



2040 General Plan

Final Environmental Impact Report Addenda and Errata for Town Council

SCH# 2020070175

prepared by

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Final EIR Addenda and Errata

The Draft 2040 General Plan and associated Final Environmental Impact Report (EIR) were presented to the Planning Commission over a series of three hearings. On May 2, 2022, which was the third and final hearing, the Planning Commission recommended approval of the Draft 2040 General Plan and certification of the Final EIR. Following this recommendation, the Town's Planning Department provided the Final EIR to outside legal counsel for a final review before bringing the Final EIR in front of the Town Council for a decision on certification. Outside legal counsel provided the Town with a series of comments or edits to the content of the Final EIR. The majority of the comments or edits pertained to minor clarifications, such as revising text that contained typographical errors. However, some of the comments pertained to minor clarifications in the Response to Comments section of the Final EIR and required some additional text to be added to the Final EIR. The added text is provided only to elaborate on content already contained in the Final EIR that was presented to the Planning Commission in April and May 2022 and did not substantially change any of the responses or alter any of the content related to impact findings. Below is a complete summary of the edits or revisions to the Final EIR that the Town Planning Department made in response to the outside legal comments. Edits in the Final EIR that were made in June 2022 Final EIR compared to the Final EIR prepared in March 2022 are listed below and shown in ~~strikeout~~ and underline. These updated responses resulted in a few additional revisions to the Draft EIR, that are noted within this document and reflected in the June 2022 Final EIR.

1. Revisions to Response to Comment

1.1 Comment Letter 9

1. **RESPONSE 9.5:** Third paragraph was revised to read,

"The Draft EIR, itself, does not propose a development or redevelopment scenario for Los Gatos. Rather, the Draft EIR evaluates impacts that would or could be reasonably expected to result from implementation of the 2040 General Plan. As described in Response 9.2, above, the Draft EIR assumes the General Plan is a planning and guidance document and uses the potential growth the Town is likely to achieve by the year 2040 as its baseline for analysis of potential impacts. As previously stated, this takes into account both the potential for new development on available acreage and the potential for redevelopment of existing developed areas. The projected 3,738 dwelling units evaluated in the Draft EIR is not a hypothetical number but takes into consideration multiple factors, focusing on the total buildout for the Town and not just a 20-year horizon. These factors include, first, existing vacant land for development and the redevelopment of sites within the Town. This first segment totals 2,763 dwelling units as noted on page 3-4 in the Land Use Element of the Draft 2040 General Plan. The second factor includes a projected 500 dwellings that reflect ADU production. This project was calculated based on the historical average ADU production in the Town of 25 ADUs per year, projected through the next 20 years, totaling 500. The third and final factor taken into consideration is the 475 dwelling units already approved but not yet constructed for existing projects. It is important to note that the 475 dwelling units are already pre-approved and are in the pipeline for construction but most, if not all, will not count toward the Town's 6th Cycle RHNA and Housing Element based on

cut-off dates for the application and entitlement process for these projects. For this reason they are included in the reasonably foreseeable potential growth number.”

2. **RESPONSE 9.7:** Third paragraph, last sentence was revised to read, “. . . the use of the higher number ensures that a reasonably foreseeable ‘worst-case-scenario’ has been used in assessing potential significant impacts.
3. **RESPONSE 9.12:** Second paragraph, last sentence was revised to read, “It is upon the expectation and requirement that future proposed development be consistent with these policies that the less-than-significant determination is based.”
4. **RESPONSE 9.13:** Third paragraph, last sentence was revised to read, “The commenter does not provide any indication that failure to specifically discuss the two policies was related to any environmental significant impact. Additionally, future development proposals would be reviewed for consistency with these policies.”
5. **RESPONSE 9.19:** Third paragraph was revised to read, “According to the 2017 BAAQMD *CEQA Air Quality Guidelines*, and as described on page 4.3-15 of the Draft EIR, PM10 is the greatest pollutant of concern during construction activities. For this reason, the BAAQMD has identified feasible fugitive dust control measures for construction activities that are recommended for all projects to reduce impacts. Future development projects would include adherence to the BAAQMD’s feasible fugitive dust control measures, which the BAAQMD also refers to as best management practices. If implementation of the BAAQMD best management practices is unable to reduce project-level construction emissions to below BAAQMD significance thresholds, the project would be subject to a more comprehensive analysis and consideration of additional feasible mitigation to address the significant impact, as required by CEQA. Additionally, the BAAQMD ~~These measures~~ best management practices have been incorporated into the Draft EIR as mitigation measure AQ-1 on page 4.3-16 of the Draft EIR. Mitigation measure AQ-1 also requires new discretionary projects to reduce construction emissions of pollutants, including reactive organic gas pollution and other pollutants with a project-level threshold but no plan-level threshold. Accordingly, as described on page 4.3-16 of the Draft EIR, with implementation of mitigation measure AQ-1, construction activities would result in less than significant impacts. No revisions to the Draft EIR are required in response to this comment.”
6. **RESPONSE 9.21:** Third paragraph, first sentence was revised to read, “Generally, urban land does not provide habitat for special-status species...”
7. **RESPONSE 9.24:** First paragraph, third sentence was revised to read, “Finally, the commenter states that tribal cultural resources are not required to be identified prior to groundbreaking activities...”

8. **RESPONSE 9.40:** Last paragraph, second to last sentence was revised to read, “Section 5, Errata, includes additional edits to General Plan goal and policies numbers included in the Draft EIR and cited in the commenter’s footnote.”

9. **RESPONSE 9.51:** First paragraph, last sentence was revised to read, “The commenter asserts that this conclusion conflicts with, and is not supported by, substantial evidence in the record.”

10. **RESPONSE 9.54:** The response was revised to read, “The commenter states that the Draft EIR’s ~~reliance~~ cites a vehicle trip increase that does not appear in the Transportation Analysis and ~~reliance~~ that reliance on the projected increase in the number of trips to determine noise increases is misplaced, citing CEQA Guidelines section 15130 and *Kings County Farm Bureau*. The commenter states that the Draft EIR’s ~~reliance~~ relies on a ratio theory to justify its less than significant impact conclusions in violation of CEQA. The commenter does not explain what it means by “ratio theory.” In a footnote, the commenter states that the Draft EIR refers to the Transportation Analysis as Appendix TRA, but the Transportation Analysis is actually provided as Appendix C.”

Page 4.12-14 of the Draft EIR states that “buildout of the 2040 General Plan would result in over 27,000 new daily vehicle trips on area roadways studied for the Transportation Analysis (Appendix C)...” The commenter is correct that “27,000” does not specifically appear in the Transportation Analysis. The Transportation Analysis does not provide a total trip increase that would result from buildout of the proposed 2040 General Plan. Instead, the Transportation Analysis provides existing vehicle trips on specific roadway segments in Los Gatos and the vehicle trips that would occur on these same segments in 2040 with buildout of the 2040 General Plan. The trips expected on individual roadway segments is presented in Table 7-1 on page 66 of the final Transportation Analysis (Draft EIR Appendix C). The “over 27,000 trips” cited on page 4.12-14 of the Draft EIR is based on the sum of vehicle trips that would occur on these roadway segments in 2040 and is an approximate estimate. In other words, in order to quantify an approximate number of trips in total for the Draft EIR, the new trips on each roadway segment in Table 7-1 of the Transportation Analysis were added together, and the resultant sum is slightly more than 27,000 total trips.

From the citations and statement, it appears the commenter is attempting to argue that the Draft EIR does not take into consideration all potential noise impacts or analyze noise impacts based upon the increased number of anticipated traffic. In *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723 (*Kings County Farm Bureau*), the court held that, in considering whether an EIR must include related projects. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 869). Here, the Draft EIR does take into consideration all proposed and approved projects, as well as potential growth of the Town and region (as reflected in the VTA traffic model) in order to ~~determination~~ determine potential noise levels. See comment 9.55 regarding cumulative impacts. Neither Guidelines section 15130 nor *Kings County Farm Bureau* refute this.

Instead, the Draft EIR specifically looks at the potential traffic increase in light of the General Plan policies, stating:

Buildout of the 2040 General Plan would result in over 27,000 new daily vehicle trips on area roadways studied for the Transportation Analysis (Appendix C), as well as increased VMT (refer to Section 4.15, *Transportation*). The total existing daily trips occurring on area roadways are 279,700 trips. Therefore, implementation of the 2040 General Plan would result in less than an approximately 10 percent increase in vehicle trips on area roadways as a whole. A 40 percent increase in trips equates to a noise increase of less than 1.2 decibels. As discussed in Section 4.12.1, a 3-dBA increase is considered noticeable. Therefore, 1.2-dBA increase in noise would not be perceptible. Although the increase could be more than 10 percent on some streets, depending on the specific uses and locations of development that would be allowed under the 2040 General Plan, a doubling of traffic volumes would be required to reach the threshold of noticeability (a 3-dba increase in noise levels). A doubling of traffic volumes (i.e., a 100 percent increase) is not anticipated under the 2040 General Plan. Additionally, the market share of electric vehicles, which are quieter than traditional gasoline vehicles, is anticipated to increase over time, especially in response to Executive Order B-48-18, which promotes the use of zero-emission vehicles, electric vehicle charging stations, and hydrogen refueling infrastructure. The increased use of electric vehicles would decrease traffic noise compared to anticipated levels assuming only gasoline-powered vehicles. However, electric vehicles do generate some roadway noise because of tire friction on the road surface (Draft EIR page 4.12-14).

The commenter's assertion that minor increases in vehicle trips could result in significant impacts if the existing noise levels on the roadway or roadways is already excessive is incorrect. As described on page 4.12-14 of the Draft EIR, although the General Plan could increase vehicle trips by more than 10 percent on some streets, depending on the specific uses and locations of development that would be allowed under the 2040 General Plan, a doubling of traffic volumes would be required to reach the threshold of noticeability (a 3-dba increase in noise levels). A doubling of traffic volumes (i.e., a 100 percent increase) is not anticipated under the 2040 General Plan. Therefore, even on the busiest and therefore noisiest roadways in or through Los Gatos, the General Plan would not result in a noticeable increase in noise level.

The commenter is correct that page 4.12-9 mistakenly refers to the Transportation Analysis as Appendix TRA to the Draft EIR. The Transportation Analysis is provided as Appendix C to the Draft EIR. Accordingly, page 4.12-9 of the Draft EIR is revised as follows:

Projected traffic volumes in the year 2040, provided by Fehr & Peers, were used to qualitatively describe future noise levels resulting from project traffic. The traffic impact analysis prepared by Fehr & Peers is provided as Appendix C Appendix TRA.

The nomenclature used to identify the appendices to the Draft EIR are inconsequential to the EIR analysis because nomenclature does not affect the contents or availability of the appendices. Additionally, the Draft EIR makes clear that the Transportation Analysis is provided

as Appendix C. For example, the Table of Contents to the Draft EIR identifies each appendix to the document, including identifying the Transportation Analysis as Appendix C (see Draft EIR page viii) and all appendices were made available for public review along with the Draft EIR. Because the 2040 General Plan would not result in a noticeable increase in noise level on even the busiest streets in Los Gatos, Accordingly, no other revisions to the Draft EIR are necessary in response to this comment.

11. **RESPONSE 9.56:** The response was revised to read,

“The commenter once again states that the Draft EIR is invalid because it fails to consider the maximum build-out potential of the General Plan, rather than the assumed 3,738 housing units. The commenter then goes on to state that the analyzed housing units of 3,738 is well above the ABAG population growth forecasts by nearly 30 percent. The commenter also states in a footnote that the Draft EIR incorrectly refers to City of Beverly Hills on page 5-1 and fails to describe a significant and unavoidable VMT impact in Section 5.2, *Irreversible Environmental Effects*.

As noted and explained in detail in Response 9.2, use of projected growth rather than maximum potential buildout is supported by CEQA and has been affirmed by the Courts. (*San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 616, 622). Furthermore, as noted on page 4.13-6 of the Draft EIR, ABAG is in the process of adopting an updated regional Plan Bay Area 2050, which will contain the sixth cycle housing requirements and new population estimates for the region. Draft housing allocations are approximately 1,993 units as of the writing of this report. If they were all built and occupied by new residents, this would result in a population increase of 4,800 new residents, for a total Town population of 37,850. This is approximately 13 percent more than the 2040 population estimates and more in line with the model used and described in detail in Response 9.2.

Therefore, no revisions to the Draft EIR are necessary in response to this portion of the comment.

The commenter is correct that the page 5-1 of the Draft EIR incorrectly refers to the City of Beverly Hills. Accordingly, page 5-1 of the Draft EIR is revised as follows:

The proposed project would not be expected to induce substantial economic expansion to the extent that direct physical environmental effects would result. Moreover, the environmental effects associated with any future development in or around Los Gatos Beverly Hills would be addressed as part of the CEQA environmental review for such development projects.

The commenter is correct that implementation of the 2040 General Plan would result in a significant and unavoidable impact related to VMT, as described on page 4.15-23 of the Draft EIR. However, the commenter’s opinion that Section 5.2, *Irreversible Environmental Effects*, of the Draft EIR fails to describe this significant and unavoidable impact is not correct. As

described on page 5-2 of the Draft EIR, Section 15126(c) of the CEQA Guidelines requires that EIRs evaluating projects involving amendments to public plans, ordinances, or policies contain a discussion of significant irreversible environmental changes. Unlike some impacts such as energy consumption, increased VMT is reversible. For example, VMT and its impacts could be reduced by increased access to transit in the future, thereby reversing VMT impacts identified in the Draft EIR. Section 5.1 of the Draft EIR pertains specifically to *irreversible* impacts, and because VMT can be reversed with infrastructure investments at the regional or state level, the significant and unavoidable VMT impact of the 2040 General Plan is not irreversible. Accordingly, no other revisions to the Draft EIR are necessary in response to this comment.”

12. **RESPONSE 9.60:** First sentence was revised to read, “The commenter contends that the Draft EIR should analyze impacts associated with potential fire and police facilities and that by failing to do so, the Town has illegally deferred required analysis is deferral of mitigation.”

13. **RESPONSE 9.62:** The bulleted list and succeeding paragraph were revised to read,

- **“Incorporate neighborhood electric vehicle network.** (This strategy is considered infeasible because the Town cannot propose or force the installation of electric vehicle charging stations on private property, such as at residences or within existing shopping centers).
- **Implement or provide access to a commute reduction program.** (This strategy is considered infeasible because the Town is legally unable to require private employers and businesses to reduce worker commutes and has no ability to enforce use of a commute reduction program by individuals to ensure its effectiveness).
- **Provide transit passes.** (This strategy is considered infeasible because the Town has no approved funding mechanism for providing transit passes to residents or people working in Los Gatos and no means of verification that such passes would be used if issued).
- **Providing a guaranteed ride home service to users of non-auto modes.** (This strategy is considered infeasible because the Town has no transit system that it operates, such as taxi service or an approved funding mechanism for such services. Further, there is no way to measure the effectiveness or guaranteed use of such service).

However, OPR’s reduction strategies are not a requirement for a project to reduce VMT and this list is not exhaustive. Instead, this list is meant to guide lead agencies on potential strategies that could be utilized. Further, the effectiveness of any such strategies is dependent upon the community preferences, the likelihood of successful application of the strategies by users, and ability of the Town to implement the necessary mechanisms and funding. Therefore, it is not necessary to include each measure as part of the proposed project.”

14. **RESPONSE 9.64:** Second-to-last paragraph, was revised to read, “Finally, the case law referenced in this comment ~~is for~~ concerned project level EIRs which had components provisions that did not conform to the lead agencies’ general plans. Conformance with ~~the~~ a General Plan is a statutory requirement which requires General Plan amendments if the project cannot be changed and the agency decision-makers want to approve it. In this case, the EIR is a program level EIR document that ~~is analyzing~~ analyzes the proposed 2040 General Plan. If the

2040 General Plan is approved, any future projects would need to conform to the 2040 General Plan. Projects and provisions that were approved prior to that time would not need to be reapproved under the new 2040 General Plan policies as suggested by the commenter.”

15. **RESPONSE 9.66:** The second paragraph, second sentence should be revised to read, “However, ~~some one~~ of the typographical errors does occur as described by the commenter, only in the ~~recirculation~~ recirculated Draft EIR now instead of the Draft EIR.”

16. **RESPONSE 9.77:** The response was revised to read,

“The commenter identifies the four project alternatives and that the alternatives are derived from the 2040 General Plan Land Use Alternatives Report. The commenter also identifies a typographical error in Table 6-1. The commenter also provides a footnote that describes inconsistencies in the Draft EIR pertaining to the 2040 population of Los Gatos...

...The commenter is correct that there are inconsistencies in the 2040 population of Los Gatos within the Draft EIR. Pages 4.13-6 and 5-1 of the Draft EIR both refer to a 2040 population of 42,021 people. Other sections and pages of the Draft EIR, such as pages 2-15, 4.14-24, and 4.16-17 refer to the 2040 population as 39,221 people. The 2040 population estimate of 39,221 is correct and is based the sum of existing population plus the population that would reside in Los Gatos with buildout of the General Plan, as described on pages 2-15 and 2-16 of the Draft EIR. Accordingly, page 4.13-6 of the Draft EIR is revised as follows:

According to the 2040 General Plan Land Use Element, General Plan 2040 implementation may allow up to 3,738 new residential units by 2040 (Table 4.13-3). This additional housing could result in 8,971 new residents by 2040. This would increase the total population to approximately 39,221 42,021 persons, which would be 18.7 percent 27.1 percent above ABAG’s 2040 population forecast of 33,050 (ABAG 2019)

Page 5-1 of the Draft EIR is revised as follows:

As discussed in Section 4.13, *Population and Housing*, the buildout anticipated under the 2040 General Plan could accommodate an estimated 8,971 new residents and 3,738 new dwelling units in Los Gatos. With the estimated growth under the General Plan, Los Gatos would have a 2040 population of approximately 39,221 42,021 residents. This would result in a population that would exceed ABAG growth projections by 18.7 percent 27.1 percent.

The revisions above reduced the severity of impact PH-1 beginning on page 4.13-6 because this impact is a comparison of growth resulting from the project compared to forecasted growth by ABAG, and the correct figure of 39,221 is closer to the ABAG estimate than 42,021. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

17. **RESPONSE 9.79:** The second-to-last paragraph was revised to read,

“With regard to the 2,000-housing-unit objective, this is clearly stated in the Project Description as a ~~focus~~ central or primary objective for the 2040 General Plan: “Among the central objectives of the 2040 General Plan are to achieve the Regional Housing Needs Allocation (RHNA) goal of 2,000 dwelling units developed by the Association of Bay Area Governments.” (Draft EIR page 2-7). The commenter themselves recognized this in their comment 9.8. This housing unit number is taken from the RHNA and is not arbitrarily applied to the alternatives analysis, but rather, is an allocation from a regional planning document used as a ~~baseline~~-primary objective for the overall 2040 General Plan.”

18. **RESPONSE 9.84:** A paragraph was added to the end of the response to read,

“The commenter’s suggestion that the cumulative impacts analysis in the Draft EIR is also flawed because it concludes cumulative impacts are less than significant while also determining if the 2040 General Plan would contribute to the less than significant impact is not correct. Section 15130 of the CEQA Guidelines state that cumulative impacts should be evaluated for significance. “CEQA requires no cumulative impact analysis in the EIR if the combined impact is not significant or the project's incremental contribution to the impact is not cumulatively considerable.” *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 148 (citing *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 222; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 909). If determined significant, the analysis should continue to determine whether the proposed project would contribute to the impact in a way or intensity that is cumulatively considerable. The Draft EIR uses this approach for cumulative impacts determined to be significant. The CEQA Guidelines do not prohibit a lead agency from using the same approach for cumulative impacts that are determined to be less than significant, which is the approach in the Draft EIR. Therefore, the cumulative impacts analysis in the Draft EIR is not flawed, and no revisions to the Draft EIR are necessary in response to this comment.”

19. **RESPONSE 9.85:** A paragraph was added to the end of the response to read,

“The Town decided to recirculate Section 4.15, Transportation, of the Draft EIR in part based on input from members of the public during the public comment period on the Draft EIR and in part based on the fact that, after completion of the Draft EIR, the Town determined that the Transportation Analysis included as Appendix C to the Draft EIR identified a significant and unavoidable impact that was identified as less than significant in the Draft EIR Section 4.15. Specifically, Impact T-1 in Section 4.15 of the Draft EIR, pertaining to conflicts with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, was identified as a less-than-significant impact requiring no mitigation. The Transportation Analysis prepared for the project and included as Appendix C to the Draft EIR identified a potentially significant and unavoidable impact related to conflicts with transit operations. Section 4.15 of the Draft EIR was also recirculated to evaluate vehicle miles traveled (VMT) using an additional threshold of significance not included in the first circulation of the

Draft EIR. The recirculation also included minor clarifications to Section 4.15, as well, such as correcting typographic errors.”

1.2 Comment Letter 16

1. **RESPONSE 16.7:** The second half of the second paragraph and the last sentence were revised to read, “Therefore, the Draft EIR also evaluates the development of 3,738 residential units. A fraction of the 3,738 residential units could occur in the hillside areas of the Town, but most development would occur outside of the Hillside Residential area due to steep slopes and poor access to the sites to that hinder development. The Draft EIR evaluates impacts of development in the Hillside Residential area, which are more closely related to hazards associated with slopes and wildfire, for example, such as Impact GEO-1 beginning on Draft EIR page 4.7-19 pertaining to landslides.

Because the Draft EIR evaluates the projected buildout of 3,738 units, including the fraction that would occur within hillside areas of Los Gatos (that including the 166 units mentioned by commenter), No revisions to the Draft EIR are necessary in response to this comment.

2. **RESPONSE 16.8:** The last paragraph was revised to read,

“This comment is similar to Comment 16.7. Please see Response 16.7, above. As described therein, no revisions to the Draft EIR are necessary in response to this comment. No revisions to the Draft EIR are required because the analysis considers impacts of hillside development and buildout of 3,738 units, including a fraction that could occur in hillside areas of Los Gatos. If the Town were to decide to downzone properties in the Hillside Residential land use designation areas such that fewer units could be constructed in these areas of Los Gatos, buildout of the 2040 General Plan would be less than 3,738 units. Accordingly, by evaluating buildout of 3,738 units, including some within the hillside areas of Los Gatos, the Draft EIR analysis is conservative, and impacts related to unit count, such as unplanned population growth impacts, would be reduced with downzoning.”

3. **RESPONSE 16.10:** The second and third paragraph were revised to read,

“The General Plan does not provide intersection designs or signal timing, as those are specific to each individual intersection and ~~would occur~~ the necessity of such analysis would be determined on a project level as individual projects are implemented and potentially contribute to increased automobile delay at intersections. At the Town-wide planning level, it is unknown which intersections would have unacceptable transit delay and to what degree these measures would decrease transit travel time because it would be largely dependent on the design of individual development projects and their relationship to intersections and transit routes once future development occurs. Therefore, it is infeasible and speculative to develop site specific or intersection specific mitigation measures to modify intersections with new designs or signal timing at this time because there is no information on whether future projects would affect

particular intersections in a way that contributes to this impact. (See *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 636–637 [finding the rejection of mitigation was appropriate where the Housing Element EIR considered potential mitigation measures and determined that none of them were feasible to eliminate the project's potential significant impact on transit].)

Additionally, each project will impact intersections uniquely and in some instances, where intersections already operate unacceptably or close to unacceptable for transit, project development could indirectly improve those intersection transit impacts, and therefore mitigation measures may not be necessary. As individual projects requiring discretionary approvals or permits are proposed in Los Gatos, those projects would undergo environmental review, as applicable, pursuant to CEQA. The project-level CEQA analysis for individual projects will consider site-specific impacts, such as impacts to transit operations related to intersection congestion. Project-specific mitigation measures would be imposed to the extent feasible to reduce project-level impacts. For the reasons and examples above, potential roadway operation improvements would be a separate project proposal from the 2040 General Plan and would be subject to their own environmental review at that time. Additionally, the 2040 General Plan has many policies to encourage transit use, including working with VTA to facilitate transit services, encouraging ride-sharing and supporting regional efforts. Beyond the public transit efforts, uses and goals already in place there are no known additional feasible mitigation measures to include.”

4. **RESPONSE 16.11:** The response was revised to read,

“The commenter states that the EIR must describe feasible alternatives which the Recirculated Draft EIR does not and therefore is in violation of CEQA. The commenter also provides a footnote stating that the Executive Summary of the Draft EIR refers to seven Opportunity Areas in General Plan area when there are actually eight Opportunity Areas in the General Plan area.

This commentThe first portion of this comment pertaining to feasible alternatives is similar to Comment 9.76. Please see Response 9.76, above. As described therein, no revisions to the Draft EIR are necessary in response to this portion of the comment.

The commenter’s assertion that there are eight Opportunity Areas in the General Plan area is correct, but the General Plan renamed these areas using the term “Community Place Districts.” Although the commenter is correct about the number of Opportunity Areas (Community Place Districts) in the 2040 General Plan, the commenter is incorrect that the Draft EIR inaccurately describes seven Opportunity Areas. The Executive Summary of the Draft EIR does describe seven Opportunity Areas, but this is correct because pages ES-3 and ES-4 of the Draft EIR are describing the Opportunity Areas studied or developed specifically in the Land Use Alternatives Report, which identifies seven Opportunity Areas and not the eight that were ultimately developed and included in the 2040 General Plan. Accordingly, no other revisions to the Draft EIR are required in response to this comment.

5. **RESPONSE 16.14:** This first paragraph and second bulleted list were revised to read,

“The commenter expresses that the Draft EIR must explain in detail why none of the OPR’s VMT reduction strategies are feasible within the Town. The commenter additionally provides a link to these strategies within OPR’s website. “CEQA does not, however, require discussion of every mitigation measure the agency rejected as infeasible.” (*San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 15, citing *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1054–1056)...

Several of OPR’s potential measures were not included as VMT reduction strategies in the 2040 General Plan or Draft EIR as they were considered infeasible for the purposes of the 2040 General Plan. These include the following (as previously described in Response 9.62):

- **Incorporate neighborhood electric vehicle network.** (This strategy is considered infeasible because the Town cannot propose or force the installation of electric vehicle charging stations on private property, such as at residences or within shopping centers).
- **Implement or provide access to a commute reduction program.** (This strategy is considered infeasible because the Town is legally unable to require private employers and businesses to reduce worker commutes and has no ability to enforce use of a commute reduction program by individuals to ensure its effectiveness).
- **Provide transit passes.** (This strategy is considered infeasible because the Town has no approved funding mechanism for providing transit passes to residents or people working in Los Gatos and no means of verification that such passes would be used if issued).
- **Providing a guaranteed ride home service to users of non-auto modes.** (This strategy is considered infeasible because the Town has no transit system that it operates, such as taxi service or an approved funding mechanism for such services. Further, there is no way to measure the effectiveness or guaranteed use of such service).
- ~~Incorporate neighborhood electric vehicle network;~~
- ~~Implement or provide access to a commute reduction program;~~
- ~~Provide transit passes; and~~
- ~~Providing a guaranteed ride home service to users of non-auto modes.”~~

6. **RESPONSE 16.15:** Second paragraph, second sentence was revised to read, “...the release if of the NOP and Draft EIR.”