



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
JUNE 10, 2020
110 EAST MAIN STREET
LOS GATOS, CA**

*Melanie Hanssen, Chair
Kathryn Janoff, Vice Chair
Mary Badame, Commissioner
Jeffrey Barnett, Commissioner
Kendra Burch, Commissioner
Matthew Hudes, Commissioner
Reza Tavana, Commissioner*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” and return it to the Staff Liaison. If you wish to speak to an item NOT on the agenda, you may do so during the “verbal communications” period. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.

Live and Archived Planning Commission meetings can be viewed by going to:

<https://www.kcat.org/government-meetings>

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
JUNE 10, 2020
7:00 PM**

IMPORTANT NOTICE REGARDING JUNE 10, 2020 PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: <https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. **In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar at <https://losgatosca.gov.zoom.us/j/92262260545?pwd=ck1pV1Z3dWk5T3hnVXJt2IneitzUT09>
password: 477175

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to PlanningComment@losgatosca.gov with the subject line “Public Comment Item # ” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

REMOTE LOCATION PARTICIPANTS

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSEN, VICE CHAIR JANOFF, COMMISSIONER BADAME, COMMISSIONER BARNETT, COMMISSIONER BURCH, COMMISSIONER HUDES, AND COMMISSIONER TEVANA. All votes during the teleconferencing session will be conducted by roll call vote.

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
JUNE 10, 2020
7:00 PM**

MEETING CALLED TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) *(Before the Planning Commission acts on the consent agenda, any member of the public or Commission may request that any item be removed from the consent agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)*

1. Minutes of May 13, 2020
2. Minutes of May 27, 2020

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

3. Accept the Annual Review Report as Required by Condition of Approval 21 of Approved Conditional Use Permit U-19-003 for Mariposa Montessori School on Property Zoned R-1:8 Located at 16548 Ferris Avenue. APN 532-07-127. Applicant: Kirstin Dawson, Mariposa Montessori School. Property Owner: Faith Lutheran Church. Project Planner: Sean Mullin.
4. Receive an Update on the Town of Los Gatos Vehicle Miles Traveled Transition for California Environmental Quality Act (CEQA) Analysis.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT (*Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time*)

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/10/2020

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
MAY 13, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, May 13, 2020, at 7:00 p.m.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: <https://meetings.municode.com/PublishPage/index?cid=LOGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff , Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, Commissioner Matthew Hudes, and Commissioner Reza Tavana

Absent: None.

PLEDGE OF ALLEGIANCE

Chair Hanssen led the Pledge of Allegiance. The audience was invited to participate.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Minutes – March 11, 2020

MOTION: Motion by Commissioner Hudes to approve adoption of the Consent Calendar. **Seconded** by Commissioner Badame.

VOTE: Motion passed unanimously.

OTHER BUSINESS

2. Draft Proposed Five-Year Capital Improvement Program for Fiscal Years 2020/21 to 2024/25

Matt Morley, Parks and Public Works Director, presented the staff report.

Opened and Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hudes** to recommend approval to the Town Council of the Five-Year Capital Improvement Program for Fiscal Years 2020/21 to 2024/25. **Seconded by Commissioner Badame.**

VOTE: **Motion passed unanimously.**

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- The Town Council met April 7, 2020: Considered the Family Daycare Ordinance amendment; amendments to the Accessory Dwelling Unit Ordinance; and the preferred land use alternative framework for the General Plan update. All items were adopted.
- The Town Council and Planning Commission have held their first virtual teleconference meetings via Zoom. The technology will be carried forward to other boards and commissions and continue to be used until no longer necessary. The Development Review Committee will meet on May 19, 2020 and the Historic Preservation Committee on May 27, 2020.
- The Town is looking at options for getting the General Plan Advisory Committee up and running to keep the momentum going for the General Plan update.
- There are currently no plans to open Town Hall until at least June 1, 2020, but that date is subject to change moving forward.
- Director Paulson thanked assorted Town personnel for their parts in conducting and broadcasting the Town's public hearings via Zoom, including Assistant Town Manager Arn Andrews, Deputy Town Clerk Jenna De Long, Town Clerk Shelley Neis, and the IT Department.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 7:41 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 13, 2020 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/10/2020

ITEM NO: 2

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
MAY 27, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, May 27, 2020, at 7:00 p.m.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: <https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff , Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, Commissioner Matthew Hudes, and Commissioner Reza Tavana
Absent: None.

PLEDGE OF ALLEGIANCE

Chair Hanssen led the Pledge of Allegiance. The audience was invited to participate.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

None.

PUBLIC HEARINGS

1. 59 N. Santa Cruz Avenue

Variance Application V-19-003

APN 510-44-029

Applicant/Property Owner: Bean Avenue Associates

Consider Approval of a Request for Construction of an Addition to an Existing Commercial Building Requiring a Variance to Exceed Floor Area Ratio (FAR) Standards on Property Zoned C-2, Located at 59 N. Santa Cruz Avenue.

Commissioner Badame announced that she would recuse herself from participating in the public hearing for 59 N. Santa Cruz Avenue as her business is located within 1,000 feet of the subject site.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Terry Martin, Applicant/Architect

- This project is an accessibility upgrade to the building that has wheelchair access needs for doctors on the upper level. They researched making it work with staircases outside, around, and through the building and the best location is the one they have chosen, which has a square footage issue, but there is no other way to add wheelchair accessibility to the building. They agree with the staff report and ask the Commission for approval.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Janoff** to approve Variance Application V-19-003, Request for Construction of an Addition to an Existing Commercial Building Requiring a Variance to Exceed Floor Area Ratio (FAR) Standards on Property Zoned C-2 for 59 N. Santa Cruz Avenue. **Seconded by Commissioner Tavana.**

VOTE: **Motion passed unanimously with Commissioner Badame recused.**

Commissioner Badame returned to the meeting.

2. 15310 Suview Drive

Architecture and Site Application S-19-025

APN 537-24-024

Applicant: Camargo and Associates, Inc.

Property Owner: James and Holly Vergara

Consider Approval of a Request for Demolition of an Existing Single-family Residence, Construction of a New Single-family Residence, and Site Improvements Requiring a Grading Permit on Property Zoned HR-2½ Located at 15310 Suview Drive.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

James Vergara, Owner

- He and his family have lived on this site for five years and need a larger home for their two young daughters and eventually his mother.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame** to approve Architecture and Site Application S-19-025 for 15310 Suview Drive, with the added condition that the applicant work with the Director of Community Development in lowering the LRV for the stucco. **Seconded by Commissioner Hudes.**

VOTE: **Motion passed unanimously.**

3. Town Code Amendment Application A-20-003

Applicant: Town of Los Gatos

Forward a Recommendation to the Town Council for Approval of Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Vehicle Sales, Town Wide.

Sean Mullin, Associate Planner, presented the staff report.

Opened and Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame** to forward a recommendation of approval to the Town Council for Amendment Application A-20-003, Amendments to Chapter 29 of the Town Code Regarding Vehicle Sales, Town Wide. **Seconded by Commissioner Hudes.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

4. Report from the Director of Community Development

Joel Paulson, Director of Community Development

- The Town Council met:
 - May 19, 2020; discussed the budget, which will come back to the Council for final adoption on June 2, 2020.
 - May 26, 2020; a special meeting to discuss economic recovery and community vitality opportunities, which is also coming back to the Council on June 2, 2020, for the potential adoption of a resolution to try to streamline and reduce costs throughout Town and also specific to the downtown.
- A Workshop for the General Plan update will be held on June 11, 2020 via teleconference with a speaker discussing community design and urban form and a Workshop following the discussion where people can provide additional input.
- The General Plan Advisory Committee meeting will be held on June 18, 2020 via teleconference.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Historic Preservation Committee

Commissioner Hudes

- The HPC met on May 27, 2020 and considered:
 - 135 Tait Avenue;
 - 16880 Kennedy Road;
 - 146 Stacia Street;
 - 101 Broadway;
 - 201 Wilder Avenue;
 - 32 Walnut Avenue ; and
 - Certified Local Government report listing sites the HPC has removed from inventory.

ADJOURNMENT

The meeting adjourned at 8:16 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 27, 2020 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/10/2020

ITEM NO: 3

DATE: June 5, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Accept the Annual Review Report as Required by Condition of Approval 21 of Approved Conditional Use Permit U-19-003 for Mariposa Montessori School on Property Zoned R-1:8 Located at 16548 Ferris Avenue. APN 532-07-127. Applicant: Kirstin Dawson, Mariposa Montessori School. Property Owner: Faith Lutheran Church. Project Planner: Sean Mullin.

RECOMMENDATION:

Accept the Annual Review Report as required by Condition of Approval 21 of approved Conditional Use Permit U-19-003 for Mariposa Montessori School on property zoned R-1:8 located at 16548 Ferris Avenue (Exhibit 3).

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8 – Single-Family Residential, 8,000-square foot lot minimum
Applicable Plans & Standards: General Plan
Parcel Size: 96,589 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

PREPARED BY: Sean Mullin, AICP
Associate Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Categorically Exempt, Section 15301: Existing Facilities.
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.

ACTION:

Accept this report for the annual review of the Conditional Use Permit (CUP) as required by Condition 21 (Exhibit 3).

BACKGROUND:

On May 22, 2019, the Planning Commission approved a modification to an existing CUP for an increase in student enrollment for the Mariposa Montessori School located on the Faith Lutheran Church property. Condition 21 included a requirement for a one-time annual review for compliance with the Conditions of Approval. Specifically, the Planning Commission was concerned with the following conditions for inclusion in the one-time annual review:

17. SCREENING: The school shall provide screening plantings between room 13 and the adjacent neighbors.
18. SAFE DRIVING LETTER: The school shall provide a letter to all current and future parents regarding safe driving.
19. SAFE ROUTES TO SCHOOL: The school shall engage in the Safe Routes to School Program.
20. PUBLIC OUTREACH: Within one month of the date of this approval, the school shall conduct a public outreach meeting to engage its neighbors.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The school is located within existing buildings on the Faith Lutheran Church property at 16548 Ferris Road (Exhibit 1). Adjacent properties are developed with single-family residences and are zoned R-1:8.

PROJECT DESCRIPTION (continued):

B. Zoning Compliance

The zoning designation, Residential R-1:8, allows a school pursuant to the approved CUP.

DISCUSSION:

A. Conditional Use Permit Annual Review

The applicant has provided documentation summarizing the actions taken to comply with Conditions 17 through 20 (Exhibits 4 through 7) as outlined below:

- Correspondence with neighbor behind room 13 indicating that the neighbor no longer wanted screening planting as required by Condition 17 (Exhibit 4);
- School newsletter including a reminder to drive safely as required by Condition 18 (Exhibit 5, page 2);
- Correspondence describing the efforts to engage in the Safe Routes to School program as required by Condition 19 (Exhibit 6); and
- Correspondence with neighbors summarizing outreach efforts as required by Condition 20 (Exhibit 7).

B. CEQA Determination

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

PUBLIC COMMENTS:

Written notice was sent to property owners and occupants within 300 feet of the property.

CONCLUSION:

A. Conclusion

Based on the information in this report, staff has determined that Mariposa Montessori School is in compliance with their CUP.

CONCLUSION (continued):

B. Recommendation

Based on the analysis above, staff recommends accepting this report for the one-time annual review of the CUP. If the Planning Commission finds merit with the request, it should:

1. Find that no further environmental analysis is required (Exhibit 2); and
2. Find that Mariposa Montessori School is in compliance with their CUP (Exhibit 2).

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Location map
2. Required findings
3. Conditional Use Permit U-19-003
4. Landscape screening correspondence
5. March 2020 School Newsletter
6. Safe Routes to School correspondence
7. Neighbor outreach correspondence

16548 Ferris Avenue

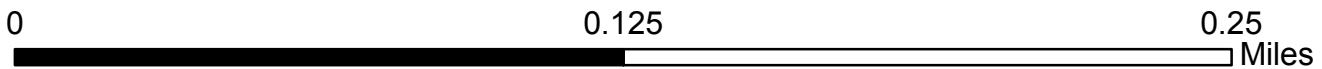
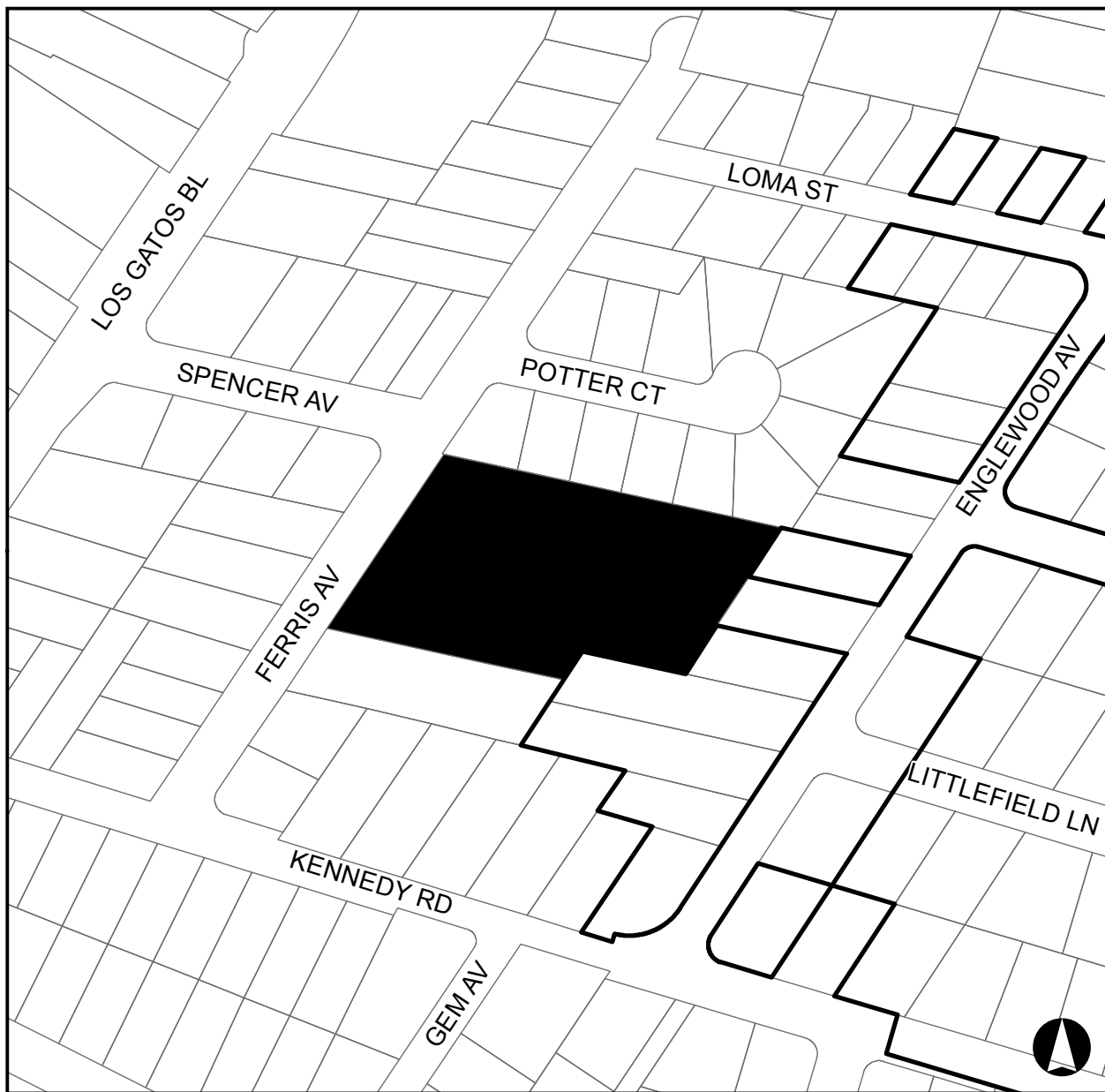


EXHIBIT 1

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PLANNING COMMISSION – June 10, 2020
REQUIRED FINDINGS:

16548 Ferris Avenue
Conditional Use Permit U-19-003

Accept the Annual Review Report as Required by Condition of Approval 21 of Approved Conditional Use Permit U-19-003 for Mariposa Montessori School on Property Zoned R-1:8 Located at 16548 Ferris Avenue. APN 532-07-127.

APPLICANT: Kirstin Dawson, Mariposa Montessori School.
PROPERTY OWNER: Faith Lutheran Church. Project Planner: Sean Mullin.

FINDINGS

Required Finding for CEQA:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Required findings for compliance with a Conditional Use Permit (U-19-003):

- Find that Mariposa Montessori School is in compliance with their Conditional Use Permit.

N:\DEV\PC REPORTS\2020\2020 - SCANNED PC RPTS & EXHIBITS\06-10-20\FERRIS AVENUE, 16548\EXHIBIT 2 - REQUIRED FINDINGS JP.DOCX

EXHIBIT 2

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PLANNING COMMISSION – May 22, 2019
CONDITIONS OF APPROVAL

16548 Ferris Avenue
Conditional Use Permit U-19-003

Requesting approval of a modification to an existing Conditional Use Permit for an increase in student enrollment in a nursery school (Mariposa Montessori School) on property zoned R-1:8. APN 532-07-127.

PROPERTY OWNER: Faith Lutheran Church
APPLICANT: Hillari Zighelboim

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL EXPIRATION: Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the application is vested.
2. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below. Any minor changes or modifications made to the approved plans shall be approved by the Director of Community Development other changes will be approved by the Planning Commission, depending on the scope of the change(s).
3. PREVIOUS CONDITIONS OF APPROVAL: Any applicable Conditions of Approval from Town Council Resolution 2000-45 for the previous approval, not carried forward, are still in effect.
4. CONDITIONAL USE PERMIT REVOCATION/AUTHORIZED USES. Any violation of the conditions imposed by this permit may constitute grounds for revocation of the Conditional Use Permit in the same manner in which it was approved.
5. CHURCH SANCTUARY USE/HOURS. The property owner/church shall limit worship services in the main church sanctuary to a maximum of 220 people at any given time. The hours of services shall be limited to the following times:
 - Monday - Saturday 5:00 p.m. to 10:00 p.m.
 - Sunday 7:00 a.m. to 5:00 p.m.
 - Special Events (As allowed with 30-day prior approval of the Planning & Police Departments)

The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.

6. CHURCH WEDDINGS/FUNERALS USES/HOURS. The property owner/church shall limit Weddings and Funerals on-site to the hours of 8:00 a.m. to 10 p.m. daily. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.

7. CHURCH OFFICE USE/HOURS. The property owner/church shall limit the Office uses on-site to the following hours:
 - Monday - Saturday 8:00 a.m. to 5:00 p.m.
 - Sunday 7:00 a.m. to 12:00 Noon
8. CHURCH COMMUNITY SERVICES/OUTREACH USES/HOURS: The property owner/church shall limit Community Service/Outreach uses (e.g. 12 step meetings., counseling services, Girl Scout activities, Youth Gatherings, Social Meetings, misc. classes, choir practices, Volunteer Days, etc.) to the hours of 7:00 a.m. to 10:00 p.m., daily. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.
9. CHURCH COMMITTEE MEETING USES/HOURS. The property owner/church shall limit Committee Meetings to the hours of 3:00 p.m. to 12:00 Midnight, daily. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance.
10. VACATION BIBLE SCHOOL EVENT. Once per year the property owner/church shall be allowed to conduct a vacation bible school event for parents and students. The vacation bible school event shall be allowed to continue for a maximum duration of 14 days and is limited to the hours of 8 am to 8 p.m., daily.
11. CHURCH SPECIAL EVENT USES/HOURS. The property owner/church may have Special Events (i.e. any on-site activity exceeding 100 people that is not specifically authorized by this use permit) with at least 90 days prior notice and preapproval of the Town Police and Planning Departments. The property owner/church shall provide the Police and Planning Departments the purpose, proposed uses, dates, times, duration, and number of persons to attend the event. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.
12. CHURCH SPECIAL EVENTS TRAFFIC/PARKING CONTROL. If the Town determines that an on-site Special Event will generate more parking demand than can be reasonably accommodated by the existing on-site facilities, the property owner/church shall provide additional overflow parking which meets Town standards, stagger or modify activities/event times or days, provide an off-site park-n-ride program, and /or other measures to mitigate the parking impacts as required by the Town. The property owner/church shall provide uniformed sworn officers for traffic control during special events as required by the Chief of Police or Town designee.
13. CHURCH CARETAKER/PASTOR'S QUARTERS. The existing Caretaker/Pastor's quarters located in the church offices adjacent to the central play area shall not be expanded without obtaining prior approvals from the Town.
14. MONTESSORI SCHOOL USE/HOURS. The property owner/school operator shall limit the number of Montessori school students on-site to a maximum of ~~50~~ 70 students at any given time. Any increase in enrollment will require amendment of the Conditional Use Permit for the entire facility. The property owner/school operator shall limit the school's operation to the hours of: 8:15 a.m. - 4:15 p.m., Monday through Friday. No weekend hours are permitted. The property owner/school operator shall limit school classes to the hours of

9:15 a.m. - 4:00 p.m.. Once per month the school shall be permitted to conduct parent meetings between the hours of 4:00 p.m. and 10 p.m. Four times per month the teachers and administrative staff shall be permitted extended staff hours (7:30 a.m. to 8:00 p.m.) to prepare for seasonal or holiday school programs that will occur during normal school hours (8:15 a.m. - 4:15 p.m.).

15. MONTESSORI SCHOOL-CIRCULATION PLAN. The property owner/school operator shall provide the designated student drop-off area and circulation plan noted on the development plans submitted.
16. MONTESSORI SCHOOL PLAY AREA & FACILITY FENCES. The property owner/school operator shall construct the 4 ft. & 6 ft. wooden fences noted on the development plans submitted and shall repair damaged sections of the existing wood fence surrounding the property prior to final inspection approvals or occupancy.
17. SCREENING: The school shall provide screening plantings between room 13 and the adjacent neighbors.
18. SAFE DRIVING LETTER: The school shall provide a letter to all current and future parents regarding safe driving.
19. SAFE ROUTES TO SCHOOL: The school shall engage in the Safe Routes to School Program.
20. PUBLIC OUTREACH: Within one month of the date of this approval, the school shall conduct a public outreach meeting to engage its neighbors.
21. COMPLIANCE REVIEW: One year after the date of this approval, the Planning Commission shall conduct a one-time review to review any impacts of the increased enrollment. This compliance review shall be completed at the school's expense.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

22. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
23. STATE LICENSE REQUIREMENTS. Reapply to the State of California Department of Social Services for an increase in the number of students.
24. FIRE ALARM SYSTEM: Provide inspections, testing, and maintenance for existing fire alarm system to keep it in an operative condition at all times.
25. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advanced. [CFC, Ch. 1, 105.3.6].

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Kirstin Dawson <bod@mariposamontessori.org>

Fwd: Mariposa Montessori

1 message

Hillari Zighelboim <hillzig@gmail.com>

Tue, Feb 25, 2020 at 8:11 AM

To: Hillari Zighelboim <bod@mariposamontessori.org>

FYI from Mary Oreskovic...

Sent from my iPhone

Begin forwarded message:

From: Mary Oreskovic <maryoreskovic@me.com>**Date:** February 24, 2020 at 9:30:59 PM PST**To:** Hillari Zighelboim <hillzig@gmail.com>**Subject: Re: Mariposa Montessori**

Omg! Hillari, I'm so sorry , I did see and read your email but forgot to respond!!

It's so nice to hear from you!

We do not need hedges planted to block the classroom. We prefer the view of the mountains ! Thanks for checking in .

Is this response sufficient or do I need to send it elsewhere ?

How you are doing well!

Warmly,

Mary Oreskovic

Sent from my iPhone

On Feb 24, 2020, at 4:49 PM, Hillari Zighelboim <hillzig@gmail.com> wrote:

Hi Mary~

Just following up to see if you received my email earlier this month.

Hope you had a nice winter break!

----- Forwarded message -----

From: **Hillari Zighelboim** <hillzig@gmail.com>

Date: Thu, Feb 13, 2020 at 3:22 PM

Subject: Mariposa Montessori

To: <maryoreskovic@me.com>

Cc: Elizabeth Jourdin <bod@mariposamontessori.org>

Hi Mary~

I hope you are doing well, and your year has gotten off to a great start!

The Town of Los Gatos is following up with Mariposa regarding the terms for the Conditional Usage Permit that they approved to add the new classroom last year. One of the terms was to plant hedges or landscape to block the view into room 13 from your house. I know that you and I had a conversation, and at that time you and your husband had decided against the planting. Is this still the case? If so, would you mind responding to this email just indicating that you no longer require the planting of hedges? We would really appreciate it.

How is everything else going? Fyi, I have passed the baton of President on to Kirstin Dawon. She is also copied on this email, and any correspondence sent to the bod@mariposamontessori.org email address will go to Kirstin. I am sending this from my personal email, should you need to reach out for anything.

Take care Mary...hope to bump into you sometime soon!

Warmly,
Hillari



Kirstin Dawson <kirdawson@gmail.com>

March Newsletter

1 message

Mariposa Montessori School <exec.dir@mariposamontessori.org>
Reply-To: Mariposa Montessori School <exec.dir@mariposamontessori.org>
To: kirdawson@gmail.com

Fri, Feb 28, 2020 at 5:40 PM



Mariposa
MONTESSORI SCHOOL

March Newsletter

Dear Mariposa Families,

The children had a lovely time handing out Valentines and flowers to their teachers and friends.

We had special snack - heart shaped watermelon pieces. The hugs from the children were priceless!

We are excited to have a few more families joining our Mariposa community this month. School is closed on March 6 for Staff Day. Spring Parent-Teacher conferences are scheduled for March 9th & 10th for Bobcats & Cheetahs and March 9th for Cubs, Cougars and Lions classrooms. There will be no school for all the children on March 9th. Bobcats & Cheetahs classroom will be closed on March 9th and 10th.

The weather has warmed up considerably. We request you to make sure that you apply sunscreen for your children before they come to school and the children can re-apply at school with help from teachers. Also, please do check in with the teachers to see if you need to send a new tube of sunscreen for your child.

We would like to once again thank all our families for re-enrolling for school year 2020-21. We will be charging for Registration fee, Curriculum fee and Deposit of last month's (June 2021) tuition next week. The monthly tuition will be charged on the 10th as usual.

A gentle reminder to be extra cautious in the parking lot during arrival and departure. Please stay at 5 mph speed limit when you drive in or out of the parking lot.

Do reach out to us if you have any questions. Have a lovely weekend.

MARK YOUR CALENDAR:

March 6: School closed for Staff Day

March 9, 10: Parent Teacher Conferences

March 19: Coffee Chat

March 25: Board of Directors Meeting 9:15-10:15 AM

Best regards,

[Gita Nezamfar \(exec.dir@mariposamontessori.org\)](mailto:exec.dir@mariposamontessori.org)

[Rekha Mundkur \(info@mariposamontessori.org\)](mailto:info@mariposamontessori.org)

UPDATES FROM THE CLASSROOMS:

Cubs: Ms.Melissa & Ms.Sarah

Dear Families of the Cubs,

This month we were very excited to start having Ms. Victoria from Golden Acorn Music in our classroom. The children loved learning new songs and singing with their friends.

The children had a wonderful time exchanging valentines earlier this month. It was great to see them sharing and taking turns.

As March comes around, we will be focusing on naming fruits and vegetables through books, art, and music . We will also be working on spring themed art projects.

As a friendly reminder, please send back your child's grey bag, which is sent home on Fridays.

We are thrilled to see how much the children have improved since the opening of our classroom! They have been improving on pushing their chairs in under the tables, returning their work back to its proper place on the shelves, and using "please" and "thank you" especially during snack time.

We are very proud of them!

As always, please let us know if you have any questions or concerns.

Warm Wishes,
Melissa and Sarah

Music with Ms. Victoria!



With our Valentine's Day crafts



Exchanging Valentines



Enjoying sunny days together



Bobcats & Cheetahs: Ms. Junko, Ms. Irma & Ms. Negin

Dear Parents of Cheetahs and Bobcats,

We hope all of you had a wonderful mid-winter break. The children had an exciting month of February. They enjoyed making rice balls for the cooking project and have been taking pleasure in having the self-serve snack and the cheese cutting job. We are so happy to see the children have a delightful time.

As we learned about animals living in Asia, we introduced the difference between meat eater and plant eater animals and learned the words, “carnivore” and “herbivore”.

In March, we will learn about Africa as it is the theme of the month. We will discuss the landscape as well as animals living in Africa with related artifacts, pictures, and books. Also, we will talk about the nutritional value of fruits and vegetables since March is the national nutrition month.

As we will talk about spring season, we are planning on planting green bean seeds in a cup. After observing how the seed grows, the children will take the plants home. For optimum results, please transfer the plant your child brings home to a bigger pot or plant it directly in the ground. We will also learn about the life cycle of a bean and an oak tree. Also, thanks to Adriana (Kellan’s mom) and Nao (Hannah’s mom), now our garden boxes are ready to be planted. We

will be thrilled to receive donations of vegetable plants, such as tomatoes, cucumbers, squash, peppers, etc.

In practical life, we will excitingly have the coffee grinding job - an exercise of manually grinding coffee beans into grounds. Once the child is done with grinding, she/he will take the ground coffee home, which can be used for your coffee break or as fertilizer for your plants. Please return the small container with ground coffee to school. We will reuse it many more times.

We still have several slots open for volunteer opportunities. Please sign up if you are interested in reading books to children or sharing your special talents with them.

A special thank you to parents (alphabetical order) who.....

- Helped with our cooking project making “rice balls”: Joyann (Soren’s mom)

- Came in to read books to the children: Dana (Ethan’s mom), Erin (Lyla’s mom), Kirstin (Teagan’s mom), and Sean (Carter’s dad)

- Came in for the Parents Show and Tell: Harsha (Lyla’s dad) who played the guitar and did a sing-along with the children; and Joyann (Soren’s mom) who talked about swimming, safety, and lifeguards and shared fun swimming equipment with the children.

Happy Birthday to Lyla (March 1), Eera (March 12), and Hannah (March 22)!! We wish you all the best!

As always, if you have any questions or comments, please feel free to contact us.

Sincerely,

Junko, Irma, and Negin

1. The cooking project making rice balls



2. Enjoying the music session



3. The presentation about swimming, lifeguard, and swimming equipment



4. The sing-along with the guitar



Cougars: Ms. Grishma, Ms. Mariella, Ms. Bitra:

Cougar Cave: March (2020)

Dear Parents,

After the mid-winter break, the children have returned all refreshed and are busy working and receiving new lessons. It has been such a pleasure to see them all engrossed in their jobs and making progress in their learning.

We look forward to sharing their learning experiences and answering all your queries at the upcoming conferences on March 9th.

Highlights of February:

- **Study of the Continent of Asia: We talked about the vastness and different geographical and cultural richness of the continent. Focused on a few countries such as India, China and Japan. Given that we have quite a few teachers representing different countries of Asia, it was very exciting for the children to relate to their learning.**
- **One of the highlights of the Asia unit was the cooking project, for which we made Aloo Tikkis and Mango Lassi (Indian Cuisine). The children had fun peeling and mashing the steamed potatoes and then rolling the tikkis and finally relishing the aloo tikkis as well as mango lassi! The kids were also fascinated to see the Indian spice box filled with various spices.**
- **The children enjoyed the presentation of Rangoli, an Indian art form created using colored sand. They all got a chance to participate in making a Rangoli in the classroom.**

- We also talked about Presidents' Day and read a book about George Washington, Abraham Lincoln and role of a President.

Celebrations:

- Valentine's Day- Kids were excited to bring in the cards for their friends and teachers and some of them had worked hard on hand writing the names of their friends as well as teachers on their cards!
- Birthdays: We will celebrate Petra's 5th and Elias's 4th birthday in March. Our best wishes to both of them!

How to bring the learning home:

- Vocabulary from Asia unit: Mt. Everest, Taj Mahal, Mt, Fuji, Origami, Calligraphy, The Great Wall of China
- Cooking with children- a great interactive learning for children where they get to use all five senses during the process.

Focus of study for February:

- Continent of Africa
- Spring Season
- National Nutrition Month

Thank You:

- Perry Panesar (Alayna's dad) for Show and Tell – Presentation on Photography, different techniques and parts of a camera
- Natalie (Jerry's mom) and Fang (Maia's mom) for their help with the cooking project.
- Hillari (Grant's mom) for book reading.

Spring is almost here! We are planning to do planting in our garden boxes on March 17th. We need some donations of top soil and plants. We will also need 2 volunteers to help us out with the planting project. We will put our wish list outside the classroom for you to sign up.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Grishma and Mariella

1. So focused and working hard to make "Aloo Tikkis"



2. Thank you Natalie and Fang - our volunteers for the cooking project



3. Peeling potatoes...



4. Mashing potatoes



5. Adding spices.....



6. Rolling Aloo Tikkis



7. Ymm... relishing Aloo Tikkis and Mango Lassi



8. Show & Tell by Parry



9. Book Reading by Hillari



10. Rangoli- An art form from India



Lions: Ms.Munawar, Ms.Sandhya, Ms.Deepti

LION LAIR : February 2020

Dear Parents,

March is going to be a busy month with children coming back from the President's week completely recharged and ready to get back into their predictable routine. In February, we moved from the smallest continent to the largest continent "Asia".

Highlights of February:

- **Introduction to Asia and its location on the world map.**
- **Introduction to some of the countries of Asia like China, Japan, India, Iran, Pakistan etc. The children saw the location of these countries on the map and also learnt to color in their own flags from these countries.**
- **They saw pictures of other children like them from Asia and learnt that many languages are spoken in this continent. We took this opportunity to introduce the word 'hello' in many Asian languages.**
- **We focused a little more on India and the children saw what the currency in India looks like.**
- **We also introduced the children to some of the animals that live in Asia.**
- **Cooking project: To enrich our experience some more, we cooked 'Aloo Tikkis' (potato patties) and tasted 'Mango Lassi' (Mango yogurt drink). The kids loved the treat and to many, this brought back memories from last year.**
- **We also spoke about one of the wonders of the world " The Taj Mahal" and the children were fascinated to hear the story of the king who built this beautiful monument in the memory of his wife.**
- **Art project: Painting a 'Rangoli' which is an Indian art form where colorful and decorative designs are made in the courtyard of homes. The children also colored in a peacock and observed the bright colors in the feathers.**

Celebrations:

- **Valentine's day: The children made 3-layered Valentine hearts in class**

- **President's Day:** The children discussed about who a President is and what he does for his country
- **Birthdays:** Payton and Sarah turned 6 and Spencer turned 5!

Take the learning home by:

- Looking at currencies from different countries of Asia
- Trying Asian food and discussing about the spices that are used to cook them
- Trying simple 'origami' craft

Focus of study in March:

- Continent of Africa
- Flags of some of the countries of Africa
- River Nile
- Pyramids of Giza
- Animals, art and music of Africa
- Introduction to Nowruz
- March is also the month of nutrition

Big thanks to:

- Chelsea, for a wonderful presentation about their trip to Spain. The children were thrilled to hear your personal story and also the storybook about 'La Tomatina'.
- Satomi and Sreelatha for patiently cooking the 'Aloo Tikkis' to perfection on the griddle.

Sincerely,

Munawar, Sandhya and Deepti

Some of the books read this month



What a Citrus looks like from the inside:



Show and Tell:



Presentation of flags from Asian countries:



Peace table always works:



Mango Lassi and Aloo Tikkis:





Making Rangoli patterns with Ms Deepti:



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Mariposa Montessori School · [16548 Ferris Ave](#) · [Los Gatos, CA 95032-5614](#) · USA





Kirstin Dawson <bod@mariposamontessori.org>

Fwd: Safe Route to School!

2 messages

Gita Nezamfar <exec.dir@mariposamontessori.org>
To: Elizabeth Jourdin <bod@mariposamontessori.org>

Fri, Feb 7, 2020 at 12:53 PM

----- Forwarded message -----

From: **Gita Nezamfar** <exec.dir@mariposamontessori.org>
Date: Thu, Feb 6, 2020 at 10:33 AM
Subject: Re: Safe Route to School!
To: Leah Angulo <langulo@lgusd.org>

Hi Leah,

Just wanted to follow up on the safe route to school program,

Please let me know if you need to schedule any day with us.

Best regards,

On Mon, Nov 25, 2019 at 12:28 PM Leah Angulo <langulo@lgusd.org> wrote:
Sounds good, we'll talk to you then. Thanks!

-Leah

Leah Angulo
Safe Routes to School Coordinator
Los Gatos Union School District
Langulo@lgusd.org
Ph: (408)335-2026

On Mon, Nov 25, 2019 at 12:20 PM Gita Nezamfar <exec.dir@mariposamontessori.org> wrote:
Hi Leah,

Thanks for your response.

Yes, sure let's have a phone call on next Monday, Dec 2nd at 11 am.

Page 47 appreciate your help!

EXHIBIT 6

On Mon, Nov 25, 2019 at 10:52 AM Leah Angulo <langulo@lgusd.org> wrote:

Hi Gita,

I've cc'd Safe Routes Executive Director, Patty Charles, on this email. We have a few ideas on how we could possibly tie in Mariposa Montessori School into the SR2S curriculum. Do you have time for a phone call next Monday, December 2nd at 11am? We'd love to discuss how we can help.

Let me know, thank you!

Best,
Leah

Leah Angulo

Safe Routes to School Coordinator

Los Gatos Union School District

Langulo@lgusd.org

Ph: (408)335-2026

On Thu, Nov 21, 2019 at 12:22 PM Gita Nezamfar <exec.dir@mariposamontessori.org> wrote:

Hello Leah,

I have been trying to contact Los Gatos School District to add our school name for participation to Safe Route to School Program but I have not been successful.

Can you please help me and guide me on how Mariposa Montessori School can be added as a participant for Safe Route to School Program?

Thanks a lot for your time in advance.

Best regards,

Gita Nezamfar

Executive Director

Mariposa Montessori School

[16548 Ferris Avenue](https://www.mariposamontessori.org)

[Los Gatos, CA 95032](https://www.mariposamontessori.org)

www.mariposamontessori.org

Ph #: 408 356-8816

Fax #: 408 356-8826

--

Gita Nezamfar

Executive Director

Mariposa Montessori School

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Los Gatos, CA 95032

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Gita Nezamfar
Executive Director
Mariposa Montessori School
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Gita Nezamfar
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Los Gatos, CA 95032

www.mariposamontessori.org

Ph #: 408 356-8816

Fax #: 408 356-8826

Gita Nezamfar <exec.dir@mariposamontessori.org>
To: Elizabeth Jourdin <bod@mariposamontessori.org>

Fri, Feb 7, 2020 at 12:54 PM

----- Forwarded message -----

From: **Leah Angulo** <langulo@lgusd.org>

Date: Fri, Feb 7, 2020 at 12:21 PM

Subject: Re: Safe Route to School!

To: Gita Nezamfar <exec.dir@mariposamontessori.org>

4/28/2020

Mariposa Montessori School Mail - Fwd: Safe Route to School!

Hi Gita,

Thank you for following up. We're behind on the schedule that we had planned for the balance bikes as we just ordered them and are waiting for them to arrive. We have a few more things to get done before we can schedule anything, so I will definitely keep you posted.

Thanks!!

-Leah

Leah Angulo

Safe Routes to School Coordinator

Los Gatos Union School District

Langulo@lgusd.org

Ph: (408)335-2026

[Quoted text hidden]

[Quoted text hidden]



Kirstin Dawson <bod@mariposamontessori.org>

Follow Up from Mariposa Montessori

14 messages

Hillari Zighelboim <bod@mariposamontessori.org>

Sat, Jun 1, 2019 at 6:30 PM

To: bobkirkendall75@gmail.com, Mary Oreskovic <maryoreskovic@me.com>

Hi Laurie, Bob, & Mary~

I wanted to reach out to the three of you as a follow up to the Planning Commission meeting on May 22nd and reiterate the commitment that Mariposa has to a harmonious and neighborly relationship with you. I can honestly say that it was a pleasure to meet you in person after the meeting, shake your hands, and begin what I am confident will be an ongoing, open line of communication between all of us.

Although we plan on reaching out to other neighbors as well, I haven't had the opportunity to meet all of them in person, and so it just made sense to start with you to plan a follow up meeting. Laurie, you had mentioned being open to having us over to your house to discuss everything in person, and I am happy to do that at your convenience. This is the last week of school, and always a busy one, but I am around most of the summer if you would like to schedule something at your convenience.

I look forward to hearing from you,
Hillari

--

Hillari Zighelboim
President, Board of Directors
Mariposa Montessori Preschool
16548 Ferris Avenue
Los Gatos, CA 95032

www.mariposamontessori.org

408.356.8816

Mary Oreskovic <maryoreskovic@me.com>

Mon, Jun 3, 2019 at 9:15 AM

To: Hillari Zighelboim <bod@mariposamontessori.org>

Cc: bobkirkendall75@gmail.com, kwhitethornton@yahoo.com

Hello Hillari,

Thank you for reaching out . We would love to meet up . Being the last week of school I thought it might be a good idea for us to do a tour of the school while the kids are in session. I think it's important that we see what a day in the life of a Montessori child looks like . I myself have a good idea since my children attended, though I'd like to any updates . I think Laurie and Kim would benefit as well. I've copied Kim Thorton in this email chain.

My schedule is tight as it's the last week of school and I have a 5th grader graduating, so lots of celebrations. I am available between 9-10:00 on Thursday . If that doesn't work, I could squeeze a short visit in early Friday. Perhaps Laurie and Kim have some more flexibility. Please let us know Kim and Laurie.

We do want to include our other neighbors in the conversation and I will send communications to them shortly.

Thank you and hope to see you soon.

Warmly,

Mary

Sent from my iPhone

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I look forward to hearing from you,
Hillari

--

Hillari Zighelboim
President, Board of Directors
Mariposa Montessori Preschool
[16548 Ferris Avenue](https://www.mariposamontessori.org)
[Los Gatos, CA 95032](https://www.mariposamontessori.org)

www.mariposamontessori.org
408.356.8816

Kim <kwhitethornton@yahoo.com>

Mon, Jun 3, 2019 at 9:43 AM

To: Mary Oreskovic <maryoreskovic@me.com>

Cc: Hillari Zighelboim <bod@mariposamontessori.org>, bobkirkendall75@gmail.com

Thanks so much for reaching out. I am also available on Thursday between 9:00 and 10:00. Please let me know as soon as possible if this can work, and I'll make sure to save it in my calendar.

Look forward to meeting you, Hillari.
Kim Thornton

On Jun 3, 2019, at 9:15 AM, Mary Oreskovic <maryoreskovic@me.com> wrote:

Hello Hillari,

Thank you for reaching out . We would love to meet up . Being the last week of school I thought it might be a good idea for us to do a tour of the school while the kids are in session. I think it's important that we see what a day in the life of a Montessori child looks like . I myself have a good idea since my children attended, though I'd like to any updates . I think Laurie and Kim would benefit as well. I've copied Kim Thorton in this email chain.

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Warmly,

Mary

Sent from my iPhone

On Jun 1, 2019, at 6:30 PM, Hillari Zigelboim <bod@mariposamontessori.org> wrote:

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Hillari

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Hillari Zigelboim
President, Board of Directors
Mariposa Montessori Preschool
<16548 Ferris Avenue>
<Los Gatos, CA 95032>

www.mariposamontessori.org
408.356.8816

Hillari Zigelboim <bod@mariposamontessori.org>
To: Mary Oreskovic <maryoreskovic@me.com>
Cc: bobkirkendall75@gmail.com, kwhitethornton@yahoo.com

Mon, Jun 3, 2019 at 8:51 PM

Hi everyone~

Mary and Kim, thanks so much for your reply. Unfortunately Thursday and Friday mornings this week aren't going to work, because we have closing ceremonies for the different classes and the atypical schedule would not give you an accurate representation of the normal school day. There will be parents on campus to see their little ones "graduate", and it will be busier than normal.

If any of you are available on Wednesday between 9:30-10:30, or 12-1, I would be happy to meet with you on campus and show you around. I could also meet Thursday after the the closing ceremony, but still while other classes are in session, anytime between 11:45-1:15.

If none of those times work for you, we can arrange to meet on campus during one of the summer camps, and then again after the normal school year resumes in late August.

I look forward to having the chance to meet with each of you.

Take care,
Hillari

On Mon, Jun 3, 2019 at 9:15 AM Mary Oreskovic <maryoreskovic@me.com> wrote:
Hello Hillari,

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I look forward to hearing from you,
Hillari

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Hillari Zigelboim
President, Board of Directors
Mariposa Montessori Preschool
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408.356.8816

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Mary Oreskovic <maryoreskovic@me.com>
To: Hillari Zigelboim <bod@mariposamontessori.org>
Cc: bobkirkendall75@gmail.com, kwhitethornton@yahoo.com

Wed, Jun 5, 2019 at 9:11 AM

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Hillari Zigelboim <bod@mariposamontessori.org>
To: Rekha Claytor <exec.dir@mariposamontessori.org>

Wed, Jun 5, 2019 at 9:35 AM

From the neighbors...

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Rekha Claytor <exec.dir@mariposamontessori.org>
 To: Hillari Zighelboim <bod@mariposamontessori.org>

Thu, Jun 6, 2019 at 3:18 PM

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Fax #: 408 356-8826

Hillari Zigelboim <bod@mariposamontessori.org>
To: Rekha Claytor <exec.dir@mariposamontessori.org>

Thu, Jun 6, 2019 at 4:28 PM

Thanks! I can try and listen to the message tomorrow.

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To: Mary Oreskovic <maryoreskovic@me.com>
Cc: bobkirkendall75@gmail.com, kwhitethornton@yahoo.com

Thu, Jun 6, 2019 at 5:00 PM

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Mary Oreskovic <maryoreskovic@me.com>
 To: Hillari Zigelboim <bod@mariposamontessori.org>

Fri, Jun 21, 2019 at 4:37 PM

Hi Hillari,

Laurie and I can head over for a visit next Thursday at 11 am. I believe Kim is away but I will keep her in the loop. Next week works best as I am out for a month following that.

Will this time work?

Hope to see you soon!

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To: Mary Oreskovic <maryoreskovic@me.com>

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Mary Oreskovic <maryoreskovic@me.com>
To: Hillari Zighelboim <bod@mariposamontessori.org>

Thu, Jun 27, 2019 at 10:08 AM

Hi Hillari !

We will see You shortly !

I will bring Laurie and Kim will join us a little later (11:30).
We are hoping to wrap up by 11:50 to meet some other obligations .

My goal is to help Laurie understand the nature of Montessori's philosophy and the calm environment . She is a long time resident and due to the history of the events that occurred in the past I think there is some residual emotions . She is connected to all the long time residents so I would love to make a very positive impression for her .

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4/28/2020

Mariposa Montessori School Mail - Follow Up from Mariposa Montessori

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/10/2020

ITEM NO: 4

DATE: May 28, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Receive an Update on the Town of Los Gatos Vehicle Miles Traveled Transition for California Environmental Quality Act (CEQA) Analysis.

RECOMMENDATION:

Receive an update on the Town of Los Gatos Vehicle Miles Traveled (VMT) transition for California Environmental Quality Act (CEQA) Analysis.

BACKGROUND:

On September 27, 2013, Governor Jerry Brown signed Senate Bill 743 into law and started a process to change transportation impact analysis for purposes of CEQA compliance. The new law directed the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to include new criteria and metrics for determining the significance of transportation impacts. OPR selected VMT as the new transportation impact metric, recommended its application Statewide, and submitted updates to the CEQA Guidelines that were certified by the Natural Resources Agency in December 2018.

The Town of Los Gatos is the lead agency for environmental clearance under CEQA for projects within the Town's jurisdiction. As such, the Town is required to implement the new CEQA Guidelines immediately, but no later than July 1, 2020. Fehr & Peers has been hired to assist the Town in preparing its Transportation Analysis Policy and Guidelines using VMT and any other updates to the Town's local transportation policies, as the Council deems appropriate.

On October 8, 2019, the Town Council and Planning Commission held a joint Study Session on the topic as an introduction to the new requirements, concepts, and other provisions.

On January 21, 2020, the Town Council discussed how the VMT and Level of Service (LOS) analyses would work together in evaluating future development projects.

PREPARED BY: Ying Smith
Transportation and Mobility Manager

Reviewed by: Parks and Public Works Director, Planning Manager, and Community Development Director

PAGE 2 OF 2

SUBJECT: Update on Town of Los Gatos Vehicle Miles Traveled Transition in California
Environmental Quality Act (CEQA) Analysis

DATE: May 28, 2020

BACKGROUND (continued):

On February 18, 2020, the Town Council approved the option to set thresholds consistent with the General Plan future year VMT projections.

DISCUSSION:

At the March 25, 2020, Planning Commission meeting, staff will provide an update on the progress on the Town's work in the VMT transition. Materials from the previous Town Council meetings, including staff reports and a presentation, are included as Exhibits 1, 2, and 3.

CEQA:

This is not a project defined under CEQA, and no further action is required.

EXHIBITS:

1. January 21, 2020 Town Council meeting staff report with attachments
2. February 18, 2020 Town Council meeting staff report with attachments
3. February 18, 2020 Town Council meeting presentation



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2020

ITEM NO: 11

DATE: January 13, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive a Report on How Vehicle Miles Travelled and Level of Service Analysis Will Work Together in Shaping Future Development Projects

RECOMMENDATION:

Receive a report on how vehicle miles travelled (VMT) and level of service analysis (LOS) will work together in shaping future development projects.

BACKGROUND:

On October 10, 2019 the Council held a study session to facilitate the first of several discussions on Vehicle Miles Travelled (VMT) as the new transportation metric for California Environmental Quality Act (CEQA) review as mandated by Senate Bill 743.

The new law changes CEQA evaluation for transportation, moving away from measuring level of service (LOS) and moving towards a measure of VMT. VMT is the measure of distance in miles that a vehicle travels, with one mile equivalent to one VMT.

Since that meeting in October, staff has been working with a consultant to help with implementing this change. Over the next several months, staff will bring elements of the VMT process to the Council for review and phased decision making, with the intent of adopting new CEQA standards prior to the State deadline of July 1, 2020.

DISCUSSION:

While VMT is the new standard for CEQA analysis, there continues to be a need to manage local roadways through conditions placed on new projects during the review and permitting phases. These conditions would come by way of a transportation analysis that identifies local roadway needs for all users (bicycles, pedestrians, and vehicles).

PREPARED BY: Matt Morley
Parks and Public Works Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

DISCUSSION (continued):

Historically, the CEQA analysis related to transportation has focused on LOS at intersections. More specifically, this has been the measure of intersection performance in terms of delay, with intersections receiving a rating from A to F. Specific thresholds, based on increases in delay at intersections, would trigger required mitigations. The practical result has been project conditions that require changes to the roadway system to mitigate the measured increase in delay. This often leads to changes in roadway architecture, such as the addition of travel lanes, to help the intersections perform better for vehicles.

VMT takes a different approach and, from a bigger picture view, looks at changes that can be made to a project (versus the previous method of making changes to the roadway network) to reduce impacts to the transportation network. VMT is an origin-based (project) approach whereas LOS has been a recipient (roadways) based approach. A simple example is the issuance of transit passes to residents or employees on a developing property. By issuing transit passes, a measurable reduction in VMT can be made. Many of these elements of VMT, including which measures to implement and what level of reduction is enough will be topics of discussion and decision making for the Council in the coming months.

However, the Town will still need a way to manage local roads and their functionality for all users (including vehicles, bicycles, pedestrians, and others). The VMT measure does not provide a means to do this – VMT measures how far vehicles will travel, but not which intersections or which roads they will use or where they may create local congestion. For this reason, a transportation analysis will continue to be necessary in the future.

In the short term, staff recommends maintaining the current transportation analysis as identified in the Town's Traffic Impact Policy. This will allow for a continued focus on implementing VMT by the July deadline. Subsequently, the Council may want to look at policy changes with respect to traffic analysis to include a stress analysis for pedestrians and bicyclists, as well as the functionality analysis for vehicles. A stress analysis is a measure of how comfortable a roadway is for users of varying age, skills, and abilities. By expanding the transportation analysis, roadways are modified to the benefit of all users.

CONCLUSION:

Staff is introducing this discussion early as some perceptions may exist that VMT will fully replace the analysis of local streets and roads, staff wanted to avoid any confusion in future discussions. Staff believes that ongoing transportation analysis on local roadway performance will need to continue outside of the CEQA VMT analysis, with an expansion of the current LOS analysis to meet the needs of all users.

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SUBJECT: Receive a Report on How Vehicle Miles Travelled and Level of Service Analysis
Will Work Together in Shaping Future Development Projects

DATE: January 13, 2020

FISCAL IMPACT:

There is no fiscal impact as a result of this item.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 02/18/2020

ITEM NO: 9

DATE: February 10, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Vehicle Miles Traveled Transition in California Environmental Quality Act (CEQA) Analysis
a. Approve Option 2 to Set Thresholds Consistent with the General Plan Future Year Vehicle Miles Traveled (VMT) Projections.

RECOMMENDATION:

Vehicle Miles Traveled Transition in CEQA Analysis

- a. Approve Option 2 to set thresholds consistent with the General Plan future year Vehicle Miles Traveled (VMT) projections

BACKGROUND:

On September 27, 2013, Governor Jerry Brown signed Senate Bill 743 into law and started a process to change transportation impact analysis for purposes of CEQA compliance. The new law directed the Governor's Office of Planning and Research (OPR) to update the *CEQA Guidelines* to include new criteria and metrics for determining the significance of transportation impacts. OPR selected vehicle miles traveled (VMT) as the new transportation impact metric, recommended its application Statewide, and submitted updates to the *CEQA Guidelines* that were certified by the Natural Resources Agency in December 2018.

The Town of Los Gatos is the lead agency for environmental clearance under CEQA for projects within the Town's jurisdiction. As such, the Town is required to implement the new *CEQA Guidelines* immediately, but no later than July 1, 2020. Fehr & Peers has been hired to assist the Town in preparing its *Transportation Analysis Policy and Guidelines* using VMT and any other updates to the Town's local transportation policies, as the Council deems appropriate.

PREPARED BY: Ying Smith
Transportation and Mobility Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Community Development Director, and Parks and Public Works Director

BACKGROUND (continued):

The Town Council and Planning Commission held a joint Study Session on October 8, 2019 on the topic as an introduction to the new requirements, concepts, and other provisions. At its January 21, 2020 meeting, the Town Council discussed how vehicle miles travelled (VMT) and level of service analysis (LOS) would work together in evaluating future development projects.

DISCUSSION:

The Town is working towards the adoption of its *Transportation Analysis Policy and Guidelines* in compliance with the CEQA Guidelines, which would include: (1) a VMT analysis method, (2) impact thresholds that are supported by quantitative evidence, (3) determination of whether VMT impact screening is allowed, and (4) mitigation measures with associated VMT reduction impacts. Attachment 1 contains *Senate Bill 743 Implementation White Paper Summary for Town of Los Gatos*, which summarizes these four topic areas and options for the Town's consideration. In addition to the analysis method for land use projects, the Town's *Transportation Analysis Policy and Guidelines* would also address analysis for transportation projects, Specific Plans, and General Plans. It would also include an assessment of how the Town's General Plan would influence future transportation analysis.

Since these four topic areas are inter-related, staff has conducted preliminary analysis on all four questions and will present recommendations on each topic area to the Council over the next month or two. The Town Council will have the option of revisiting prior decision points with the final adoption of the new *Policy and Guidelines*. Among the four topics identified above, an initial decision on the threshold question will inform the other three decisions and is the subject of this report.

OPR Recommendation on the Threshold

Since SB 743 introduces a new mandatory VMT metric for use in CEQA analysis, lead agencies need to determine what constitutes acceptable and unacceptable levels of VMT. To help aid lead agencies with SB 743 implementation, OPR produced the *Technical Advisory on Evaluating Transportation Impacts in CEQA*. OPR recommends "that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold."

The legislative intent is to reduce the VMT in new developments, which would lead to a reduction in Greenhouse Gases (GHG) and achieve the State's climate goals. OPR concluded that achieving 15 percent lower per capita VMT than existing developments "is both generally achievable and is supported by evidence that connects this level of reduction to the State's emissions goals." In practice, some jurisdictions can achieve this level of reduction or more among new developments, while some jurisdictions may not. This level of reduction requires

DISCUSSION (continued):

significant travel pattern shifts in the future, either resulting from new land uses, or from both existing and new uses. In practice, residents and workers in these new developments would be driving much less and finding other ways to get around, such as biking, walking, and utilizing mass transit options.

VMT Mitigation Actions

By measuring VMT, setting a baseline, and setting targets in relation to that baseline, jurisdictions can affect the transportation impact future development projects might have on the environment. This allows for the jurisdiction to adopt strategies to achieve those targets. An important consideration is the effectiveness of the VMT mitigation actions. Based on research conducted in suburban settings, an overall maximum reduction in VMT of 15% may be achieved. There is a diminishing return when combining VMT mitigation actions. The most common mitigation actions can be grouped into three categories based on their VMT reduction effectiveness.

Actions having the most effect on VMT (and resultant emissions) derive from regional policies related to land use location efficiency (for example providing housing near jobs) and regional infrastructure investments that support transit, walking, and bicycling. Examples of these actions include:

- Built environment and land use characteristics;
- Development of high density and mixed use;
- Locating land uses in close proximity to high quality transit services that connect desirable locations with that high-quality transit, like rail and frequent bus lines; and
- Changes to relative travel costs among different modes, typically measured in time and out-of-pocket expenses.

The second category of actions are related to site design and include such opportunities as bicycle and pedestrian network improvements, traffic calming, local transit access improvements, etc.

The third category of actions includes typical Transportation Demand Management (TDM) strategies like transit fare subsidies or employer-sponsored vanpools or shuttles. While many of these can influence VMT and emissions, they have smaller effects that are often dependent on final building tenants and generally only apply at places of employment.

DISCUSSION (continued):

Los Gatos Context

Los Gatos is a suburban community on the edge of an urban region. The 2015 Baseline VMT values (Attachment 2) show that Los Gatos is not a low VMT generator. The current VMT values result from the Town's geographic location, regional land use density and patterns, transportation infrastructure, and the travel behaviors as influenced by transportation costs. The Town currently does not have a Transit Priority Area or high-quality transit corridors. The most common transit service is a local bus. Because of this, the most effective VMT mitigation actions are not available in Los Gatos.

Intuitively, this makes sense as Los Gatos residents commute to work, travel to larger shopping locations, and rely on the automobile as the primary means of mobility.

As such, achieving a 15 percent reduction is extremely ambitious and unlikely for the Town, because the most effective VMT reduction actions are not feasible given the local setting. There is no funded major transit investment within or near Los Gatos, and no large developments that support a jobs to housing relationship. The local context is a key consideration in choosing the most appropriate threshold setting option.

Threshold Setting Options

Lead agencies generally have at least four options for setting VMT thresholds:

- Rely on the OPR *Technical Advisory* thresholds;
- Set thresholds consistent with lead agency air quality, GHG reduction, and energy conservation goals;
- Set thresholds consistent with the General Plan future year VMT projections by jurisdiction or region; or
- Set thresholds based on baseline VMT performance by jurisdiction.

Lead agencies may opt for a locally applicable threshold at a lower level than the OPR level, as long as it is backed by substantial evidence, and corresponding analysis of VMT effects is adequate and complete. The Town may consider setting its VMT thresholds consistent with its General Plan or with Statewide goals for air quality, GHG reduction, and energy conservation.

Staff believes the following two options are most appropriate for further consideration.

- Option 1: Rely on the OPR *Technical Advisory* thresholds
- Option 2: Set thresholds consistent with the General Plan future year VMT projections

Table 1 provides a comparison of these two options based on various factors.

DISCUSSION (continued):

Table 1 - Comparison of Two Options for SB 743 Implementation

Subject	Option 1: Rely on the OPR Technical Advisory thresholds	Option 2: Set thresholds consistent with the General Plan future year VMT projections
Thresholds	Residential: 15% reduction from Town baseline Employment: 15% reduction from County or regional baseline Other land use types: TBD	Set baseline and cumulative VMT thresholds based on long-term General Plan expectations for air quality and GHG emissions. The analysis to determine these thresholds would be completed if the Town Council selects this option.
Metrics	Partial Project generated VMT for most projects. May need Total VMT and/or boundary VMT for projects that don't screen out or for unique land uses.	To be determined (TBD) based on above analysis.
Method	Most likely the VTA Travel Forecasting Model	TBD based on above mentioned analysis. Method would be aligned with Metrics decision(s).
Mitigation Actions	Options: Project-by-project mitigation measures or a Town-wide VMT reduction program (e.g., VMT fee, VMT Bank or VMT Exchange)	Most likely a Town-wide VMT reduction program (e.g., VMT fee, VMT Bank, or VMT Exchange).
Relationship to General Plan Update (GPU)	If the VMT reduction in the General Plan update (GPU) preferred land use alternative is higher than the OPR thresholds, significant transportation impacts will result. The Town will need to adopt overriding considerations.	The GPU CEQA analysis is consistent with the VMT significance thresholds. No overriding consideration needed.
Evaluation of Development Projects	Project-by-project VMT analysis with VMT screening. Most projects will likely have significant transportation impacts.	CEQA streamlining provision: All projects consistent with the General Plan will be considered to have less than significant impacts.
Examples	San Jose, San Francisco, Oakland, and a few others	Pasadena, Woodland

DISCUSSION (continued):

In addition to the discussion on the thresholds, the VMT metrics and methodology are important technical considerations in providing substantial evidence. VMT forecasts are generated using various models that range from sketch models and spreadsheet tools to complex computer models that account for numerous factors that influence travel demand. In addition to several sketch models and tools, two established travel forecasting models are available for the Town's consideration, the Metropolitan Transportation Commission (MTC) and the Santa Clara County Valley Transportation Authority (VTA) travel forecasting models. The decisions on the metrics and the method must align with each other.

The Town will need to determine if projects will be able to mitigate significant VMT impacts, and whether those measures can reduce the severity of a potential VMT impact. In the next steps, staff will evaluate new research related to the effectiveness of the VMT mitigation actions, review other jurisdictions' practice(s), and compare a program-based VMT mitigation approach with a project-by-project mitigation approach.

The Town's General Plan update is also very relevant to the VMT transition discussion. This is a great opportunity to consider concurrently the CEQA transportation analysis policy for individual future developments, the General Plan future year VMT projections, and the relationship with air quality, GHG reduction, and energy conservation goals.

CONCLUSION AND NEXT STEPS:

Based on review of CEQA transportation policies adopted by other jurisdictions, analysis of the Town's baseline VMT values, consideration for the relationship with the General Plan update, and upon consultation with Fehr & Peers, staff is recommending proceeding with Option 2: Set thresholds consistent with the General Plan future year VMT projections.

This option is expected to provide a threshold that is more realistic for the local context of Los Gatos and allows the Town to take advantage of the CEQA streamlining provision. The challenge with choosing this option is providing substantial evidence if the resulting threshold is lower than the 15-percent reduction recommended by OPR in the *Technical Advisory*.

If the Town Council chooses this option, staff and Fehr & Peers will prepare the required analyses and return with the results. The Council would then be able to consider the thresholds, metrics, and method(s) along with applicable mitigation actions. Once the Council decides on these factors, staff and consultants will prepare a draft *Transportation Analysis*

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SUBJECT: Vehicle Miles Traveled Transition in California Environmental Quality Act
(CEQA) Analysis

DATE: February 10, 2020

CONCLUSION AND NEXT STEPS (continued):

Policy and Guidelines. Staff will conduct outreach to the general public and to the development community on the Draft before bringing it for Council consideration. After the adoption of the *Transportation Analysis Policy and Guidelines*, the staff and consultants will ensure alignment with the General Plan update and bring forward potential modifications to other Town transportation policies.

COORDINATION:

This report was coordinated with the Community Development Department.

FISCAL IMPACT:

There is no fiscal impact as a result of this report.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Senate Bill 743 Implementation White Paper Summary for the Town of Los Gatos
2. 2015 Baseline VMT values

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Senate Bill 743 Implementation White Paper Summary for the Town of Los Gatos

Executive Summary

This executive summary is intended to provide a brief introduction of the forthcoming *Senate Bill 743 (SB 743) Implementation Document Package* that will outline and discuss the decisions that the Town of Los Gatos will need to make regarding SB 743 implementation. The forthcoming document package will begin with a background discussion about SB 743 and then transition to focus on four topic areas: Metrics, Calculation Methods, Significance Thresholds, and Mitigation Actions. When complete, the Town of Los Gatos SB 743 implementation document package will include:

- Executive Summary
- Documents by Topic Areas (to be provided later)
 - Metrics
 - Calculation Methods
 - Significance Thresholds
 - Mitigation Actions
- Appendices:
 - Appendix A: Summary of Legal Framework of SB 743 and Technical Background Information
 - Appendix B: Outreach and Education Materials

Background

The Town of Los Gatos has begun the process of implementing the requirements of SB 743. The new law directed the Governor’s Office of Planning and Research (OPR) to update the *California Environmental Quality Act (CEQA) Guidelines* to include new criteria and metrics for determining the significance of transportation impacts. SB 743 removes the use of automobile delay or traffic congestion for determining transportation impacts in environmental review. Instead, the latest *CEQA Guidelines* now specify that Vehicle Miles Traveled, or VMT¹, is the appropriate metric to evaluate transportation impacts. To comply with these new rules, the Town will need to define policies and practices regarding the evaluation of transportation impacts under CEQA, including guidance on how VMT should be calculated and presented in

¹ VMT refers to “Vehicle Miles Traveled,” a metric that accounts for the number of vehicle trips generated plus the length or distance of those trips. VMT is an accessibility performance metric that evaluates the changes in land use patterns, regional transportation systems, and other built environment characteristics, which is different from what the mobility performance metric vehicle level of service measures – vehicle mobility. The white paper will use the terms Project generated VMT and Project’s effect on VMT using boundary VMT metrics for specific geographic areas. Project generated VMT is the sum of the “VMT from” and “VMT to” and within a project site. Project’s effect on VMT uses geographic boundary VMT to evaluate the change in VMT on all roadways without and with the project within a specific geographic area.



environmental documents. In short, SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers, to measuring the impact of driving.

Additional background information on SB 743 and the *CEQA Guidelines* is included in the Summary of Legal Framework of SB743 and Technical Background Information (Appendix A).

Approach

Under CEQA, agencies must decide what constitutes a significant environmental impact. The *CEQA Guidelines* encourage the use of thresholds of significance; they can be quantitative or qualitative performance standards by which the agency can measure the amount of impact the project causes and thereby determine if the project's impacts are significant. In fact, the new *CEQA Guidelines* Section 15064.3(b)(4) (cited below) establishes that the lead agency has discretion to choose the most appropriate VMT methods for transportation impact analysis.

Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The expectations for environmental impact analysis highlighted within the *CEQA Guidelines* are listed below.

- § 15003 (f) = fullest possible protection of the environment...
- § 15003 (i) = adequacy, completeness, and good-faith effort at full disclosure...
- § 15125 (c) = EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated...
- § 15144 = an agency must use its best efforts to find out and disclose...
- § 15151 = sufficient analysis to allow a decision which intelligently takes account of environmental consequences...

With the *CEQA Guidelines* expectations for an environmental impact analysis in mind, the document package will discuss questions (included by topic area below) grouped by the specific decisions that the Town of Los Gatos will need to make regarding Metrics, Calculation Methods, Significance Thresholds, and Mitigation Actions.² Options and considerations for each question will be highlighted from a technical transportation planning and engineering perspective with a

² Typical CEQA practice focuses on environmental effects that occur on a typical weekday, so all references to VMT in this memorandum are intended to mean VMT that occurs on a typical weekday.



particular emphasis on addressing the *CEQA Guidelines* expectations for an environmental impact analysis.

For simplicity, a matrix will accompany the document package and include a summary of the decisions, options, and considerations for each question. The document package and other supporting materials will be used by the Town Council to make a decision in setting VMT significance thresholds for the Town of Los Gatos.

Because VMT is also used as an input for air quality, greenhouse gases, and energy consumption impact analyses in CEQA, the document package will also discuss how VMT significance thresholds affect other aspects of the CEQA process.

For each of the questions discussed below, there are two separate categories of projects that are subject to CEQA review and for which VMT evaluation will be needed. The Town will need to address how each of these project categories will be evaluated:

- **Land Use Projects:** Typically development projects on a single parcel or multiple adjacent parcels; and
- **Land Use Plans:** Such as the current General Plan update and future Specific Plans;

For transportation projects, lead agencies have the discretion to select their own metrics and thresholds and no change to current practice is required. Therefore, the remainder of this executive summary will focus on thresholds for land use projects and plans.

The implementation of SB 743 is just beginning for many lead agencies. Current CEQA practices have developed over several decades, incorporating a large body of case law and periodic updates to the *CEQA Guidelines*. Because SB 743 implementation is brand new, there is not yet any case law to guide our understanding or interpretation. The document package will represent our current understanding of the options, limitations, and considerations, informed by our research into SB 743 and knowledge of past CEQA practice; this understanding will evolve over time as more agencies apply SB 743 concepts to their own CEQA procedures.

Metrics

The Town has the discretion to choose the most appropriate methods to evaluate a project's VMT, including how the results of that method are expressed. Generally, VMT is expressed in several ways: total project generated VMT, project generated rates [Total project generated VMT per service population or partial project generated VMT per resident (or per employee)], in total (all VMT associated with a project or plan), or as the net "effect" a project will have on VMT (listed as Project's effect on VMT). This section will describe the benefits and shortcomings of each metric.

CEQA impact analysis should strive to provide a complete picture of the VMT effects on the environment. Both 'project generated VMT' and the 'project's effect on VMT' should be considered to fully account for VMT effects that may include changes to VMT generation from



neighboring land uses. Total VMT includes all vehicle trips, vehicle types, project land uses, and trip purposes.

OPR Technical Advisory Recommendations

- Residential Land Use: Home-based (light-duty vehicle) VMT per capita or household generated VMT per capita.
- Office Land Use: Home-based work (light-duty vehicle) VMT per employee, total employee VMT per employee, or work tour VMT per employee.
- Retail Land Use: Total VMT per service population.

Question: What form of the VMT metrics could be used?³

Calculation Methods

VMT forecasts are generated using various models that range from simple spreadsheets (off-model) based on historic traffic growth trends, to complex computer models that account for numerous factors that influence travel demand. In some cases, VMT can be estimated using sketch models or spreadsheet tools. VMT can also be estimated directly by multiplying the number of trips by an average trip length. Given the availability of two travel forecasting modes, the document package will provide the Town with a review of Metropolitan Transportation Commission (MTC) and the Santa Clara County Valley Transportation Authority (VTA) travel forecasting models for VMT calculations in the Town of Los Gatos, including analytical strengths and weaknesses of each option.

Question: What methods are available to use in estimating and forecasting VMT?

Impact Significance Thresholds

The Town has discretion to choose its threshold of significance for identifying a VMT impact. The intent of a VMT threshold is to identify whether a project has substantial environmental impacts due to traffic, and whether a project balances the needs of congestion management with statewide goals such as the promotion of infill development.

Lead agencies generally have at least four options for setting VMT thresholds:

- Rely on the OPR *Technical Advisory* thresholds;
- Set thresholds consistent with Lead Agency air quality, GHG reduction, and energy conservation goals;
- Set thresholds consistent with the General Plan future year VMT projections by jurisdiction or region; or
- Set thresholds based on baseline VMT performance by jurisdiction.

³ Each VMT metric will be defined in the document package.



The document package will describe possible thresholds and summarize the supporting evidence for each, as well as a qualitative discussion of which case study projects would be likely to fall above or below each threshold.

Depending on which option a lead agency chooses in setting thresholds, one may consider the opportunity for “screening” projects that meet certain criteria, including projects located in low-VMT generating areas, local-serving retail projects, or small projects. This section includes a discussion of the OPR guidance and the considerations in the use of VMT impact screening.

Question: What is the VMT impact significance threshold for land use projects under baseline conditions?

Question: What is the VMT impact significance threshold for land use projects under cumulative conditions?

Question: Is the use of VMT impact screening desired?

Mitigation Actions

The Town will also need to determine if projects will be able to mitigate significant VMT impacts, and whether those measures can reduce the severity of a potential VMT impact. The California Air Pollution Control Officers Association’s *Quantifying Greenhouse Gas Mitigation Measures* (August 2010) is the most comprehensive report on the research on the quantification of project-level mitigation of greenhouse gas emissions associated with land use, transportation, energy use, and other related project areas. The forthcoming document package will include an assessment of new research related to transportation demand management (TDM) effectiveness for reducing VMT, focusing on new TDM information that has been published in research papers since release of the *Quantifying Greenhouse Gas Mitigation Measures*. The purpose of reviewing the *Quantifying Greenhouse Gas Mitigation Measures* and the new research is to identify those strategies suited to the Town of Los Gatos given the suburban land use context.

The document package will also include a review of how other jurisdictions have incorporated TDM into their VMT mitigation measures for VMT impacts, and a discussion of the potential risks and uncertainties related to VMT mitigation measures. For some jurisdictions, program-based VMT mitigation approaches may be more effective than project-site only strategies. In response to the limitations of focusing exclusively on project site TDM strategies, new mitigation concepts are emerging that cover larger areas and rely on region- or town-scale programs to achieve VMT reductions. These program-based concepts are outlined below.

- **VMT Impact Fee Program:** This concept resembles a traditional impact fee program in compliance with the mitigation fee act and uses VMT as a metric. The main difference from a fee program based on a metric such as vehicle LOS is that the VMT reduction nexus results in a capital improvement program (CIP) consisting largely of transit, bicycle, and pedestrian projects



- **VMT Exchanges:** This concept relies on a developer agreeing to implement a predetermined VMT reducing project or proposing a new one in exchange for the ability to develop a VMT-generating project. The mitigation projects may or may not be located near the developer's project site.
- **VMT Banks:** This concept attempts to create a monetary value for VMT reduction (e.g., credits) such that a developer could purchase VMT reduction credits. The money exchanged for credits could be applied to local, regional, or state level VMT reduction projects or actions.

Question: What VMT reduction mitigation strategies are feasible?



Appendix A: Summary of Legal Framework of SB743 and Technical Background Information

Summary of Legal Framework of SB 743 and Technical Background Information

Legal Framework of SB 743

On September 27, 2013, Governor Brown signed Senate Bill 743 (Steinberg, 2013). Among other things, SB 743 creates a process to change analysis of transportation impacts under the California Environmental Quality Act (Public Resources Code section 21000 and following).

To help aid lead agencies with SB 743 implementation, Governor's Office of Planning and Research (OPR) produced the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018). The *Technical Advisory* helps lead agencies think about the variety of implementation questions they face with respect to shifting to a Vehicle Miles Traveled (VMT) metric.

The purpose of the *Technical Advisory* is to provide advice and recommendations, which agencies and other entities may use at their discretion. The guidance is not a recipe for SB 743 implementation since lead agencies must still make their own specific decisions about methodology, thresholds, and mitigation (i.e., each lead agency will bake a different looking and tasting SB 743 cake). Further, the document was intended to include guidance that would further statewide goals tied largely to greenhouse (GHG) reduction and does not attempt to balance or resolve potential conflicts between state goals with lead agency goals such as those expressed in local agency general plans.

Lead agencies will benefit from reflecting on the two legislative intent statements contained in the SB 743 statute.

1. More appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.
2. Ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act.

These statements are important because they provide direction to OPR and to lead agencies. For OPR, the direction is largely about what new metrics should achieve. For lead agencies, the direction is about expected changes in transportation analysis (and related technical areas) plus what factors to consider for significance thresholds.

To implement this intent, SB 743 contains amendments to current congestion management law that allows cities and counties to effectively opt-out of the LOS standards that would otherwise apply. However, SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e. the general plan), fee programs, or on-going network monitoring, but these metrics will no longer constitute the sole basis for CEQA impacts. Cities or counties can still use vehicle LOS outside of the CEQA process if they determine it is an important part of their transportation analysis process. The most common applications will likely occur for jurisdictions wanting to use vehicle LOS to size roadways in their general plan or determine nexus relationships for their impact fee programs. Jurisdictions can also continue to condition projects to build transportation improvements through the entitlement process in a variety of ways, such as using general plan consistency findings.

The *CEQA Guidelines* and the associated *Technical Advisory* are largely consistent with the legislative direction noted above such that impacts to transportation has shifted from a focus on changes to the driving experience to changes associated with driving. This new view presents an impact filter intended to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions so its selection is aligned with the objectives of SB 743. Accessibility is an important planning objective in many communities but so is travel time or delay experienced by users.

Background on the California Environmental Quality Act

The California Environmental Quality Act (CEQA) was enacted in 1970. This statute requires identification of any significant environmental impacts of state or local action including approval of new development or infrastructure projects. The process of identifying these impacts is typically referred to as the environmental review process. A fundamental component of CEQA analysis is the determination of whether a project has the potential to significantly affect the physical environment. This determination requires careful judgment on the part of the lead agency and is based on scientific and factual data to the extent possible.

Level of Service and Vehicle Miles Traveled

LOS refers to "Level of Service," a metric that assigns a letter grade to network performance. The typical application in cities is to measure the average amount of delay experienced by vehicle drivers at an intersection during the most congested time of day and assign a report card range from LOS A (fewer than 10 seconds of delay) to LOS F (more than 80 seconds of delay). The amount of delay is calculated relative to the amount of time to traverse the intersection if a vehicle is the sole vehicle on the road, and it arrives at a green light.

Traffic has long been a consideration in CEQA. In 1990, the Legislature linked implementation of congestion management plans, including LOS requirements, with CEQA. LOS has been an explicit part of CEQA analysis since at least the late 1990's, when the sample environmental checklist in the *CEQA Guidelines* asked whether a project would exceed LOS standards. (See former *CEQA Guidelines*, App. G. § XV, Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways). Because of the linkage of the CEQA environmental checklist and LOS, historically, the Town and other jurisdictions have used Level of Service (LOS) as the significant impact threshold for transportation analysis under CEQA.

VMT refers to "Vehicle Miles Traveled," a metric that accounts for the number of vehicle trips generated plus the length or distance of those trips. For transportation impact analysis, VMT is generally expressed as VMT per capita for a typical weekday. For instance, the 2012 average daily VMT per capita for the nine county Bay Area region was 15.3 miles per person per day.

Town of Los Gatos' Current Policies and Requirements for Transportation Impact Analysis

The *Los Gatos 2020 General Plan* includes the following transportation policies:

Policy TRA-3.4 which states "New projects shall not cause the level of service for intersections to drop more than one level if it is at Level A, B, or C and not drop at all if it is at D or below."

Policy TRA-3.5 which states "If project traffic will cause any intersection to drop more than one level if the intersection is at LOS A, B, or C, or to drop at all if the intersection is at LOS D or below, the project shall mitigate the traffic so that the level of service will remain at an acceptable level."

Policy TRA-3.6 which states "Pedestrian and bicycle safety shall not be compromised to improve or maintain the level of service of an intersection."

The Town's *Traffic Impact Policy* (#1-05, March 2017) provides guidance in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fee. The Policy also defines the traffic impact analysis procedure, including the requirement of traffic impact analysis reports be consistent with the Transportation Impact Analysis Guidelines adopted by the Santa Clara Valley Transportation Authority.

The Town adopted a *Complete Streets Policy* in February 2019 (#3-01).

Additional Information

Governor's Office of Planning and Research Transportation Impacts (SB 743) website:
<http://opr.ca.gov/ceqa/updates/sb-743/>

Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018
http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Town of Los Gatos Traffic Impact Policy
<https://www.losgatosca.gov/DocumentCenter/View/18175/1-05-Traffic-Impact-Policy?bidId=>

Town of Los Gatos Complete Streets Policy
<https://www.losgatosca.gov/DocumentCenter/View/22433/3-01-Complete-Streets-Policy>

Appendix B: Outreach and Education Materials

Memorandum

Date: February 11, 2020
To: Ying Smith, Town of Los Gatos
From: Charlie Coles, Daniel Rubins, and Matt Haynes
Subject: **Senate Bill 743 Implementation Outreach and Education Materials**

SJ19-1954

The Town of Los Gatos has begun the process of updating its General Plan and implementing Senate Bill (SB) 743. The Town General Plan and SB 743 implementation will provide guidance on and set policies regarding the evaluation of transportation impacts under the California Environmental Quality Act (CEQA). A major change in CEQA practice is being triggered by the implementation of SB 743. SB 743 removes the use of automobile delay or traffic congestion for determining transportation impacts in environmental review. Instead, the *CEQA Guidelines* (December 2018) now specify that Vehicle Miles Traveled, or VMT, is the appropriate metric to evaluate transportation impacts. To comply with these new rules, the Town of Los Gatos will need to define policies and practices for conducting VMT analysis in areas under the Town's jurisdiction.

Purpose

This memorandum presents outreach and education materials on SB 743 to be used by the Town of Los Gatos throughout their SB 743 implementation process. Materials will be used for various purposes including the Town's website, social media, and printed materials.



Outreach and Education Materials

The outreach and education materials presented in this memorandum (see **Attachments**) include:

- Attachment A: List of frequently asked questions (FAQs) and answers;
- Attachment B: Summary sheet on SB 743 and the transition from LOS to VMT; and
- Attachment C: YouTube link to Fehr & Peers' "What is VMT?" video.

Additional SB 743 Websites

For those wanting more information, included below are website links to several documents including the latest *CEQA Guidelines* (December 2018), Fehr & Peers SB 743 website, and the TRB Environmental Analysis in Transportation Committee newsletter article on the basics of SB 743. These materials can be incorporated into the Town's website and other SB 743 materials.

<http://resources.ca.gov/ceqa/>

<https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/sb-743>

<https://www.fehrandpeers.com/sb743/>

https://www.fehrandpeers.com/wp-content/uploads/2019/09/ADC10_Summer_2018_20180910.pdf

Attachment A: List of Frequently Asked Questions (FAQs) and Answers

FAQ | Evaluating Transportation Impacts in CEQA

Based on New Guidelines as Directed by SB 743

The Town of Los Gatos has begun the process of implementing the requirements of Senate Bill (SB) 743. SB 743 implementation will provide guidance on and set policies regarding the evaluation of transportation impacts under the California Environmental Quality Act (CEQA). SB 743 removes the use of automobile delay or traffic congestion for determining transportation impacts in environmental review. Instead, the *latest CEQA Guidelines* now specify that Vehicle Miles Traveled, or VMT¹, is the appropriate metric to evaluate transportation impacts. To comply with these new rules, the Town will need to define policies and practices regarding the evaluation of transportation impacts under CEQA, including guidance on how VMT should be calculated and presented in environmental documents. In short, SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers, to measuring the impact of driving.

As stated in section 15064.7(b) of the *CEQA Guidelines*, *[e]ach public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects*. The concept of significance (and the terms that describe it) are used in an environmental document to describe the potential environmental impact under the *CEQA Guidelines*. These FAQs use several terms to refer to this concept including significant environmental impact, significant VMT impact, significance threshold, and less-than-significant impact. Another concept used in the response to these FAQs is the term “substantial evidence” to refer to the options and information considered by the Town Council to establish its VMT threshold.

Below is a list of commonly asked questions that SB 743 brings to light. These FAQs are a good way to get oriented to the key questions that the Town of Los Gatos is considering for its implementation. A forthcoming white paper will go into greater detail about the options and evidence that the Town of Los Gatos considered when developing its VMT thresholds.

What was the legislative intent of SB 743 (2013)?

1. Balance the needs of congestion management with the following statewide goals

¹ VMT refers to “Vehicle Miles Traveled,” a metric that accounts for the number of vehicle trips generated plus the length or distance of those trips. VMT is an accessibility performance metric that evaluates the changes in land use patterns, regional transportation systems, and other built environment characteristics, which is different from what the mobility performance metric vehicle level of service measures – vehicle mobility. The white paper will use the terms Project generated VMT and Project’s effect on VMT using boundary VMT metrics for specific geographic areas. Project generated VMT is the sum of the “VMT from” and “VMT to” and within a project site. Project’s effect on VMT uses geographic boundary VMT to evaluate the change in VMT on all roadways without and with the project within a specific geographic area.

FAQ | Evaluating Transportation Impacts in CEQA

Based on New Guidelines as Directed by SB 743

- a. Reduction of greenhouse gas emissions
- b. Infill development
- c. Public health through active transportation
2. Ensure that the environmental impacts of traffic such as noise, air pollution, and safety concerns continue to be addressed and mitigated through CEQA

What does the new CEQA Section 15064.3 adopted by the state in December 2018 require?

1. A project's effect on automobile delay (i.e., Level of Service) shall not constitute a significant environmental impact under CEQA.
2. A lead agency may adopt these provisions immediately, but no later than July 1, 2020.
3. VMT is the "most appropriate" measure of transportation impacts.
4. Other relevant considerations may include effects on transit and non-motorized travel.
5. VMT exceeding an applicable threshold may indicate a significant impact.
6. Projects may be presumed to have a less-than-significant VMT impact if they are located in a transit priority area (TPA) or would reduce VMT.
7. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT.
8. A lead agency may use models to estimate a project's VMT and may revise those VMT estimates based on substantial evidence.
9. Any assumptions used to estimate VMT must be documented and explained.

What decisions do a local agency need to make to implement these new guidelines?

1. VMT Metric?
 - a. VMT in absolute terms; or
 - b. VMT per capita, VMT per employee, or VMT per service population.
2. VMT Calculation Methods?
 - a. How to calculate VMT – Travel model, spreadsheet tool, or other methods;
 - b. Total VMT or partial VMT associated with select vehicle types, land uses, and/or trip purposes/tours; or
 - c. Project generated VMT versus project effect on VMT.
3. VMT Impact Significance Thresholds?
 - a. Threshold: Level of reduction in VMT below existing conditions;
 - b. Thresholds: (1) Project VMT and (2) Cumulative Impacts (project's effect on VMT);
 - c. Thresholds: (1) Land Use Projects, (2) Land Use Plans, (3) Transportation Projects;
 - d. Is the level of VMT reduction compared to regional VMT, townwide VMT, or other baseline; and
 - e. For towns, cities, and counties, are VMT impacts best addressed at the general plan level given that all land use decisions only influence land use supply and CEQA Section 15183

FAQ | Evaluating Transportation Impacts in CEQA

Based on New Guidelines as Directed by SB 743

provides streamlining for subsequent projects?

4. VMT Mitigation Options?
 - a. VMT mitigation options for land use projects involve either changing the physical design of the project (i.e., its density, mix of use, street design, etc.) or requiring trip reduction strategies as part of a transportation demand management (TDM) program.
 - i. Are towns, cities, and counties willing to require stringent TDM programs with annual monitoring and adjustments if projects do not accomplish required VMT reductions?
 - ii. Should towns, cities, and counties instead rely on mitigation programs such as impact fee programs that are based on a VMT-reduction nexus?

How does the OPR Technical Advisory recommend implementing CEQA Section 15064.3?

1. If the Town of Los Gatos (a lead agency in CEQA terms) uses a travel model as the basis for establishing thresholds, that same model must be used for subsequent project level VMT analyses.
2. For land use projects and plans, the *Technical Advisory* states, “OPR recommends that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold” based on substantial evidence related to the state’s GHG reduction goals.
 - a. Residential Project Threshold: A proposed project exceeding a level of 15 percent below existing VMT per capita may indicate a significant transportation impact. Existing VMT per capita may be measured as regional VMT per capita or Town VMT per capita.
 - b. Office Project Threshold: A proposed project exceeding a level of 15 percent below existing regional VMT per employee may indicate a significant transportation impact.
 - c. Retail Project Threshold: A net increase in total VMT may indicate a significant transportation impact.
 - d. Mixed-Use Projects: Lead agencies can evaluate each component of a mixed-use project independently and apply the significance threshold for each project type included. Alternatively, a lead agency may consider only the project’s dominant use. In the analysis of each use, a project should take credit for internal capture.
3. For transportation projects, the *Technical Advisory* states:
 - a. Because a roadway expansion project can induce substantial VMT, incorporating quantitative estimates of induced VMT is critical to calculating both transportation and other impacts of the projects; and
 - b. Transit and active transportation projects generally reduce VMT and therefore are presumed to cause a less-than-significant impact on transportation.

FAQ | Evaluating Transportation Impacts in CEQA

Based on New Guidelines as Directed by SB 743

4. The *Technical Advisory* expands Section 15064.3 options for VMT impact screening using the presumption that certain projects will have less than significant VMT impacts based on location within a low VMT generating area or by being a locally serving retail project.
5. Impacts to Transit: *lead agencies should consider impacts to transit systems and bicycle and pedestrian networks. ...a project that blocks access to a transit stop or blocks a transit route itself may interfere with transit functions.*

Is a lead agency required to follow recommendations in the *Technical Advisory*?

1. The *Technical Advisory* helps lead agencies think about the variety of implementation questions they face with respect to shifting to a new VMT metric.
2. The guidance is not a recipe for SB 743 implementation since lead agencies must still make their own specific decisions about methodology, thresholds, and mitigation. For towns, cities, and counties, these decisions must be consistent with their general plan, which may not be aligned with state GHG reduction goals upon which the *Technical Advisory* is based.
3. A lead agency has the discretion to choose the most appropriate methodology and thresholds to evaluate a project's VMT. A lead agency may take into account both its own policy goals and context in developing a VMT methodology and thresholds.

What are the pros and cons of following the *Technical Advisory* guidance with respect to CEQA defensibility?

PROS

1. Aligns with state goals for GHG reduction, infill development, transit, active transportation, and public health.
2. Requires limited effort to implement.
3. Creates VMT impact screening opportunities for housing, employment, transit, bicycle, pedestrian, and minor roadway projects.
4. Includes specific thresholds.

CONS

1. Recommends only reporting partial VMT for individual land uses, trip purposes/tours, and vehicle types. For air quality, GHG, and energy impact analysis sections of an environmental document, total VMT is used.
2. Includes evidence that a 15 percent reduction from baseline may not be sufficient to achieve statewide goals for GHG reduction.
3. Does not consider local general plan role in setting threshold expectations.
4. Includes inconsistent threshold expectations based on the same land use and transportation context.

FAQ | Evaluating Transportation Impacts in CEQA

Based on New Guidelines as Directed by SB 743

What other challenges should a lead agency consider?

1. Direct application of the *Technical Advisory* results in significant and unavoidable VMT impacts for projects in jurisdictions with limited transit service and low land use densities even when those projects are consistent with the local general plan.
2. Lead agencies have often used transportation demand management (TDM) strategies as mitigation to reduce VMT. Most TDM strategies are project site and building tenant dependent. Since this information is typically unknown during the project entitlement and environmental review process, a lead agency must think about whether it can guarantee TDM mitigation outcomes. This implies that ongoing monitoring and adjustment of the TDM strategies may be required and that impacts are likely to remain significant even with mitigation due to the uncertainty associated with building tenant performance over time.
3. Caltrans has published [Local Development – Intergovernmental Review Program Interim Guidance](#) (September 2016) that recommends the use of VMT impact analysis now and that intergovernmental reviews include comments about VMT methodology and thresholds if not consistent with the *Technical Advisory* (Page 6).

Attachment B: Summary Sheet on SB 743 and the Transition from LOS to VMT

SB743 | Senate Bill (SB) 743 and the Transition from LOS to VMT

Background

On September 27, 2013, Governor Jerry Brown signed SB 743 into law and started a process intended to fundamentally change transportation impact analysis as part of CEQA compliance. These changes include elimination of auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts. Further, parking impacts will not be considered significant impacts on the environment for select development projects within infill areas served by frequent transit service. According to the legislative intent contained in SB 743, these changes to current practice were necessary to *"[m]ore appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions."*

Implementation

To implement this intent, SB 743 required the Governor's Office of Planning and Research (OPR) to update the *CEQA Guidelines* and establish, *"... criteria for determining the significance of transportation impacts of projects within transit priority areas."* The new criteria, *"... shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."* Once the Secretary of the Natural Resources Agency certified the new guidelines, then *"...automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment..., except in locations specifically identified in the guidelines, if any."*

OPR and the Natural Resources Agency completed their responsibilities under SB 743 as of December 2018. They recommended vehicle miles of travel (VMT) as a replacement to vehicle LOS and are applying this replacement statewide effective July 1, 2020. Lead agencies can opt-in sooner at their own discretion. The specific *CEQA Guidelines* changes can be found at <http://resources.ca.gov/ceqa/> and additional technical guidance is available from OPR at http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

The OPR Technical Advisory includes specifications for VMT methodology and recommendations for significance thresholds and mitigation measures. As noted above, SB 743 requires impacts to transportation network performance to be viewed through a filter that promotes *the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land*

SB743 | Senate Bill (SB) 743 and the Transition from LOS to VMT

uses. VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions so its selection is aligned with the objectives of SB 743. Accessibility is an important planning objective in many communities but so is travel time or delay experienced by users. SB 743 does not prevent lead agencies from continuing to analyze delay or LOS as part of other plans (i.e. the general plan), fee programs, or on-going network monitoring, but these metrics will no longer constitute the sole basis for CEQA impacts.

Lead Agency Decisions

To implement SB 743, lead agencies will need to answer key implementation questions, including the following:

1. What form of VMT metrics could be used?
2. What methods are available to use in estimating and forecasting VMT?
3. Is the use of VMT impact screening desired?¹
4. What is the VMT impact significance threshold for land use projects under baseline conditions?
5. What is the VMT impact significance threshold for land use projects under cumulative conditions?
6. What is the VMT impact significance threshold for transportation projects under baseline conditions?
7. What VMT reduction mitigation strategies are feasible?

In addition, there are three separate types of projects that are subject to CEQA review and for which VMT evaluation will be needed, so lead agencies will need to address how each of these three types will be evaluated:

- Land Use Projects: Typically development projects on a single parcel or multiple adjacent parcels;
- Land Use Plans: Such as the current General Plan update and future Specific Plans;
- Transportation Projects: Infrastructure changes such as building or removing roads, bicycle facilities, and transit facilities.

More information about SB 743 implementation can be found at <http://www.fehrandpeers.com/sb743/>.

¹ *CEQA Guidelines* Section 15064.3 states that projects that would reduce VMT or are located in a Transit Priority Area (TPA) should be presumed to have a less-than-significant impact on VMT. The OPR Technical Advisory contains other potential screening options.

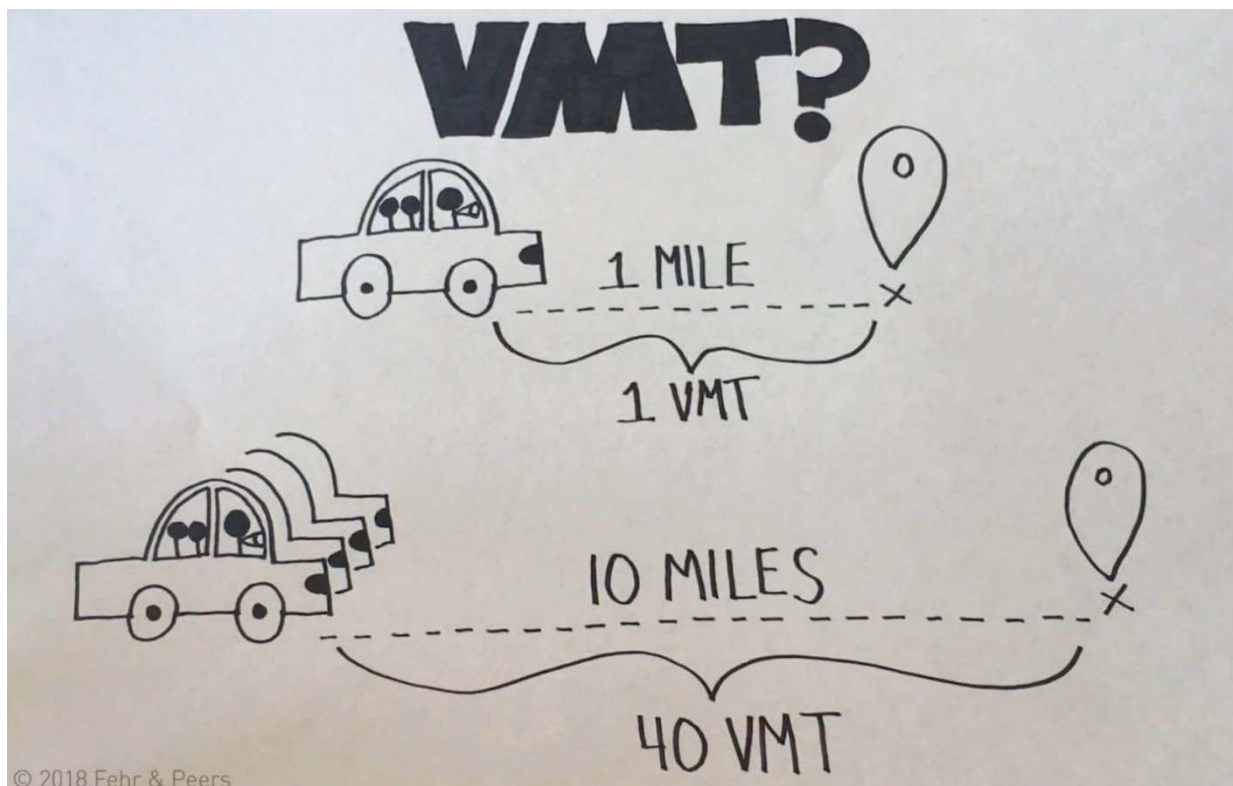
SB743 | Senate Bill (SB) 743 and the Transition from LOS to VMT

Key Terms

Vehicle Miles Traveled (VMT)

VMT refers to “Vehicle Miles Traveled,” a metric that accounts for the number of vehicle trips generated plus the length or distance of those trips. VMT is an accessibility performance metric that evaluates the changes in land use patterns, regional transportation systems, and other built environment characteristics. For transportation impact analysis, VMT is generally expressed as VMT per capita for a typical weekday. For instance, the 2012 average daily VMT per capita for the nine county Bay Area region was 15.3 miles per person per day.

For those new to VMT analysis, [this short video](#) explains VMT. We routinely analyze VMT for air quality and greenhouse gas impact analysis. SB 743 adds VMT to the transportation impact analysis of CEQA documents.



Source: <https://youtu.be/UE4TJtVdJ8>

SB743 | Senate Bill (SB) 743 and the Transition from LOS to VMT

Level of Service (LOS)

LOS refers to “Level of Service,” a metric that assigns a letter grade to network performance. The typical application in towns and cities is to measure the average amount of delay experienced by vehicle drivers at an intersection during the most congested time of day and assign a report card range from LOS A (fewer than 10 seconds of delay) to LOS F (more than 80 seconds of delay). Vehicle level of service is used to measure vehicle mobility.

California Environmental Quality Act (CEQA)

CEQA refers to the “California Environmental Quality Act.” This statute requires identification of any significant environmental impacts of state or local action including approval of new development or infrastructure projects. The process of identifying these impacts is typically referred to as the environmental review process.

Significance

As stated in section 15064.7(b) of the *CEQA Guidelines*, *[e]ach public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects.* The concept of significance (and the terms that describe it) are used in an environmental document to describe the potential environmental impact under the *CEQA Guidelines*. Common terms used to refer to this concept of significance include significant environmental impact, significant VMT impact, significance threshold, and less-than-significant impact.

Substantial Evidence

Another concept used in the *CEQA Guidelines* is the term “substantial evidence” to refer to the options and information considered by the Town Council to establish its VMT threshold. Specifically, section 15384 defines “substantial evidence” as:

- (a) *“Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic*

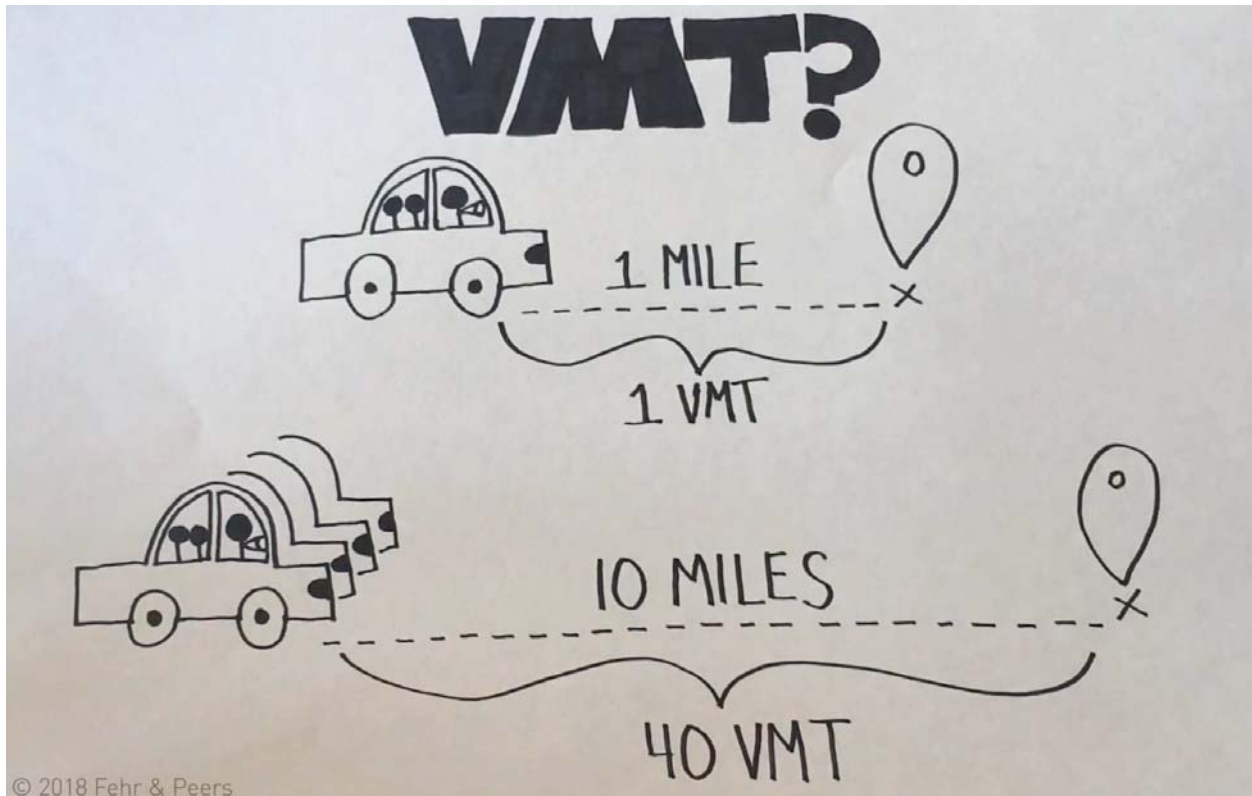
SB743 | Senate Bill (SB) 743 and the Transition from LOS to VMT

impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

- (b) *Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*

Attachment C: YouTube Link to Fehr & Peers' "What is VMT?" Video

SB743 | YouTube Link to Fehr & Peers' "What is VMT?" Video



Link to "What is VMT?" YouTube Video: <https://youtu.be/UE4TJtVdJ8>

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Attachment 2 - 2015 Baseline Vehicle Miles Traveled (VMT) Values

JURISDICTION	Residential	Employment
Campbell	13.74	14.63
Cupertino	13.42	17.01
Gilroy	18.92	18.79
Los Altos	12.22	19.07
Los Altos Hills	20.53	26.59
Los Gatos	17.31	17.38
Milpitas	12.12	17.54
Monte Sereno	17.50	21.18
Morgan Hill	24.64	21.42
Mountain View	10.32	18.54
Palo Alto	9.48	16.71
San Jose	13.36	15.11
Santa Clara	9.39	16.34
Saratoga	17.97	24.29
Sunnyvale	10.34	17.85
Unincorporated SCC	22.80	21.33
Federal Land	13.60	33.07
Santa Clara County Total	13.33	16.64
9-county Region	13.07	16.54

Notes:

- a. Residential: Home-based all VMT per capita
Employment: Home-based work VMT per Job
- b. Prepared by the Santa Clara Valley Transportation Authority (VTA), January 2020.
- c. Final results using the recently recalibrated VTA Travel Demand Model (covers 9-County Bay Area plus Monterey, Santa Cruz, San Benito and San Joaquin Counties, but with greater detail in Santa Clara and San Mateo Counties).
- d. Land use inputs based on ABAG Projections 2017 series for Year 2015
- e. Household and jobs allocation reviewed by jurisdictions (Fall 2018 to Spring 2019)
- f. Transportation network coding and utilized most recent travel data for model calibration and validation reviewed by VTA staff

ATTACHMENT 2

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Town Council Meeting 2/18/2020

CEQA Transportation Analysis Transition



connect stay
LOS GATOS
BIKE walk
gather JOG

EXHIBIT 3



OUTLINE



- Background on SB 743 (refresher)
- Lead Agency Discretion
- VMT Thresholds
- Los Gatos Context
- Two Options for SB 743 Implementation
- Recommendation
- Next Steps

Senate Bill 743

Signed into law by Governor Jerry Brown on
September 27, 2013

Legislative Intent

1. Ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act (CEQA).
2. More appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.



SENATE BILL 743



DOES

Eliminates vehicle delay (i.e., LOS) as basis for determining significant CEQA impacts

Recommends VMT as the most appropriate measure of transportation impacts

Other considerations may include transit and non-motorized travel

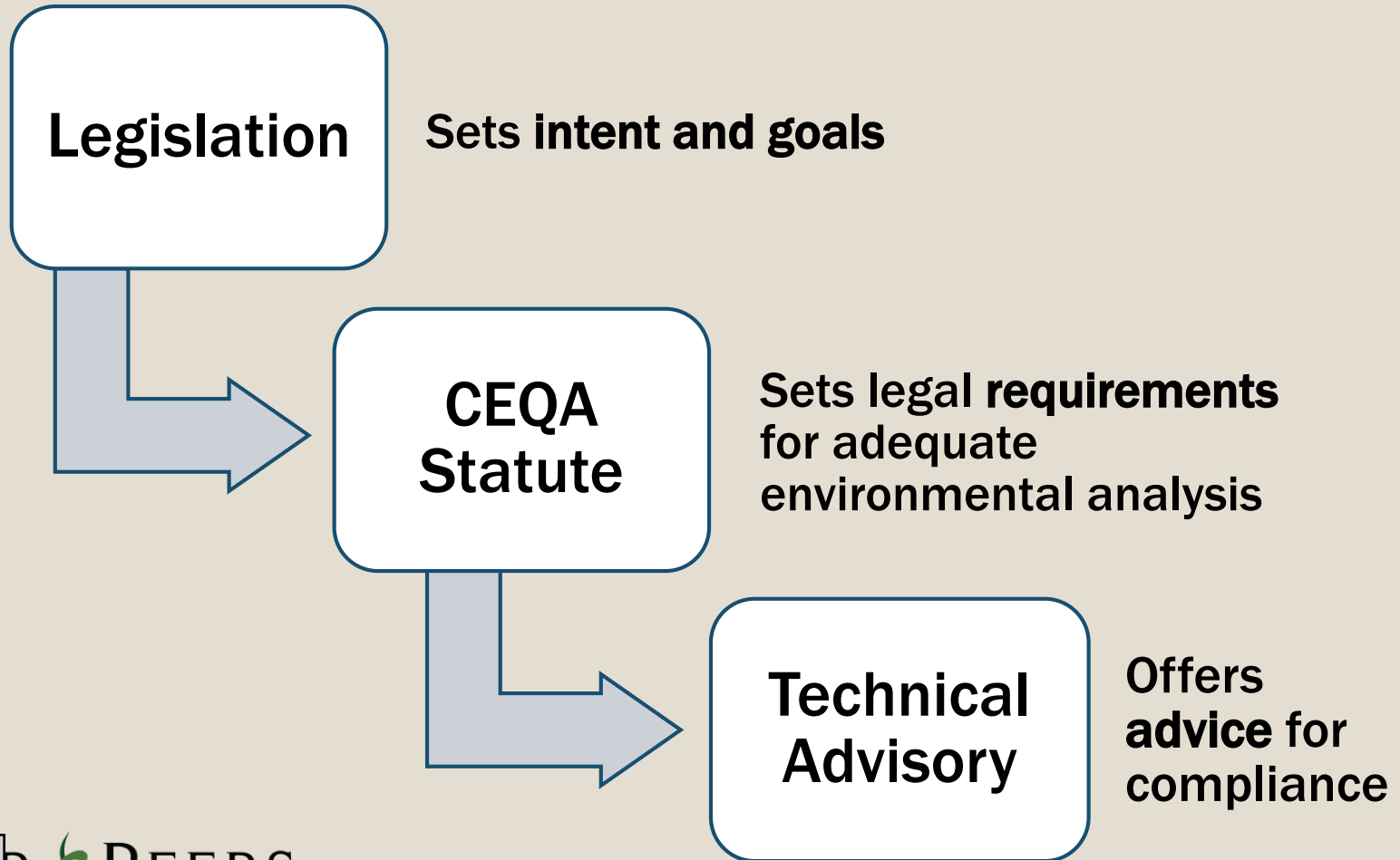
DOES NOT

Affect planning, design, or development review, *except* for the CEQA process

Change the General Plan or Congestion Management Plan process

Change CEQA disclosure standards

SENATE BILL 743



LEAD AGENCY DISCRETION



Metric

Method

Threshold

Mitigation

THRESHOLDS

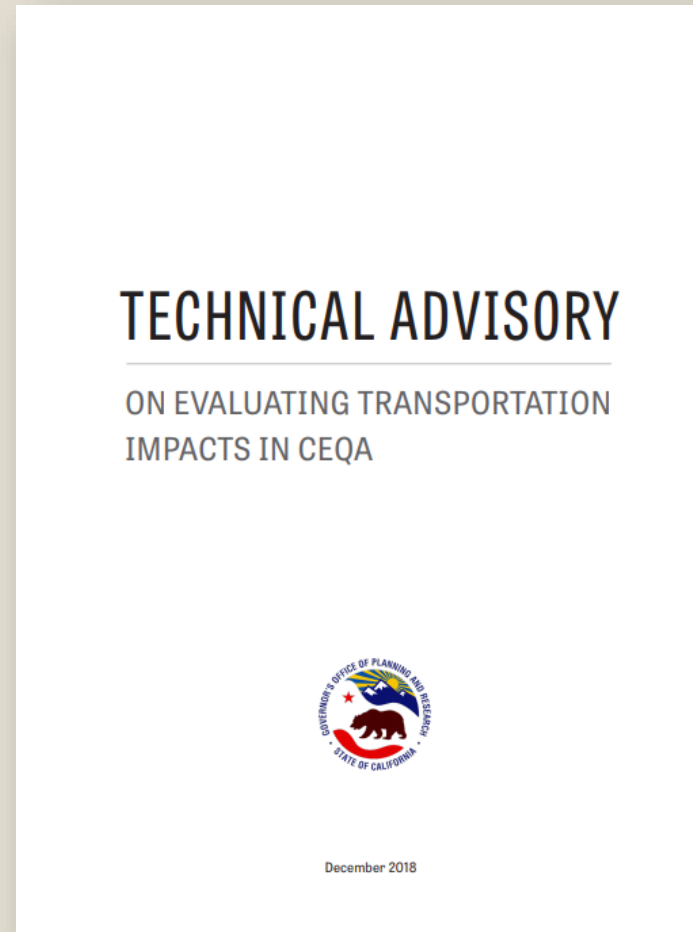


- **Threshold Setting Options:**
 - OPR Technical Advisory
 - Consistent with lead agency air quality, GHG reduction, and energy conservation goals
 - Consistent with the General Plan future year VMT projections by jurisdiction or region
 - Based on baseline VMT performance by jurisdiction

THRESHOLDS



“OPR recommends that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold.”
(page 10 of OPR *Technical Advisory*)



Los Gatos Context

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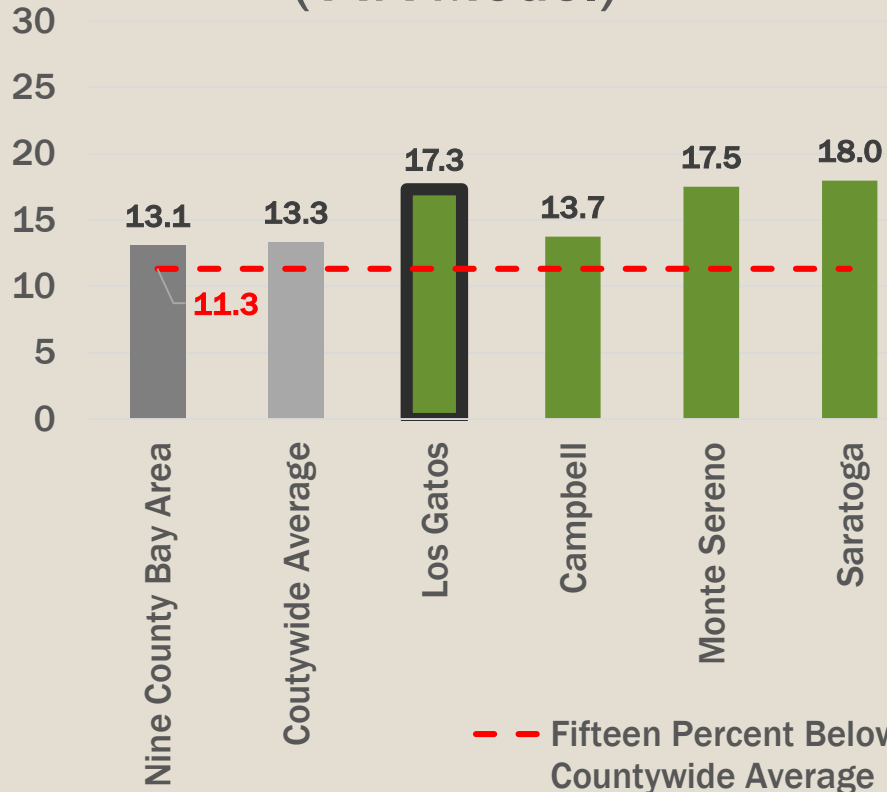
- Suburban community within an urban region
- Baseline VMTs above regional averages
- No rail or frequent bus service or major transit investments in near term
- TDM is applied to some projects
- Mature land use and few large parcels for (re)developments



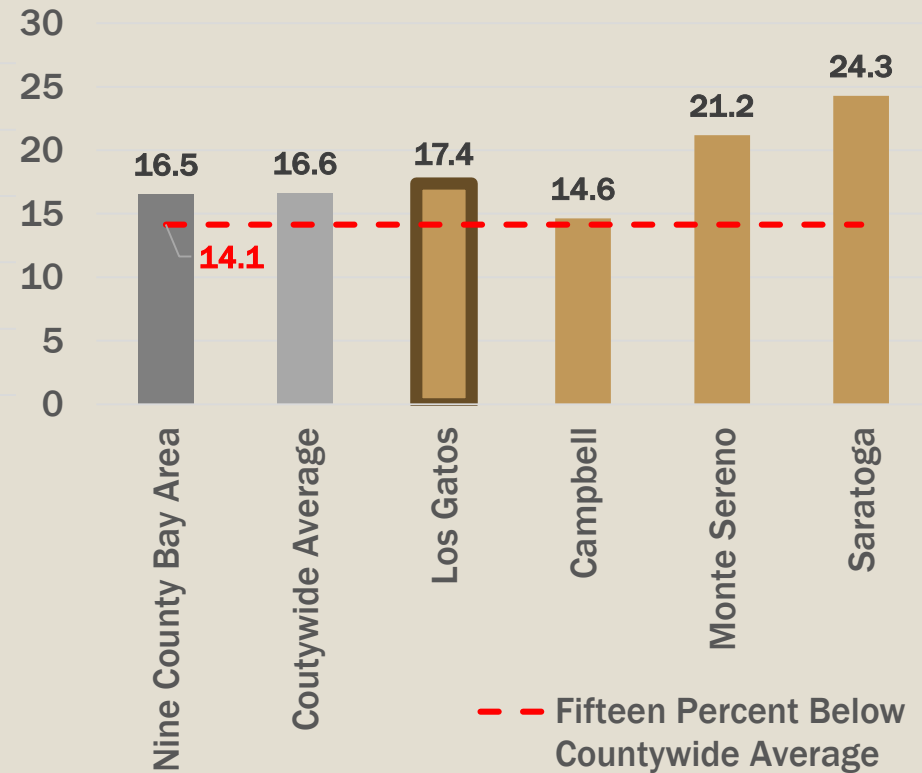
BASELINE VMT: BAY AREA, COUNTY AND SELECT CITIES



Home VMT per Resident (VTA Model)



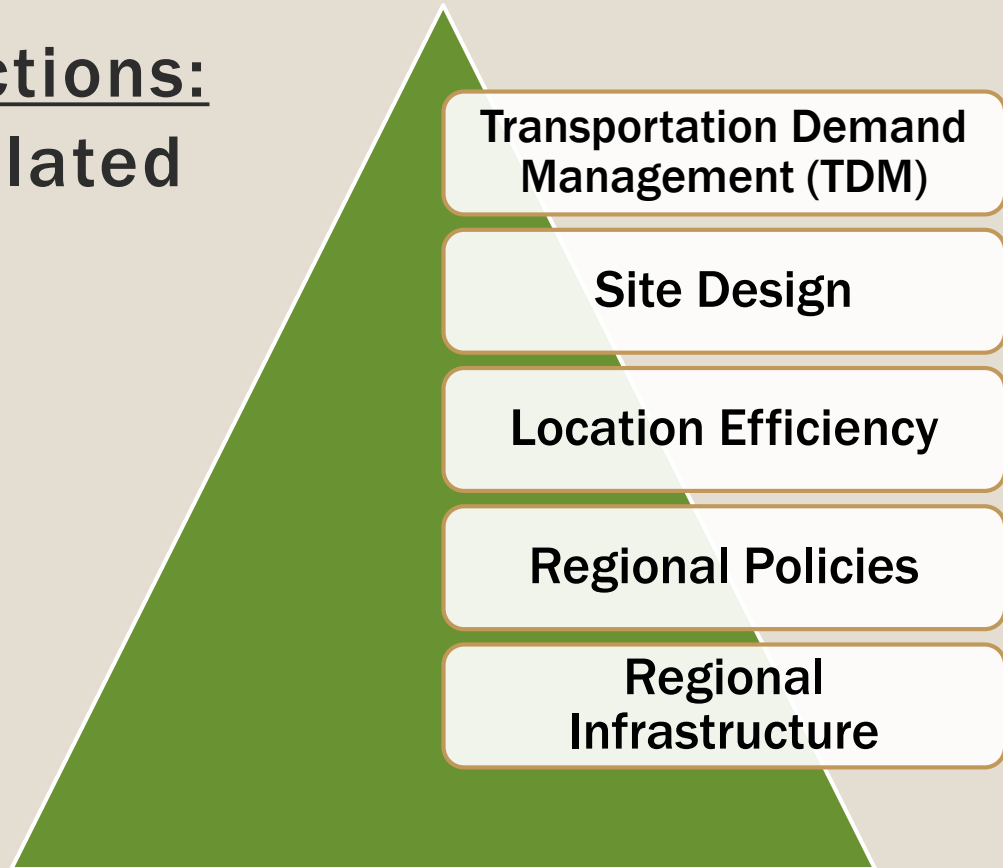
Work VMT per Worker (VTA Model)



TOOLS TO REDUCE VMT



VMT Mitigation Actions: Transportation-Related GHG Reduction Measures



Considerations

• • •

- Project specific TDM measures have limited town-wide VMT reduction potential
- Statewide VMT rate increasing
- Is 15% reduction an achievable and defensible threshold?
- Lead agencies can choose a different threshold if:
 - It is backed by substantial evidence
 - Corresponding analysis of VMT effects is adequate and complete



Two Options for SB 743 Implementation

Option 1: Rely on the OPR Technical Advisory thresholds

Option 2: Set thresholds consistent with the General Plan future year VMT projections

Two Options for SB 743 Implementation

Subject	Option 1: Rely on the OPR Technical Advisory thresholds	Option 2: Set thresholds consistent with the General Plan future year VMT projections
Thresholds	Residential: 15% reduction from Town baseline Employment: 15% reduction from County or regional baseline Other land use types: TBD	Set baseline and cumulative VMT thresholds based on long-term General Plan expectations for air quality and GHG emissions.
Metrics	Partial Project generated VMT for most projects. May need Total VMT and/or boundary VMT for projects that don't screen out or for unique land uses.	To be determined (TBD) based on above analysis.
Method	Most likely the VTA Travel Forecasting Model	TBD based on above mentioned analysis. Method would be aligned with Metrics decision(s).

Two Options for SB 743 Implementation

Subject	Option 1: Rely on the OPR Technical Advisory thresholds	Option 2: Set thresholds consistent with the General Plan future year VMT projections
Mitigation Actions	Options: Project-by-project mitigation measures or a Town-wide VMT reduction program	Most likely a Town-wide VMT reduction program (e.g., VMT fee, VMT Bank, or VMT Exchange).
Relationship to General Plan Update (GPU)	Overriding considerations required if the VMT reduction in the General Plan update (GPU) is higher than the OPR thresholds.	The GPU CEQA analysis is consistent with the VMT significance thresholds. No overriding consideration needed.
Evaluation of Development Projects	Project-by-project VMT analysis with VMT screening. Most projects will likely have significant transportation impacts.	CEQA streamlining provision: All projects consistent with the General Plan will be considered to have less than significant impacts.
Examples	San Jose, San Francisco, Oakland, and a few others	Pasadena, Woodland

RECOMMENDATION

• • •

- **Option 2:** Set thresholds consistent with the General Plan future year VMT projections
 - Mature land use and few large parcels for (re)developments
 - “Game Changer” type developments not consistent with the GP
 - Achieving 15% reduction would be challenging
 - Take advantage of the CEQA streamlining provision



NEXT STEPS

• • •

- Determine metric, method, thresholds and mitigation recommendations
- Develop Transportation Analysis (TA) Guidelines
- General Plan Update CEQA Analysis
- Update local transportation analysis policies



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