, the three single-family homes on-site used for residential purposes represent a very small fraction of the existing housing market in the Town and surrounding area, and new housing could be found within the existing supply. As such, the proposed project would not displace a substantial amount of existing housing or people and would not necessitate the construction of replacement housing elsewhere. Therefore, a **less-than-significant** impact would occur.

XV. PUBLIC SERVICES.

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

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

a,b. Fire protection services are currently provided to the site by the Santa Clara County Fire Department (SCCFD). The SCCFD maintains 17 fire stations and is staffed by approximately 300 fire prevention, suppression, investigation, administration, and maintenance personnel. The nearest fire station to the project site is the Los Gatos Fire Station, located at 306 University Avenue, approximately 0.75-mile from the project site. The SCCFD has the following service standards:

- First unit shall arrive on scene in less than 7 minutes from dispatch of alarm, at least 90 percent of the time.
- Second unit shall arrive on scene in less than 9 minutes from dispatch of alarm, at least 90 percent of the time.
- Remaining units shall arrive on scene in less than 15 minutes from dispatch of alarm, at least 90 percent of the time.
- A fire company with at least one paramedic shall arrive on scene in less than 7 minutes from dispatch of alarm, no less than 90 percent of the time.

Given the proximity of the nearest fire station to the project site, the aforementioned response times goals would be met at the site. In addition, the General Plan EIR determined that adequate fire protection facilities exist to serve the projected growth increases associated with implementation of the General Plan, and additional equipment or personnel would not be required in order to meet the Town's fire protection service standards.

The Los Gatos-Monte Sereno Police Department provides police protection services to the project site. The Police Department has a total of 64 staff members, consisting of 42 sworn personnel, including one chief and two captains, 22 non-sworn personnel, and a large number of volunteers and interns. Officers provide police assistance seven days per week, 24 hours per day. The Town's Police Department headquarters is located at 110 East Main Street, approximately 1.5 miles from the project site. The Police Department does not have quantified service standards. However, the Police Department does have the performance objective of "providing a safe environment through timely response and police assistance." The department categorizes all calls as Priority One, Priority Two, or Priority Three. Priority One calls involve either a serious emergency or public safety hazard. Priority Two calls are those that require immediate response, but are not an emergency. Priority Three calls are all non-emergency calls.

The General Plan EIR concluded that new personnel would be needed to serve new development allowed under the General Plan. However, the need for additional staff and/or equipment is not the relevant inquiry under CEQA. Rather, the relevant inquiry, as confirmed by the courts (see *City of Hayward v. Board of Trustees of the California State University*) is whether a significant effect on the environment would occur due to the need for new or expanded facilities in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services as a result of the increased demand.

Due to the relatively low number of beds the proposed project would provide, the increase in demand for police services at the project site would not be considered substantial and could be met by current service providers, without the need for expanding existing fire or police protection facilities or constructing new facilities, the construction of which could cause significant environmental effects.

The project site is already developed with urban uses. Additionally, the proposed project is consistent with the project site's current General Plan and zoning designations, and, thus, potential increases in demand for fire and police protection services associated with buildout of the site have been generally anticipated by the Town and analyzed in the General Plan EIR. Furthermore, the project would comply with all applicable State and local requirements related to fire safety and security, including installation of fire sprinklers. Compliance with such standards would minimize fire and police protection demands associated with the project. Therefore, the proposed project would have a **less-than-significant** impact related to the need for new or physically altered fire or police protection facilities, the construction of which could cause significant environmental impacts.

- c-e. The proposed project is an assisted living facility, and would not include any development that would result in population growth such that demand for schools, parks, or other public facilities would increase substantially. The nearest park to the project site is located approximately 0.3-mile to the east. Although demand for parks in the project vicinity could be increased by the residents of the assisted living facility, the proposed project would include the development of various common use areas within the proposed building, as well as three landscaped courtyards on-site. Further discussion on parks and recreation facilities within the Town is provided in Section XVI, Recreation, below.

The proposed project would not generate school-age children, thus, an impact to schools would not occur with implementation of the proposed project. In addition, the project would be subject to payment of School Impact Mitigation Development Fees to fund local school services. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act...involving ...the planning, use, or development of real property" (Government Code 65996(b)). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." Therefore, the proposed project would have a **less-than-significant** impact related to the need for new or physically altered schools, parks, or other public facilities, the construction of which could cause significant environmental impacts.

XVI. RECREATION.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a,b. The Town of Los Gatos contains 41 parks and recreational facilities, which total approximately 320 acres. Los Gatos also contains a total of four open space areas within the Town limits: Santa Rosa Open Space Preserve (OSP), Heinz OSP, St. Joseph's Hill OSP, and the Sierra Azul OSP, all of which are publicly-owned and operated. The four open space areas include approximately 1,160 acres of wildlife and plant habitat, and comprise over 16,000 acres of land.

The nearest park to the project site is the Vasona Lake County Park, located approximately 0.3-mile to the east. Although demand for parks in the project vicinity could be increased by the residents of the assisted living facility, the demand is anticipated to be relatively limited due to the age of the residents. In addition, the proposed project would include the development of various common use areas within the proposed building, as well as three landscaped courtyards on-site. Given the relatively small number of beds that would be provided by the proposed project, and the abundance of parkland, recreation facilities, and open space located within the Town, the proposed project would not result in population growth that could result in increased demand on existing recreational facilities or cause the construction or expansion of recreational facilities. Thus, a ***less-than-significant*** impact would occur.

XVII. TRANSPORTATION.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less- Than- Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

The following discussion is based primarily on a Traffic Impact Analysis prepared by TJKM for the proposed project.³⁵

- a. The law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used level of service (LOS) to assess the significance of such impacts, with greater levels of congestion considered to be more significant than lesser levels. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological resources). Depending on circumstances, and an agency's tolerance for congestion (e.g., as reflected in its general plan), LOS D, E, or F often represented significant environmental effects. In 2013, however, the Legislature passed legislation with the intention of ultimately doing away with LOS in most instances as a basis for environmental analysis under CEQA. Enacted as part of SB 743 (2013), PRC Section 21099, subdivision (b)(1), directed the Governor's Office of Planning and Research (OPR) to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing "criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, [OPR] shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section."

CEQA Guidelines Section 21099(b)(2) further provides that "[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion *shall not be considered a significant impact on the environment* pursuant to [CEQA], except in locations specifically identified in the guidelines, if any." (Italics added.)

Pursuant to SB 743, the Natural Resources Agency promulgated CEQA Guidelines Section 15064.3 in late 2018. It became effective in early 2019. Subdivision (a) of that

³⁵ TJKM. *Traffic Impact Analysis Report – 15860 Winchester Boulevard Assisted Living and Memory Care*. March 25, 2022.

section provides that “[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.”³⁶

Please refer to Question ‘b’ for a discussion of vehicle miles traveled (VMT).

Pedestrian, Bicycle, and Transit Facilities

The following provides a discussion of the proposed project’s potential impacts to pedestrian, bicycle, and transit facilities.

Pedestrian Impacts

Pedestrian facilities are comprised of crosswalks, sidewalks, pedestrian signals, and off-street paths, which provide safe and convenient routes for pedestrians to access the destinations such as institutions, businesses, public transportation, and recreation facilities.

In the project vicinity, sidewalks are currently present on one or both sides of most roadways. Some minor side streets, including Shelburne Way, are missing portions of sidewalk that create discontinuities and act as a barrier to pedestrian mobility. Nonetheless, roadway corners consistently feature curb ramps, and signalized intersections include marked crosswalks and pedestrian signals. Winchester Boulevard includes a signalized crossing at Daves Avenue, approximately 600 feet north of the project site. The Town of Los Gatos Bike and Pedestrian Master Plan also proposes a new high visibility crosswalk with rectangular rapid flashing beacons (RRFB) at Bruce Avenue, approximately 400 feet south of the project site.³⁷

While the proposed project would include the construction of a new sidewalk along the Shelburne Way project frontage, existing barriers to pedestrian access within the project vicinity would remain. Therefore, in order to ensure pedestrian access to the project site is enhanced and encouraged, it is recommended that a crosswalk be installed to cross Shelburne Way at Winchester Boulevard.

Bicycle Impacts

Bicycle paths, lanes and routes are typical examples of bicycle transportation facilities, which are defined as being in one of the following four classes:

- 1. Class I Multiuse Trail** – a completely separated facility designed for the exclusive use of bicyclists and pedestrians with crossing points minimized.

³⁶ Subdivision (b)(2) of Section 15064.3 (“transportation projects”) provides that “[t]ransportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

³⁷ Town of Los Gatos. *Town of Los Gatos 2020 Bicycle and Pedestrian Master Plan*. September 29, 2020.

2. **Class II Bike Lane** – a designated lane for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and cross-flows by pedestrians and motorists permitted.
3. **Class III Bike Route** – a route designated by signs or pavement markings and shared with pedestrians and motorists.
4. **Class IV Separated Bikeway** – an on-street facility reserved for use by bicyclists, with physical separation between the bikeway and travel lanes. Physical separation consists of vertical elements that may include curbs, landscaping, bollards, or parking lanes.

In the project vicinity, Winchester Boulevard provides Class IV Separated Bikeways from Blossom Hill Road to Wimbledon Drive. Class II bike lanes are located on University Avenue between Farley Road and Blossom Hill Road and Daves Avenue near Daves Elementary School west of Winchester Boulevard. The nearby Vasona Lake County Park, located along the eastern side of University Avenue, features a network of Class I multiuse trails and paved paths, comprising a portion of the Los Gatos Creek Trail.

The Town of Los Gatos Bike and Pedestrian Master Plan includes adding Class III bicycle sharrows to University Avenue on both the north and south sides of the street, providing continuous facilities along the entire length from Lark Avenue to Main Street.³⁸ Implementation of the proposed project would not preclude the construction of planned bicycle improvements in the area. Adequate bicycle facilities in the project vicinity would be available to serve the proposed project; and the project would not conflict with any existing or planned bicycle facilities in the project vicinity. However, the proposed project does not include any short- or long-term bicycle parking on-site. Without the provision of on-site bicycle parking, the project site would not include adequate bicycle facilities, and a potentially significant impact related to bicycle facilities could occur.

Public Transit Impacts

Existing transit service to the project site is provided by VTA. VTA provides bus, light rail, and paratransit service throughout Santa Clara County, including Los Gatos. Buses are generally equipped with front-loading racks that can hold up to two bicycles. In the immediate vicinity of the proposed project, Bus Route #27 provides service to the project site and vicinity. Route #27 also provides connection to the nearest light rail station. The VTA Winchester Station is located approximately 3.4 miles north of the site, and the nearest bus stops to the project site are located at the Winchester Boulevard/Daves Avenue intersection, approximately 0.1-mile north of the site, and the Winchester Boulevard/Blossom Hill Road intersection, approximately 0.1-mile south of the site. It should be noted that the COVID-19 pandemic has resulted in substantially decreased transit demand throughout the region, leading to reduced service hours and frequency across multiple transit agencies. However, service hours and frequency are expected to expand as transit demand returns to more typical levels. In addition, shuttle service would be provided to residents by the assisted living and memory care facility. Therefore, existing transit services and facilities contain sufficient capacity to accommodate potential transit users at the proposed project.

Conclusion

Based on the above, the proposed project could conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and

³⁸ Town of Los Gatos. *Town of Los Gatos 2020 Bicycle and Pedestrian Master Plan*. September 29, 2020.

pedestrian facilities and, a **potentially significant** impact could occur. However, implementation of Mitigation Measure XVII-1, as described below would reduce potential impacts to a less-than-significant level.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impacts to a *less-than-significant* level.

XVII-1 The following requirements shall be noted on project improvement plans, subject to review and approval by the Town of Los Gatos Parks and Public Works Department:

- *A minimum of one long term and three short term bicycle parking spaces shall be included on-site, consistent with the VTA Bicycle Technical Guidelines; and*
- *A new crosswalk shall be installed to cross Shelburne Way at Winchester Boulevard. The crosswalk shall meet the standards of the Town of Los Gatos.*

- b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. The Town of Los Gatos adopted Transportation Analysis Guidelines, and elected to conduct a complete VMT analysis consistent with the 2040 General Plan future year VMT projections. However, because the 2040 General Plan EIR has not yet been certified, the Town's new VMT policy is currently not applicable. In addition, the OPR released a Technical Advisory to evaluate transportation impacts pursuant to CEQA, which includes screening thresholds to identify when a lead agency may screen out VMT impacts.³⁹ However, while the OPR Technical Advisory provides recommended methodology and thresholds for residential, office, and retail uses, OPR does not specify any specific methodology for land uses such as assisted living, instead leaving determination of appropriate methodology and significance thresholds to the discretion of the applicable lead agency. Pursuant to Section 15064.3(b)(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc.

Because specific guidance for analyzing the proposed land use does not currently exist, TJKM reviewed policies and studies in Los Gatos and other jurisdictions within the State to determine whether a consensus has been reached for evaluating assisted living or congregate care facilities, and to derive guidance on how to evaluate the uses. Aside from instances where specific projects fell below trip generation thresholds requiring VMT analysis (size-based screening), the approaches used in other jurisdictions fell into three general categories:

1. Consider assisted living to be a residential use for VMT purposes, including screening for low-VMT areas.

³⁹ Governor's Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. December 2018.

2. Consider assisted living to be equivalent to office use for VMT purposes, including screening for low-VMT areas.
3. Screen out assisted living as local-serving and thus presumed to have a less-than-significant impact on VMT.

Residents of assisted living facilities are typically presumed not to be able to drive themselves, as by definition residents require assistance in one or more areas of daily functioning, nor are the residents assumed to make commute, shopping, or school trips independently. Thus, assisted care uses do not generate trips similar to other residential uses. Instead, most trips are employee commute trips, some local visitor trips, and delivery or service trips unrelated to automobile VMT. Therefore, assisted care uses may be most similar to office or other employment-based uses that involve a limited public component. However, assisted living facilities are generally located to specifically serve the surrounding community, so that residents can be placed close to medical facilities and where the families of the residents live. As such, assisted living facilities may also be considered primarily local-serving. Of cities with adopted VMT policies, typical guidance includes screening out some or all local-serving uses, including day cares, community colleges, houses of worship, and government offices, regardless of the commute characteristics of any employees. In addition, some cities, such as the City of Fountain Valley and the City of Alhambra, include project-type screening for assisted living facilities.^{40,41} Given the absence of adopted guidance policies for evaluating VMT associated with assisted living facilities, the Town has opted to rely on the adopted VMT policies of other cities for the purposes of this analysis.

Based on the above, consistent with various adopted VMT screening thresholds, the proposed project is presumed to have a less-than-significant impact on VMT, and the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). Therefore, a **less-than-significant** impact would occur.

It should be noted that in order to ensure the lowest possible VMT related to the proposed project, the Town would require the following as a condition of approval for the proposed project:

- Prior to the issuance of building permits, the proposed project shall prepare a Transportation Demand Management Plan (TDM), subject to review and approval by the Town of Los Gatos Parks and Public Works. Measures contained in the TDM shall include, but not be limited to, bicycle facility provisions, shower facilities, local shuttle service, transit passes and subsidies, carpool incentives, designated car share parking, and other measures as required by the Town to reduce VMT generated by the proposed project.

- c,d. Access to the project site would be provided by a driveway located at the northeast corner of the project site, along Shelburne Way, which would lead into the ground level parking garage, as well as by two driveways located at the western boundary of the project site on Winchester Boulevard. The southern project driveway along Winchester Boulevard would be designated specifically for traffic entering the project site, while the northern

⁴⁰ City of Fountain Valley. *Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency* [pg.17]. June 2020.

⁴¹ City of Alhambra. *City of Alhambra Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment* [pg. 15]. October 2020.

driveway would be for traffic exiting the site, and the driveways would lead into a porte cochere, which would primarily be used for dropping off and picking up residents. Each driveway would be 20 feet wide. The driveway on Shelburne Way would only provide access to the ground level parking garage.

Vehicle circulation on-site would consist of the porte cochere entrance along the Winchester Boulevard frontage and the ground level parking garage accessed from Shelburne Way. The porte cochere entrance would be used by visitors as well as by shuttles and vehicles picking up or dropping off passengers. Adequate space would be provided for automobiles to maneuver in and out of the right-angle visitor spaces and for larger vehicles to circulate through the entrance area. The loading area in front of the main entry doors would be 27 feet wide, providing sufficient space to pass around vehicles stopped for passenger loading. Multiple continuous paths of travel would also be provided on-site for pedestrians to access building entrances from both Winchester Boulevard and Shelburne Way.

Street parking is allowed on Winchester Boulevard and Shelburne Way and could obstruct the vision of exiting drivers if cars are parked next the driveway. Therefore, in order to avoid visual obstructions for vehicles exiting the project site, restricting parking near the on-site driveways is recommended.

Based on the above, the proposed project could substantially increase hazards due to design features or incompatible uses, and a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

XVII-3 The following requirement shall be noted on project improvement plans, subject to review and approval by the Town of Los Gatos Parks and Public Works Department:

- Red curbs shall be implemented adjacent to both sides of the project driveways to prohibit parking and ensure adequate sight distance.*

XVIII. TRIBAL CULTURAL RESOURCES.

Would the project 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:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a,b. In compliance with Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1), the Town of Los Gatos sent a project notification letter to the Tamien Nation on June 21, 2022. Any information provided by the tribe will be duly considered by the Town as part of the ongoing processing of the project. As discussed in Section V, Cultural Resources, known archeological resources, including Tribal Cultural Resources (TCRs) or human remains, have not been previously documented at the project site. The project site is currently developed and has been subject to ground disturbing activities during prior development.

While it is reasonable to anticipate that project development would not impact TCRs, due to previous site disturbance, the potential cannot be dismissed for unknown Tribal Cultural Resources to be uncovered during ground-disturbing activities for the proposed project. Therefore, if previously unknown resources are encountered during construction activities, the proposed project could cause a substantial adverse change in the significance of a TCR, defined in PRC section 21074, during construction. As a result, without mitigation, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

XVIII-1 *Implement Mitigation Measures V-1 and V-2.*

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	×	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	×	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	×	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	×	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	×	<input type="checkbox"/>

Discussion

- a. The project site is currently developed, and the proposed project would not include any new development or modifications that would require the relocation or expansion of water, wastewater treatment, stormwater drainage, electricity, natural gas, or telecommunications facilities. All utilities for the proposed project would be provided by way of existing infrastructure located within the existing project site and vicinity. In addition, the proposed project is consistent with the project site's land use designation, so utility demand for the proposed project has generally been anticipated by the Town. Therefore, the proposed project would result in a **less-than-significant** impact related to the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- b. Water supplies in the Town of Los Gatos are provided by SJW. Per the 2020 UWMP, water supplies are projected to meet expected demand for normal year, single-dry year, and multiple-dry year scenarios through 2045.⁴²

The proposed project would include development of the project site with an assisted living facility, which would be generally consistent with the site's current General Plan land use and zoning designations. As discussed in Section X, Hydrology and Water Quality, of this IS/MND, the General Plan EIR does not provide a projected demand factor for assisted living facilities; however, the projected demand factor for multi-family residential uses was used as a conservative estimate of the water usage associated with the proposed project. As noted therein, the proposed project would have an estimated water demand of 33,750

⁴² San Jose Water Company. 2020 Urban Water Management Plan. June 2021.

gallons per day, which would be approximately 32,550 gallons more than the existing use of approximately 1,200 gallons per day. Water supply is currently provided to SJW through a number of sources including purchased water from Valley Water, groundwater from the Santa Clara Subbasin, surface water, and recycled water. However, the majority of water supplied to SJW is through a treated water contract with Valley Water. Thus, SJW used information received from Valley Water to inform SJW's Water Supply Reliability Analysis. Based on the Valley Water 2020 UWMP, Valley Water will have sufficient supplies to meet SJW's and other retailers' demands through 2045 under average year, single dry year, and five consecutive dry year conditions, and under a Drought Risk Assessment (DRA) condition for a drought that lasts five consecutive years.⁴³

In addition, as discussed in Section X, Hydrology and Water Quality, of this IS/MND, given the Santa Clara Subbasin has an operational storage capacity of approximately 350,000 AF per year, the proposed project would not substantially increase groundwater usage as compared to current aquifer withdrawals.⁴⁴ As such, the SJW 2020 UWMP concluded that the district's water supplies would meet expected demand for normal year, single-dry year, and multiple-dry year scenarios through 2045. The project would also comply with Chapter 26.40 of the Town's Municipal Code, which contains the Town's Water Efficient Landscape Ordinance.

Based on the above, SJW would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years, and a ***less-than-significant*** impact would occur.

- c. Within the Town of Los Gatos, sewer service is provided by the West Valley Sanitation District. Wastewater treatment for the project site would occur at the San Jose/Santa Clara Water Pollution Control Plant (WPCP) located in Alviso. The WPCP has a licensed capacity of 167 million gallons per day (mgd), and a planned capacity of 450 mgd. Currently, the WPCP treats an average of 110 mgd.⁴⁵

The General Plan EIR provides projected wastewater generation rates for multiple land uses within the Town including residential, commercial, office, and industrial. Using the projected residential generation rates, which would be the most conservative estimation for the proposed project, the project would have an estimated wastewater generation rate of 121 gallons per unit per day. At a generation rate of 121 gallons per unit per day, a total of approximately 16,335 gallons per day of wastewater generation would be introduced into the system by the proposed project, which is approximately 15,972 additional gallons per day compared to existing uses. However, the project site is currently developed, and the proposed project is generally consistent with the site's current General Plan land use designation. Thus, the demand for wastewater collection and treatment facilities associated with buildout of the site have been generally anticipated by the Town and analyzed in the General Plan EIR. In addition, the proposed project would comply with General Plan Goal HS-19 and General Plan Policy HS-19.1 which ensure that future development meets wastewater treatment demands and federal and State regulations, and that the Town supports the West Valley Sanitation District's efforts to maintain wastewater conveyance, treatment, and disposal infrastructure in good working condition

⁴³ San Jose Water Company. *2020 Urban Water Management Plan*. June 2021.

⁴⁴ San Jose Water Company. *2020 Urban Water Management Plan* [pg. 6-4]. June 2021

⁴⁵ City of San Jose. *San Jose-Santa Clara Regional Wastewater Facility*. Available at: <https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility>. Accessed April 2022.

in order to supply municipal sewer service to the Town's residents and businesses. Thus, the West Valley Sanitation District would have adequate capacity to serve the wastewater demand projected for the proposed project in addition to the Town's existing commitments, and a ***less-than-significant*** impact would occur.

- d,e. Solid waste, recyclable materials, and compostable material collection within the Town of Los Gatos is provided through West Valley Collection and Recycling. Solid waste from the Town is ultimately disposed of at the Guadalupe Sanitary Landfill, located at 15999 Guadalupe Mines Road in San Jose. As of 2011, the landfill had approximately 11,055,000 CY of remaining capacity, or 38.7 percent of the total permitted capacity of the landfill (28,600,000 CY).⁴⁶

Because the project site is currently developed, and the proposed project is consistent with the project site's current General Plan land use designation, construction and operation of the proposed project would not result in substantially increased solid waste generation beyond what has been previously anticipated for the site by the Town and analyzed in the General Plan EIR. In addition, the project would be required to comply with all federal, State, and local statutes and regulations related to solid waste and recycling. Although the proposed project would require demolition during construction activities, pursuant to the CALGreen Code, at least 65 percent diversion of construction waste is required.

Based on the above, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, a ***less-than-significant*** impact related to solid waste would occur as a result of the proposed project.

⁴⁶ Department of Resources Recycling and Recovery. *SWIS Facility/Site Activity Details – Guadalupe Sanitary Landfill (43-AN-0015)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1376?siteID=3399>. Accessed August 2021.

XX. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. 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?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. 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?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a-d. According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, the project site is not located within or near a VHFHSZ or State Responsibility Area.⁴⁷ In addition, the project site is already developed with nine existing structures. The introduction of the proposed project is not anticipated to increase wildfire risks at the site relative to the uses already operating at the project site. Additionally, the developed nature of the project site and surrounding area minimizes the likelihood for the spread of wildfire to the site, as the development acts as a fuel break due to lack of brush and other vegetation that could act as fire fuel. Furthermore, the proposed project would include fire sprinklers, and other fire suppression features, consistent with the CBSC and California Fire Code (CFC). Therefore, the proposed project would not be expected to be subject to or result in substantial adverse effects related to wildfires, and a **less-than-significant** impact would occur.

⁴⁷ California Department of Forestry and Fire Protection. *Fire Hazard Severity Zone Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed August 2021.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less-Than- Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. As discussed in Section IV, Biological Resources, of this IS/MND, while the potential exists for nesting birds and raptors protected by the MBTA to occur on-site, Mitigation Measures IV-1 and IV-2 would ensure that impacts to special-status species would be less than significant. The project site is currently developed and does not contain any known historic or prehistoric resources. Thus, implementation of the proposed project is not anticipated to have the potential to result in impacts related to historic or prehistoric resources. Nevertheless, Mitigation Measures V-1 and V-2 would ensure that in the event that archeological resources are discovered within the project site during construction activities, such resources are protected in compliance with the requirements of CEQA.

Considering the above, the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory. Therefore, a **less-than-significant** impact would occur.

- b. The proposed project in conjunction with other development within the Town of Los Gatos could incrementally contribute to cumulative impacts in the area. However, as demonstrated in this IS/MND, all potential environmental impacts that could occur as a result of project implementation would be reduced to a less-than-significant level through compliance with the mitigation measures included in this IS/MND, as well as applicable General Plan policies, Municipal Code standards, and other applicable local and State regulations. In addition, the project would be consistent with the site's existing land use designation.

As noted in Section 21083.3 of the CEQA Guidelines, where a project is consistent with zoning and general plan designations for the site, and an EIR has been certified with respect to that general plan, the analysis of potential environmental impacts resulting from

the individual project should focus on those effects that are peculiar to the proposed project. As demonstrated throughout this IS/MND, the proposed project would not result in any significant environmental impacts peculiar to the project, and, thus, the proposed project would not contribute any new or additional impacts not previously analyzed in the General Plan EIR. Therefore, when viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, development of the proposed project would not result in a cumulatively considerable contribution to cumulative impacts in the Town of Los Gatos, and the project's incremental contribution to cumulative impacts would be ***less than significant***.

- c. As described in this IS/MND, with the exception of lot coverage and height standards, from which the project would require a variance, the proposed project would comply with all applicable General Plan policies, Municipal Code standards, other applicable local and State regulations, and mitigation measures included herein. In addition, as discussed in the Air Quality, Geology and Soils, Hazards and Hazardous Materials, GHG Emissions, and Noise sections of this IS/MND, the proposed project would not cause substantial effects to human beings, which cannot be mitigated to less-than-significant levels, including effects related to exposure to air pollutants, geologic hazards, GHG emissions, hazardous materials, and excessive noise. Therefore, the proposed project's impact would be ***less than significant***.