Public Review Mitigated Negative Declaration

143 & 151 E. Main Street Mixed-Use Project

February 14, 2025

Prepared by

EMC Planning Group

PUBLIC REVIEW MITIGATED NEGATIVE DECLARATION

143 & 151 E. Main Street Mixed-Use Project

PREPARED FOR

Town of Los Gatos

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February 14, 2025

MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	143 & 151 E. Main Street Mixed Use Project
Lead Agency	Town of Los Gatos
Project Proponent	CSPN LLC
Project Location	143 & 151 E Main Street, Los Gatos
Project Description	The project proposes to demolish the existing on-site uses and construct a four-story mixed-use building with underground parking. The ground level of the proposed building will include 2,416 square feet of pedestrian-oriented commercial with a total of 30 residential units (24 market rate and 6 affordable) located on all stories of the building. There are two options for the underground parking: Option 1 is a two-level parking garage with 47 individual parking stalls and Option 2 is a one-level parking garage with 39 parking stalls that include 16 car stackers. The project involves the removal of three existing on-site trees and planting 21 new on-site trees.
Public Review Period	February 28, 2025 – March 19, 2025
Written Comments To	Ryan Safty, Associate Planner 110 E. Main Street Los Gatos, CA 95030
Proposed Findings	The Town of Los Gatos is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency Town of Los Gatos that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

Air Quality

AQ-1 The applicant shall prepare a Construction Management Plan for review and approval by the Town of Los Gatos Community Development Department prior to the start of any ground-disturbing activities, including tree removal. The Construction Management Plan shall include the following measures to reduce toxic air contaminant emissions during construction:

a. Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation;

b. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes;

c. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator; and

d. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity, or biodiesel.

AQ-2 The project applicant shall ensure that MERV 13 air filtration systems, or an equivalent system, are included in the design and operations of the proposed project. Prior to the issuance of building permits, the applicant shall submit detailed plans and specifications demonstrating compliance with this requirement to the Town of Los Gatos Building Department for review and verification. These plans shall identify the locations and specifications of the air filtration systems and confirm they meet the performance standards for particulate and airborne pollutant removal.

The air filtration systems must be operational prior to the issuance of a certificate of occupancy. Verification of proper installation and functionality shall be conducted by a licensed professional and documented in a final compliance report, which must be submitted to the Town of Los Gatos Building Department for approval. The property owner or operator shall also establish a maintenance plan for the air filtration system to ensure ongoing performance in accordance with manufacturer specifications.

Biological Resources

BIO-1 To avoid impacts to nesting birds during the nesting season (January 15 through September 15), all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird

species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

a. One survey for active bird nests shall occur within 48 hours prior to ground disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. The survey shall be conducted at the appropriate time of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the Town of Los Gatos Community Development Department and no further mitigation is required.

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

BIO-2 Per Town Code Section 26.20.010 and Chapter 29, Article 1, Division 2, the developer shall obtain a tree removal permit prior to the removal of protected trees on private or Town property. The project developer shall abide by any tree replacement ratios and/or in-lieu payments, tree protection measures, and best management practices required by the tree removal permit and/or within the arborist report dated October 24, 2024 (Appendix D).

Cultural Resources

CUL-1 The following language shall be incorporated into any plans associated with tree removal, grading, and construction, "In the event that archaeological resources are encountered during ground disturbing activities, contractor shall temporarily halt or divert excavations within 50 meters (165 feet) of the find until it can be evaluated. All potentially significant archaeological deposits shall be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered, they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of

materials and data by standard archaeological procedures. For indigenous archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources shall also be sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance by a qualified Archaeologist. Significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites."

CUL-2 The following language shall be incorporated into any plans associated with tree removal, demolition, grading, and construction, "In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within 50 meters (165 feet) of the find. The Santa Clara County Coroner will be notified immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the project proponent shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

Geology and Soils

GEO-1 The applicant shall prepare a soils report addressing, but not limited to: foundation and retaining wall design recommendations, and impacts associated with lateral spreading, subsidence, or collapse. The soils report shall be submitted to the Town Building Division for review and approval prior to issuance of a grading permit. All recommendations outlined in the soils report shall be incorporated into the project design.

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

"If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction activities in the area shall be suspended. The developer shall retain a qualified paleontologist to examine the site and identify protective measures to be implemented to protect the paleontological resource. The measures shall be subject to review and approval by the Community Development Director."

Greenhouse Gas Emissions

GHG-1 The project developer shall incorporate the following GHG emissions reduction performance standard into the final project design:

- No permanent natural gas infrastructure shall be permitted as part of the project plans; no natural gas shall be made available through permanent natural gas infrastructure. The project shall be all electric.

  Final plans for the development shall be reviewed by the Town Community Development Department prior to issuance of a building permit to ensure this performance standard is incorporated into the project design. Verification of development consistent with this performance standard shall be assured prior to approval of occupancy permits.

Hazards and Hazardous Materials

HAZ-1 The project developer shall conduct soil vapor testing on the project site prior to issuance of a grading permit. The results of the soil vapor testing shall be reviewed by the Town Engineer and only with approval by the Town Engineer can any grading and earth-moving construction activities take place.

If soil vapor testing comes back with concentration levels that exceed safety thresholds for residential uses, the Town Engineer shall determine if Environmental Solutions should provide recommendations for construction of the project. If soil vapor testing comes back with concentration levels below safety thresholds, no further action is necessary.

Noise

N-1 The project developer shall ensure that no individual piece of construction equipment produce a noise level exceeding 85 dBA at 25 feet. Prior to the start of ground disturbing activities, the applicant shall demonstrate compliance with this requirement to the Town of Los Gatos Building Department for review and verification.

- The project developer shall also ensure that best management practices are incorporated during construction activities. The following shall be placed on all ground-disturbing project plans:
- All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source.
- Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.
- All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.
- Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses.
- Signs shall be posted at the construction site and near adjacent sensitive receptors displaying hours of construction activities and providing the contact phone number of a designated noise disturbance coordinator.

N-2 The project developer shall install mechanical ventilation or air conditioning for all residential units so that windows and doors can remain closed for sound insulation purposes. Implementation of this measure is subject to review and approval by the Town Building Department, prior to issuance of an occupancy permit.

Transportation

TRANS-1 Project improvements plans shall include the following, subject to review and approval by the Town Engineer, prior to issuance of an occupancy permit:

a. Stripe a loading space along the project frontage on E. Main Street;

b. Apply 10 feet of No Parking (Red Zone) on both sides of the project driveway on Church Street; and

c. Provide adequate landing space at the top and bottom of the garage ramps.

FINAL INITIAL STUDY

143 & 151 E. Main Street Mixed-Use Project

PREPARED FOR

Town of Los Gatos

Ryan Safty, Associate Planner

110 E. Main Street

Los Gatos, CA 95030

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February 14, 2025

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A. BACKGROUND

Project Title	143 & 151 E. Main Street Mixed Use Project
Lead Agency Contact Person and Phone Number	Ryan Safty, Associate Planner 408-354-6802
Date Prepared	February 14, 2025
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	143 & 151 E. Main Street, Los Gatos
Project Sponsor Name and Address	CSPN LLC 8 The Green, Suite A Dover, DE 19901
General Plan Designation	Central Business District (2020 General Plan Land Use Element)
Zoning	C-2 Central Business District

Background

The Los Gatos Town Council adopted the *Town of Los Gatos California 2040 General Plan* ("2040 General Plan") and certified the *2040 General Plan Final Environmental Impact Report* ("2040 General Plan EIR") on June 30, 2022. On April 2, 2024, the Town Council voted to rescind the land use element and community design element of the 2040 General Plan (Town of Los Gatos 2022).

Therefore, the Town's current general plan consists of the land use element and community design element of the *Town of Los Gatos 2020 General Plan* (2020 General Plan), and the remaining elements of the 2040 General Plan. The *Town of Los Gatos 2020 General Plan EIR* (2020 General Plan EIR) is the effective EIR for the land use element and the community design element.

On June 4, 2024, the Town Council adopted the 2023-2031 Housing Element and the adopted Housing Element was certified by the California Department of Housing and Community Development on July 10, 2024. The applicant submitted the SB 330 project application on June 18, 2024, which was before the Town had a certified Housing Element. Therefore, the proposed project was eligible to invoke the Builder's Remedy because the applicant established vesting.

Setting

The 0.43-acre property is located at 143 East Main Street (APN 529-28-002) and 151 East Main Street (APN 529-28-001) in downtown Los Gatos. Los Gatos is located approximately 10 miles south of the City of San Jose, approximately 30 miles southeast of the City of San Francisco, and approximately 16 miles north of the City of Santa Cruz. Figure, 1, Location Map, identifies the project site's regional location.

The project site is currently developed with a commercial retail building; current uses are a café and a furniture store. The site is surrounded by Church Street and the Los Gatos Methodist Church to the north; East Main Street, Hotel Los Gatos, and the Los Gatos Adult Recreation Center to the south; High School Court and Los Gatos High School to the east; and the Masonic Hall to the west. Figure 2, Aerial Photograph, illustrates the uses on, and surrounding, the project site. Figure 3, Site Photographs, provides a visual of the project site from a pedestrian's viewpoint.

Description of Project

The proposed project is a SB 330 application that has invoked Builder's Remedy for the demolition of the existing on-site uses and the construction of a four-story (52 feet high) mixed-use building with underground parking. The ground level of the proposed building will include 2,416 square feet of pedestrian-oriented commercial with a total of 30 residential units (24 market rate and 6 affordable) located on all stories of the building. There are two options for the underground parking: Option 1 is a two-level parking garage with 47 individual parking stalls and Option 2 is a one-level parking garage with 39 parking stalls that include 16 car stackers. The project involves the removal of three existing on-site trees and three street trees, and involves the planting of 21 new on-site trees.

The project includes multiple exceptions to the Town's development standards, applicable for Builder's Remedy projects related to the following:

- Building height;
- Landscaping;
- Density;
- Floor area ratio;
- Setbacks;
- Parking; and
- Objective design standards related to:
    - Short-term bicycle parking and dimensions;
    - Long-term bicycle parking location, dimensions, and space between aisle and parking stall;
    - Bicycle facilities support racks;
    - Pedestrian access gate to parking structure;
    - Landscaping;
    - Screening fence location;
    - Perimeter barrier gates;
    - Private and community recreational space;

- Inclusion of site amenities;
- Façade design and articulation;
- Building materials;
- Entrances; and
- Balconies.

The following applications have been filed for the proposed project: Architecture and Site Application S-24-007, Conditional Use Permit U-24-002, Vesting Tentative Map Application M-24-004.

Figure 4, Site Plan, provides the project's proposed site plan. Appendix A, Project Plans, provides the entire project plan set.

Other Public Agencies Whose Approval is Required

Bay Area Air Quality Management District

Santa Clara County Fire Department

West Valley Sanitation District

Santa Clara County Environmental Health Department

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The Town sent out tribal consultation offer letters to Native American tribes traditionally and cultural affiliated with the project area on December 5, 2024. No responses have been received as of January 21, 2025.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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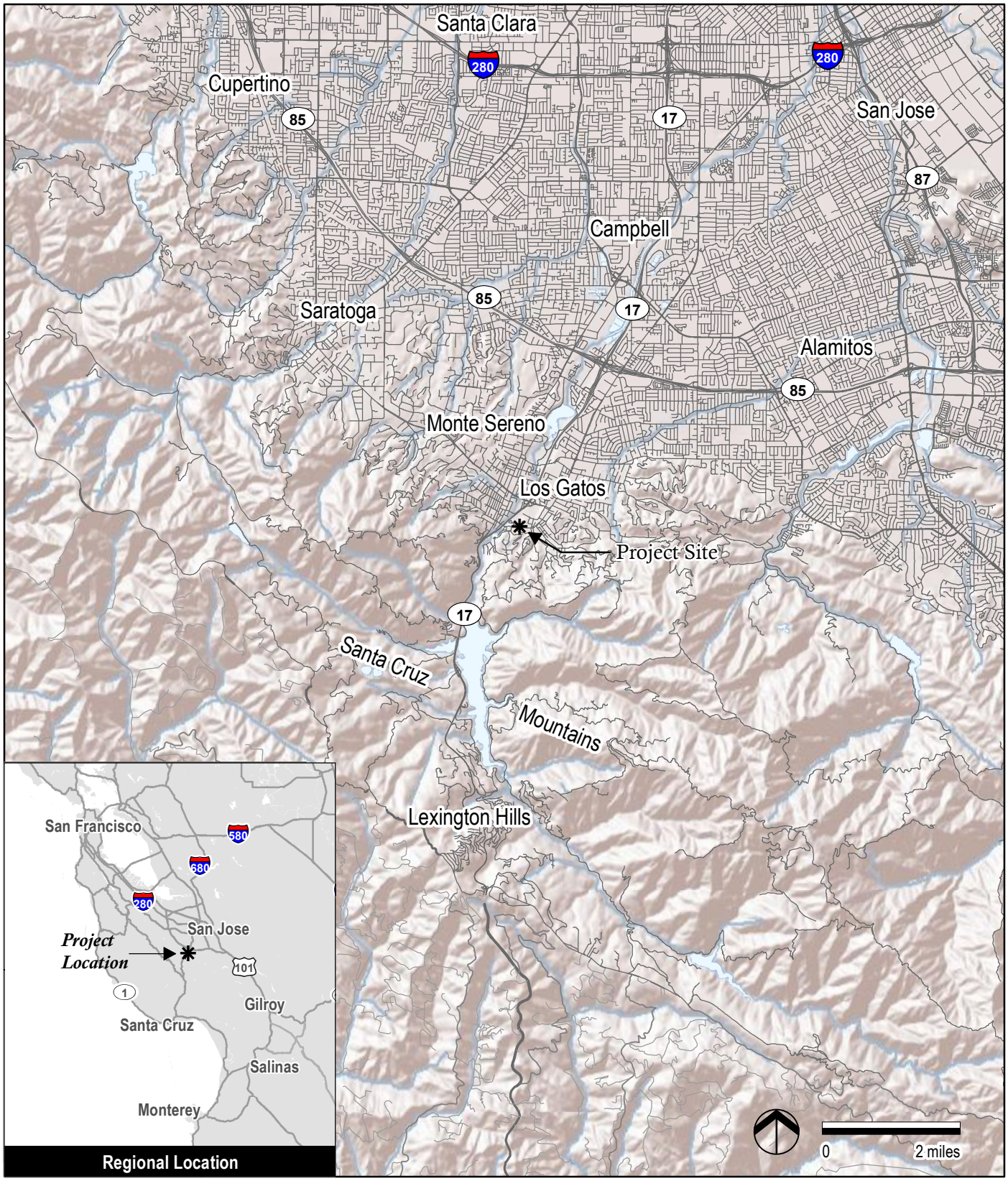

Source: ESRI 2024

Figure 1

Location Map

143 & 151 E. Main Street Mixed Use Project Initial Study

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0 250 feet

Project Site

Source: Santa Clara County GIS 2024, Google Earth 2024

Figure 2

Aerial Photograph

143 & 151 E. Main Street Mixed Use Project Initial Study

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1 On Church Street facing southeast at the project site.

2 On the corner of High School Court and Church Street facing southwest at the existing structure to be demolished.

Project Site

Source: Google Earth 2024
Photographs: EMC Planning Group 2024

3 On the corner of East Main Street and High School Court facing northwest at the existing structure to be demolished.

4 On East Main Street facing northeast at the project site.

Figure 3
Site Photographs

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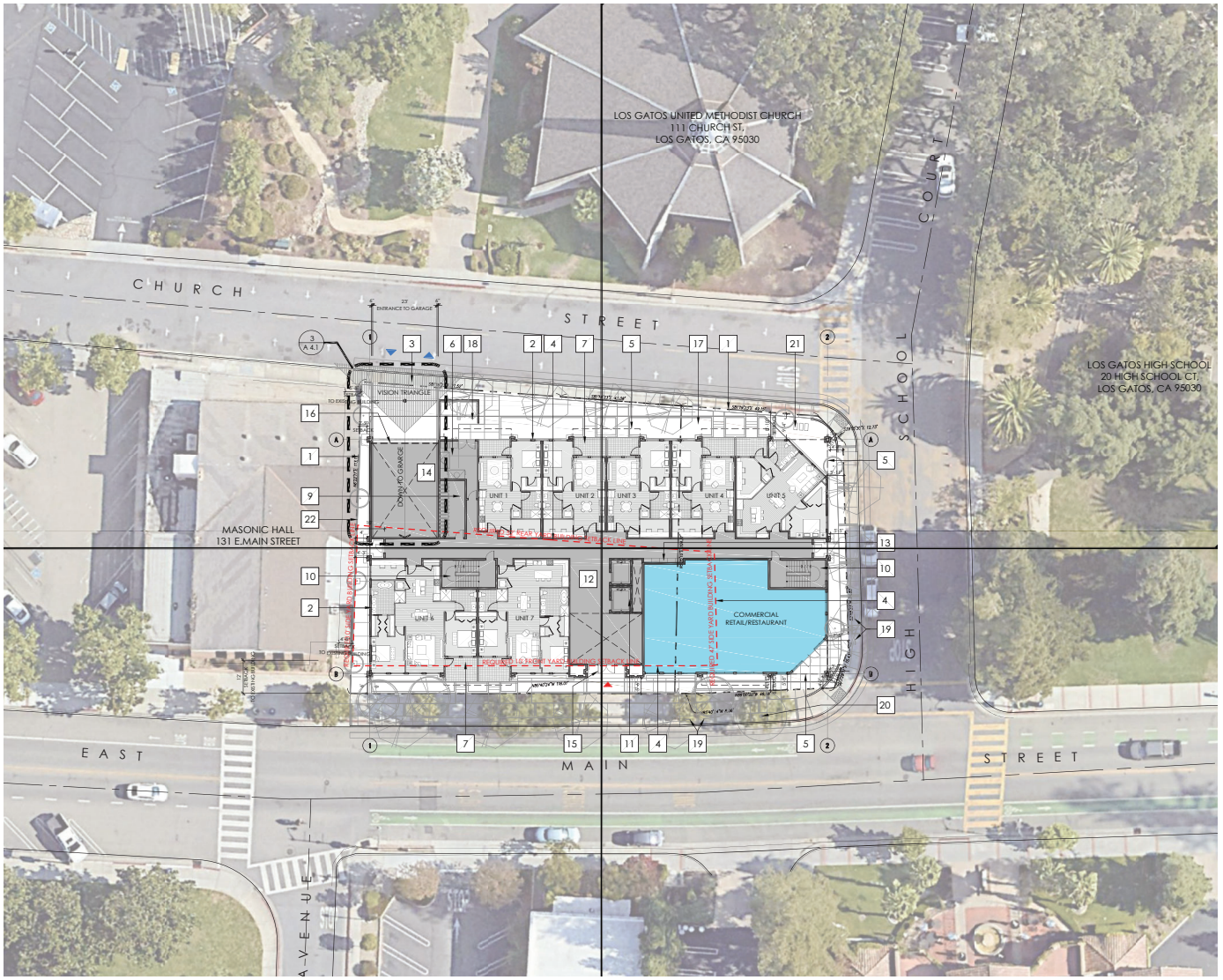

0 60 feet

Source: Kenneth Rodrigues & Partners Inc. 2024

Figure 4
Site Plan

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B. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agriculture and Forestry Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Energy
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards & Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☐ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☐ Wildfire
- ☐ Mandatory Findings of Significance

C. DETERMINATION

On the basis of this initial evaluation:

☐ 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 project proponent. 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" impact 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 (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

2/13/25

Ryan Safty, Associate Planner — Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a) Earlier Analyses Used. Identify and state where they are available for review.
    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a) the significance criteria or threshold, if any, used to evaluate each question; and
    b) the mitigation measure identified, if any, to reduce the impact to less than significance

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b.	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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 points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Comments:

a. Scenic vistas are views from a public place that is expansive and considered locally important. The Town of Los Gatos is situated at the base of the Santa Cruz Mountains and is defined by its views of its ridgelines as well as the surrounding forested hillsides and mature trees (Town of Los Gatos 2022).

As shown on Figure 3 (refer back to Section A. Background), limited forested hillsides can be seen by eastbound and westbound travelers on Church Street (images 1 and 2, respectively). Church Street is a local street serving only one church and a few other businesses. Eastbound travelers have only a limited view of the forested hillsides because the current view is partially obstructed by existing trees. Westbound travelers also have a limited view of the forested hillsides because the current view is partially obstructed by the existing structure on-site as well as existing trees. The proposed project would add a small obstruction to the existing westbound traveler's views on Church Street; however, the majority of the existing view directly west of Church Street would remain unobstructed. The project would completely obstruct, albeit small, views for a very limited number of eastbound travelers on Church Street. Therefore, the impact would be less than significant.

b. The project site is located approximately 0.15 miles southeast from the portion of State Route 17 that is an eligible state scenic highway (California Department of Transportation 2024). The project site cannot be seen from the highway due to intervening trees that line the highway. Therefore, the project would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.

c. The project site is located within an urbanized area and is zoned C-2 Central Business District. This zoning district allows a maximum height of 45 feet; however, the proposed building would be 52 feet high, as allowed when using SB 330, Builder's Remedy. Due to the project's affordable housing component, this Builder's Remedy project qualifies for unlimited exceptions to the Town Code and General Plan.

   Although the proposed structure is seven feet higher than the maximum permitted height in the C-2 Zoning District, the project is eligible for this increase based on the Builder's Remedy law. The project's location in downtown, in addition to being a Builder's Remedy project, result in less than significant visual impacts.

d. Current light sources on the project site are from the existing single-story commercial structure and vehicle headlights on the adjacent roadways. The proposed project includes construction of a four-story mixed-use structure, which may increase light sources on the site. The proposed project, as noted in the project plans in Appendix A, would comply with Standard 7.2 in the Town's Objective Design Standards, which states that exterior lighting shall be fully shielded and restrain light to a minimum of 30 degrees below the horizontal plane of the light source. Uplighting is prohibited.

   The project site is currently developed with a commercial and office space, which includes outdoor lighting. Additionally, the project will direct exterior lighting downward and shield light bulbs from view. Therefore, the project's impacts associated with new sources of light or glare would be less than significant.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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 nonagricultural use?	☐	☐	☐	☒
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Comments:

a. The project site developed and located in downtown Los Gatos, and is designated as Urban and Built-Up Land by the California Department of Conservation (California Department of Conservation 2024). Therefore, the proposed mixed-use project would not 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 nonagricultural use.

b. The project site is zoned C-2 Central Business District and is not under a Williamson Act contract (Town of Los Gatos 2024). Therefore, the proposed mixed-use project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

c. The project site is zoned C-2 Central Business District and, therefore, would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

d. The project site is currently developed with a commercial retail building and, therefore, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.

e. The site is surrounded by commercial and public facility uses and is more than a mile from the nearest farmland or forest lands. Based on its location within Los Gatos, implementation of the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c.	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d.	Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☒

The project is located in the San Francisco Bay Air Basin, which is within the jurisdiction of the Bay Area Air Quality Management District ("air district"). The discussion in this section is based primarily on the air district's *California Environmental Quality Act Air Quality Guidelines* (2022) ("CEQA Guidelines") and the *Spare the Air Cool the Climate A Blueprint for Clean Air and Climate Protection in the Bay Area* (2017) ("Clean Air Plan"), as well as the results of emissions modeling using the California Emission Estimation Model (CalEEMod) version 2022.1.

The "unmitigated" emissions model scenario yields an estimate of criteria air pollutant emissions that would be generated during project construction and operations in the absence of mitigation measures that otherwise might be required. This model scenario does account for uniformly applied existing regulatory measures that reduce emissions. The CalEEMod results, included in Appendix B, were used to assess the project's construction generated criteria air pollutant emissions.

Data inputs to the model take into account the type and size of proposed uses utilizing CalEEMod default land uses based on the size metrics shown on the project plans (Kenneth Rodrigues & Partners, Inc. 2024). The land use type and size metrics inputs are presented in Table 1, Project Characteristics.

Table 1 Project Characteristics

Proposed Land Use	CalEEMod Land Use Subtype[1]	Quantity
Residential Units	Apartments Mid Rise	30 Dwelling Units
Commercial/Retail/Restaurant	Strip Mall	2,416 Square Feet
Parking Garage	Enclosed Parking Structure	47 Spaces[2]
Circulation Area	Other Asphalt Surfaces	11,427 Square-Feet

SOURCE: CalEEMod version 2022.1, Kenneth Rodrigues & Partners, Inc 2024

NOTES:

1. CalEEMod default land use subtype. Descriptions of the model default land use categories and subtypes are found in the User's Guide for CalEEMod Version 2022.1 available online at: https://caleemod.com/user-guide.
2. The project has two options for the parking garage. The "maximum parking scenario" was used in this analysis (i.e., 47 parking spaces vs. 39 parking spaces).

Unless otherwise noted, other data inputs to CalEEMod are based on the following primary assumptions:

- Construction start date will be January 2026;
- Operational year is 2028;
- The net daily trip rate used for multifamily housing (17 trips per day) is consistent with the trip generation estimates prepared for the project (Hexagon Transportation Consultants, Inc. 2024);
- 20 percent (6 units) of the proposed residential units will be affordable at the low-income level;
- As proposed in the project plans (October 30, 2024), the project will provide 25 to 26 level 2 Electric Vehicle Charging Station (EVCS) parking spaces;
- As proposed in the project plans (October 30, 2024), the building will be constructed as all electric. According to an email conversation with Town staff on January 22, 2025, the applicant would like the option to include gas; and
- Local utility providers will serve the project with power, water, and sewer.

Comments:

a. The air district has primary responsibility for assuring that national and state ambient air quality standards are attained and maintained in the air basin. CEQA requires that proposed projects be analyzed for conflicts with applicable air quality plans. An air quality plan describes air pollution control strategies to be implemented by a town, city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring the area into compliance with the requirements of federal and state ambient air quality standards.

Attainment status is found on the air district website (Bay Area Air Quality Management District 2024). The primary air pollutants of concern in the air basin are ozone and particulate matter, for which the air basin is in nonattainment. The air basin is in

nonattainment for the federal and state standards for ozone and with the state standards for particulate matter $PM_{2.5}$ and PM_{10}. The air basin is either unclassified or in attainment with all other State and Federal ambient air quality standards.

The air district recommends the following basic best management practices for construction-related fugitive dust emissions:

- B-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;
- B-2 All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- B-3 All visible mud or dirt trackout 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;
- B-4 All vehicle speeds on unpaved roads shall be limited to 15 mph;
- B-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;
- B-6 All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;
- B-7 All trucks and equipment, including their tires, shall be washed off prior to leaving the site;
- B-8 Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel; and
- B-9 Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

The air district also recommends enhanced best management practices under specific circumstances; however, due to the very small size of the project, the enhanced measures are not necessary.

On April 19, 2017, the air district adopted the 2017 Clean Air Plan, which fulfills the mandate required through the Clean Air Act for nonattainment areas, including updated emissions inventory, precursor demonstration, and the demonstration that best available control measure requirements continue to satisfy regional air quality standards. There are 85 control measures in the Clean Air Plan, many of which are applicable only for industrial or regional implementation. The air quality plan control measures that potentially apply to the proposed project are presented below in Table 2, Potentially Applicable Control Measures (2017 Clean Air Plan) along with a brief consistency analysis to determine how the project either does or does not implement each measure.

Implementation of the applicable control measures described below ensures that the proposed project would be consistent with the 2017 Clean Air Plan. Therefore, construction and operations of the proposed project would not conflict or obstruct implementation of the applicable air quality plan.

Table 2 Potentially Applicable Control Measures (2017 Clean Air Plan)

Control Measure Number and Name	Consistency Analysis
SS36 – Particulate Matter from Trackout	Consistent. This measure addresses mud/dirt and other solid track-out from construction, landfills, quarries and other bulk material sites, that result in particulate emissions. Comments from the Building Department, October 1, 2024, indicate that these air district best management practices (as presented above), as well as a demolition permit from the air district, will be required as conditions of approval.
SS38 – Fugitive Dust	Consistent. This measure addresses particulate matter emissions from construction, landfills, quarries and other bulk material sites. Comments from the Building Department, October 1, 2024, indicate that these air district best management practices, as well as a demolition permit from the air district, will be required as conditions of approval.
TR8 – Ridesharing and Last-Mile Connections	Consistent. This measure will reduce motor vehicle emissions of key ozone precursors, ROG and NO_x, particulate matter, air toxics, and greenhouse gases by reducing single occupancy vehicle trips through the promotion of rideshare services and incentives. The project site is located within 0.2 miles of five bus stops for Route 27 operated by the Valley Transportation Authority.
TR9 - Bicycle and Pedestrian Access and Facilities	Consistent. This measure expands bicycle facilities serving employment sites, residential areas, and shopping districts by including typical improvements include bike lanes, routes, paths, and/or bicycle parking facilities. The proposed project will incorporate up to 80 new bicycle parking facilities. This includes 72 long term bicycle parking for the residences and eight short term bicycle parking spaces.
TR14 – Cars and Light Trucks	Consistent. This measure promotes the use of electric vehicles or alternative fuels to reduce emissions. In addition to vehicle buy-back programs and other funding incentives, the air district continues to partner with private, local, state and federal programs to install and expand public charging infrastructure, and promote existing charging infrastructure. The proposed project plans include the installation of 25 to 26 EVCS parking spaces.
BL1 – Green Buildings	Consistent. The project would be required to meet standards in the most current version of the California Green Building Code Standards for Residential and Nonresidential Buildings (CalGreen, Title 24, Part 11).
BL2 - Decarbonize Buildings	Consistent. This measure reduces emissions by limiting the installation of space and water heating systems and appliances powered by fossil fuels, such as natural gas, in support of low to zero carbon emission technology alternatives. The building will be constructed as all electric per page 1 of the project plans (October 30, 2024) However, based upon an email conversation with Town staff on January 22, 2025, the applicant would like the option to include gas. Implementation of Mitigation Measure GHG-1, which requires the proposed building to be all electric, would ensure that GHG emissions are less than significant ensuring consistency with this measure.

SOURCE: EMC Planning Group 2024

b. **Construction Criteria Air Pollutant Emissions:** Emissions from construction activities can have temporary impacts that are typically short in duration, depending on the size, phasing, and type of project, and generally do not contribute to long-term cumulative air quality impacts. Air quality impacts can, nevertheless, be acute during construction periods, resulting in significant localized impacts to air quality.

The air district's 2022 CEQA Guidelines provide preliminary screening criteria that can be used as a conservative indicator of whether the implementation of a proposed project could potentially result in criteria air pollutants that exceed the air district's thresholds of significance. However, the air district's screening criteria is not applicable to projects whose construction-related activities include demolition of existing structures or excessive site preparation and materials transportation. The proposed project will require the demolition of existing structures. Consequentially, the air district's screening criteria cannot be applied. Therefore, construction emissions were quantified in CalEEMod and compared to the air district's construction thresholds of significance for criteria air pollutant impacts.

Table 3, Unmitigated Construction Criteria Air Pollutant Emissions, provides a comparison of the air district thresholds of significance to the construction emission values. Construction emissions volumes are projected to be well below the air district thresholds.

Table 3 Unmitigated Construction Criteria Air Pollutant Emissions

Emission	Reactive Organic Gases (ROG)	Nitrogen Oxides (NOx)	Particulate Matter (PM_{10} Exhaust)	Fine Particulate Matter ($PM_{2.5}$ Exhaust)
Average Daily Emissions[1,2,3,4]	1.6	2.2	0.1	0.1
Air District Thresholds[1,2]	54.0	54.0	82.0	54.0
Exceeds Threshold?	No	No	No	No

SOURCE: EMC Planning Group 2024, CalEEMod version 2022.1, Bay Area Air Quality Management District 2022
NOTES:
1. Estimated construction emission quantified using CalEEMod Version 2022.1.
2. Values are expressed in pounds per day.
3. Values may vary slightly due to rounding.

For all land use projects, the air district also recommends implementation of basic best management practices listed on Table 5-2 of the 2022 air district CEQA guidelines, to mitigate for cumulative projects construction impacts. Compliance with the basic best management practices is required for individual projects to be considered to have a less-than-significant impact from construction generated fugitive dust emissions. Comments from the Building Department, October 1, 2024, indicate that these air district best

management practices (as presented earlier), as well as a demolition permit from the air district, will be required as conditions of approval. Therefore, project-level and cumulative construction criteria air pollutant emissions would be less than significant.

Operational Criteria Air Pollutant Emissions: Air district's guidance on determining potentially significant impacts and potential mitigation of significant impacts is described in the 2022 air district CEQA guidelines. The air district provides a screening criteria for project types and sizes below which criteria air emissions thresholds would not be exceeded. The screening criteria can be used by lead agencies as a conservative indication of whether implementing the proposed project could generate operational criteria air pollutants that would result in a significant impact. If the proposed development is below the applicable screening criteria threshold, operation of the project would result in a less-than-significant impact. However, the air district does not provide screening criteria for mixed-use projects. For this reason, operational emissions were quantified and compared to the air district's thresholds of significance. Table 4, Unmitigated Operational Criteria Air Pollutant Emissions, indicates that operational criteria air pollutant emissions would not exceed the thresholds of significance. Therefore, the project's cumulative contribution to regional criteria air pollutant emissions would be less than significant.

Table 4 Unmitigated Operational Criteria Air Pollutant Emissions

Emission	Reactive Organic Gases (ROG)	Nitrogen Oxides (NOx)	Particulate Matter (PM_{10} Total)	Fine Particulate Matter ($PM_{2.5}$ Total)
Average Daily[1,2] Emissions	1.3	0.3	1.1	0.3
Air District Thresholds[2]	54.0	54.0	82.0	54.0
Exceeds Threshold?	No	No	No	No
Maximum Annual Emissions[1,3]	0.2	0.1	0.2	0.05
Air District Thresholds[3]	10.0	10.0	15.0	10.0
Exceeds Threshold?	No	No	No	No

SOURCE: EMC Planning Group 2024, CalEEMod version 2022.1, Bay Area Air Quality Management District 2022
NOTES:
1. Values may vary slightly due to rounding.
2. Values are expressed in pounds per day.
3. Values are expressed in tons per year.

c. **Construction Phase Toxic Air Contaminants**: Diesel exhaust is the predominant toxic air contaminants (TAC) in urban air and is estimated to represent about two-thirds of the cancer risk associated with TACs. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and toxic air contaminants. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter. Diesel exhaust is especially common during construction phases, such as grading and demolition, when most of the heavy equipment is used.

Project construction activities have potential to expose existing sensitive receptors to localized health risks associated with temporary localized TAC emissions. A sensitive receptor is generally defined as a location where there is a reasonable expectation that human populations, especially children, seniors, and sick persons, could be continuously exposed to TAC emissions. Typical sensitive receptors include residences, hospitals, and schools. Existing sensitive receptors that could be impacted by construction TAC emissions include Los Gatos High School located adjacent to the eastern boundary of the project site at the intersection of East Main Street and High School Court, as well as residential uses located within 1,000 feet of both the southern and northwestern boundaries of the project site.

Emissions from construction diesel engines are subject to control under regulations adopted by both the U.S. EPA and California Air Resources Board. U.S. EPA promulgated emission standards for off-road engines in 1998, with the California Air Resources Board adopting parallel standards in 2000. In 2004, Tier 4 emission standards were adopted and phased in for new engines between 2011 and 2014. In 2007, CARB adopted an off-road equipment regulation to accelerate reductions of NO_x and diesel PM from existing off-road engines. Beginning in 2012 and through 2023, the off-road regulation requires operators of older equipment to either install abatement devices, upgrade to Tier 3 and eventually Tier 4 engines, or to retire older equipment.

Implementation of the following mitigation measure would ensure that the health risks from potential exposures to construction TAC emissions would be less than significant by requiring that best management practices be implemented to reduce emissions and ensure compliance with diesel engine regulations designed to reduce diesel emissions.

Mitigation Measure

AQ-1 The applicant shall prepare a Construction Management Plan for review and approval by the Town of Los Gatos Community Development Department prior to the start of any ground-disturbing activities, including tree removal. The Construction Management Plan shall include the following measures to reduce toxic air contaminant emissions during construction:

a. Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation;

b. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes;

c. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator; and

d. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity, or biodiesel.

Implementation of this mitigation measure would reduce exposure of sensitive receptors to construction TACs to a less-than-significant level by requiring cleaner engines, limiting idle times, and restricting non-compliant equipment.

Operational Toxic Air Contaminants: Operations of residential uses are not considered to be sources of TACs that would increase health risks. However, depending on the use type, the operations of non-residential uses have the potential to produce TAC emissions that create localized health risks. The potential commercial/retail/restaurant uses proposed as part of the project are not commonly associated with operations or processes that produce notable sources of TACs, as may be the case with heavy service commercial or industrial uses. Stationary TAC sources from the proposed project may include the use of diesel generators as a back-up power supply. However, diesel generators are subject to CARB's Stationary Diesel Airborne Toxics Control Measure and require permits from the air district, since they commonly are equipped with engines larger than 50 horsepower. Best Available Control Technology for Toxics requirements would apply and would limit diesel particulate matter emissions. As part of the air district permit requirements for toxics screening analysis, the engine emissions would have to meet best available control technology for toxics standards and pass the toxic risk screening level of less than ten in a million. Sources of air pollutant emissions complying with all applicable air district regulations generally are not considered to have a significant community health risk impact.

In addition to possible impacts on existing sensitive receptors, existing sources of TACs near the project site could adversely expose future on-site residents to unacceptable health risks. TAC emissions may be of concern when sensitive receptors are located adjacent to high volume roadways that carry 10,000 average daily trips or more. The primary existing known source of TAC emissions that could affect future sensitive receptors is traffic on State Route 17, which is located approximately 800 feet from the northwest corner of the project boundary. According to the California Department of Transportation, the average daily traffic volumes on State Route 17 is approximately 33,600 trips per day (California Department of Transportation 2017). Therefore, the project's potential to expose future sensitive receptors to substantial pollutant concentrations is potentially significant.

Under CEQA, comparative analysis of similar developments is permissible when it provides relevant insights into potential environmental impacts of a proposed project. By examining comparable projects with similar characteristics, such as size, location, or use, lead agencies can draw on established data and outcomes to assess a project's likely effects. One example of a comparable project is the recently proposed multi-family residential development located at 50 Los Gatos- Saratoga Road, approximately 1,500 feet north of the proposed project site. The reference project consists of 154 townhome-style condominium units located adjacent to the State Route 17/State Route 9 interchange. A health risk assessment completed for that project concluded that exposure of future on-site receptors to TACs that exceed air district thresholds would be less than significant provided MERV-13 air filtrations systems are incorporated in the project design (Ramboll 2024).

The following mitigation measure shall be implemented to ensure that TAC emission impacts on future on-site sensitive receptors is less than significant.

Mitigation Measure

AQ-2 The project applicant shall ensure that MERV 13 air filtration systems, or an equivalent system, are included in the design and operations of the proposed project. Prior to the issuance of building permits, the applicant shall submit detailed plans and specifications demonstrating compliance with this requirement to the Town of Los Gatos Building Department for review and verification. These plans shall identify the locations and specifications of the air filtration systems and confirm they meet the performance standards for particulate and airborne pollutant removal.

The air filtration systems must be operational prior to the issuance of a certificate of occupancy. Verification of proper installation and functionality shall be conducted by a licensed professional and documented in a final compliance report, which must be submitted to the Town of Los Gatos Building Department for approval. The property owner or operator shall also establish a maintenance plan for the air filtration system to ensure ongoing performance in accordance with manufacturer specifications.

d. The most common sources of odors identified in complaints received by local air districts are sewage treatment plants, landfills, recycling facilities, waste transfer stations, petroleum refineries, biomass operations, autobody shops, coating operations, fiberglass manufacturing, foundries, rendering plants, and livestock operations. The proposed project would not produce these types or other objectionable odors.

4. BIOLOGICAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
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, filing, hydrological interruption, or other means?	☐	☐	☐	☒
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Comments:

Prior to preparation of this analysis, EMC Planning Group biologist Rose Ashbach, M.S., reviewed site plans, aerial photographs, natural resource database accounts, and other relevant scientific literature.

The 0.43-acre project site is located at 143 East Main Street (APN 529-28-002) and 151 East Main Street (APN 529-28-001). The project site is bounded on the east by High School Court and to the west by the Masonic Hall. The site is developed with a commercial retail building;

current uses are a café and a furniture store. Topography of the parcel is flat. There are five street trees and three landscaping trees in the raised planters along E. Main Street. Vegetation is ornamental and planted in planter boxes and there are two trees on the neighboring property.

a. **Special-Status Species**. A search of the California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CNDDB) was conducted for the project parcel and the surrounding eight U.S. Geological Survey (USGS) quadrangles in order to generate a list of potentially occurring special-status species for the project vicinity (CDFW 2024a/b). Records of occurrences for special-status plants were reviewed for those quadrangles in the California Native Plant Society *Inventory of Rare and Endangered Plants of California* (CNPS 2024). A U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* threatened and endangered species list was also generated for the project site, and the USFWS *Critical Habitat for Threatened & Endangered Species* online mapper was reviewed (USFWS 2024a & USFWS 2024c). Special-status species in this report are those listed as Endangered, Threatened, or Rare or as candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B species by the CNPS. Appendix C, Special-Status Species with Potential to Occur in the Project Vicinity, presents tables with special-status species search results, which lists the special-status species documented within the project vicinity, their listing status, suitable habitat description, and their potential to occur on the project site. Figure 5, Special-Status Species in the Project Vicinity, presents a map of the CNDDB results.

The project site is developed and located within the urban area of downtown Los Gatos, which make the presence of special-status plant or wildlife species unlikely. However, protected nesting birds have the potential to utilize trees and vegetation at the site and are addressed below.

Nesting Birds. Protected nesting bird species have the potential to nest on open ground, in any type of vegetation, including trees, or in onsite buildings during the nesting bird season (January 15 through September 15). The project site and surrounding properties contain several trees, shrubs, and building crevices that may be suitable for nesting. Construction activities can impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during construction. If protected bird species are nesting adjacent to the project site during the bird nesting season, then noise-generating construction activities could result in the loss of fertile eggs, nestlings, or otherwise lead to the abandonment of nests. Implementation of Mitigation Measure BIO-1 would reduce the potential impact to nesting birds to a less-than-significant level.

Mitigation Measure

BIO-1 To avoid impacts to nesting birds during the nesting season (January 15 through September 15), all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season

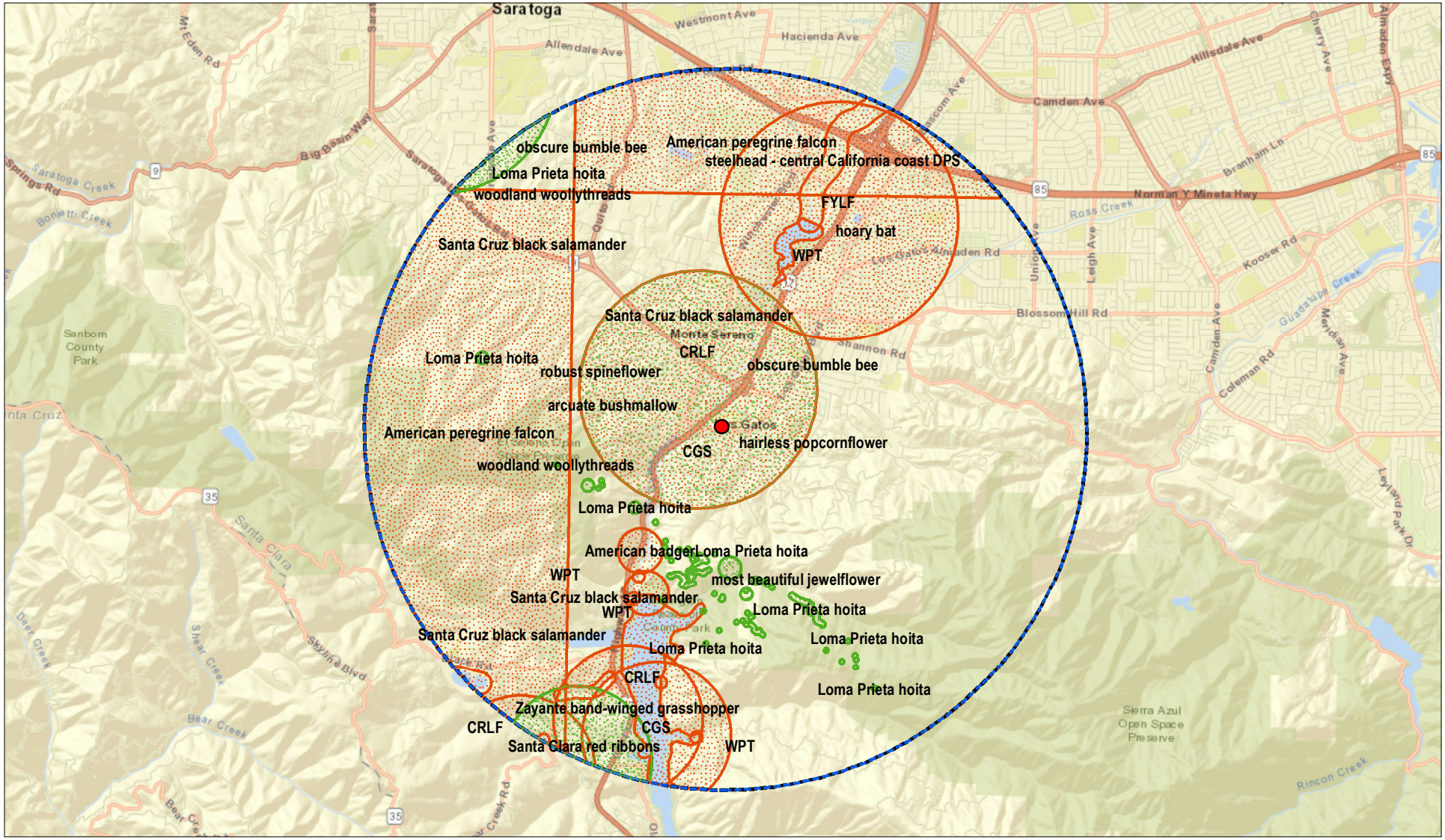
(February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

a. One survey for active bird nests shall occur within 48 hours prior to ground disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. The survey shall be conducted at the appropriate time of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the Town of Los Gatos Community Development Department and no further mitigation is required.

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

b. **Riparian Habitat or Sensitive Natural Communities.** There are no riparian habitats or sensitive natural communities within the project site. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

c. **Waters of the United States.** A review of the *National Wetlands Inventory* online database was conducted to identify potential jurisdictional aquatic features on or adjacent to the project site (USFWS 2024b). The results showed no wetland features within or adjacent to the project site. Therefore, the project would not have a substantial adverse effect on state or federally protected wetlands.



Source: CDFW CNDDB 2024, ESRI 2024
CRLF: California red-legged frog, CGS: California giant salamander
FYLF: Foothill yellow-legged frog, WPT: Western pond turtle

Figure 5

Special-Status Species in the Project Vicinity

143 & 151 E. Main Street Mixed Use Project Initial Study

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d. **Wildlife Movement.** Wildlife movement corridors provide connectivity between habitat areas, enhancing processes like nutrient flow, gene flow, seasonal migration, pollination, and predator-prey relationships. Increasing connectivity is a critical strategy for addressing habitat loss and fragmentation, a top threat to biodiversity.

The parcel is located within the outer limits of an essential habitat connectivity area as mapped by the *California Essential Habitat Connectivity Project* (CDFW 2024d). Movement of medium to large mammals between the project site and regional open space lands is likely highly restricted due to the lack of natural habitat linkages and the presence of existing barriers (e.g., roads, developed areas) around the parcel. Dispersal to and from the project site by small mammals, amphibians, and reptiles is unlikely due to these existing barriers. Therefore, the project site does not act as a major wildlife corridor, movement pathway, or linkage between larger habitat areas for terrestrial wildlife. It is for this reason that the proposed project would have a less-than-significant impact on wildlife movement.

e. **Local Biological Resource Policies/Ordinances.** An arborist report was prepared to address removal of the existing on-site, which is included as Appendix D

Protected Trees. The project proposes to remove six trees (three on-site trees and three street trees). All trees for removal are considered protected by the Town and require a permit for removal and mitigation. Two street trees will be retained and protected (refer to the arborist report dated October 24, 2024 for the Los Gatos Mixed Use Tree Inventory Map found in Appendix D).

The proposed project includes the removal of 10 protected trees. Impacts to protected trees are considered significant adverse environmental impacts. Implementation of the following mitigation measure, which requires tree replacement, would reduce the impact to a less-than-significant level.

Mitigation Measure

BIO-2 Per Town Code Section 26.20.010 and Chapter 29, Article 1, Division 2, the developer shall obtain a tree removal permit prior to the removal of protected trees on private or Town property. The project developer shall abide by any tree replacement ratios and/or in-lieu payments, tree protection measures, and best management practices required by the tree removal permit and/or within the arborist report dated October 24, 2024 (Appendix D).

f. **Critical Habitat, Habitat Conservation Plans, Natural Community Conservation Plans.** There are no critical habitat boundaries, habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans applicable to the proposed project site (CDFW 2024d, USFWS 2024a). Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5. CULTURAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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?	☐	☒	☐	☐
b.	Cause a substantial adverse change in the significance of a *unique archaeological resource* pursuant to section 15064.5?	☐	☒	☐	☐
c.	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Comments:

An archival database search was conducted through the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) affiliated with the State of California Office of Historic Preservation in Sacramento. The NWIC was provided with a location map of the project area and a request of the historic resources within one-quarter mile radius of the project site boundary. The results were received in September 2024 and only one resource was found: Forbes Flour Mill Annex (Resource No. P-43-000384), a historic building located approximately 0.16 miles northwest of the site.

a, b. **Historic Structures**. The results provided by the NWIC revealed that only one historic resource was located within the project vicinity; Forbes Flour Mill Annex (Resource No. P-43-000384), a historic building located approximately 0.16 miles northwest of the site. Due to its distance from the project site, implementation of the project would have no adverse impact on the resource.

Indigenous Historic Resources or Unique Archaeological Resources. The results provided by the NWIC revealed that no indigenous historic or unique archaeological resources were found within the project vicinity. However, unknown buried significant historic or unique archaeological resources could be present. Such resources, if present, could be damaged or destroyed by ground disturbing construction activities associated with the project. This would be a significant impact. Implementation of the following mitigation measure would ensure that potential impacts would be less than significant.

Mitigation Measure

CUL-1 The following language shall be incorporated into any plans associated with tree removal, grading, and construction, "In the event that archaeological resources are encountered during ground disturbing activities, contractor shall temporarily halt or divert excavations within 50 meters (165 feet) of the find until it can be evaluated. All potentially significant archaeological deposits shall be evaluated to

demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered, they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For indigenous archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources shall also be sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance by a qualified Archaeologist. Significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites."

c. It is unknown whether Native American remains are located at the project site. However, there remains the possibility that ground disturbing activities associated with the proposed project could damage or destroy previously undiscovered Native American human remains. Disturbance of Native American human remains would be a significant impact. The following mitigation measure would reduce this potential impact to a less-than significant level.

Mitigation Measure

CUL-2 The following language shall be incorporated into any plans associated with tree removal, demolition, grading, and construction, "In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within 50 meters (165 feet) of the find. The Santa Clara County Coroner will be notified immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the project proponent shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the

disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

6. ENERGY

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☒	☐	☐
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Comments:

a. Energy impacts are assessed based on the proposed project energy demand profile and on its relationship to state energy efficiency regulations. The primary sources of energy consumption will be fuel use in vehicles traveling to and from the project site, natural gas, and electricity used in buildings. Each of these energy consumption sources is described below.

Transportation Fuel: The proposed project would generate vehicle trips from residential and commercial retail use that will result in transportation fuel demand. The results of the transportation analysis indicate that the proposed project would generate 1,577 daily VMT or approximately 575,605 VMT per year (Hexagon Transportation Consultants, Inc. 2024). This information was input into the Emissions Factor Model and used to calculate fuel demand. The results, included in Appendix E, show that annual fuel demand would be approximately 21,472 gallons (combined diesel and gasoline).

Natural Gas: According to the California Energy Commission Energy Consumption Data Management System, in 2022, total natural gas consumption in Santa Clara County was 423,940,213 therms (California Energy Commission Energy 2022a). Section 5.11, Operational Energy Consumption, in the project CalEEMod results, included in Appendix B, shows that the projected natural gas demand would be approximately 277,890 kBTU (British Thermal Units) per year or 2,779.6 therms per year, which is less than one-thousandth of the countywide demand in 2022. With implementation of Mitigation Measure GHG-1 located in Section 8.0, Greenhouse Gas Emissions, which requires the project to be all electric, then the projected natural gas demand would be reduced to zero

Electricity: According to the California Energy Commission Energy Consumption Data Management System, in 2022, total electricity consumption in Santa Clara County was 17,101,799,026 kilowatt-hours (kWh) (California Energy Commission Energy 2022b). Section 5.11, Operational Energy Consumption, in the CalEEMod results included in Appendix B, show an anticipated project electricity demand of 231,519 kWh per year, or 0.00001 percent of the countywide electrical demand in the absence of state regulations

designed to reduce energy demand. Electricity demand would be significantly reduced with required conformance to regulatory requirements included in the California Building Energy Efficiency Standards, as summarized below. The 2022 standards require that the residential development component has a net zero electricity demand. This is achieved through a combination of incorporating energy efficiency, energy reduction features, and renewable energy features.

Regulatory Requirements: A multitude of state regulations and legislative acts are aimed at improving vehicle fuel efficiency, energy efficiency, and enhancing energy conservation. For example, the Pavley I standards focus on transportation fuel efficiency. The gradual increased use of electric cars powered with cleaner electricity will reduce consumption of fossil fuel. According to the State of California, VMT is expected to decline with the continuing implementation of SB 743, resulting in less vehicle travel and less fuel consumption. In the renewable energy use sector, representative legislation for the use of renewable energy includes, but is not limited to SB 350 and Executive Order B-16-12. In the building energy use sector, representative legislation and standards for reducing natural gas and electricity consumption include, but are not limited to, AB 2021, CALGreen, and the California Building Standards Code.

The California Building Standards Code is enforceable at the project level. The California Energy Code (California Code of Regulations, Title 24, Part 6), which is incorporated into the California Building Standards Code, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. California's energy code is specifically designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings.

A project could have significant energy impacts due to wasteful, inefficient, or unnecessary consumption of energy if its energy demand is extraordinary relative to common land use types, its gross energy demand is excessive relative to total demand, and/or it fails to comply with energy efficiency/conservation regulations that are within the applicant's control. The project applicant would be required to comply with the primary state regulatory requirements for reducing building energy demand found in Title 24 of the current California Building Code, and with CALGreen requirements as described above. Further, the project is a common land use type that is not inherently considered to be unnecessary. The proposed project would consume energy, but it would not be inefficient, wasteful, or unnecessary. Given the considerations summarized above, the proposed project would have a less-than-significant energy impact.

b. The California Building Standards Code requires the proposed project be built to the Building Energy Efficiency Standards in effect at the time building permits are applied for. By incorporating renewable energy per the Building Energy Efficiency Standards, and incorporating CALGreen energy efficiency measures, the project would comply with existing state and local energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

7. GEOLOGY AND SOILS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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:				
	(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☒	☐	☐
	(2) Strong seismic ground shaking?	☐	☐	☒	☐
	(3) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	(4) Landslides?	☐	☐	☐	☒
b.	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☒	☐	☐
d.	Be located on expansive soil, creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Comments:

a. **Earthquake Rupture**. The project site is located approximately three miles northeast of the nearest Alquist-Priolo Fault Zone, which is associated with the San Andreas Fault (California Department of Conservation 2024). There are also several quaternary faults that run through the Town and near the project site (refer to Figure 9-2 of the 2040 General Plan). The Santa Clara County Geologic Hazard Zones mapping tool identifies

the project site as being within a "County Fault Rupture Hazard Zone" (Santa Clara County 2024a); therefore, the project is required to comply with the applicable regulations outlined in the California Building Code related to seismic hazards and construction.

Required compliance with the California Building Code would ensure that impacts associated with the rupture of a known earthquake fault would be less than significant. Additionally, the Building Department has indicated that a soils report addressing foundation and retaining wall design recommendations is required (October 1, 2024). Implementation of Mitigation Measure GEO-1 would ensure less than significant impacts.

Mitigation Measure

GEO-1 The applicant shall prepare a soils report addressing, but not limited to: foundation and retaining wall design recommendations, and impacts associated with lateral spreading, subsidence, or collapse. The soils report shall be submitted to the Town Building Division for review and approval prior to issuance of a grading permit. All recommendations outlined in the soils report shall be incorporated into the project design.

Seismic Ground-Shaking. The project site is located approximately three miles northeast from the San Andreas Fault (California Department of Conservation 2024); therefore, strong seismic ground-shaking is likely to occur during the lifetime of the project. Figure 9-4 in the 2040 General Plan also identifies the project site as being within a high intensity ground-shaking area.

The project is required to comply with the applicable regulations outlined in the California Building Code related to seismic hazards and construction. Required compliance with the California Building Code, as well as compliance with Mitigation Measure GEO-1 above, would ensure that impacts associated with strong seismic ground-shaking would be less than significant.

Liquefaction. The project site is not located within a liquefaction zone (California Department of Conservation 2024). Therefore, the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.

Landslides. The project site is not located within a landslide zone (California Department of Conservation 2024). Therefore, the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

b. The 2040 General Plan states that erosion potential decreases toward the center of the Town and is minimal in the flat area just east of the State Route 17 corridor. The project site is located approximately 0.15 miles southeast of State Route 17 (refer back to Figure 2); therefore, erosion potential is minimal in the project area.

However, grading activities required for construction of the proposed project could result in some level of soil erosion or the loss of topsoil as soils are particularly susceptible during the grading phases of development. The California Building Code provides regulations for construction to provide grading, drainage, and erosion and sediment control.

Additionally, the project includes a Stormwater Management Plan (Sheet C-5.0 of the project plans, Appendix A), which includes a self-treating area where runoff flows through plants prior to exiting the project site as well as a bioretention area where runoff is directed to a bioretention planter for filtration, infiltration, and evaporation prior to exiting the site. Therefore, the proposed project would not result in substantial soil erosion or the loss of topsoil.

c. According to Figure 4.7-1 in the *2040 General Plan Draft Environmental Impact Report* ("2040 General Plan EIR"), the project site primarily contains Urban land-Flaskan complex, which is a well-drained soil type with moderate permeability and low run-off. Although the site is not located within an area susceptible to liquefaction or landslides, it is unknown if the project is located on a site that is unstable or would become unstable as a result of the project. Therefore, the proposed project will be required to prepare a soils report as required by the Town's Chief Building Official; refer to Mitigation Measure GEO-1 outlined in checklist question "a." Compliance with any recommendations that may be presented in the soils report would ensure that any impacts associated with lateral spreading, subsidence, or collapse would be less than significant.

d. The project site primarily contains Urban land-Flaskan complex, which has no expansion properties according to the Santa Clara County's Soils of Santa Clara County mapping tool (Santa Clara County 2024b). Therefore, the project is not located on expansive soil, creating substantial direct or indirect risks to life or property.

e. The project will connect into the Town's sanitary sewer system and, therefore, there would be no impact related to the site soils and its capability to support the use of septic tanks.

f. No known paleontological resources are within the project boundary; however, it is possible that paleontological resources could be accidentally discovered during construction activities associated with development of the project site. Directly or indirectly destroying a unique paleontological site is considered a significant, adverse environmental impact.

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

Mitigation Measure

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

> "If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction activities in the area shall be suspended. The developer shall retain a qualified paleontologist to examine the site and identify protective measures to be implemented to protect the paleontological resource. The measures shall be subject to review and approval by the Community Development Director."

8. GREENHOUSE GAS EMISSIONS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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?	☐	☒	☐	☐
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Comments:

a. The greenhouse gas (GHG) impacts of a project can be found to be less than significant if the project is consistent with a qualified plan for reducing GHG emissions. The Town prepared a sustainability plan on October 15, 2012, which outlines specific GHG emission reduction targets and measures. However, this document does not qualify as a plan against which consistency of the proposed project can be assessed. In lieu of an available qualified plan, an alternative methodology is required to assess GHG impacts. For this reason, GHG impacts from the proposed project were assessed using guidance provided by the air district in the *2022 CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* (2022 CEQA Guidelines) (Bay Area Air Quality Management District 2024a).

Construction Emissions: The air district released its *Justification Report for CEQA Threshold for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* in 2022 (Bay Area Air Quality Management District 2024b). That guidance, which functions as a plan for reducing GHG emissions, suggests that construction GHG emissions represent a very small component of the overall GHG emissions inventory generated by land use projects. Consequently, construction emissions are not considered be to a source of significant GHG emissions impacts.

Operational Emissions: The 2022 air quality CEQA guidelines utilizes a performance standard-based analysis approach for evaluating GHG impacts. The guidance focuses on standards that should be met in the design and operations of individual land use projects for such projects to contribute their fair share towards meeting the state's 2045 carbon neutrality goal as reflected in AB 1279. AB 1279 establishes the policy of the state to achieve carbon neutrality as soon as possible, but no later than 2045 and maintain net negative GHG emissions thereafter, as well as ensure that by 2045 statewide anthropogenic GHGs are reduced at least 85 percent below 1990 levels. AB 1279 represents the state's most recent GHG reduction goals.

The 2022 air district CEQA guidelines state that a land use project which meets the following performance standards would have a less-than-significant impact because it would contribute its fair share towards meeting the state's 2045 carbon neutrality goal:

a. Buildings
    a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    b. 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.

b. Transportation
    c. 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.
        i. Residential projects: 15 percent below the existing VMT per capita
        ii. Office projects: 15 percent below the existing VMT per employee
        iii. Retail projects: no net increase in existing VMT.
    d. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

If a project meets these performance standards, it would be considered consistent with achieving California's long-term climate goals of carbon neutrality and an agency reviewing the project under CEQA could conclude that the project will not make a cumulatively considerable contribution to global climate change. Projects that do not meet these standards would have a significant GHG climate impact because they would hinder the state's efforts to meet its carbon neutrality goal.

Each of the air district performance standards are summarized below for reference.

Performance Standard 1 - No Natural Gas: Energy used in residential and nonresidential buildings in California comes primarily from natural gas and electricity, the generation and consumption, which can result in GHG emissions. Natural gas usage emits GHGs directly when it is burned for space heating, cooking, hot water heating and similar uses, whereas electricity usage emits GHGs indirectly to the extent that it is generated by burning carbon-based fuels. For the building sector to achieve carbon

neutrality, natural gas usage will need to be phased out and replaced with electricity usage, and electrical generation will need to shift to 100-percent carbon-free sources. To support these shifts, future projects should be required to be built without natural gas infrastructure, and instead, constructed as all electric. Using electric instead of natural gas-powered appliances and end uses replaces a more emissions-intensive fossil fuel source of energy with a less emissions-intensive source of energy, electricity from the grid that is increasingly transitioning to renewable sources.

As indicated on the project plans (Kenneth Rodrigues & Partners, Inc. 2024), the project is being planned as all-electric (project plans, sheet 1). Therefore, the project design is consistent with the air district's first performance standard. However, based upon an email conversation with Town staff on January 22, 2025, the applicant would like the option to include gas. To ensure less than significant GHG impacts, the project is required to comply with the following mitigation measure, which requires the project to be all electric.

Mitigation Measure

GHG-1 The project developer shall incorporate the following GHG emissions reduction performance standard into the final project design:

- No permanent natural gas infrastructure shall be permitted as part of the project plans; no natural gas shall be made available through permanent natural gas infrastructure. The project shall be all electric.

  Final plans for the development shall be reviewed by the Town Community Development Department prior to issuance of a building permit to ensure this performance standard is incorporated into the project design. Verification of development consistent with this performance standard shall be assured prior to approval of occupancy permits.

Performance Standard 2 - Less than Significant Energy Impacts: CEQA requires lead agencies to evaluate a project's potential for wasteful, inefficient, or unnecessary energy usage under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines, along with State CEQA Guidelines Appendix F and Appendix G, Section VI. The Bay Area Air Quality Management District recommends using the results of this analysis to determine whether the project will implement its "fair share" with respect to supporting the implementation of SB 100, the 100 Percent Clean Energy Act of 2018. SB 100 strengthened the State's Renewables Portfolio Standard (RPS) by requiring that 60 percent of all electricity provided to retail users in California come from renewable sources by 2030 and that 100 percent come from carbon-free sources by 2045. Eliminating GHG emissions associated with building electricity usage will be achieved by decarbonizing California's electrical generation infrastructure. California has committed to achieving this goal by 2045 through SB 100.

If the energy analysis required under CEQA Section 21100(b)(3) shows that a project will not result in wasteful, inefficient, or unnecessary energy use, then it will be consistent with implementing SB 100 and will not have a cumulatively considerable climate impact

with respect to building electrical usage. If the project is found to involve wasteful, inefficient, or unnecessary energy usage, then the lead agency should conclude that it will have a cumulatively considerable impact and treat it as significant in this regard.

As described in Section 6.0, Energy, the energy impacts from the project have been found to be less than significant with implementation of Mitigation Measure GHG-1.

Performance Standard 3 - Less Than Significant VMT Impact: New land use projects can influence transportation-related GHG emissions by reducing the number of VMT the project would generate. Motor vehicle transportation does not need to be eliminated entirely in order for the land use sector to achieve carbon neutrality, as carbon-free vehicle technology can be used (e.g., EVs powered by carbon-free electricity sources). But for that goal to be realistically implemented by 2045, California will need to reduce its per-capita VMT. How land use development is designed and sited can have a significant influence on how much VMT the project will generate. New land use projects need to provide alternatives to motor vehicle–based transportation such that VMT per capita can be reduced to levels consistent with achieving carbon neutrality by 2045.

Both the current California Climate Change Scoping Plan and guidance from the Governor's Office of Planning and Research recommend a 15 percent reduction in project-generated VMT to align with the targets established under Senate Bill 743.

A transportation assessment prepared for the proposed project found that the VMT per service population derived for the proposed project (20.1 VMT per service population) was approximately 33 percent below the 26.1 daily VMT per service population rate derived for the Town (Hexagon Transportation Consultants, Inc. 2024). Therefore, the VMT impacts from the project would be less than significant. Refer to Section 17.0, Transportation, for more information.

Performance Standard 4 - Electric Vehicle Ready: The requirements for electric vehicle (EV) charging infrastructure in new land use development projects are governed by the CALGreen standards. These standards are set forth in Title 24 of the California Code of Regulations, and they are regularly updated on a three-year cycle. The CALGreen standards consist of a set of mandatory standards for new development, as well as two sets of voluntary standards known as Tier 1 and Tier 2. Although the Tier 1 and Tier 2 standards are voluntary, they often form the basis of future mandatory standards adopted in subsequent updates. The voluntary standards outline more aggressive actions than do the mandatory standards.

Providing EV charging infrastructure per Tier 2 standards increases fuel redundancy for electric vehicles even if an extreme weather event disrupts other fuel sources, in addition to reducing GHG emissions. This will enable drivers of electric and hybrid (electric and gasoline) vehicles to drive a larger share of miles, thereby displacing GHG emissions from gasoline consumption with a lower volume indirect emission from renewable electricity.

The 2022 CALGreen code specifies the requirements for new residential and nonresidential developments, which includes the number of EV-capable spaces and Electric Vehicle Charging Stations (EVCS) required for individual projects based on the total number of specified parking spaces. An EV-capable space is a parking spot equipped with the necessary electrical raceways and panel capacity to support future charging equipment, whereas an EVCS has been fully outfitted with operational EV charging equipment. Mandatory provisions in the current code specifies that new multifamily residential developments with 20 or more dwelling units are required to dedicate 10 percent of the available parking to be EV capable, 25 percent to be EV Ready with low power 2 receptacles, and 5 percent to be level 2 EVCS. There are currently no EV parking infrastructure requirements for nonresidential uses with 0-9 parking spaces.

The project outlines two underground parking layout options. Option 1 includes a total of 47 parking spaces: 39 residential parking spaces and 8 retail parking spaces, with 26 of the residential spaces (approximately 67 percent) designated as Level 2 EVCS stalls. Option 2 offers 39 residential parking spaces with no retail parking and provides 25 Level 2 EVCS stalls, which account for 64 percent of the total residential spaces.

The percentage of EV parking spaces provided in both Option 1 and Option 2 exceeds the current CALGreen requirements. As a result, both parking options would comply with the air district's performance standards for EV charging infrastructure.

Summary of Performance Standards: With implementation of Mitigation Measure GHG-1, the current project would meet all four of the air district's performance standards and as a result, the project would provide its fair share contribution toward achieving the state's 2045 carbon neutrality goal.

b. The air district's guidance, described in the *2022 CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans,* is referenced as an applicable plan for reducing GHG emissions. As described above, the project meets all four of the air district's performance-based standards for reducing GHG emissions. Therefore, the project would not conflict with or obstruct the applicable plan for reducing GHG emissions.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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?	☐	☐	☐	☒
b.	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?	☐	☒	☐	☐
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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, create a significant hazard to the public or the environment?	☐	☐	☐	☒
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 a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Comments:

a. The proposed mixed-use project would not involve hazardous materials and, 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.

b. The existing on-site structure was constructed in 1949 and could contain asbestos containing materials and/or lead based paint (Partners 2021). The project would result in the demolition of the existing on-site structure, which could create a significant hazard to the public or the environment involving the release of hazardous materials.

The phase I environmental site assessment prepared on the project site in 2020 (Environmental Solutions 2020), and subsequently peer-reviewed by Partners in 2021 (both of which can be found in Appendix F), recommends that an Asbestos Operations and Maintenance Plan be prepared and implemented in order to safely manage the suspect asbestos containing materials and lead based paint located on the project site. However, Operations and Maintenance Plans are typically used for structures in good condition that are being maintained or renovated. The proposed project requires the demolition of the existing structure; therefore, the project will be subject to the regulations of the Federal Clean Air Act, California Department of Public Health, California Department of Occupational Safety and Health Administration (Cal/OSHA), and the Bay Area Air Quality Management District regarding asbestos and lead abatement for construction and redevelopment. The project shall comply with California Code of Regulations Section 1532.1, which requires testing, monitoring, containment, and disposal of lead-based materials in a manner which ensures that exposure levels do not excel Cal/OSHA standards, and California Code of Regulations Section 1529, which sets requirements for asbestos exposure and monitoring, among other things. Compliance with the abovementioned Clean Air Act, state agencies, and California Code of Regulations would reduce the potential hazards involving the release of hazardous materials into the environment.

Additionally, the phase I environmental site assessment recommends that if the property use changes to residential or if the property is redeveloped and no longer utilizes a raised foundation, then soil vapor testing on the site should be conducted. The proposed project involves redevelopment and residential uses; therefore, the following mitigation measure will be required in order to ensure impacts involving the release of hazardous materials into the environment are less than significant.

Mitigation Measure

HAZ-1 The project developer shall conduct soil vapor testing on the project site prior to issuance of a grading permit. The results of the soil vapor testing shall be reviewed by the Town Engineer and only with approval by the Town Engineer can any grading and earth-moving construction activities take place.

If soil vapor testing comes back with concentration levels that exceed safety thresholds for residential uses, the Town Engineer shall determine if Environmental Solutions should provide recommendations for construction of the project. If soil vapor testing comes back with concentration levels below safety thresholds, no further action is necessary.

c. The project site is located adjacent to Los Gatos High School. However, the proposed mixed-use project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Therefore, no impact would occur.

d. The following lists were reviewed:

- Hazardous Materials Waste and Substances Sites from the Department of Toxic Substances Control EnviroStor Database (California Department of Toxic Substances Control 2024);
- Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker Database (State Water Resources Board 2024);
- Solid Waste Disposal Sites Identified by Water Board with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit (California Environmental Protection Agency 2024a);
- "Active" Cease and Desist Order and Cleanup and Abatement Orders from Water Board (California Environmental Protection Agency 2024b); and
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by the Department of Toxic Substances Control (California Environmental Protection Agency 2024c).

The project site is not located on any of these lists. Therefore, the proposed project is not 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 not create a significant hazard to the public or the environment.

e. The project site is not located within two miles of any airport. The nearest is the San Jose Mineta International Airport, which is located approximately 10.5 miles northeast of the project site (Google Earth 2024). Therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area.

f. Santa Clara County's Multi-Jurisdictional Hazard Mitigation Plan was prepared and adopted with the primary purpose of identifying, assessing, and reducing the long-term risk to life and property from hazard events. The current hazard mitigation plan does not specifically identify evacuation routes within Los Gatos; however, it can be assumed that the primary evacuation routes are the highways (e.g., State Route 17, State Route 9, etc.). The project does not involve any work within the adjacent roadways (i.e., Church Street, High School Court, or East Main Street). Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

g. The project site is not located within any fire severity zone mapped by the California Department of Forestry and Fire Protection nor the Town. The nearest very high and high fire hazard severity zones are located approximately 0.75 miles south of the site (California Department of Forestry and Fire Protection 2024). Therefore, the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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:				
(1) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(4) Impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Comments:

a. **Construction Water Quality**. The project site is currently developed, level, and less than 1/2 acre in size. Development of the proposed project would involve soil disturbance, such as demolition, grading, and construction activities on less than one acre, and therefore, it would not require a National Pollutant Discharge Elimination System permit. The potential impact would be less than significant.

Post-Construction Water Quality. During the operational phase of the proposed project, urban pollutants can mix with the stormwater runoff from the project site potentially affecting downstream receiving waters. The proposed project includes a stormwater management plan, as illustrated on sheets C-3.0, C-5.0, as well as L1.0 of the project plans. The project is replacing more than 50 percent of the existing impervious area and therefore, must provide stormwater treatment on the entire site. This plan includes the following treatment measures to regulate the quality of storm water leaving the site:

1. Self-treating area – runoff in this area originates in and flows through planting prior to exiting the site, and therefore, no treatment is required.

2. Bio-retention area – runoff in this area is directed to a bio-retention planter/area for filtration, infiltration and evapotranspiration prior to existing the site.

The proposed project is exempt from the hydromodification requirements per the Santa Clara County C.3 technical guidance document, due to the impervious area being added or replaced is less than one acre.

Given the project's small size and the proposed stormwater management plan, potential impacts associated with water quality standards or waste discharge requirements post-construction would be less than significant.

b. The Town of Los Gatos is located within the Santa Clara Valley Groundwater Basin, more specifically the Santa Clara Plain groundwater management area of the Santa Clara Subbasin. The total storage capacity estimated for the Santa Clara Subbasin is 1.9 million acre-feet of water, with an estimated operational storage capacity of 350,000 acre-feet of water for the Santa Clara Plain (Santa Clara Valley Water District 2021b).

For the purpose of this evaluation, the water demand factor of 250 gallons per multi-family unit per day is used, as reported for multi-family projects in the Town's *Winchester Assisted Living and Memory Care Facility Project Initial Study and Mitigated Negative Declaration* (June 2022). Using this water demand factor, the proposed project could result in the demand of 7,500 gallons of water per day (30 proposed multi-family units x 250 gallons per multi-family unit per day).

Because Santa Clara Valley Water District will be able to meet countywide demands through 2045 (Santa Clara Valley Water District 2021a), it is expected that the project's water demand can be accommodated by the groundwater basin and the project would not substantially decrease groundwater supplies. Additionally, the project's landscaping and use of bio-treatment areas around the edges of the project site support groundwater recharge. Therefore, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

c. **Erosion**. Refer to the discussion in Section 7.0, Geology and Soils, checklist question "b." This impact would be less than significant.

Flooding and Runoff. When a development project increases the impervious surfaces compared to existing conditions, it could result in the potential for stormwater runoff to cause flooding on- or off-site. However, the project site is currently developed; therefore, the proposed project would not increase impervious surfaces.

The project does include site design measures and low impact development treatments that reduce the rate of surface runoff such as directing runoff from impervious surfaces to vegetated areas, using pervious pavement to allow stormwater to infiltrate into soil, bioretention areas, and flow-through planters (refer to Sheets C-3.0, C-5.0 and L1.0 of the project plans). The project would not increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Flood Flows. The project site is located within Flood Zone X, which is a moderate flood hazard area (0.2-percent-annual-chance [or 500-year] flood) (FEMA 2024). Town Code Chapter 29, Article IX – Floodplain Management, does not apply to the site because it is not located within a floodplain subject to a one percent or greater chance of flooding (i.e., Zones A, AO, A1-A30, AE, A99, or AH), which the Town calls "special flood hazard areas." Therefore, the project site is not located within an area considered by the Town as having flooding impacts and the project's potential to impede or redirect flood flows would be less than significant.

d. Los Gatos is not located in a tsunami or seiche zone (Los Gatos 2021). As discussed above, because the project site is located within Flood Zone X, which is not considered a "special flood hazard area," the Town's floodplain management regulations do not apply. Therefore, the project's potential to risk the release of pollutants due to project inundation would be less than significant.

e. Refer to the discussion under checklist question "a." Therefore, the project would not conflict with or obstruct implementation of a water quality control plan.

The Santa Clara Valley Water District ("Valley Water") is a special district that provides water resources management for all of Santa Clara County, including Los Gatos. The Sustainable Groundwater Management Act requires that groundwater management agencies prepare a groundwater sustainability plan or an alternative to achieve sustainability. Pursuant to the Sustainable Groundwater Management Act, Valley Water prepared and adopted the *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. This plan concluded that Valley Water will be able to meet countywide demands through 2045 under normal, a single dry, and five consecutive dry year conditions. If a five-year drought were to occur in the next five years, Valley Water would employ a range of response actions, including water conservation and calling for short-term water use reduction (Santa Clara Valley Water District 2021, p. 4-21).

As discussed in checklist question "b," the project would result in the demand of 7,500 gallons of water per day, which can be accommodated by the Santa Clara Subbasin and would not substantially deplete groundwater resources. Additionally, the project's landscaping, flow-through planters, and use of bio-treatment areas around the edges of the project site support groundwater recharge. Therefore, the project would not conflict with or obstruct implementation of a sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Physically divide an established community?	☐	☐	☐	☒
b.	Cause any 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?	☐	☐	☐	☒

Comments:

a. The project is located on an infill site within downtown Los Gatos that replaces an existing commercial building with a mixed-use building. The project would not physically divide an established community.

b. The proposed project is an SB 330 application invoking Builder's Remedy and, therefore, the Town's General Plan policies and Town Code standards do not apply. Although the policies and standards don't apply, this initial study has evaluated the environmental impacts of the project and identified mitigation measures for impacts that are considered significant. Therefore, the project would not create any 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.

12. MINERAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	☐	☐	☐	☒

Comments:

a, b. Table 7-1 of the 2040 General Plan states that mineral resource production areas are not applicable to Los Gatos. Additionally, the 2040 General Plan EIR states that no mining occurs within the Town (p. 4.18-1, 2). Therefore, development of the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or of a locally important mineral resource recovery site.

13. NOISE

Would the project result in:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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 in applicable standards of other agencies?	☐	☒	☐	☐
b.	Generation of excessive ground-borne vibration or ground borne noise levels?	☐	☐	☒	☐
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, expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Comments:

An environmental noise assessment was prepared for the project by WJV Acoustics, Inc. in January 2025. Most of the information used in this section is from the environmental noise assessment, which can be found in Appendix G.

a. **Temporary Noise**. The project site is surrounded by Church Street and the Los Gatos Methodist Church to the north; East Main Street, Hotel Los Gatos, and the Los Gatos Adult Recreation Center to the south; High School Court and Los Gatos High School to the east; and the Masonic Hall to the west. Some of these uses are considered "noise sensitive."

According to the environmental noise assessment, construction noise is not usually considered to be a significant impact if construction is limited to the daytime hours and construction equipment is adequately maintained and muffled. The Town code restrictions on construction noise were used as thresholds of significance for the construction-related noise impact. The Town limits construction activities to between the hours of 8:00 AM and 6:00 PM on weekdays and between the hours of 9:00 AM and 4:00 PM on Saturdays. The Town Code also states that no individual piece of equipment shall produce a noise level exceeding 85 dBA at 25 feet. The equipment that would be used during demolition and construction activities is not known at this time. Therefore, if equipment is used that exceeds 85 dB at a distance of 25 feet, efforts should be made to increase the distance between the equipment and the adjacent land uses to reduce construction noise levels at nearby noise-sensitive land uses or provide acceptable means

of noise attenuation to mitigate construction noise levels to acceptable Town standards. Additionally, the incorporation of best management practices during construction activities would reduce concerns associated with noise.

To ensure less than significant temporary noise impacts, the following mitigation shall be implemented:

Mitigation Measure

N-1 The project developer shall ensure that no individual piece of construction equipment produce a noise level exceeding 85 dBA at 25 feet. Prior to the start of ground disturbing activities, the applicant shall demonstrate compliance with this requirement to the Town of Los Gatos Building Department for review and verification.

The project developer shall also ensure that best management practices are incorporated during construction activities. The following shall be placed on all ground-disturbing project plans:

- All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source.
- Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.
- All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.
- Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses.
- Signs shall be posted at the construction site and near adjacent sensitive receptors displaying hours of construction activities and providing the contact phone number of a designated noise disturbance coordinator.

Implementation of Mitigation Measure N-1 would ensure that construction noise impacts are less than significant.

Permanent Noise. There are a variety of noise sources that can be associated with mixed-use projects; some that are associated with the proposed project include: HVAC/mechanical equipment, parking lot activities/vehicle movements, and refuse/cardboard compactor.

The project plans include roof-mounted mechanical/HVAC units with a roof parapet used for shielding. These mechanical units typically generate a noise ranging from 45-50 dB at a distance of 50 feet from the building façade. The nearest sensitive receptors (church and high school) are located approximately 150 feet from the project site. At this

distance, noise levels associated with these mechanical units range from 36-41 dB. These levels do not exceed any Town noise levels, which are used as thresholds of significant in the noise study, or existing ambient noise levels in the vicinity (WJV Acoustics 2024, p. 9).

Noise levels associated with parking lots can be difficult to precisely define due to a number of different variables (e.g., number of parking movements, time of day, etc.). Because all vehicle movements would occur within the underground parking garage under both parking options proposed by the project, noise associated with vehicle movements would not be audible at any nearby sensitive receptor locations. The environmental noise assessment also states that the project is not expected to result in an increase in traffic noise along roadways in the project area (p. 10).

Compactors are typically short in duration and would likely be located at a distance of 100 feet or greater from any noise-sensitive land use. At this distance, noise levels associated with a compactor would not be expected to exceed 55 dB and would not exceed any Town noise standards (thresholds of significance) or exceed existing ambient noise levels (WJV Acoustics 2024, p. 10).

Exterior and interior noise exposures to proposed on-site sensitive receptors were also evaluated in the environmental noise assessment. Outdoor activity areas are proposed on the site (e.g., patios, decks, and community recreation space) and the noise exposure for these areas were measured to be in the range of approximately 60-63 dB L_{dn}. This noise level would not exceed the Town's exterior noise compatibility standard of 65 db L_{dn} for multi-family residential land uses.

The Town's interior noise level standard is 45 db L_{dn}; the worst-case noise exposure within the proposed residential development would be approximately 63 dB L_{dn}. The environmental noise assessment states that the proposed project must be capable of providing a minimum outdoor-to-indoor noise level reduction of approximately 18 dB (63-45=18) (WJV Acoustics 2024, p. 11). According to the environmental noise assessment, residential construction methods complying with current building code requirements will reduce exterior noise levels by approximately 25 dB if windows and doors are closed. This will be sufficient for compliance with the Town's interior noise level. Therefore, the following mitigation is required to ensure that the project's interior noise level does not exceed the Town's standard.

Mitigation Measure

N-2 The project developer shall install mechanical ventilation or air conditioning for all residential units so that windows and doors can remain closed for sound insulation purposes. Implementation of this measure is subject to review and approval by the Town Building Department, prior to issuance of an occupancy permit.

b. According to the environmental noise assessment, vibration from demolition and construction activities could be detected at the closest sensitive land uses. However, the vibration levels provided in Table VI of the environmental noise assessment for the use of different construction equipment at distances of 25 feet, 200 feet, and 300 feet would not be expected to exceed any significant threshold levels for damage. It is also not expected that ongoing operational activities will result in any vibration impacts on nearby sensitive uses (p. 14).

c. The nearest airport to the project site is located approximately 8.5 miles northeast (Google Earth 2024). Therefore, the project is not 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. The project would not expose people residing or working in the project area to excessive noise levels.

14. POPULATION AND HOUSING

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b.	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments:

a. The proposed project involves the construction of 2,416 square feet of pedestrian-oriented commercial with 30 residential units. Therefore, the project would accommodate approximately 75 residents (30 units x 2.48 persons per unit) (California Department of Finance 2024) and approximately ten employees (one employee per 250 square feet retail) (Strategic Economics 2016, Figure V-9).

The project site is zoned C-2 Central Business District, which permits commercial uses and conditionally permits multi-family units as part of a mixed-use project. Therefore, the project would not induce substantial unplanned population growth, either directly or indirectly.

b. The project site currently contains a commercial retail building; therefore, implementation of the project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

15. PUBLIC SERVICES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	☒	☐
b. Police protection?	☐	☐	☒	☐
c. Schools?	☐	☐	☒	☐
d. Parks?	☐	☐	☒	☐
e. Other public facilities?	☐	☐	☒	☐

Comments:

a. The proposed project would result in 2,416 square feet of pedestrian-oriented commercial and an increase in the Town's population by approximately 75 residents. This would result in an increase in demand on the Town's fire protection services.

The Santa Clara County Fire Department, made up of 15 fire stations, provides the fire protection services for the Town of Los Gatos, other communities in the area, and unincorporated areas of Santa Clara County. The Los Gatos Fire Station is located at 306 University Avenue in Los Gatos and staffs eight personnel with the following engines: three Engine 83's, four Rescue 83's, and one Battalion 83 (Santa Clara County Fire Department 2024). In July 2024, approximately 63 percent of the incidents responded by the Los Gatos Fire Station were for emergency medical services while only approximately three percent were for fires. The number of incident counts for 2024 (2,084) has already exceeded the number of incidents recorded annually since 2018; 2023 had the next highest number of incident counts at 2,056 (Matthew McKenna, email message, August 12, 2024).

The proposed project alone would not require additional resources; however, the cumulative total of all the projects in Los Gatos have played a part in the recent rebuild of the Redwood Estates Fire Stations that were completed in 2023 and the planned rebuilds of the Winchester Station and Quito Station (Matthew McKenna, email message, July 31, 2024). The proposed project on its own is not expected to trigger the need to construct new facilities, the construction of which could result in environmental impacts. Should new or expanded fire facilities be necessary in the future, the impacts of constructing the facility would be evaluated in a CEQA process separate from this project.

b. The proposed project would result in 2,416 square feet of pedestrian-oriented commercial and an increase in the Town's population by approximately 75 residents. This would result in an increase in demand on the Town's police protection services.

The Los Gatos Monte Sereno Police Department serves the police protection needs for both the Town of Los Gatos and the City of Monte Sereno, located adjacent to the west of the Town. The Los Gatos Monte Sereno Police Department consists of two Captains (Operations Captain and Support Services Captain), 39 sworn officers, and 20 civilian employees. The department also has approximately 150 active citizen volunteers (Town of Los Gatos 2024).

The proposed project on its own is not expected to trigger the need to construct new facilities, the construction of which could result in environmental impacts. Should new or expanded police protection facilities be necessary in the future, the impacts of constructing the facility would be evaluated in a CEQA process separate from this project.

c. The Los Gatos Union School District and Los Gatos-Saratoga Union High School District will serve the students generated by the proposed project. The Los Gatos Union School District serves transitional kindergarten through 8th grade students through its five schools (four elementary schools and one middle school). According to the Los Gatos Union School District's School Site Locator tool, students in transitional kindergarten through 5th grade generated by the project would attend Louise Van Meter Elementary School and those in 6th through 8th grade would attend Raymond J Fisher Middle School (School Site Locator 2024). Students in 9th through 12th grade generated by the project would attend Los Gatos High School, located immediately east of the project site.

Table 5, Student Generation, illustrates the number of students the project could generate, by grade.

Table 5 Student Generation

Proposed Units	Grades	Student Yield Factor (Per Residential Unit)	Total
30	K-5	0.086	3
	6-8	0.068	3
	9-12	0.1609	5
			11

SOURCE: Los Gatos Union School District 2023; Los Gatos-Saratoga Union High School District 2024
NOTE: All totals were rounded up to the nearest whole number to be conservative.

As shown in the table above, the project could result in the generation of 11 student-age children; six of which would attend schools in the Los Gatos Union School District and five of which would attend Los Gatos High School.

Due to the California Universal TK mandate (allowing all four-year-old children to attend transitional kindergarten at no cost by the 2025-26 school year), growth is expected

within the incoming TK class sizes (Los Gatos Union School District 2023). The Los Gatos Union School District also prepared a *2024 District Facilities Master Plan*, which suggests some new development and expansion of existing facilities within the Louise Van Meter Elementary School and the Raymond J Fisher Middle School campuses. However, this document acts only as a strategic roadmap for future developments and supports informed decision-making for the school district; these improvements are not required.

While the project would increase the student population in the Town, which in turn could affect the capacity of the existing Los Gatos Union School District facilities, Section 65995(h) of the California Government Code has been adopted by the state to mitigate any school facilities impacts. This section states that the payment of statutory fees is deemed to be full and complete mitigation of the impacts. It is for this reason that the proposed project would have a less than significant impact related to school facilities. New facilities, if and when required by the Los Gatos Union School District, would be developed and analyzed independent of this project review.

According to the Los Gatos-Saratoga Union High School District's *2024 Developer Fee Justification Study for Los Gatos-Saratoga Union High School District*, the district does not have adequate facilities for all the students generated by new developments and, therefore, the district will need to build additional facilities and/or modernize/reconstruct the existing facilities in order to maintain existing level of services in which the new students will be housed (p. 19).

While the project would increase the student population by five, Section 65995(h) of the California Government Code has been adopted by the state to mitigate any school facilities impacts. This section states that the payment of statutory fees is deemed to be full and complete mitigation of the impacts. Therefore, the proposed project would have a less than significant impact on school facilities. New facilities, if and when required by the Los Gatos-Saratoga Union High School District, would be developed and analyzed independent of this project review.

d, e. The proposed project's population may increase the use of nearby parks. Los Gatos contains 16 publicly owned and operated parks throughout the community; 15 of which are located on Town-owned land and the remaining park (Vasona County Park) is owned and operated by the Santa Clara County Parks and Recreation Department. There are more than 250 acres of parkland within Los Gatos (Town of Los Gatos 2022, p. 7-7).

According to 2040 General Plan Policy OSPR-6.7, the Town's park standard is five acres of parkland per 1,000 population. Using this standard, along with the Town's existing population and parkland acreage, the Town exceeds this standard as it has approximately 7.5 acres of parkland per 1,000 population. To meet the standard, the project would be required to provide approximately 0.4 acres of parkland. The project is not providing any parkland acreage; however, because the Town already exceeds the park standard, and the generation of residents by the project is fairly small, this impact would be less than significant.

16. RECREATION

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Comments:

a. The project involves the increase in population within the Town, which could result in an increase in the use of existing neighborhood and regional parks or other recreational facilities. Additionally, each residential unit would include balconies, which are considered private recreation space. See also response to 15.d. above. The project is not expected to 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.

b. The project does not include recreational facilities other than the private balconies and the project is not expected to require the construction or expansion of recreational facilities. Therefore, the project would not require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

17. TRANSPORTATION

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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?	☐	☐	☒	☐
b.	Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
d.	Result in inadequate emergency access?	☐	☐	☒	☐

Comments:

Hexagon Transportation Consultants prepared a transportation study in January 2025 for the proposed project. Much of the information in this section can be found in this transportation study. The full study can be found in Appendix H.

a. **Roadway System**. The existing office building is estimated to generate 119 daily trips and the proposed project is estimated to generate 136 daily trips. Therefore, the proposed project would result in an increase of 17 net daily trips with a reduction of trips during the AM and PM peak hours (Hexagon Transportation Consultants 2024, Table 1). Therefore, the proposed project would not result in a conflict with the surrounding roadways system and an off-site traffic operations analysis was not required. The project would not conflict with a program, plan, ordinance, or policy addressing the Town's roadway system.

Transit System. Santa Clara Valley Transportation Authority Route 27 serves the project area. This route travels between Winchester Station and Kaiser San Jose with the nearest bus stop located at the intersection of E. Main Street and Villa Avenue, approximately 200 feet west of the project site.

Bicycle Facilities. There are existing bicycle lanes along East Main Street fronting the project site while none are present on Church Street or High School Court. The project proposes eight short-term bicycle parking spaces and either 72 or 41 long-term bicycle parking spaces, depending on which parking garage option is chosen. According to the Town's Objective Design Standards, the project is required to provide 32 short-term bicycle spaces and 30 long-term bicycles spaces.

Builder's Remedy projects, such as the proposed project, are not required to comply with a jurisdiction's objective design standards. Therefore, although the project proposes less short-term bicycle parking spaces than what is required and could potentially increase vehicle use as a result, the long-term parking spaces requirement would be exceeded. Therefore, although the proposed project may be considered to conflict with an ordinance addressing bicycle facilities, the resulting environmental impacts associated with vehicle miles traveled, air quality, and greenhouse gas emissions, would not be significant.

Pedestrian Facilities. Pedestrian traffic would be generated by the proposed project. Existing pedestrian facilities in the vicinity are the sidewalks on E. Main Street, High School Court, and Church Street, and existing crosswalks at nearby intersections. Pedestrian generators in the project area include the Los Gatos High School and other existing commercial uses within the area.

The project proposes pedestrian access to the site from on E. Main Street, High School Court, Church Street, and the western border of the site; most of which is existing and will remain. There are no General Plan policies regarding pedestrian facilities that are applicable to the project. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing pedestrian facilities.

b. According to the transportation study, all new development within the Town is required to evaluate the effects of development on the transportation system using vehicle miles traveled (VMT). A significant impact would occur if the total VMT per service population for the project would exceed a level of 11.3 percent below the total VMT per service population for the Town baseline conditions. A significant impact would also occur if the project increases total (boundary) County-wide VMT by 6.5 percent compared to baseline conditions.

   The project would result in a 20.1 VMT per service population, which is less than 26.1, the Town's daily VMT per service population. Additionally, the Countywide total boundary VMT is 37,244,566 and the project would add 1,577 VMTs, which is less than 6.5 percent of baseline conditions. Therefore, the project would not have a significant VMT impact (Hexagon Transportation Consultants 2024, p. 2).

c. The proposed project is compatible with the mix of uses in downtown Los Gatos. The project plans include a circulation plan (Sheet A0.5), which illustrates the existing and proposed pedestrian and bike paths as well as vehicle access on and around the site. According to the transportation study, the project includes adequate site access and circulation for residents, loading, and emergency vehicles. However, Hexagon Transportation Consultants does recommend the following minor improvements to ensure the proposed project would not increase hazards.

Mitigation Measure

TRANS-1 Project improvements plans shall include the following, subject to review and approval by the Town Engineer, prior to issuance of an occupancy permit:

a. Stripe a loading space along the project frontage on E. Main Street;

b. Apply 10 feet of No Parking (Red Zone) on both sides of the project driveway on Church Street; and

c. Provide adequate landing space at the top and bottom of the garage ramps.

No additional environmental impacts would be associated with implementation of these improvements.

d. The proposed project includes a fire access plan (Sheet C-6.0) and a fire staging area (Sheet 6.1) and its review was completed in July 2024 (Matthew McKenna, email message to consultant, July 31, 2024). The project plans were reviewed by the Santa Clara County Fire Department who provided comments on fire protection facilities. The transportation study states that emergency vehicles can access the proposed structure along the frontages on Church Street, High School Court, and E. Main Street. Therefore, the proposed project would not result in inadequate emergency access.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. 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, or 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:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or	☐	☐	☐	☒
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Comments:

a. The Town sent out consultation offer letters pursuant to AB 52 on December 5, 2024. No tribes have provided a response as of January 21, 2025.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single-dry and multiple- dry years?	☐	☐	☐	☒
c.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Comments:

a. The proposed project involves the construction of a four-story, mixed-use building on a site that is currently developed with a commercial building and is already connected to the Town's water, wastewater treatment, electric power, natural gas, and telecommunications facilities services. Therefore, the project would not require or result in the relocation or construction of these utilities, the construction of which could cause significant environmental effects.

The project does, however, involve new stormwater drainage facilities (refer to Sheet C-4.0, Utility Plan). Potentially significant construction impacts associated with the implementation of the project's stormwater drainage facilities are identified in the air quality, biological resources, greenhouse gas emissions, and noise sections of this initial study. All such impacts are either less than significant or mitigated to less than significant with implementation of mitigation measures. Please refer to the respective sections for more information.

b. San Jose Water Company provides water service to Los Gatos and Valley Water is a special district that provides water resources management for all of Santa Clara County, including Los Gatos. According to Valley Water's *2020 Urban Water Management Plan*, there would be sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single-dry and multiple-dry years (Santa Clara Valley Water District 2021, Tables 7-3 and 7-4). During wet weather years, Valley Water stores excess supplies in the groundwater basin, local reservoirs, San Luis Reservoir, and/or Semitropic Groundwater Bank, and draws on these reserve supplies during dry years to help meet demands (Santa Clara Valley Water District 2021, p. 47). Therefore, sufficient water supplies are available to serve the project and reasonably foreseeable future development during normal, single-dry and multiple- dry years.

c. The West Valley Sanitation District provides wastewater collection, transport, and disposal services to Campbell, Los Gatos, Monte Sereno, two-thirds of Saratoga, and intervening unincorporated areas of Santa Clara County. The West Valley Sanitation District contracts with the San Jose-Santa Clara Regional Wastewater Facility for wastewater treatment and disposal. Its wastewater treatment facility has a capacity of up to 167 million gallons of wastewater per day and collected and conveyed approximately 9.5 million gallons of wastewater per day in fiscal year 2022-2023; the West Valley Sanitation District accounts for approximately ten percent of the total treatment flow at the facility.

The West Valley Sanitation District's annual report for fiscal year 2022-2023 (West Valley Sanitation District 2024) states a wastewater flow coefficient for multi-family of 144 gallons per day per unit. Using this wastewater flow coefficient, the proposed project could result in the generation of 4,320 gallons of wastewater per day (30 proposed multi-family units x 144 gallons per day). The West Valley Sanitation District's annual report accounts for wastewater generated from residential uses only; therefore, wastewater generation rates for non-residential uses are not available.

The 2040 General Plan EIR concluded that because approximately 67 percent of the wastewater treatment facility capacity remains, the expected population growth of approximately 30 percent envisioned in the 2040 General Plan would not exceed the facility's capacity and that existing flows as well as future additional wastewater flows in the Town as a result of population growth under the 2040 General Plan would be met by the existing capacity of the wastewater treatment facility (Town of Los Gatos 2021, p. 4.16-19). Therefore, the project would not result in a determination by the West Valley Sanitation District, which would serve the project, that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

As stated in the 2040 General Plan EIR, new development within the Town as part of the 2040 General Plan would be required to pay impact fees for system expansion that would accommodate the increased growth of the Town envisioned as part of the 2040 General Plan (Town of Los Gatos 2021, p. 4.16-20). Additionally, approval by the West Valley Sanitation District, as indicated by the Town Building Division Staff Technical Review dated November 26, 2024, will be required at the time of building permit submittal.

d, e. West Valley Collection and Recycling provides the solid waste and recycling needs of Los Gatos and transports the solid waste to the Guadalupe Landfill, southeast of Los Gatos. The landfill has a ceased operation date of December 31, 2043 and has a maximum permitted throughput of 3,650 tons per day. As of January 26, 2023, the landfill had a remaining capacity of approximately 7.5 million cubic yards (CalRecycle 2024a).

CalRecycle provides an annual disposal rate of 3.2 pounds per person per day for population and 5.1 pounds per person per day for employment (CalRecycle 2024b). Using these rates, the project is estimated to generate approximately 240 pounds per day by the project residents (75 project residents x 3.2 pounds per person per day) and approximately 51 pounds per day by the project employees (10 project employees x 5.1 pounds per person per day). This results in a total project generation of approximately 291 pounds of solid waste per day, or approximately 0.15 tons per day.

The project's total solid waste generation represents 0.004 percent of the maximum permitted throughput at the landfill. Therefore, the project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure.

20. 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 Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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 wildfire?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Comments:

a-d. The project site is not located within or near state responsibility areas or lands classified as very high fire hazard severity zones; the nearest being approximately 0.75 miles south of the site (California Department of Forestry and Fire Protection 2024). Therefore, no further discussion is required.

21. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures 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 an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
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)	☐	☒	☐	☐
c.	Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Comments:

a. Special-status plant or wildlife species are not expected to occur at the currently developed project site in downtown Los Gatos; however, the proposed project does include tree removal and may have an impact on nesting birds. Mitigation Measures BIO-1 (requiring that all construction activities take place outside of the nesting bird season) and BIO-2 (requiring that a tree removal permit be obtained prior to the removal of protected trees on private or Town property) presented in Section 4.0, Biological Resources, would ensure potential impacts are less than significant. Therefore, the project would not 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; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

The proposed project has the potential to result in adverse effects to unknown, buried historic resources or unique archaeological resources. Mitigation Measures CUL-1 (requiring specific language on construction plans to provide guidance on the procedure should indigenous historic or unique archaeological resources be uncovered during construction activities) and CUL-2 (requiring specific language on construction plans to provide guidance on the procedure should previously undiscovered Native American

human remains be uncovered during construction activities) presented in Section 5.0, Cultural Resources, would ensure that such an impact, if it were to occur, would not be significant and would not eliminate important examples of the major periods of California history or prehistory.

b. Proposed project impacts that contribute to cumulative project impacts are required to be lessened per the mitigation measures presented in this initial study. They include health risks from construction and operational TAC emissions (requiring Mitigation Measures AQ-1 and -2); impacts to nesting birds (requiring Mitigation Measure BIO-1), loss of protected trees (requiring Mitigation Measure BIO-2), potential impacts to cultural resources (requiring Mitigation Measures CUL-1 and -2), the release of hazardous materials into the environment during demolition and construction activities (requiring Mitigation Measure HAZ-1), and interior noise levels (requiring Mitigation Measure N-2).

   The proposed project would generate GHG emissions that contribute to associated cumulative effects; however, these impacts were determined to be less than cumulatively considerable with implementation of Mitigation Measure GHG-1, which requires that the proposed project be all electric.

   The proposed project would not generate a significant volume of vehicle trips that would add to ambient noise levels on surrounding roadways. Therefore, the project's contribution to cumulative traffic noise impacts would be less than significant.

   With implementation of the mitigation measures, standards, and policies identified herein, the project's contribution to cumulative project impacts would not be considerable.

c. Based on the analysis provided in this initial study, the proposed project could indirectly cause substantial adverse effects to human beings through health risks from potential exposures to construction and operational TAC emissions (requiring the implementation of Mitigation Measure AQ-1, which requires the preparation of a Construction Management Plan, and Mitigation Measure AQ-2, which requires incorporation of MERV 13 air filtration systems into the project design); instability of the project site soils (requiring implementation of Mitigation Measure GEO-1, which requires the preparation of a soils report); the generation of GHG emissions through the use of natural gas (requiring the implementation of Mitigation Measure GHG-1, which requires that the proposed project be all electric); the release of hazardous materials into the environment during demolition (requiring the implementation of Mitigation Measure HAZ-1, which requires that soil vapor testing be conducted); and noise levels associated with construction and interior noise (requiring the implementation of Mitigation Measures N-1, which requires the incorporation of best management practices during construction, and N-2, which requires the installation of mechanical ventilation or air conditioning for all residential units).

   However, as discussed throughout this initial study, the impacts would not be significant. Therefore, the proposed project would not result in significant environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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