Mountain Winery Annexation Project

Draft Environmental Impact Report

October 2019

SCH # 2019070155



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CITY of SARATOGA
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CALIFORNIA

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1 Executive Summary

This Draft Environmental Impact Report (EIR) has been prepared by the City of Saratoga for the Mountain Winery Annexation Project (Project). The City of Saratoga is the "public agency which has the principal responsibility for carrying out or approving the project," and as such is the "Lead Agency" under the California Environmental Quality Act (CEQA), as defined in CEQA Guidelines Section 15367. CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR is intended to serve as an informational document to be considered by the County and other permitting agencies during deliberations on the proposed project.

This Executive Summary provides an overview of the proposed project and alternatives, outlines the potential impacts of the project and the recommended mitigation measures, and discloses areas of controversy and issues to be resolved.

1.1 Overview of Project and Alternatives

The Mountain Winery Annexation Project (Project) entails the annexation of the existing Mountain Winery facility into the City of Saratoga. The Project site is located at 14831 Pierce Road on three contiguous parcels: APN 503-46-005, 503-46-006, and 503-46-007. Parcel 503-46-005 is located inside the City of Saratoga (City) city limits, and inside the City's Urban Service Area (USA) and City's Sphere of Influence (SOI) boundaries. Parcels 503-46-006 and 503-46-007 are located within unincorporated Santa Clara County (County). Parcel 503-46-006 is located outside of the City USA and a majority of the 503-46-006 parcel is within the City SOI. The 503-46-007 parcel is located outside of both the City USA and the City SOI. The three parcels total approximately 430 acres.

As part of the Project, a General Plan amendment would be required to establish a new land use designation that would apply to the 503-46-006 parcel and to make various conforming amendments. The new land use designation for the 503-46-006 parcel would be Regional Commercial (RC). This land use designation would allow a broad range of visitor serving commercial uses with a regional orientation. The RC designation would allow indoor and outdoor recreation, dining, entertainment, meetings and special events, retreats, lodging, wineries, spas, agriculture, and other similar commercial activities and compatible uses subject to standards specified in the Mountain Winery Precise Plan. The Precise Plan sets forth specific development standards and design review findings related to current and future development within the approximately 73-acre Precise Plan area, located on 503-46-006, as shown in Figure 3-2. The Project would also entail City adoption of the Mountain Winery Precise Plan and a development agreement.

The new General Plan land use designation (RC) would allow uses permitted under the Mountain Winery's existing County Use Permit (approved in 2000, modified in 2018) to continue, while also allowing for new uses (subject to a maximum permissible density and intensity of use established by the Precise Plan). New uses allowed under the RC designation include lodging (up to 300 rooms

and ancillary uses) and an additional on-site water storage tank. Any development on lands designated as RC within the Project site would be limited to the Precise Plan area. The 503-46-007 parcel would be designated as Hillside Open Space (OS-H), an existing City General Plan land use designation. The 503-46-005 parcel would retain the existing City General Plan land use designation of Residential Hillside Conservation.

The Project would also require an amendment to the City's Zoning Ordinance to establish a new zoning district of Regional Commercial (RC) and to pre-zone the 503-46-006 parcel as RC, consistent with the General Plan amendment described above. The 503-46-007 parcel would be pre-zoned as the City's existing Residential Open Space (R-OS) zoning district. The 503-46-005 parcel would retain the existing City zoning district of Hillside Residential (HR), which allows for utility lines to be constructed.

The City would apply to the Local Agency Formation Commission of Santa Clara County (LAFCo) to initiate the expansion of the City USA to include parcels 503-46-006 and 503-46-007, in anticipation of annexation of the Project site into the City of Saratoga. The City would also apply to LAFCo to initiate the expansion of the City SOI to include parcel 503-46-007 and the remainder of parcel 503-46-006 that is not currently within the City SOI. Following LAFCo approval of the USA and SOI amendments, the City would annex the Project site within the municipal boundaries of the City of Saratoga. Prior to development of lodging uses on the site, the Cupertino Sanitary District is expected to apply to LAFCo to annex parcels 503-46-005 and 503-46-006 to allow for potential future sanitary sewer service to be provided to the Mountain Winery.

1.2 Summary of Impacts and Mitigation Measures

Table 1-1, below, provides a summary of the potentially significant impacts identified in the Draft EIR for the proposed Project, proposed mitigation measures, and the level of significance after implementation of mitigation measures for each impact. No significant unavoidable impacts were identified for the Project.

1.3 Areas of Controversy and Issues to be Resolved

This Draft EIR addresses environmental impacts associated with the Project that are known to the City, raised during the Notice of Preparation (NOP) scoping process, or were raised during preparation of the Draft EIR. The Draft EIR addresses potentially significant impacts associated with air quality, biological resources, cultural resources, geology, greenhouse gases, hydrology, noise, public services, transportation, tribal cultural resources, and wildfire. During the NOP process, seven comment letters were received from interested agencies and individuals. The comments are summarized in Section 2, Introduction, and are also provided in Appendix F.

1.4 Alternatives to the Project

The following summary provides brief descriptions of the three alternatives to the proposed Project that are evaluated in this Draft EIR. Section 23, Alternatives, provides a more thorough discussion of the Project alternatives and identifies the Environmentally Superior Alternative.

1.4.1 Alternative 1: No Project / No Development Alternative

This alternative assumes that the existing conditions and uses on the Project site (as of October 2019) remain status quo and the five new buildings (a wine tasting building, a concession building, an event building, a storage building, and a ticket office) and outdoor terrace garden approved by the County in 2018 under the existing CUP are a part of existing conditions.[1] Alternative 1 assumes that the adjustments to the City Urban Service Area (USA) and Sphere of Influence (SOI) boundaries to include APNs 503-46-006 and 503-46-007 are not sought from LAFCo. Under these circumstances, the 503-46-007 parcel and 503-46-006 parcel would remain within the boundaries of unincorporated Santa Clara County and the Mountain Winery facility would not be annexed into the City. This alternative assumes that the land use designations for parcels 503-46-006 and 503-46-007 would remain as Hillside [HS], per the County General Plan, and parcel 503-46-005 would remain as Residential Hillside Conservation, per the City General Plan. Zoning designations for parcel 503-46-007 and the northern half of parcel 503-46-006 would remain as Hillside-d1 District [HS-d1] and the southern half of parcel 503-46-006 would remain as Hillside-d1-Scenic Roads [HS-d1-sr]), per the County's Zoning Ordinance. This alternative would not require an amendment to the City's General Plan, a rezone, or any of the other actions associated with the Project.

Under Alternative 1, no future connection of the Mountain Winery to the Cupertino Sanitary District would occur, as no annexation into the Cupertino Sanitary District would be sought. This alternative assumes no future lodging uses would be allowed on the Project site. In addition, this alternative assumes no additional on-site water tank.

1.4.2 Alternative 2: Reduced Lodging Uses (200 rooms) Alternative

This alternative assumes that the existing conditions and uses on the Project site (as of October 2019) and the five new buildings and outdoor terrace garden approved by the County in 2018 are a part of existing conditions. This Alternative assumes that the adjustments to the City USA and SOI boundaries to include APNs 503-46-006 and 503-46-007 to the City would be approved by LAFCo. Alternative 2 assumes the 503-46-007 and 503-46-006 parcels would be annexed into the City of Saratoga. This alternative assumes changes to the existing land use designations and zoning for parcels 503-46-006 and 503-46-007 and associated amendments to the City's General Plan and Zoning Ordinance. Specifically, Alternative 2 assumes the City would establish a new General Plan land use designation, Regional Commercial (RC), that would apply only to the 503-46-006 parcel. Any development on lands designated as RC within the Project site would be limited to the Precise Plan area. Alternative 2 also assumes an amendment to the City's Zoning Ordinance to establish a new zoning district of Regional Commercial (RC) and that the 503-46-006 parcel would be pre-zoned as RC. The 503-46-007 parcel would be designated as Hillside

[1] Building permits have been issued for the five new buildings approved by the County for the Mountain Winery site in 2018; site preparation and some construction activities have commenced.

Open Space (OS-H) under the City's General Plan and pre-zoned consistent with the City's existing Residential Open Space (R-OS) zoning district.

The 503-46-005 parcel would retain the existing City land use designation of Residential Hillside Conservation and zoning district of Hillside Residential (HR). This alternative also entail adoption of the Mountain Winery Precise Plan and a development agreement.

Under the Alternative 2 scenario, annexation of the 503-46-005 and 503-46-006 parcels into the Cupertino Sanitary District would be approved and future infrastructure associated with a connection of the Mountain Winery to the Cupertino Sanitary District would occur within the same Sanitary Sewer Connection area as in the Project. This alternative assumes lodging uses up to a total count of up to 200 lodging units would be allowed on the Project site. This alternative assumes an additional on-site water storage tank.

The focus of Alternative 2 is to analyze a scenario that would be reasonably feasible and meets most of the Project objectives (listed at Section 3.2), while also serving to minimize the building footprints associated with the lodging facilities. This alternative is also intended to reduce the intensity of lodging uses on the Project site, which would in turn result in a reduction of vehide trips generated by the Project, which would reduce air quality, GHG, noise, and traffic impacts.

1.4.3 Alternative 3: Revised Annexation Boundaries Alternative

This alternative assumes that the existing conditions and uses on the Project site (as of October 2019) and the five new buildings and outdoor terrace garden approved by the County in 2018 are a part of existing conditions. Alternative 3 would consist of adjustments to the City USA and SOI boundaries to include only the 503-46-006 parcel, and subsequent annexation of the 503-46-006 parcel into the City. The 503-46-007 parcel would remain in unincorporated Santa Clara County. This alternative also entails adoption of the Mountain Winery Precise Plan and a development agreement.

This alternative assumes changes to the existing land use designations and zoning for parcel 503-46-006 and associated amendments to the City's General Plan and Zoning Ordinance. Specifically, Alternative 3 assumes the City would establish a new General Plan land use designation, Regional Commercial (RC), that would apply only to the 503-46-006 parcel. New uses allowed under the RC designation would include lodging (up to 300 lodging units and ancillary uses) and an additional on-site water storage tank. Any development on lands designated as RC within the Project site would be limited to the Precise Plan area. Alternative 3 also assumes an amendment to the City's Zoning Ordinance to establish a new zoning district of Regional Commercial (RC) and that the 503-46-006 parcel would be pre-zoned as RC.

This Alternative assumes that the existing land use designation for parcel 503-46-007 would remain as Hillside [HS], per the County General Plan, and the existing zoning designation for parcel 503-46-007 would remain as Hillside-d1 District [HS-d1], per the County municipal code.

The 503-46-005 parcel would retain the existing City land use designation of Residential Hillside Conservation and zoning district of Hillside Residential (HR). This alternative also entail adoption of the Mountain Winery Precise Plan and a development agreement.

Additionally, Alternative 3 would entail annexation of parcels 503-46-005 and 503-46-006 parcel into the Cupertino Sanitary District to allow for the potential to connect these parcels to the Cupertino Sanitary District system in the future.

The focus of this Alternative 3 is to analyze a scenario that would be reasonably feasible and meets most of the Project objectives, while also serving to minimize the amount of undeveloped land to be annexed into the City. It would result in the same physical impacts to the environment as the proposed Project but is included at the request of LAFCo in LAFCo's letter commenting on the NOP.

Table 1-1: Summary of Impacts

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Aesthetics			
Impact AES-1: Would the project have a substantial adverse effect on a scenic vista?	The Santa Clara County General Plan does not identify any scenic vistas near the project site. Visibility around the project site is limited due to topography and dense vegetation, so future development would not obstruct views from any scenic vistas. Furthermore, the Precise Plan includes limitations on building height and design to ensure future buildings blend with existing buildings and would not result in visual impacts to any scenic vista. Therefore, Project impacts on scenic vistas would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact AES-2: Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway?	Due to existing topography and vegetative cover, only a small portion of one of the five future buildings will be visible from surrounding vantage points. Future development could expand the physical footprint of the project site and visual impacts, but Precise Plan design guidelines and standards include standards to ensure protection of the historic character of the project site and would not conflict with surrounding scenic highways or resources. The existing historic building onsite will not be altered by the Project. As such, the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact AES-3: Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Topographical differences and densely vegetated hillsides mean that public views of the project are limited. The City is preparing a Precise Plan which will establish design standards for the Project. Future development would conform to the standards set forth in the Precise Plan to ensure the development blends with the natural beauty and hillsides. Therefore, the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required
Impact AES-4: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Topographical differences and densely vegetated hillsides minimize impacts from lighting on public views. Future development lighting would be designed in compliance with City Municipal Code, Precise Plan, and CALGreen regulations and standards which minimize impacts from lighting on surrounding public views. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Agricultural and Forest Resources			
Impact AG-1: Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	The project site does not include any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impacts are anticipated.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact AG-2: Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	None of the parcels within the project site are under a Williamson Act contract. Project implementation would not result in conflict with an existing agricultural use or Williamson Act contract.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact AG-3: Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	The existing County zoning for the parcels within the project site is Hillside-d1 District (HS-D1) and Hillside-d1-Scenic Roads (HS-d1-SR). No parcels within or adjacent to the Project are zoned forest land or timberland. Proposed rezoning would be restricted to the Precise Plan area and would not result in conflict with forest land or timberland. As such no conflict would occur with any forest land or timberland and no impacts are anticipated.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact AG-4: Would the project result in the loss of forest land or conversion of forest land to non-forest use?	See Impact AG-3.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact AG-5: Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	See Impacts AG-1 to AG-3.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Air Quality			
Impact AQ-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	The Project is consistent with the 2017 Clean Air Plan policies relevant to the Project. The Project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants, and would not contribute to any non-attainment areas in the SFBAAB. Therefore, the Project would be in compliance with the 2017 Clean Air Plan and impacts would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact AQ-2: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	All criteria pollutant emissions from the Project would remain below their respective thresholds. However, BAAQMD considers fugitive dust emissions to be potentially significant without implementation of fugitive dust controls. Accordingly, MM AQ-1 is required to reduce fugitive dust emissions and MM AQ – 2 would reduce diesel construction emissions. The impact would be reduced to less than significant.	MM AQ – 1, 2	With implementation of MM AQ – 1 and 2, impacts to air quality would be less than significant.
Impact AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?	No stationary sources were identified within 1,000 feet of the project site. Diesel particulate matter during construction activities would be temporary and would at multiple locations throughout the project site rather than at a single point. Construction activities would be subject to California regulations limiting idling time to further reduce emissions which would result in the impact being less than significant. The Project would have a nominal effect on existing vehicle distribution and travel speeds. Therefore, impacts would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required
Impact AQ-4: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	None of the Project uses are anticipated to generate odors, and land uses typically associated with objectionable odors are not located near the site. Impacts would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Biological Resources			
Impact BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	No critical habitat for federally listed species occurs in the study area. Although not identified, it is possible that one federally threatened animal species may occur in the study area. Six special status plant species may occur in the study area and could directly or indirectly impacted by construction activities. Four animal species may occur within the project site. If any of the above species were found to occur on the project site, MM BIO – 1 through 7 would reduce potential impacts on these species to less than significant.	MM BIO – 1 through 7.	With implementation of MM BIO – 1 through 7, impacts to biological resources would be less than significant.
Impact BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	The study area contains several invasive species that have the potential to spread during construction activities. Coast live oak woodland, northern coastal scrub, and chamise chaparral habitats exist on the site and could potentially be significantly impacted by a spread of invasive species. It is unlikely that construction activities would cause the spread of invasive species due to the project site already being disturbed. To further prevent the spread of non-native species MM BIO – 8 would be implemented, which would mitigate the risk to sensitive habitats or communities to less than significant.	MM BIO - 8	With implementation of MM BIO – 8, impacts to biological resources would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact BIO-3: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	There is the potential for portions of a roadside ditch at the base of the abandoned quarry to be considered wetlands. Due to the scarcity of wetlands in the Bay Area this impact is potentially significant. MM BIO – 9 has been established to avoid or minimize removal of wetlands, restore after any disturbed, and provide mitigation habitat if any permanent reduction of wetlands occurs. These mitigations would reduce the impact to less than significant. Compliance with standard state and local regulations would reduce potential impacts on water quality from drainage and runoff to less than significant.	MM BIO – 9	With implementation of MM BIO – 9, impacts to wetland resources would be less than significant.
Impact BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Full buildout of the Project would affect a relatively small area of the study area and would result in negligible loss of habitat. Construction activities may reduce the ability for species to move through the study area, but the vicinity of the project site would remain available for species to use for moving through the region. No substantial loss of bird nesting habitat is expected as a result of the Project. Additionally, MM BIO – 10 through 12 would protect native birds from direct take and reduce potential impacts to less than significant.	MM BIO – 10 through 12	With implementation of MM BIO – 10 through 12, impacts to any migratory wildlife corridors would be less than significant.
Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	The Project would comply with existing City ordinances and policies to preserve biological resources. In addition, MM BIO – 5 would reduce any potential impacts to less than significant.	MM BIO – 4 through 7	With implementation of MM BIO – 4 through 7, impacts to would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact BIO-6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	The study area is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required
Cultural Resources			
Impact CR-1: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to the State CEQA Guidelines Section 15064.5?	The project site includes a winery complex identified as a historic resource. Construction activities such as grading, excavating, and trenching could potentially affect this resource. However, no alterations to the historic resource are proposed as a part of the Project. Therefore, this impact to less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required
Impact CR-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to the State CEQA Guidelines Section 15064.5?	No recorded archaeological resources were identified within the project site. The project site has a low to moderate potential to contain archaeological resources. MM CR-1a, 1b, and 1c would require cultural resource training for all construction workers, an archaeological monitor of grading activities, and halt of construction in the event that an archeological resource is discovered, which would reduce potential impacts to less than significant.	MM CR-1a, 1b, and 1c	With implementation of MM CR-1a, 1b, and 1c, impacts to cultural resources would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact CR-3: Would the project disturb human remains, including those interred outside of formal cemeteries?	Due to the existing use and records search, it is unlikely that human remains are located on the project site. MM CR-2 would require the Applicant to protocols related to discovery of human remains are in place and followed during construction. Impacts would be less than significant.	MM CR-2	With implementation of MM CR-2, impacts to cultural resources would be less than significant.
Energy Conservation			
Impact ER-1: Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	None of the project energy uses exceed one percent of Santa Clara County use. Therefore, Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact ER-2: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	The Project would comply with City General Plan policies and goals to reduce GHG emissions. Impacts would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Geology, Soils, & Mineral Resources			
Impact GEO-1(i): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	The Project is not located within an Alquist-Priolo Earthquake Fault Zone and there are no active faults within the project site. However, the Project is in a seismically active area. The Project would comply with all relevant state and local regulations for building construction in seismically active zones. Furthermore, MM GEO – 1 would ensure that a geotechnical investigation is performed prior to any future development to evaluate and address any potential geological concerns. The City shall review all Project plans to ensure compliance with the geotechnical investigation and other applicable Code requirements. This would reduce the impact to less than significant.	MM GEO – 1	With implementation MM GEO-1, impacts related to geology, soils, and minerals would be less than significant.
Impact GEO-1(ii): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	See Impact GEO-1(i).	MM GEO – 1	With implementation MM GEO-1, impacts related to geology, soils, and minerals would be less than significant.
Impact GEO-1(iii): Would the project directly or indirectly cause potential substantial adverse effects, including seismic-related ground failure, including liquefaction?	See Impact GEO-1(i).	MM GEO – 1	With implementation MM GEO-1, impacts related to geology, soils, and minerals would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact GEO-1(iv): Would the project directly or indirectly cause potential substantial adverse effects, including landslides?	See Impact GEO-1(i).	MM GEO – 1	With implementation MM GEO-1, impacts related to geology, soils, and minerals would be less than significant.
Impact GEO-2: Would the project result in substantial soil erosion or the loss of topsoil?	Future development would include grading and the removal of vegetation and topsoil as well as additional impervious surfaces. This may make the project site susceptible to runoff and erosion. The Project would develop a Stormwater Pollution Prevention Plan (see MM HYD – 1) and comply with erosion control ordinances, reducing the impact to less than significant.	MM HYD – 1	With implementation MM HYD-1, impacts related to geology, soils, and minerals would be less than significant.
Impact GEO-3: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Future development would comply with City General Plan policies to minimize the risk of injury, loss of life, and property damage from geologic disturbances. Additionally, MM GEO – 1 would require a geotechnical evaluation of future developments which would identify measures to reduce impacts to less than significant.	MM GEO-1	With implementation MM GEO-1, impacts related to geology, soils, and minerals would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact GEO-4: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Four soil types underlay the study area. Erosion hazard with these soils is very high.	MM GEO – 1	With implementation MM GEO-1, impacts related to geology, soils, and minerals would be less than significant.
Impact GEO-5: Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	The Project includes future connection to the Cupertino Sanitary District, eliminating the need for future septic tanks or alternative waste water disposal systems, therefore no impact would occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required
Impact GEO-6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	The project area has a moderate potential of identifying Native American archaeological resources and a high potential of identifying historic-period archaeological resources. MM CR-1c reduces impacts to paleontological resources to less than significant. Therefore, the impact is less than significant with mitigation.	MM CR – 1c	With implementation MM CR-1c, impacts related to geology, soils, and minerals would be less than significant.
Impact GEO-7: Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Any potential mineral deposits would be underneath developed land and would be incompatible for extraction. Mineral loss would not occur as a result of the Project. Therefore, the impact is less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact GEO-8: Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	The Project site is not within an active mineral resource operation according to the Santa Clara County General Plan Resource Conservation Element, nor is it identified as containing locally-important mineral resources in the City of Saratoga General Plan. Construction and operation of the Project would not impact extraction operations. No impact would occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required
Greenhouse Gases			
Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Construction emissions from the Project emissions is estimated to be 1,323 $MTCO_2e$. Annual, unmitigated operational emissions are estimated to be 2,390 $MTCO_2e$, which would exceed the threshold of 1,100 $MTCO_2e$. 94% of Project emissions would occur from mobile and energy sources. These emissions would decline over Project operation with implementation of various statewide measures. As the project's unmitigated emissions would exceed thresholds, implementation of MM GHG-1 is required. MM GHG-1 requires the Project Applicant to prepare a GHG Reduction Plan to implement all feasible GHG reduction measures. With implementation of MM GHG-1, the annual Project operations emissions would be 1,031 $MTCO_2e$. reducing the impact to less than significant. If Project emissions can be shown to be below BAAQMD GHG threshold of 1,100 MTCO2e per year, then mitigation would not be required.	MM GHG-1	With implementation of MM GHG – 1, impacts would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact GHG-2: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	The Project would be consistent with City goals and policies to reduce greenhouse gas emissions. The Project is consistent with all applicable CARB Scoping Plan Measures. As such, the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required
Hazards & Hazardous Materials			
Impact HAZ-1: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Existing uses do not generate any hazardous materials. Future uses and facilities would be required to comply with all applicable federal, state and regional regulations which are intended to avoid impacts to the public or environment. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact HAZ-2: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	The existing project site includes an underground storage tank (UST), aboveground storage tank (AST), and asbestos containing materials. The existing conditions were found to not be a significant hazard. Future development would comply with City and County regulations regarding hazardous materials. Potential impacts associated with an accidental release of hazardous materials to the environment would be less than significant levels.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact HAZ-3: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	The closest existing school site to the project site is Saratoga Elementary School, which is located approximately 1.5 miles to the east of the project site. Therefore, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and no impact would occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact HAZ-4: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	The project site does not include any sites identified on the Cortese List. Therefore, the Project would not create a significant hazard to the public or the environment and no impact would occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Norman Y. Mineta San Jose International Airport is located approximately 10.5 miles northeast of the project site. Since the project site is not located within two miles of a private or public airport, no impacts would occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact HAZ-6: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	The City of Saratoga Emergency Operations Plan (EOP) is the applicable emergency response plan. No revisions to the EOP would be required as a result of the Project and all major roads would be maintained during full buildout construction. The Project would comply with the EOP and the Mountain Winery Emergency Action Guide. As such, the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact HAZ-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	See Impacts WIL-1, 2, 3, and 4.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Hydrology & Water Quality			
Impact HYD-1: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Construction activities would be completed in compliance with the NPDES program's Construction General 2 if disturbance is equal to or greater than one acre. Disturbance of 1.0 acre or more would require MM HYD – 1. The Project would not induce permanent population growth but would increase water demand through the construction of lodging uses by up to 84 AFY. This represents 0.02% of the Santa Clara Subbasin's total 2012 groundwater supply. The City would also comply with state regulations to reduce water usage by 20 percent by 2020. Future development of the Project could increase the impervious surface area within the project site, but the Precise Plan would restrict impervious surfaces to 14 acres maximum, and surfaces would be designed to drain to lower elevations to allow recharge. The Project would comply with all state and local policies and regulations for water usage. As a result, the impact would be less than significant with mitigation.	MM HYD – 1	With implementation of MM HYD – 1, impacts would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact HYD-2: Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	See Impact HYD-1	MM HYD – 1	With implementation of MM HYD – 1, impacts would be less than significant.
Impact HYD-3: Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	See Impact HYD-1	MM HYD – 1	With implementation of MM HYD – 1, impacts would be less than significant.
Impact HYD-4: Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	The project site is approximately 19.6 miles east of the Pacific Ocean and the nearest body of water is the Saratoga Creek, located approximately 0.60 miles south of the project site. Tsunamis and seiches do not pose hazards due to the Project site's inland location and lack of nearby bodies of standing water. The Project is not within a flood hazard, tsunami, or seiche zone and would not risk the release of pollutants due to project inundation and this impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact HYD-5: Would the project substantially alter the existing drainage pattern of the site or area by altering the course of a stream or incrementally increasing surface runoff from impervious surfaces in such a manner that would result in increased erosion, siltation, or flooding on- or off-site, substantially increase runoff, create or contribute runoff, or impede or redirect flood flows?	The five new buildings would be required to include and Erosion and Sediment Control Plan which would ensure the project site would be developed with appropriate erosion and sediment controls before full buildout. The future development of the project site would be constructed in compliance with a Stormwater Pollution Prevention Plan that would be prepared for the Project, which would ensure that the Project would not result in an increase in flood risks or water runoff that would exceed existing capacity. Therefore, this impact is less than significant.	MM HYD – 2	With implementation of MM HYD – 2, impacts would be less than significant.
Land Use & Planning			
Impact LU-1: Would the project physically divide an established community?	No features such as roads or highways are proposed that might divide an established community. The Project is within Mountain Winery which is an existing land use, and all future land uses would occur within the Precise Plan boundaries; thus, no impact will occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact LU-2: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	The Project requires an amendment to the City General Plan to re-designate parcels 503-46-006 and 503-46-007, currently located in unincorporated Santa Clara County, from the County land use designation Hillside (HS) to Regional Commercial (RC). Any potential conflicts from future development with the Precise Plan development standards—such as maximum height, setback, or other requirements—would be resolved through the City's general development plan approval process. As a result, the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact LU-3: Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	The Project would include lodging with up to 300 lodging units. Job creation from the lodging use is estimated at 75 new jobs, which is within growth predictions for the City. Population growth is consistent with job growth predictions and the City General Plan, so impacts would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact LU-4: Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	The Project would not require off-site construction or acquisitions nor would it require demolition of existing structures. The Project would allow low-density residential uses on the portion of APN 503-46-007 that would be outside of the Precise Plan boundary. No displacement or replacement housing is anticipated from the Project. Therefore, the impact is less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Noise and Vibration			
Impact NOI-1: Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Noise from construction activities is anticipated to reach a maximum of 76.0 dBA during grading at the nearest sensitive receptor. Construction-related traffic noise would not be noticeable and would result in a less than significant impact. The highest traffic noise from the operation of the Project is anticipated to be a maximum of 49.6 dBA between the Project driveway and Highway 9, which is under the City's normally acceptable 60dBA threshold and would result in a less than significant impact. Noise levels along Pierce Road would increase by 3.4 dBA with the Project which would be acceptable under City noise thresholds. Overall, implementation of MM NOI-1 and adherence to Municipal Code requirements, noise impacts associated with traffic, mechanical equipment, deliveries, loading/unloading activities, and parking lot noise would be reduced to a less than significant level.	MM NOI - 1	With implementation of MM NOI – 1, impacts would be less than significant.
Impact NOI – 2: Would the Project generate excessive groundborne vibration or groundborne noise levels?	Pile driving is not proposed or anticipated as part of the Project. The Project would not generate groundborne vibration that could be felt at surrounding uses. Project operations would not involve railroads or substantial heavy truck operations. As a result, impacts from vibration associated with project operation would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact – NOI 3: For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	The nearest airports to the Project site are the Norman Y. Mineta San Jose International Airport located approximately 10 miles northeast of the Project and Palo Alto Airport located approximately 13 miles north of the site. The Project is not within 2.0 miles of a public airport or within an airport influence zone. No impacts would occur.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Public Services and Utilities			
Impact PSU-1: Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time, or other performance objectives for any other the following public services?	The project site is served by Saratoga Fire Protection District and Santa Clara County Sheriff's Office. The County Sheriff's Office and Saratoga Fire Protection District have confirmed that existing staff and facilities are sufficient to accommodate future development on the site. Additionally, the Project would be required to comply with MM WIL-1, which would require Saratoga Fire Protection District review and approval of development site plans associated with full buildout of the project to ensure adequate emergency protection. Therefore, it is not anticipated that new or expanded fire protection facilities would be necessary. As a result, impacts would be less-than-significant and implementation of MM WIL-1 would further reduce impacts.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact PSU-2: Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage facilities or dry utilities, the construction or relocation of which could cause significant environmental effects?	Future development on the project site would connect to existing utilities. Existing telecommunication and electricity services are sufficient for full buildout of the Project. The Project would include connection to the Cupertino Sanitary District and an additional water tank, but the impacts of the new connection and water tank are included in the analysis throughout this EIR and the Cupertino Sanitary District conditionally approved annexation of the Project site into their service area pending Project approval. Since the Cupertino Sanitary District has capacity to serve the project site and no additional infrastructure would be required, the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact PSU-3: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	The Project receives water from the San Jose Water Company and the current water system meets existing water demand. Full Project buildout would increase the water demand by approximately 84 AFY. The total usage of the Project would be 0.05 percent of the San Jose Water Company's projected water supply in 2035, and no new facilities would be required to meet Project water demand. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact PSU-4: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments	The Project includes annexation into the Cupertino Sanitary District to connect to the Cupertino Sanitary District system in the future. The Cupertino Sanitary District has confirmed that existing infrastructure and capacity are sufficient to serve the project site. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact PSU-5: Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals	The project site is currently served by West Valley Collection for waste collection & Recycling and Guadalupe Rubbish Disposal Company for landfill needs. Providers would not change upon full buildout of the Project. Existing capacity at Guadalupe Rubbish Disposal Company is 11,055,000 cubic yards. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact PSU-6: Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Solid waste services would be provided to the Project without significantly impacting existing and planned development within the City and county. As a result, impacts associated with solid waste compliance would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Transportation & Circulation			
Impact TR-1: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	All study intersections would operate at an acceptable Level of Service (LOS) during Background Conditions and Background Plus Project Conditions. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact TR-2: Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)	Pursuant to Senate Bill (SB) 743, VMT analysis shall be the primary method for determining CEQA impacts after the statewide implementation date of July 1, 2020. Jurisdictions are not required to adopt thresholds of significance for VMT until July 1, 2020. The City of Saratoga has not yet adopted thresholds of significance for VMT. Concerning implementation of VMT, the recently amended State CEQA Guidelines mandate that the new methodology will apply prospectively only and will not affect projects that have already commenced environmental review (State CEQA Guidelines Sections 15064.3(c); 15007). Given that the City has not adopted thresholds of significance for VMT, the Project would not conflict or be inconsistent with any applicable thresholds related to VMT. As such, the Project would not conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) and this impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact TR-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No obstacles are expected from full buildout of the Project. The Project does not add or expand roadways and the Precise Plan would not result in any increase in hazards from geometric design features. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation measures are required.
Impact TR-4: Result in inadequate emergency access?	Primary access to all major roads would be maintained during construction and operations associated with full buildout of the Project. The Mountain Winery can currently accommodate approximately 2,500 people at one time during a concert. Only the lodging facility visitors would be present overnight. Even while Mountain Winery patrons and hotel guests are on-site at the same time, the existing EOP and Mountain Winery EAG strategies would guide emergency response. However, in order to ensure adequate emergency access and evacuation for the additional visitors to the site, all future development associated with the Project would be required to comply with MM WIL-1.	MM WIL – 1	With implementation of MM WIL-1, impacts would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Recreation			
Impact REC-1: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	It is expected that hotel guests would primarily use Mountain Winery activities and facilities. Existing Mountain Winery activities include wine-tasting and concerts, and visitors would use the existing facilities for recreation. The Project would not require the construction or expansion of recreational facilities. Furthermore, the Project would not cause substantial population growth, nor lead to an increased growth that would accelerate deterioration of existing neighborhood or regional parks, so the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation is required.
Impact REC-2: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	See Impact REC-1.	No Mitigation is required.	No significant impacts will occur. No mitigation is required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Tribal Cultural Resources			
Impact TCR-1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, that is listed or eligible for listing as a historic resource or is determined by the lead agency to be significant?	No known Native American resources were identified in the Project area. The City contacted representatives from local tribes and, as of publication of this Draft EIR, no tribes have requested AB 52 consultation with the City. The potential to disturb previously unknown tribal cultural resources during ground disturbance activities would result in a potentially significant impact.	MMs CR-1a, CR-1b, CR-1c, and CR-2	With implementation of CR-1a, CR-1b, CR-1c, and CR-2, impacts would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Wildfire			
Impact WIL-1: Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?	Primary access to all major roads would be maintained during construction and operations associated with full buildout of the Project. The Mountain Winery can currently accommodate approximately 2,500 people at one time during a concert. Only the lodging facility visitors would be present overnight. Even while Mountain Winery patrons and hotel guests are on-site at the same time, the existing EOP and Mountain Winery EAG strategies would guide emergency response. However, all future development associated with the Project would be required to comply with MM WIL-1, which would ensure the Mountain Winery EAG appropriately addresses the additional visitors to the Project site.	MM WIL – 1	With implementation of WIL – 1, impacts would be less than significant.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact WIL-2: Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	The Project site is a Very High Fire Hazard Severity Zone according to CalFire, and the City General Plan identifies the area as subject to extreme fire hazards. The City has adopted mitigation measures included a Weed Abatement Program and Brush Abatement Program and conducts annual inspections to ensure compliance with these programs. Existing Mountain Winery buildings have been constructed based upon review and conditions from the Fire Marshal's Office. Future buildings would be subject to review and approval from the Fire Marshal's Office. Since the Project site is already developed and future development would only occur on the flat, developed Precise Plan area, the impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation is required.
Impact WIL-3: Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	The future development of the Project site would comply with the most current edition of the California Fire Code, International Fire Code, and other applicable local, state, and federal regulations for fire safety. Compliance with the relevant regulations would ensure that new uses on the Project site would not require additional installation or maintenance of additional infrastructure such as roads, fuel breaks, emergency water sources, power lines, or other utilities that might increase fire risk or have temporary or ongoing impacts on the environment. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation is required.

Environmental Issue	Impact Analysis Summary	Mitigation	Impact Level After Mitigation
Impact WIL-4: Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	The development would occur on mostly flat terrain with the Precise Plan area and any future development would go through review and approval from the City. The site is not located within the 100-year floodplain and the potential for flooding is considered low. The project site's existing drainage system has been designed to mitigate landslide impacts and the developed/proposed condition is not expected to substantially alter the drainage pattern from the current conditions. The impact would be less than significant.	No Mitigation is required.	No significant impacts will occur. No mitigation is required.

2 Introduction

This Draft Environmental Impact Report (EIR) has been prepared to evaluate environmental impacts associated with the Mountain Winery Annexation Project (Project). The Draft EIR has been prepared in conformance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Sections 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], Chapter 3, Sections 15000 et seq.) to evaluate the annexation of the existing Mountain Winery facility into the City of Saratoga (City). The City is the lead agency under CEQA and the Project applicant.

As discussed in greater detail in Section 3, Project Description, the Project would consist of adjustments to the City Urban Service Area (USA) and Sphere of Influence (SOI) boundaries to include APNs 503-46-006 and 503-46-007. The Project also entails related General Plan and City Zoning Ordinance amendments, adoption of the Mountain Winery Precise Plan, approval of a development agreement, and subsequent annexation of Assessor's Parcel Number (APN)s 503-46-006 and 503-46-007 into the City of Saratoga. In addition, the Project entails annexation of the 503-46-005 and 503-46-006 parcels into the Cupertino Sanitary District to allow for the potential to connect to the Cupertino Sanitary District system in the future. Several of these actions are subject to review and approval by the Santa Clara Local Agency Formation Commission (LAFCo).

2.1 Purpose and Intended Uses of the EIR

This Draft EIR has been prepared to evaluate the potential environmental impacts that may result from implementation of the Project.

The purpose of this Draft EIR is to evaluate adoption of the Precise Plan, subsequent annexation of APN 503-46-006 and 503-46-007 parcels into the City, addition of increased onsite water storage, addition of lodging uses (up to 300 rooms), and annexation of the 503-46-005 and 503-46-006 parcels into the Cupertino Sanitary District to allow for the potential to connect to the Cupertino Sanitary District system in the future in accordance with CEQA.

Subsequent development applications submitted in connection with the Precise Plan would be examined in light of this EIR to determine whether additional CEQA documentation would be required pursuant to the requirements of Section 21166 of CEQA (i.e., Public Resources Code Section 2116) and Sections 15168 of the CEQA Guidelines (i.e., 14 CCR) for subsequent approvals.

2.2 Standards of Adequacy Under CEQA

While Sections 15120 through 15132 of the State CEQA Guidelines generally describe the content of an EIR, CEQA does not contain specific, detailed, quantified standards for the content of environmental documents. Section 15151 of the State CEQA Guidelines states:

> "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of

environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have not looked for perfection but for adequacy, and a good faith effort at full disclosure."

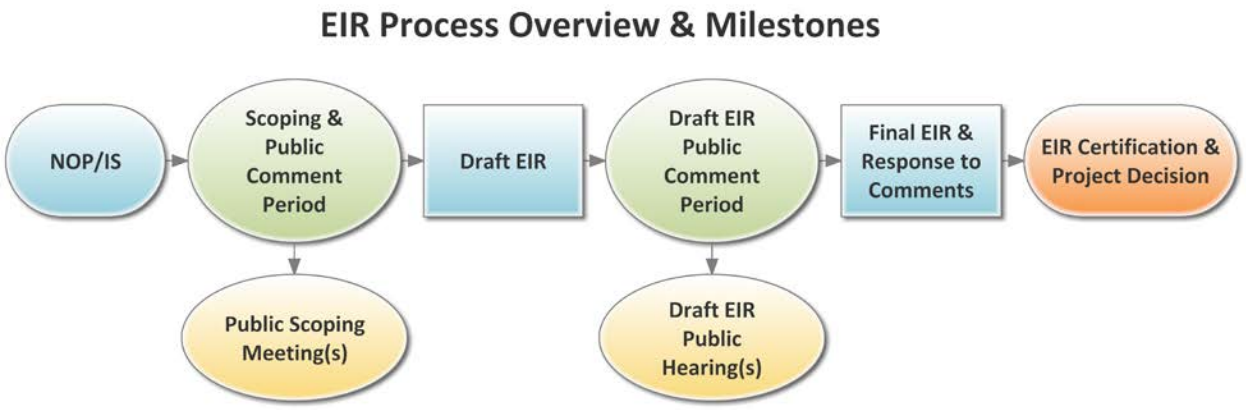
2.3 Scope of Environmental Analysis

This EIR assess the potential environmental impacts that could occur with implementation of the proposed project. Potentially significant environmental impacts including issues raised in public comments received in response to the Notice of Preparation (NOP) and at the public scoping meetings are evaluated in this EIR. The scoping process has determined that the project has the potential to result in significant environmental impacts on the following resources, which are addressed in detail in this Draft EIR:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy Conservation
- Geology, Soils, & Mineral Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Public Services and Utilities
- Recreation
- Transportation and Circulation
- Tribal Cultural Resources
- Wildfire

In compliance with the State CEQA Guidelines, the City has taken steps to maximize opportunities for the public and other public agencies to participate in the environmental review process. The scope of this Draft EIR includes issues identified in consultation with the City during the Notice of Preparation (NOP) comment period; one public scoping meeting; and environmental issues raised by agencies and the general public in response to the scoping process. Figure 2-1 below provides a flowchart of the EIR process.

Figure 2-1: The EIR Process



2.3.1 Notice of Preparation and Scoping

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City of Saratoga prepared a Notice of Preparation (NOP) for this EIR, which was published on July 8, 2019 and circulated for a 30-day period. The NOP was circulated to the public and responsible agencies to inform members of the public and public agencies about the Project, to notify them of the City's intent to prepare a Program EIR for the Project, and to solicit input regarding the analysis in this EIR. The NOP provided a general description of the Project and identified possible environmental impacts that could result from implementation of the Project.

The NOP review period commenced on July 8, 2019, and concluded on August 7, 2019 and the City of Saratoga held a public scoping meeting on July 17, 2019, to discuss the Project and solicit public input as to the scope and contents of this EIR. The scoping meeting provided an opportunity for attendees to be informed about the CEQA planning and scoping processes, Project goals and objectives, and the overall Project characteristics. No attendees attended the scoping meeting. The City's Planning Department received seven comment letters from interested parties during the public review and comment period. The Planning Division has considered the comments made by the public in preparation of this Draft EIR for the Project. Table 2-1 provides a summary of comments received during the NOP public review period. Comments from interested parties are included verbatim below to avoid misinterpretation by summarization. Comments from Federal, State, and local agencies have been summarized below. Full text of agency comments can be found in Appendix F.

Table 2-1: Summary of Comments on Notice of Preparation

Commenter Name	Comment
Federal Agencies	
n/a	None
State Agencies	

Native American Heritage Commission (letter dated July 23, 2019)	Requests early consultation with Native American tribes, provides a list of Native American contacts and requests that additional archeological activities be conducted with the NAHC. In addition, the NAHC reminds the City of appropriate regulations regarding resources if they are identified during project construction.
Local Agencies	
Local Agency Formation Commission of Santa Clara County (letter dated August 7, 2019)	The Local Agency Formation Commission (LAFCo) of Santa Clara County commented that the Project EIR should evaluate: the Project's consistency with County General Plan policies, the Project's consistency with LAFCo policies, the Project's impact on public services and utility systems, the Project's potential for growth inducing impacts, and potential alternatives to the Project.
County of Santa Clara - Parks and Recreation Department (letter dated July 17, 2019)	The Parks and Recreation Department is tasked with the with the planning and implementation of the *Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan)*, an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995. The *Countywide Trails Plan* identifies the planned Juan Bautista de Anza National Historic Trail (Anza Trail) crossing the three parcels considered for annexation. The Parks and Recreation Department recommends the property owner and the County Park Department work together to determine the trail easement alignment on the easement property that 1) best minimizes any foreseeable impact to or from any presently permitted uses and/or future contemplated uses or improvements on the Mountain Winery property, 2) minimizes the environmental impacts of the trail construction and public use, and 3) constitutes a link to a region-wide trail and that will foster the public's recreational enjoyment. The Parks and Recreation Department recommends including the planned Juan Bautista de Anza National Historic Trail (Anza Trail) in the environmental analysis and note existing floating easement in the annexation process.
County of Santa Clara – Office of the Sheriff (letter dated July 8, 2019)	The Office of the Sheriff completed a five-year review of all calls-for-service to determine a potential cost factor associated to police services to the City of Saratoga. The Office of the Sheriff allocated approximately 114 hours to the Mountain Winery in police services from January 2014 to 2019. All costs of services were paid by the County. The Office of the Sheriff noted they will be able to manage current contractual service hours in order to allocate resources to the Winery. At this time, the Office of the Sheriff does not see a need in adding additional service hours. Should the need for service levels increase in the future, the Office of the Sheriff will communicate the changes during the yearly budgeting process.
County of Santa Clara – Planning and Development (letter dated August 7, 2019)	The Planning and Development Department of Santa Clara County provided comments on the NOP concerning the scope and content of the EIR. Comments were in regard to Aesthetics, Cultural Resources, Growth Inducement, Hydrology and Water Quality,

	Santa Clara County General Plan Consistency, and Transportation. The Planning and Development Department also provided additional comments on policy issues related to the annexation.
Santa Clara County Fire Department (letter dated September 17, 2019)	The Fire Department of Santa Clara County provided comments on the NOP, noting that the proposed Project would not impact fire services to the City of Saratoga and surrounding areas.
Interested Parties	
Bill Bosworth (email dated July 16, 2019)	General concerns for traffic and noise impacts of the Project.

This Draft EIR addresses the issues that were raised by the public and responsible agencies in response to the NOP. The NOP and copies of the comment letters received are provided in Appendix F of this Draft EIR.

2.4 Availability of the Draft EIR

The City, on October 30, 2019, filed a Notice of Completion (NOC) with the State Clearinghouse, indicating that this Draft EIR has been completed and is available for review and comment. This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a review period of at least 45 days, as required by California law. Thus, the official public review period for this Draft EIR will extend between October 30, 2019, and December 16, 2019. During this period, public agencies and members of the public may provide written comments on the analysis and content of the Draft EIR. In order to elicit a written response for inclusion within the Final EIR, all comments on this Draft EIR must be received by 5:00 PM on December 16, 2019. Comments should be submitted in writing during this review period to:

- Debbie Pedro, Community Development Director at 13777 Fruitvale Avenue, Saratoga, CA 95070 or dpedro@saratoga.ca.us

Pursuant to state law (Public Resources Code Section 21091(d)(3)), the City will accept email comments in lieu of mailed or hand-delivered comments; however, reviewers are encouraged to follow up any email comments with letters. In reviewing a Draft EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and on ways in which the significant effects of the Project might be avoided or mitigated.

The Draft EIR and the full administrative record for the Project, including all studies, is available for review during normal business hours Monday through Friday, 8:00 AM to 5:00 PM, at the City of Saratoga Community Development Department, located at 1377 Fruitvale Avenue.

Additionally, copies of the Draft EIR and technical appendices are available at the following addresses:

City of Saratoga
Community Development Department
1377 Fruitvale Avenue
Saratoga, CA 95070
Phone: (404) 868-1231

City of Saratoga Library
13650 Saratoga Avenue
Saratoga, CA 95070
Phone: (408) 867-6126

The Draft EIR and technical appendices can also be accessed at the City's website: https://www.saratoga.ca.us/448/Mountain-Winery-Annexation-Process. The City will subsequently respond to each comment on the Draft EIR received in writing during the public review period through a Responses to Comments document for the Final EIR. All persons who commented on the Draft EIR will also be notified of the availability of the Final EIR and the date of public hearings before the City.

2.5 Final EIR Process

Following the close of the Draft EIR public review and comment period, a Final EIR will be prepared to respond to all substantive comments related to environmental issues surrounding the content of the Draft EIR. Pursuant to Section 15088.5(f)(2) of the CEQA Guidelines, the City will request that reviewers limit their comments to the content of the Draft EIR and will respond to all comments related to the disposition of environmental effects made during the Draft EIR public review period. The Final EIR will be available prior to City Council public hearings to consider the Final EIR along with the actions within the City's review and discretion to approve (refer to Project Description, Section 3).

The City is expected to hold public hearings on the Final EIR in early 2020. All interested parties are invited to attend the public hearings to provide either verbal or written comments on the Final EIR. The time and location of the public hearings will be noticed in accordance with applicable noticing requirements and procedures.

2.6 Report Organization and Additional Information

Pursuant to the State CEQA Guidelines, Section 15120(c), this Draft EIR contains the information and analysis required by Sections 15122 through 15131. Each of the required elements is covered in one of the EIR sections and appendices, organized as follows.

- Executive Summary. A summary description of the Project, the alternatives, their respective environmental impacts, and the Environmentally Superior Alternative.
- Introduction. A discussion of the background, purpose, and need for the Project, briefly describing the Project, and outlining the public agency use of the EIR.
- Project Description. Detailed description of the Project.
- Environmental Analysis. A comprehensive analysis and assessment of impacts and mitigation measures for the Project. This analysis is divided into separate sections for each environmental resource and contains the environmental settings and impacts of the Project. Cumulative impacts are analyzed at the end of each environmental resource.
- Alternatives to the Project. This section provides a description of the alternatives evaluation process, as well as a description of alternatives considered but eliminated from further analysis and the rationale thereof. This section also includes an analysis and assessment of impacts for alternatives retained, including the No Project Alternative and the Environmentally Superior Alternative.
- Other CEQA Consideration. A discussion of growth-inducing effects, long-term implications of the Project, and significant environmental effects which cannot be avoided if the Project is implemented.
- EIR Preparers and Acronyms**.** Identifies the Lead Agency, organizations, and individuals consulted during preparation of this Draft EIR.
- Appendices. The appendices include the NOP for the Draft EIR, comments received in response to the NOP and the City's scoping activities, and background technical studies prepared for the Project. Appendices to this Draft EIR are as follows:
    - Appendix A: Air Quality Analysis
    - Appendix B: Biological Report
    - Appendix C: Greenhouse Gas Assessment
    - Appendix D: Noise Technical Report
    - Appendix E: Traffic Impact Analysis
    - Appendix F: Comments Received in Response to Notice of Preparation

2.7 Project Sponsors and Contact Persons

The City of Saratoga is the Lead Agency for preparation of this EIR. Inquiries regarding the EIR should be directed to the City. The Project Applicant is the City of Saratoga, Community Development Department (Project Applicant).

Lead Agency: City of Saratoga
Community Development Department
1377 Fruitvale Avenue
Saratoga, CA 95070
Contact: Debbie Pedro, Community Development Director
Phone: (404) 868-1231
dpedro@saratoga.ca.us

3 Project Description

3.1 Project Overview

The Mountain Winery Annexation Project (Project) entails the annexation of the existing Mountain Winery facility into the City of Saratoga (City). The City is the lead agency under CEQA and the Project applicant.

Definition of Project site

The Mountain Winery is located in the western portion of Santa Clara County, as shown in Figure 3-1. The portion of the Mountain Winery included in the Project (Project site) is located at 14831 Pierce Road on three contiguous parcels: APN 503-46-005, 503-46-006, and 503-46-007, as shown in Figure 3-2 and Figure 3-3. Figure 3-2 illustrates the Project site boundaries and Figure 3-3 illustrates the existing applicable parcel and jurisdictional boundaries. Parcel 503-46-005 is located inside the City of Saratoga (City) city limits, and the City's Urban Service Area[1] (USA) and City's Sphere of Influence[2] (SOI) boundaries. Parcels 503-46-006 and 503-46-007 are located within unincorporated Santa Clara County (County). Parcel 503-46-006 is located outside of the City USA and a majority of the 503-46-006 parcel is within the City SOI. The 503-46-007 parcel is located outside of both the City USA and the SOI. The three parcels total approximately 430 acres.

The Project site boundaries, as shown in Figure 3-2, encompass the limits of the project actions. The boundaries of the Project site are defined as a portion of parcel 503-46-005, all of parcel 503-46-006, and all of parcel 503-46-007. The Project would adjust the City USA to include all of parcels 503-46-006 and 503-46-007, as shown in Figure 3-4. The SOI boundary would be adjusted to include the entire 503-46-007 parcel, as shown in Figure 3-4.

As shown on Figure 3-2, Figure 3-3, and Figure 3-4, within the larger Project site boundaries, the Mountain Winery Precise Plan area (located within parcel 503-46-006) encompasses an approximately 73-acre area. This Precise Plan area is limited to disturbed land where the existing Mountain Winery operations occur, including its buildings, parking, vineyards, roads, and utilities. The Precise Plan sets forth specific development standards and design review findings related to current and future development within the Precise Plan area. It would establish the maximum area to be covered by enclosed structures (footprint of buildings) as no more than 20% of the Precise Plan area, or 14 acres, whichever is less. The Precise Plan establishes that the maximum

[1] An USA is a planning boundary for cities in Santa Clara County. This planning boundary delineates areas that are currently provided with urban services, facilities, and utilities, or areas proposed to be annexed into a city within the next five years to be developed and receive such services.

[2] A SOI is a planning boundary that applies to special districts and cities. State law defines the SOI as "the probable physical boundaries and service area of a local agency." In Santa Clara County, this definition is applicable to special districts. However, for cities, it is the USA that is an indication of areas that the city will annex or provide services. For cities, the SOI is a long-range planning tool to help LAFCO evaluate USA amendments and annexation requests. In addition, the SOI is sometimes an area where a city and the County may have shared interests in preserving non-urban levels of land use.

building height allowed as 35 feet, with up to 10 feet of additional height allowed for architectural features that do not contain floor area. The Precise Plan can be found online here: https://www.saratoga.ca.us/448/Mountain-Winery-Annexation-Process

When the Notice of Preparation (NOP) was released on July 9, 2019, a portion of parcel 503-46-007 was located within the Precise Plan area. Subsequent to the NOP circulation, an application was filed on August 14, 2019 with Santa Clara County for a lot line adjustment of the boundary between parcels 503-46-006 and 503-46-007 to enable all of the Precise Plan area to be located solely within parcel 503-46-006. As described in Section 3.3, the County approved this lot line adjustment on September 12, 2019. The revised parcel boundaries, per the approved lot line adjustment, are reflected throughout this EIR.

An approximately 7-acre area that traverses the 503-46-005 parcel establishes the eastern boundary of the Project site. The EIR analyzes the potential for future infrastructure associated with a potential future connection of the Mountain Winery to the Cupertino Sanitary District system would be allowed within this area, referred to as the "Sanitary Sewer Connection area", as shown on Figure 3-2.

Apart from the Sanitary Sewer Connection, any future development allowed by the Project under the guidance of the Precise Plan, including proposed lodging uses and a new water tank, would be confined to the Precise Plan area, as shown in Figure 3-2.

Existing Conditions

The Mountain Winery complex is currently governed by a Conditional Use Permit (CUP) that was approved and issued by the Santa Clara County (County) Board of Supervisors on August 15, 2000 and subsequently modified several times, including in 2002 and 2018. The current land use of the 503-46-006 parcel is the existing Mountain Winery complex, which is composed of a concert venue, a restaurant, and a seminar, banquet, and special event facility. On October 4, 2018, as referenced above, the County modified the existing CUP to allow construction of five new buildings at the Mountain Winery – a wine tasting building, a concession building, an event building, a storage building, and a ticket office – and an outdoor terrace garden area. Land preparation and some construction activities have commenced for these structures and it is anticipated that these new site improvements will be completed in 2020.

California Environmental Quality Act (CEQA) Guidelines § 15125(a)(1) specifies that "Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record." Given that the five new buildings and outdoor terrace were approved and permitted by the County in 2018 under an EIR the County certified in 2000, and given that site preparation and some construction activities have commenced, and construction is expected to be complete in 2020 on a timeline

unrelated to the Project, this Mountain Winery Annexation Project EIR assumes that these improvements are part of the existing conditions of the Project site and does not include the potential impacts of these structures as a component of the Project's impacts to the physical environment. Figure 3-6 illustrates the existing conditions of the Precise Plan area, for the purposes of this EIR, including the structures anticipated to be constructed by 2020.

Project Actions

The Project would consist of adjustments to the City USA boundary to include APNs 503-46-006 and 503-46-007, and adjustments to the City SOI boundary to include APN 503-46-007. Figure 3-3 shows the existing City USA and SOI boundaries. Figure 3-4 shows the proposed City USA and SOI boundaries. Further, the Project would entail the subsequent annexation of the 503-46-006 and 503-46-007 parcels into the City. In addition, the Project entails annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District and an amendment to the Cupertino Sanitary District SOI to allow for the potential to connect to the Cupertino Sanitary District system in the future. Several of these actions are subject to review and approval by the Santa Clara Local Agency Formation Commission (LAFCo).

The Project would require an amendment to the City of Saratoga General Plan (General Plan) to establish a new land use designation of Regional Commercial (RC) that would apply to the 503-46-006 parcel, along with conforming General Plan amendments. The existing City land use designation of Hillside Open Space (OS-H) would apply to the 503-46-007 parcel (approximately 165 acres). The Project would also include an amendment to the City's Zoning Ordinance to establish a new zoning district of Regional Commercial (RC) and to pre-zone parcel 503-46-006 to RC, consistent with the General Plan amendment, and to pre-zone parcel 503-46-007 to the City's existing Residential Open Space (R-OS) zoning district. The 503-46-005 parcel would retain the existing City zoning district of Hillside Residential (HR). Figure 3-3 shows the existing General Plan land use designations and zoning districts for the Project site. Figure 3-4 shows the proposed General Plan land use designations and zoning districts for the Project site.

The Project would additionally include adoption of the Precise Plan and a development agreement. The new land use designation, zoning, Precise Plan, and development agreement would allow existing onsite uses to continue, while also allowing for new lodging uses on the Project site (subject to a maximum permissible density and intensity of use established by the Precise Plan).

3.2 Project Objectives

Section 15124 of the CEQA Guidelines requires that a clearly written statement of objectives be presented in an EIR to help lead agencies develop a reasonable range of alternatives, and to aid the decision makers in preparing findings of significant effects or a statement of overriding considerations, as necessary.

The City has identified the following project objectives:

- Annex the Mountain Winery, including all ancillary features and supporting land uses, into the City of Saratoga
- Provide for the potential future connection of the Mountain Winery to the Cupertino Sanitary District
- Allow existing Mountain Winery operational activities to continue, with sensitivity to residential neighbors and environmental setting
- Allow a long-term financially viable project that provides for the creation of new lodging uses, up to 300 lodging units, and ancillary uses
- Allow for additional onsite water storage to ensure future adequate water supply
- Prepare a Precise Plan for the Mountain Winery complex as a means to establish more specific land use regulations and design standards for any future development
- Focus development to minimize environmental and/or natural resource impacts

3.3 Project site Description

Project Site Characteristics

Regional Location

As shown in Figure 3-1, the City of Saratoga is located in the western portion of Santa Clara County, just southwest of San José and approximately 35 miles south of San Francisco. The City encompasses 12.8 square miles and is located at the southerly end of the San Francisco Peninsula. The cities of Cupertino, Monte Sereno, San Jose, and Los Gatos are located to the north, south, and east of the City, respectively. The Santa Cruz Mountains are located to the west of the City and unincorporated areas of Santa Clara County border the City to the west.

Project Site Location

The Project site is located at 14831 Pierce Road, partially in unincorporated Santa Clara County, north of State Route 9 (SR-9) and west of Pierce Road, as shown in Figure 3-3. The Project site is located on three contiguous parcels: APN 503-46-005, 503-46-006, and 503-46-007. Parcel 503-46-005 is located inside the City limits and USA and SOI boundaries. Parcel 503-46-006 is located outside of the City limits and USA and a majority of the 503-46-006 parcel is within the City SOI. Parcel 503-46-007 is located outside of the City limits as well as of the City's USA and SOI.

Surrounding Land Uses

Land uses surrounding the west, north, and south of the Project site include predominantly undeveloped hillside parcels. Mount Eden Vineyards is located to the north of the Project site off Mt. Eden Road. Low density single-family residential neighborhoods are located to the east of the Project site, east of Pierce Road. A former quarry, which is no longer operational, is located

on the eastern edge of the Project site within parcel 503-46-005, downslope from the Precise Plan area and connecting to Vintage Lane. Figure 3-5 shows the Project site and surrounding land uses.

Project Site History

The original Mountain Winery building (formerly known as the Paul Masson Mountain Winery) was constructed in the 1910s. From that time to the present, numerous other structures have been built near the original Winery building, resulting in a centrally-located complex of buildings on the property that originally served Paul Masson's wine-making operations. The Mountain Winery was historically used for vineyards and winemaking. Most of the vineyards were eventually removed, and the Winery building, and surrounding complex became the site of a concert series in 1958. In addition to the concert series, the Mountain Winery has been used over the years as a center for cultural events, and for various types of receptions (including weddings), business meetings, wine tastings, benefits and charitable events, and theatrical productions.

From the late 1950s until the present, the concert series has grown, such that at its peak in 1992, approximately 115 concerts were held with seating for up to 1,750 people per event. In 2018, approximately 70 concerts were held with seating for up to 2,500 people per event. Concert attendees have historically been permitted to enter the site approximately 2 hours before show time and park in the controlled parking lots. Attendees are able to purchase a dinner package with the concert tickets.

As previously noted, Santa Clara County issued a CUP for the Mountain Winery in 2000. The County zoning district for the Project site is Hillside-d1 District (HS-d1) and Hillside-d1 Scenic Roads (HS-d1-sr). With the CUP, the uses currently operating at the Mountain Winery (outdoor entertainment events, theatrical productions, and occasional seasonal events) are allowed on the 503-46-006 parcel.

The Mountain Winery facility, then under ownership by Vintners International, applied for a CUP to bring the facility into compliance with the County's zoning, building, and environmental health regulations in 1987. As a result of this process, the County determined in 1988 that an EIR would be required for the CUP application. The County Board of Supervisors certified the Mountain Winery CUP and Architectural and Site Approval EIR (SCH #9801277) in August 15, 2000. The Mountain Winery CUP and Architectural and Site Approval (ASA) Draft EIR evaluated the environmental impacts associated with proposed improvements to the Mountain Winery facilities. The current land use of the Mountain Winery as described under the County CUP is a concert venue, a restaurant, and a seminar, banquet, and special event facility.

In July 2006, the County Planning Commission approved an ASA permit for the increase in the number of seats in the concert bowl to 2,500 seats, expansion of the Winery building, and the demolition of existing buildings and construction of new buildings at the Mountain Winery. Construction on the concert bowl and associated improvements subsequently was completed in Spring 2008; however, the other buildings (a restroom building and a security building) authorized by the 2006 ASA were not constructed.

In March 2009, the owner applied for a Major Modification to the ASA to allow expansion of the parking facilities, increasing the total number of parking spaces to 933. This expansion was approved by the County's Planning Commission in May 2009. On June 25, 2018, an application for ASA, Grading, and Design Review was submitted to the County, and the application was deemed complete by the County on July 27, 2018. A public notice was mailed to property owners within a 900 ft. radius and published in the Post Record Newspaper on September 21, 2018. In addition, a courtesy notice was mailed on September 29, 2018 to residents of the neighborhood where the concession/office building could be partially visible.

On October 4, 2018, the County approved construction of five new buildings at the Mountain Winery and a 6,665 square foot (SF) outdoor terrace garden, under the existing CUP. The approved five buildings consist of an 830 SF wine tasting building, a 10,275 SF concession building, an 11,539 SF event building, a 1,426 SF storage building, and a 144 SF ticket office, as shown in Figure 3-6. No changes to the number or size of events nor operational changes were proposed in the 2018 modifications to the County CUP. Building permits have been issued for the five new buildings approved by the County for the Mountain Winery site in 2018; site preparation and some construction activities have commenced.

On August 14, 2019, as a separate action from the Project and subsequent to the Project NOP circulation, an application for a lot line adjustment was filed with the County of Santa Clara Department of Planning and Development. This application requested an adjustment of the lot boundary between APN 503-46-006 and APN 503-46-007, so that all of the Precise Plan area would be located within APN 503-46-006. In accordance with Section 5.55 of the County's Zoning Ordinance, the requested lot line adjustment was approved on September 12, 2019. The revised parcel boundaries, per the approved lot line adjustment, are reflected throughout this EIR.

Existing Infrastructure

Access, Circulation, and Parking

Regional access to the Mountain Winery site is provided by Interstate 880/State Route 17 (I-880/SR-17), Interstate 280 (I-280), and State Route 85 (SR-85). Interchanges along SR-85 serving the Project site include Saratoga-Sunnyvale Road and Saratoga Avenue. These two roadways intersect in the downtown area of Saratoga, commonly known as the Saratoga Village.

Local access to the Project site is provided by Saratoga-Sunnyvale Road, Big Basin Way (which becomes Congress Springs Road and State Route 9 (SR-9) east of the Saratoga Village), and Pierce Road. Pierce Road intersects both Saratoga-Sunnyvale Road and Big Basin Way. Primary access to the Project site is provided by the Mountain Winery Driveway, a private access road at the intersection of Pierce Road and Vintage Lane. An emergency vehicle access (EVA) road connects to the western portion of the Mountain Winery to provide secondary emergency access. Each of these roadways are described in the following paragraphs.

Saratoga-Sunnyvale Road: This is a north-south oriented four-lane divided arterial which connects I-280 in Cupertino and Big Basin Way (SR-9) in Saratoga. The posted speed limit is 45

mph in the vicinity of Pierce Road, and 40 mph elsewhere. In Saratoga, there are signalized intersections of Saratoga-Sunnyvale Road at Prospect Road, Pierce Road, Cox Avenue, and Big Basin Way.

State Route 9: SR-9 west of Toll Gate is called Congress Springs Road and is a designated two-lane rural road near Pierce Road. SR-9 ultimately intersects Skyline Boulevard (SR-35) to west. The rural road climbs steeply and has tight turns with posted speed limits of 20 mph. SR-9 east of Toll Gate Road is called Big Basin and is classified as a two-lane arterial in the Saratoga Village. On-street parking is provided on this portion of SR-9, and the posted speed limit is 30 mph.

Pierce Road: This is a two-lane roadway which runs northeast-southwest, extending between Saratoga-Sunnyvale Road and SR-9. It provides direct access to the Project site at the intersection with Vintage Lane and has a posted speed limit 25 mph in the Project site vicinity. There are "No Parking" signs posted along Pierce Road between Saratoga Heights Drive and SR-9.

Mountain Winery Driveway: This driveway is located at the western leg of the Pierce Road intersection with Vintage Lane/Mountain Winery Driveway. This driveway is the primary entrance to and exit from the Mountain Winery and provides access to the parking lot.

Emergency Vehicle Access (EVA) Road: This gravel and partially-paved road is located just north of Highway 9 and is an emergency vehicle access (EVA) road that leads to the west side of Mountain Winery. The EVA road is used for secondary fire access to the Project site and for emergency evacuations. This EVA road is maintained by the landowner and is inspected annually for adequacy by the Santa Clara County Fire Department.

The Mountain Winery facility currently has a total of 933 existing parking spaces, including 908 standard spaces, 20 ADA spaces, and 5 bus spaces. The existing parking is sufficient for the currently-allowed uses. The Mountain Winery facility currently operates under an approved traffic and gate management plan.[3]

Stormwater Management

The Project site is bisected by an east-west to northwest-southeast trending ridge. This ridge generally forms a drainage divide. Drainage from the northeast of the divide moves through intermittent tributaries to Calabazas Creek. On the south, runoff from the hillside areas ultimately is captured by Saratoga Creek. There are no perennial streams on the Project site. There are some intermittent drainages that are dry most of the year, but they capture site runoff during the rainy season. These intermittent drainages ultimately carry water to Calabazas Creek. Due to the hilly topography and high elevation of the Project site, flooding is not a hazard, and there are no 100-year flood zones delineated at the Project site.

[3] County of Santa Clara, 2018. *Staff Report (3179-18A-18G-18DR) ASA Design Review and Grading Approval for Five New Buildings and a Garden Terrace Area*, page 3.

Approximately 22 acres of the Mountain Winery complex area are paved for parking, roadways, contain buildings or other uses and, therefore, are impervious. All surface runoff from the parking lots is collected through catch basins and underground pipelines, which follow the natural contours down to natural swales in the adjacent hillsides, as shown in Figure 3-5. Surface runoff at the Project site is currently captured in catch basins and discharged through pipes to adjacent hillsides in a few locations at the periphery of the Project site.

Santa Clara County is responsible for the maintenance of the storm drainage collection system serving the Project site. The Santa Clara Valley Water District is responsible for constructing and maintaining regional facilities including flood control basins, channels, and creeks throughout the county, including those within the City of Saratoga. With regard to stormwater, the Project site is currently served by the same service provider that serves the City.

Water Supply

The Project site receives water from the San Jose Water Company. The San Jose Water Company main that serves the Project site is located on Pierce Road just north of Saratoga Heights Drive. That main and a pump from the San Jose Water Company are used to fill an existing 18-foot tall steel water tank with an approximate 60-foot diameter and 360,000-gallon capacity. This water tank provides water storage for irrigation and fire suppression and is located on the eastern portion of the 503-46-006 parcel, approximately two miles west of downtown Saratoga and approximately one-mile northwest of the intersection of Pierce Road and SR-9. With regard to water supply, the Project site is currently served by the same service provider that serves portions of the City.

The current water demand from the existing on-site operations is approximately 7,130 gallons per day on average. On July 1, 1993, the California Department of Health Services (DOHS) assumed regulatory responsibility for small public water systems. However, based on correspondence from DOHS to the Mountain Winery dated June 17, 1993, it was determined that the Mountain Winery's water system did not fall under the regulatory jurisdiction of DOHS for various reasons, and the system remained under the jurisdiction of the County Environmental Health Department. Inspections of the system are performed on a regular basis by the County. No onsite treatment of the water is required. If water quality problems are detected during inspections, a chlorine disinfection treatment is generally used.[4]

Sanitary Sewer Service

The Mountain Winery is served by an onsite sewage collection system, septic treatment, and percolation disposal field. The Santa Clara County Environmental Health Department considers the existing system to adequately serve the Mountain Winery.[5]

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[4] County of Santa Clara, 1999. *The Mountain Winery CUP and ASA Draft EIR*, page 3.6-5.
[5] County of Santa Clara, 2006. *Architectural & Site Approval & Grading Permit Conditions of Approval*, page A-8.

The Cupertino Sanitary District sanitary sewer collection system serves approximately half of the City. The remaining half is served by West Valley Sanitation. An existing Cupertino Sanitary District manhole connection point (#6665-17) is located at the intersection of Pierce Road and Vintage Lane, adjacent to the Mountain Winery main access road (Cupertino Sanitary District, 2019a). An 8-inch diameter sewer line maintained by the Cupertino Sanitary District terminates at this intersection, which is near the Cupertino Sanitary District's service area boundary line.

With regard to sanitary sewer service, the Project site is not currently served by the same service provider that serves the City.

Solid Waste

Solid waste services are provided to the Project site by West Valley Solid Waste Management Authority, which contracts with West Valley Collection and Recycling to collect solid waste and recycling. Solid waste and recycling are hauled off to Guadalupe Rubbish Disposal Company, located at 15999 Guadalupe Mines Road in the City of San Jose, located at 15999 Guadalupe Mines Road in the City of San Jose. With regard to solid waste, the Project site is currently served by the same service provider that serves the City.

Gas and Electric

Pacific Gas and Electric Company (PG&E) provides electric services to the Project site. There is no natural gas service used on the Project site. The electricity service enters the Project site near the main access entrance, and power lines traverse up the northeast-facing slope above the former quarry area to the Mountain Winery building complex and parking lot area.

The Project site is served by two existing 1,000-gallon capacity underground propane tanks. On average, the existing Mountain Winery uses approximately 8,870 gallons of propane per year, which averages to approximately 740 gallons of propane per month.

Telecommunications

AT&T, Comcast, ViaSat, and Sonic currently provide telecommunication, cable television, and Internet services to the Project site.

Public Services

Fire Protection Services are provided by Saratoga Fire Protection District. As of July 2008, the District began a new contract for fire prevention services with Santa Clara County Fire Department (also known as Central Fire). Under the contract, all District safety employees became Santa Clara County personnel. The Saratoga Fire Protection District is located 14380 Saratoga Avenue at the intersection of Saratoga Avenue and Saratoga/Los Gatos Road. The District provides fire protection and emergency medical response services to approximately 12 square miles encompassing one-half of the City of Saratoga and sections of the unincorporated areas to the south.

Because the Project site is located in the California Department of Forestry and Fire Protection's (CALFIRE) State Response Area, equipment would be sent to the area during a wildland fire. CALFIRE is responsible for fighting only wildland fires and staffed only during the summer. CALFIRE may respond to structural fires in order to protect the watershed area, but they have no formal responsibility for structural protection.

Police protection to the Project site is provided by the Santa Clara County Sheriff's Department. The West Valley Patrol Division, located at 1601 South De Anza Boulevard, Suite 148 in the City of Cupertino. The West Valley Division serves the western unincorporated areas of Santa Clara County from Summit Road to Moffett Field as well as the cities of Saratoga, Cupertino, and Los Altos Hills.

The Mountain Winery also provides its own onsite security services through staff members and private security services who are trained in security practices. In the event of an emergency incident, the Sheriff's Department is contacted.

Existing General Plan Land Use Designations and Zoning

General Plan Land Use Designation

The 503-46-006 and 503-46-007 parcels are located in unincorporated Santa Clara County and are designated in the Santa Clara County General Plan as Hillside (HS). The Hillside designation is considered by the Santa Clara County General Plan to be a resource conservation area. This land use designation allows agriculture and grazing; mineral extraction; parks and low density recreational uses and facilities; land in its natural state; wildlife refuges; very low density residential development; and commercial industrial or institutional uses, which by their nature require remote, rural settings, or which support the recreational, or productive use, study or appreciation of the natural environment.

According to the Santa Clara County General Plan, the standard allowable density of residential development within areas designated as HS shall be one (1) dwelling unit per 160 acres, unless the development is proposed as a "cluster development." If development is proposed as a residential cluster, the allowable density shall be as determined by the "20-160 acre variable slope-density formula." Residential development proposals must be designed as a cluster in order to utilize the 20-160 acre variable slope-density formula. If the average slope of the parcel is 10% or less, the average area per dwelling unit shall be 20 acres. If the average slope of the parcel is 50% or above, the average area per dwelling unit shall be 160 acres.

Given that the average slope of the 503-46-007 parcel is greater than 50%, the Santa Clara County General Plan would allow for one (1) residential dwelling unit on the approximately 165-acre 503-46-007 parcel.

The 503-46-005 parcel is located within the City and is designated as Residential Hillside Conservation by the General Plan. This designation allows for single-family residential dwelling units and has a maximum density of 0.5 DU/net acre (du/ac) or 1.55 people/acre. Maximum

intensity of building and impervious surface coverage allowed is 15,000 SF, or 25 percent of site area, whichever is less.

Zoning

The 503-46-006 and 503-46-007 parcels are located in unincorporated Santa Clara County. Parcel 503-46-007 and the northern half of parcel 503-46-006 are zoned Hillside-d1 District (HS-d1) and the southern half of parcel 503-46-006 is zoned Hillside-d1-Scenic Roads (HS-d1-sr) under Article 2 of the County Ordinance Code.

The HS-d1 combining district is intended to conserve the scenic attributes of those hillside lands most immediately visible from the valley floor and allows all the uses listed under HS, including residential[6]. This designation is intended to minimize the visual impacts of structures and grading on the natural topography and landscape, using a combination of supplemental development standards, design guidelines, design review, and use of process incentives for smaller and less visible projects. Permitted uses under HS include agriculture and grazing, very low density residential use, low density, low intensity recreation, mineral and other resource extraction, and land in its natural state. Low-intensity commercial, industrial, and institutional uses may also be allowed if they require a remote, rural setting and are sized to primarily serve the rural residents or community, or if they support the recreational or productive use, study, appreciation, or enhancement of the natural environment. Clustering of development, particularly residential, is encouraged in order to preserve contiguous open space and achieve efficiency in the provision of access to dwellings.

Based on the average slope of the 503-46-007 parcel, the residential uses allowed on this parcel by the HS-d1 district include up to one residential dwelling unit per 160 acres. Accordingly, the HS-d1 district would allow for one (1) residential dwelling unit within the approximately 165-acre 503-46-007 parcel.

Parcel 503-46-005 is located within the City and is zoned Hillside Residential (HR) under Artide 15-13 of the City Municipal Code. The HR zoning district is intended to maintain, to the maximum degree feasible, the natural environment and existing rural character of the land. Allowed uses include single-family dwellings, accessory structures, and parks. Conditional uses include public utility and public service pumping stations, power stations, drainage ways and structures, storage tanks, and transmission lines.

3.4 Proposed Project

Proposed General Plan Land Use Designations and Zoning

General Plan Land Use Designation

As part of the Project, a General Plan amendment would be required to establish a new land use designation that would apply to the 503-46-006 parcel (refer to Figure 3-4) and to make various

[6] Where the average slope exceeds 50%, the land area per dwelling shall be 160 acres in HS.

conforming amendments. The new land use designation for the 503-46-006 parcel would be Regional Commercial (RC). This land use designation would allow a broad range of visitor serving commercial uses with a regional orientation. The RC designation would allow indoor and outdoor recreation, dining, entertainment, meetings and special events, retreats, lodging, wineries, spas, agriculture, and other similar commercial activities and compatible uses subject to standards specified in a Precise Plan. Parcels under this designation would be required to be a minimum of 150 acres in size. The Mountain Winery would be the only site within the City that falls under this RC designation.

The new General Plan land use designation (RC) would allow uses permitted under the Mountain Winery's existing County Use Permit (approved in 2000, modified in 2018) to continue, while also allowing for new uses (subject to a maximum permissible density and intensity of use established by the Precise Plan). New uses allowed under the RC designation include lodging (up to 300 rooms and ancillary uses) and a second water storage tank. Any development on lands designated as RC within the Project site would be limited to the approximately 73-acre Precise Plan area.

Lodging uses, as allowed by the RC designation, are defined in the Mountain Winery Precise Plan. Among the various arrangements that could be possible subject to the development standards and design guidelines in the Precise Plan are a traditional single building hotel with lodging units located on multiple floors or a multiple building hotel with lodging units in buildings separately sited. Lodging units may be separately platted and titled condominiums, located on one or more additionally subdivided lots, and marketed and sold to buyers for overnight use through a management program operated by the hotel, with total lodging unit count limited to 300.

The 503-46-007 parcel would be designated as Hillside Open Space (OS-H). This existing designation in the City's General Plan is intended to support and enhance a rural character, promote the wise use of natural resources, and avoid natural hazards. Similar to the current County land use designation, this designation allows environmentally sensitive low density residential use (up to one residential dwelling unit per 160 acres based on the slope at this site). Both the existing County land use designation and the proposed City land use designation would allow for equal amounts of residential development (i.e. one residential dwelling unit within the approximately 165-acre 503-46-007 parcel). Therefore, the proposed change from the County land use designation of HS to the City land use designation of OS-H would not result in any changes to the allowed uses on the 503-46-007 parcel. Given that no new uses would be allowed on the 506-46-007 parcel by the Project, there would be no effects as a result of the designation change. Accordingly, this parcel is not analyzed in further detail in the EIR.

The 503-46-005 parcel would retain the existing City land use designation of Residential Hillside Conservation.

Zoning

The Project would also require an amendment to the City's Zoning Ordinance to establish a new zoning district of Regional Commercial (RC) and to pre-zone the 503-46-006 parcel as RC, consistent with the General Plan amendment described above. The new zoning for the 503-46-

006 parcel would be Regional Commercial (RC). The RC zoning would require the City to approve a Precise Plan as a means to establish more specific land use regulations and design standards.

The new RC zoning district would allow uses permitted under the Mountain Winery's existing County Use Permit to continue, while also allowing for new uses (subject to a maximum permissible density and intensity of use established by the Precise Plan).

The 503-46-007 parcel would be pre-zoned as the City's existing Residential Open Space (R-OS) zoning district. The R-OS zoning district is intended to support and enhance a rural character, promote the wise use of natural resources, and avoid natural hazards. This district allows environmentally sensitive low density residential use (up to one residential dwelling unit per 160 acres based on the slope at this site). Both the existing County zoning and the proposed City zoning would allow for equal amounts of residential development (i.e. one residential dwelling unit within the approximately 165-acre 503-46-007 parcel). Therefore, the proposed change from the County zoning district of HS-d1 to the City zoning district of R-OS would not result in any changes to the allowed uses on the 503-46-007 parcel. Given that no new uses would be allowed on the 506-46-007 parcel by the Project, there would be no effects as a result of the zoning change. Accordingly, this parcel is not analyzed in further detail in the EIR.

The 503-46-005 parcel would retain the existing City zoning district of Hillside Residential (HR), which allows for utility lines to be constructed.

Project Approvals

As illustrated in Figure 3-3, at present, parcel 503-46-005 is located within the City of Saratoga's city-limit lines, Sphere of Influence (SOI) and Urban Service Area (USA). Parcels 503-46-006 and 503-46-007 are located within unincorporated Santa Clara County. Parcel 503-46-006 is located outside of the City USA and a majority of the 503-46-006 parcel is within the City SOI. The 503-46-007 parcel is located outside of both the City USA and the SOI. Implementation of the Project requires SOI and USA expansion, annexation to the City of Saratoga, and annexation to the Cupertino Sanitary District, all of which must be approved by the Santa Clara Local Agency Formation Commission (LAFCo) pursuant to a separate process(es) under state law, as further discussed below.

Mountain Winery Precise Plan

The Santa Clara LAFCo requires cities to pre-zone properties that are planned for annexation. As part of the Project, the City would create a new zoning district, as described above, that would require a Precise Plan be approved by the City to establish more specific land use regulations and design standards within the Precise Plan area. Pre-zoning of the project site is consistent with State law requiring cities to pre-zone land proposed for annexation, as the Santa Clara LAFCo must determine that annexation is consistent with the planned use of the property based on the City's General Plan and pre-zoning designation.

The Precise Plan sets forth specific development standards and design review findings related to current and future development within the Precise Plan area, as shown in Figure 3-2. The Plan

would help to ensure any future development blend in with existing landscapes and hillsides and not result in impacts to community viewsheds. The Precise Plan establishes the maximum area to be covered by enclosed structures (footprint of buildings) on lands as no more than 20% of the Precise Plan area, or 14 acres, whichever is less. The Precise Plan also establishes that the maximum building height allowed as 35 feet, with up to 10 feet of additional height allowed for architectural features that do not contain floor area.

Development Agreement

As part of the Project the landowner and the City will enter into a Development Agreement (the DA). The DA would further memorialize the landowner's commitments to operate the Mountain Winery and provide benefits to the community in return for assuring that the Mountain Winery has a vested right to the land use standards defined by the Project.

Urban Service Area

The City will apply to LAFCo to initiate the expansion of the City USA to include parcels 503-46-006 and 503-46-007, in anticipation of annexation of the Project site into the City of Saratoga.

Sphere of Influence

The City will apply to LAFCo to initiate the expansion of the City SOI to include parcel 503-46-007 and the remainder of parcel 503-46-006 that is not currently within the City SOI, in anticipation of annexation of the Project site into the City of Saratoga.

Annexation

Following LAFCo approval of the USA and SOI amendments, the City would annex the Project site within the municipal boundaries of the City of Saratoga. Prior to development of lodging uses on the site, the Cupertino Sanitary District is expected to apply to LAFCo to annex parcels 503-46-005 and 503-46-006 to allow for potential future sanitary sewer service to be provided to the Mountain Winery.

Project Site Design

Grading

As noted above, the Project would allow the uses currently permitted under the existing County CUP to continue, which includes the existing Mountain Winery operations and the five previously approved structures and outdoor terrace garden area. Land preparation and some construction activities have commenced for these structures and it is anticipated that these new site improvements will be completed in 2020.

New uses allowed by the Project would include visitor lodging (up to 300 lodging units and ancillary uses), a second water tank, and the allowed future connection into the Cupertino Sanitary District. Grading of future development of the new uses allowed by the Project would require City review and approval prior to the issuance of grading permits. There are no current applications for subsequent development under review by the City. As such, total grading quantities (cut and fill) required to support future development have not been determined.

Landscaping

Maintenance of existing natural vegetation would occur to ensure continuation of existing visual screening of the property.

Proposed Project Infrastructure

Access, Circulation, and Parking

Local access to the Project site would continue to be provided via Pierce Road which intersects Saratoga-Sunnyvale Road to the north and Big Basin Way (SR-9) to the south. Primary access would continue to be provided via the Mountain Winery Driveway. Emergency access to the Project site would continue to be provided via the Mountain Winery Driveway, and secondarily via the existing maintained EVA road (refer to Figure 3-2). The existing parking lots would generally be maintained in their current configuration. However, the Project may include some minimal ground disturbance within the Precise Plan area to accommodate new parking spaces, should the lodging uses proposed require additional on-site parking. Should the maximum uses allowed under the Project be implemented, internal circulation roads may be constructed to provide access to the new buildings.

Stormwater Management

The Santa Clara Valley Water District would continue to be responsible for maintaining stormwater facilities. The Project would prepare a Stormwater Management Plan to ensure future development would not violate any water quality standards or waste discharge requirements.

Water Supply

The Project would continue to receive water from the San Jose Water Company. The Project would allow for future development of a second water tank on the Project site with a maximum 360,000- gallon capacity, to be placed near the existing water tank. The second water tank could support future non-potable water demands and future fire suppression needs. The new lodging and ancillary uses allowed by the project would create additional demand for potable and non-potable water. The total demand of the Project site with full buildout would be approximately 82,140 gpd. The new water tank would be sized to accommodate maximum anticipated demand under full build out of the Precise Plan. The County Environmental Health Department would continue to be responsible for inspections.

Sanitary Sewer Service

As discussed above, the Project site is currently served by an onsite sewage collection system, septic treatment, and percolation disposal field that. Existing on-site operations would continue to be served by the existing onsite sewage collection system. The Project would include annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District, allowing for the potential future connection of the Mountain Winery to the Cupertino Sanitary District to serve any future lodging uses. Any future infrastructure to connect the Mountain Winery to

Cupertino Sanitary District would be restricted to the Sanitary Sewer Connection area, as shown in Figure 3-2. The Precise Plan requires that the future sewer line connecting to the sanitary sewer system shall be sized to adequately serve the uses allowed in the Precise Plan while minimizing excess capacity.

Solid Waste

The West Valley Solid Waste Management Authority would continue to provide solid waste services to the Project site.

Gas and Electric

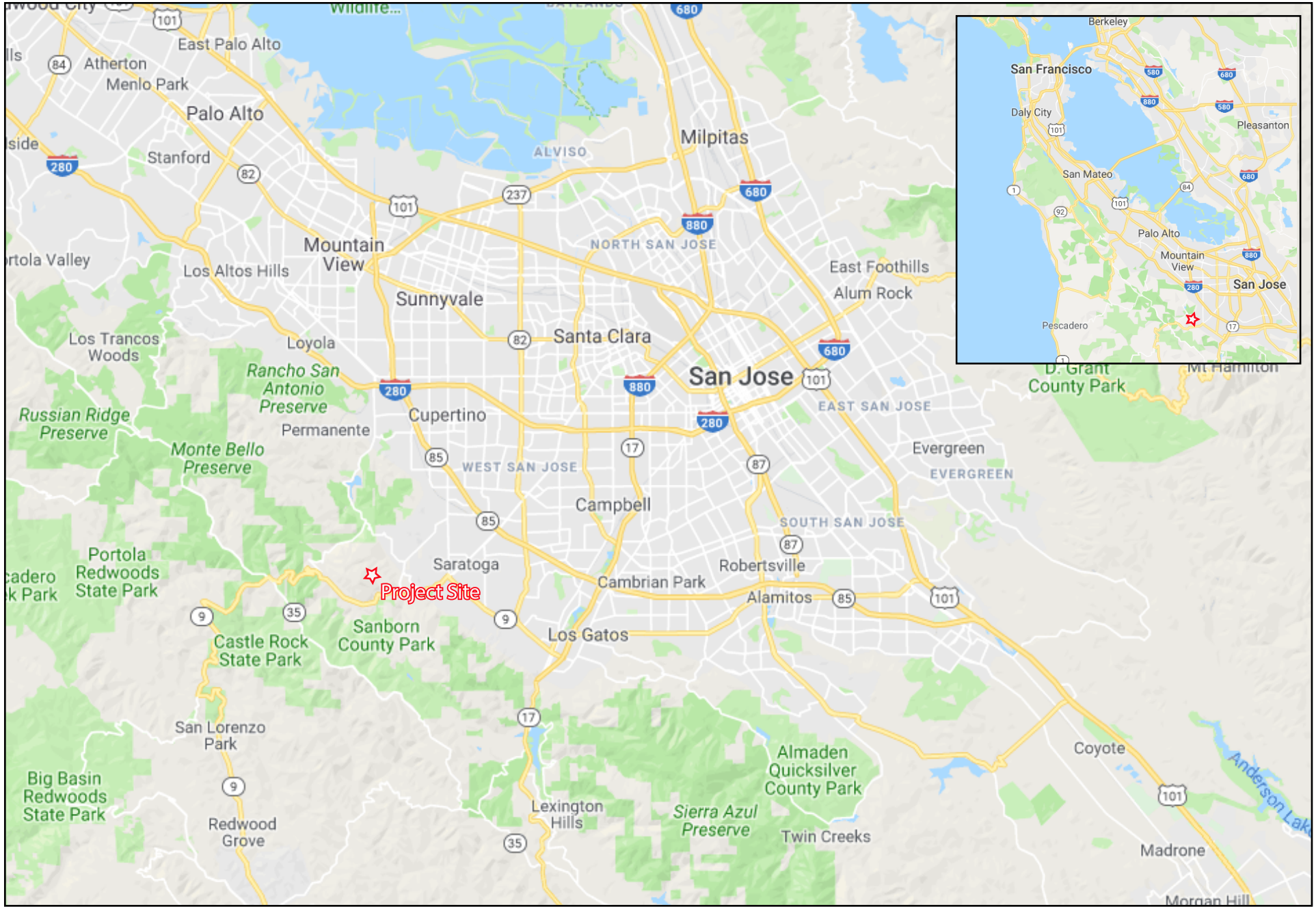
PG&E would continue to provide electric services to the Project site. The Project site would continue to be served by the existing propane tanks.

Telecommunications

AT&T, Comcast, ViaSat, and Sonic would continue to provide telecommunication, cable television, and Internet services to the Project site.

Public Services

Fire Protection Services would continue to be provided by, Saratoga Fire Protection District, who are under contract with Santa Clara County Fire Protection District. Police Protection Services would continue to be provided by the Santa Clara County Sheriff's Department.



Source: Google Earth, 2019

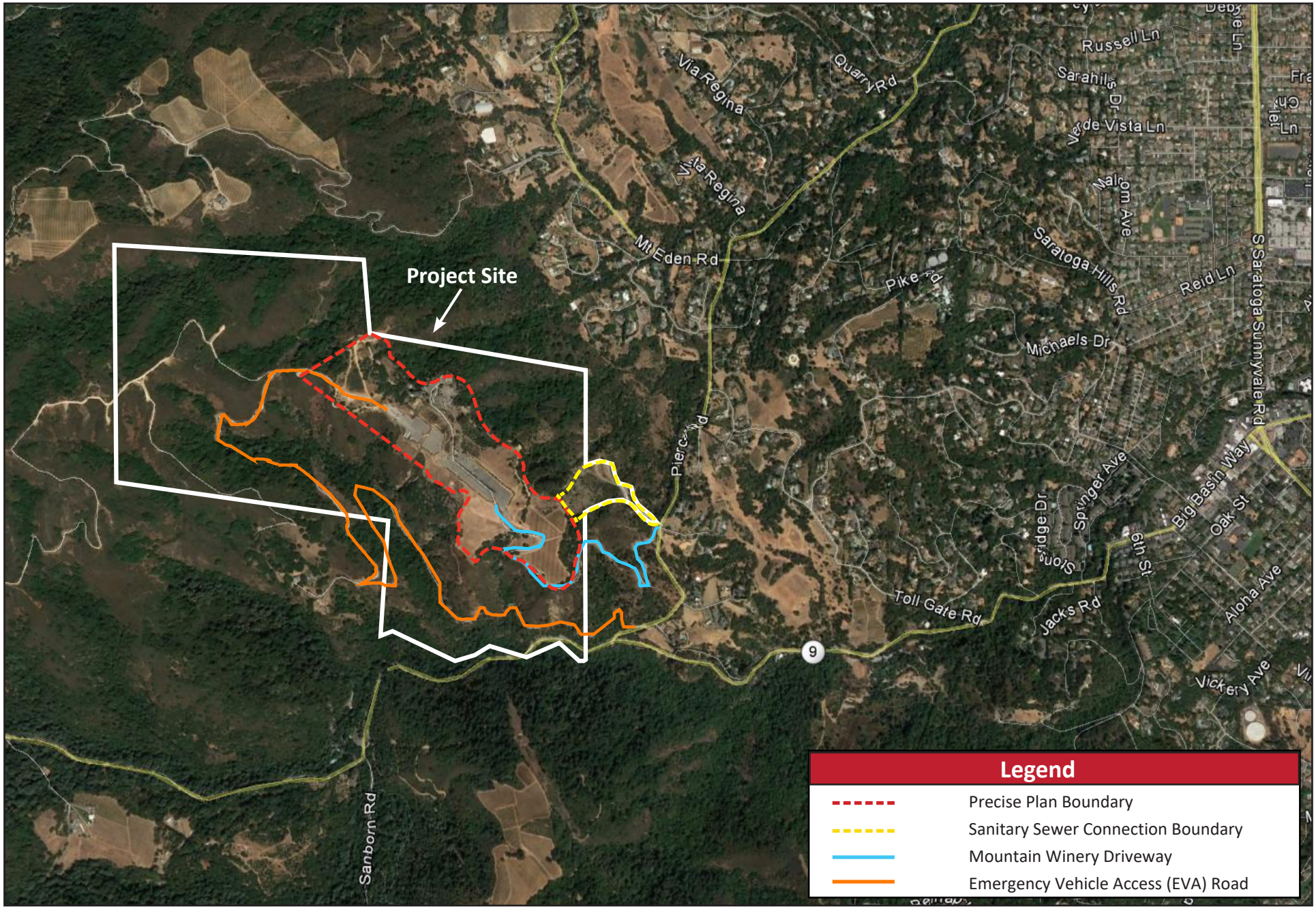
Figure 3-1: Regional Location

Mountain Winery Annexation Project
Draft EIR

Not to scale

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Source: Google Earth, 2019

Figure 3-2: Project Location

Mountain Winery Annexation Project
Draft EIR

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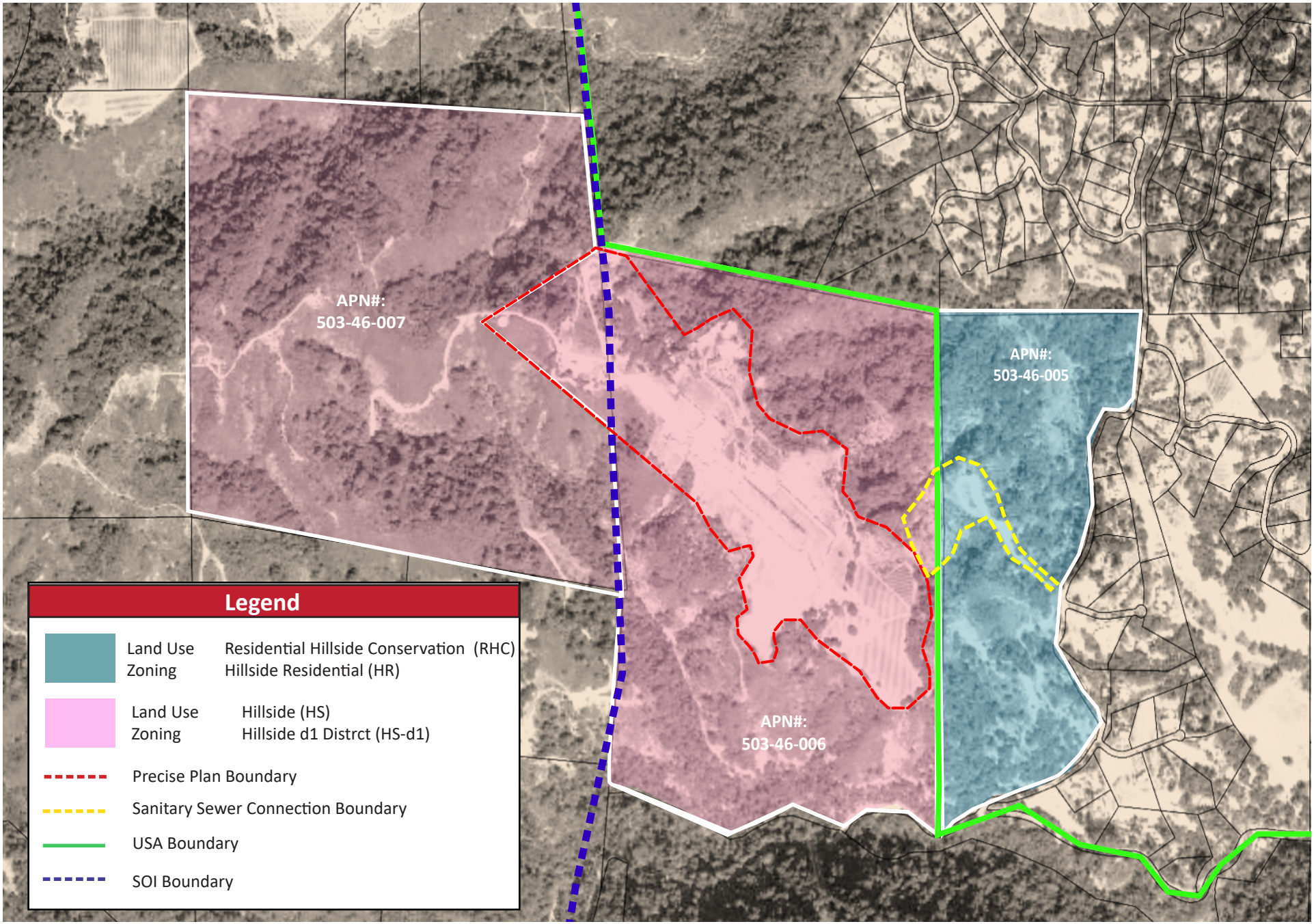
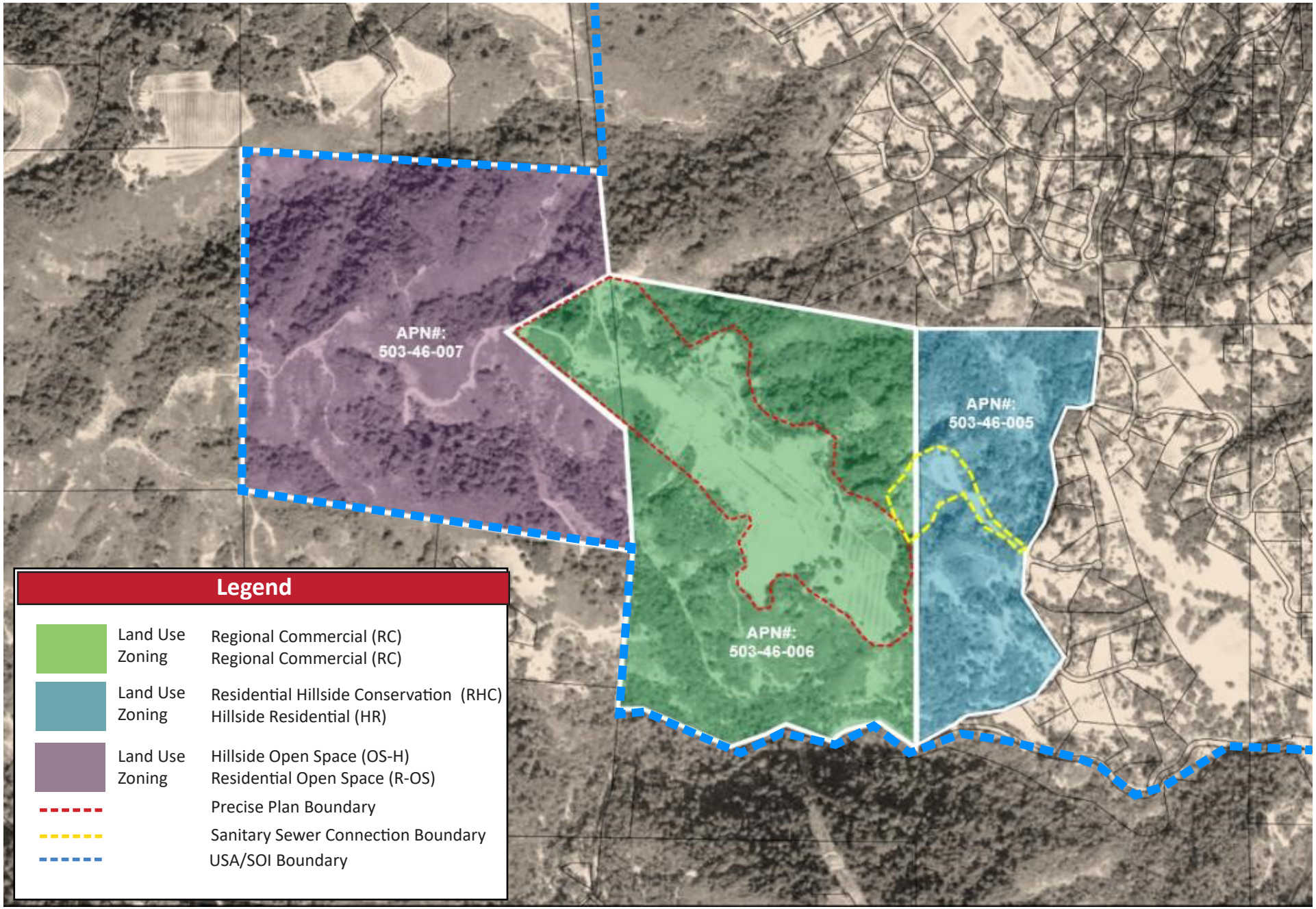


Figure 3-3: Existing Land Use Designations and City USA/SOI Boundaries

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Source: Kimley-Horn, 2019

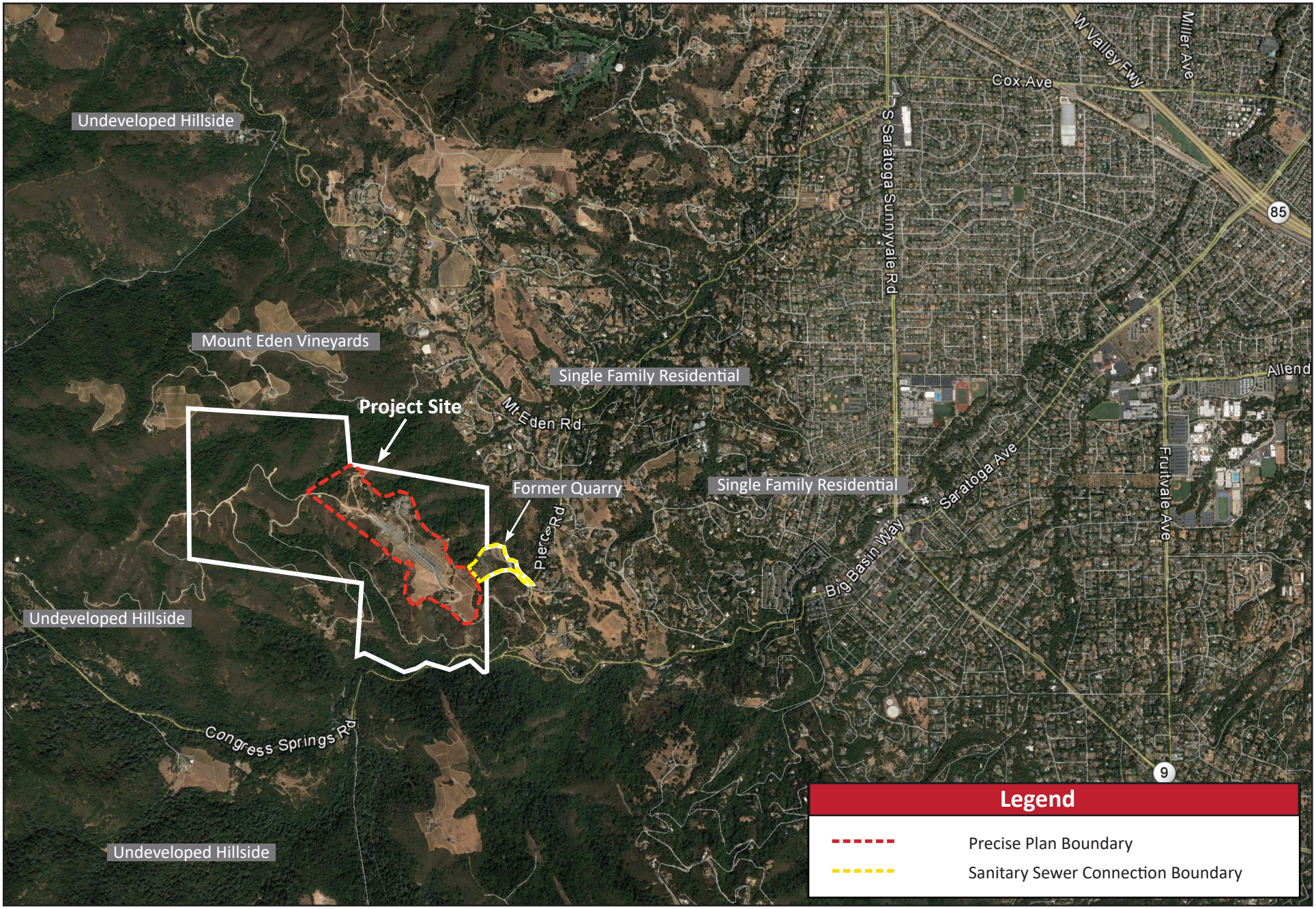
Figure 3-4: Proposed Land Use Designations and City USA/SOI Boundaries

Mountain Winery Annexation Project
Draft EIR

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Source: Google Earth, 2019

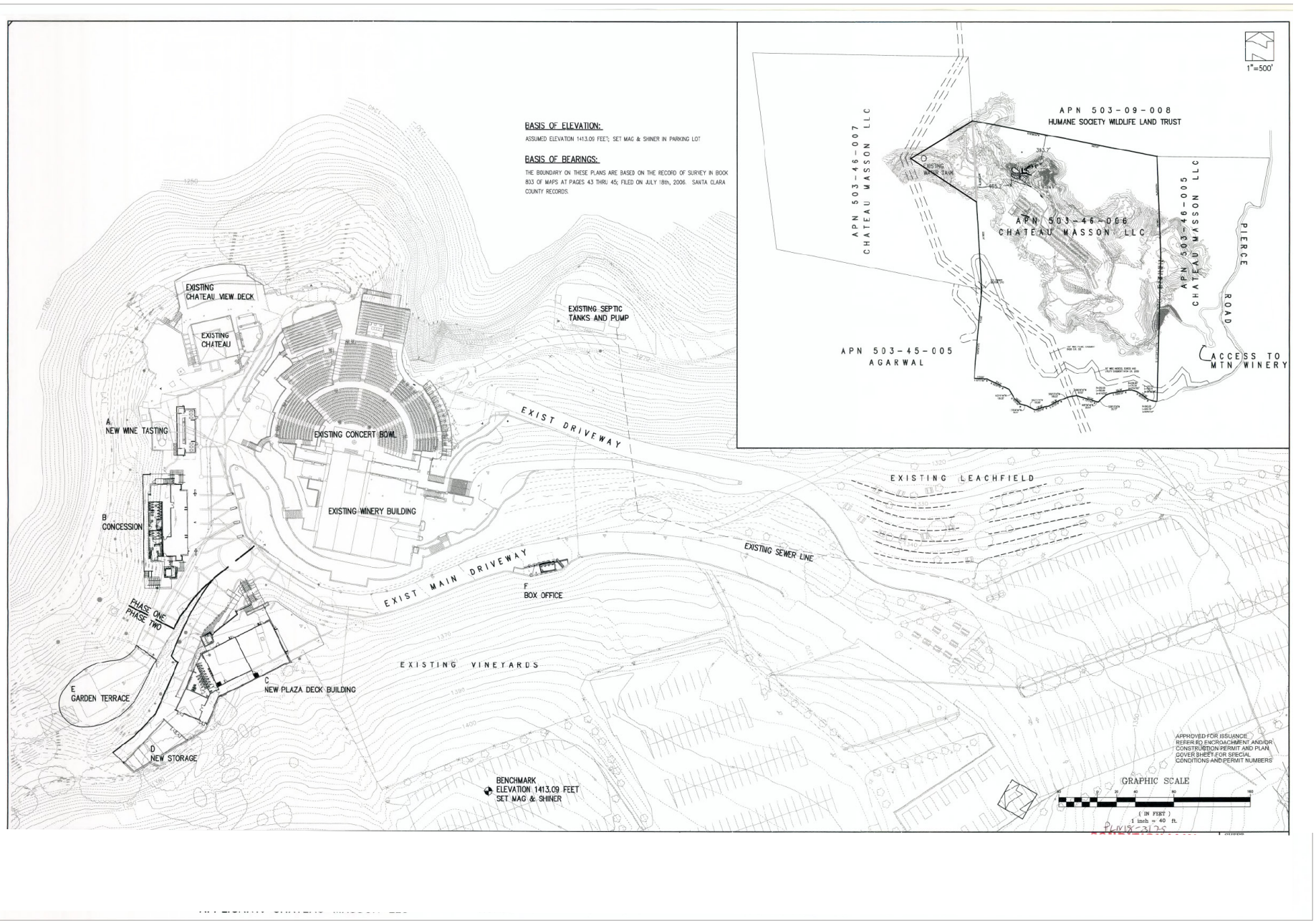
Figure 3-5: Surrounding Land Uses

Mountain Winery Annexation Project
Draft EIR

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Source: County of Santa Clara, 2018. *Staff Report (3179-18A-18G-18DR) ASA Design Review and Grading Approval for Five New Buildings and a Garden Terrace Area*

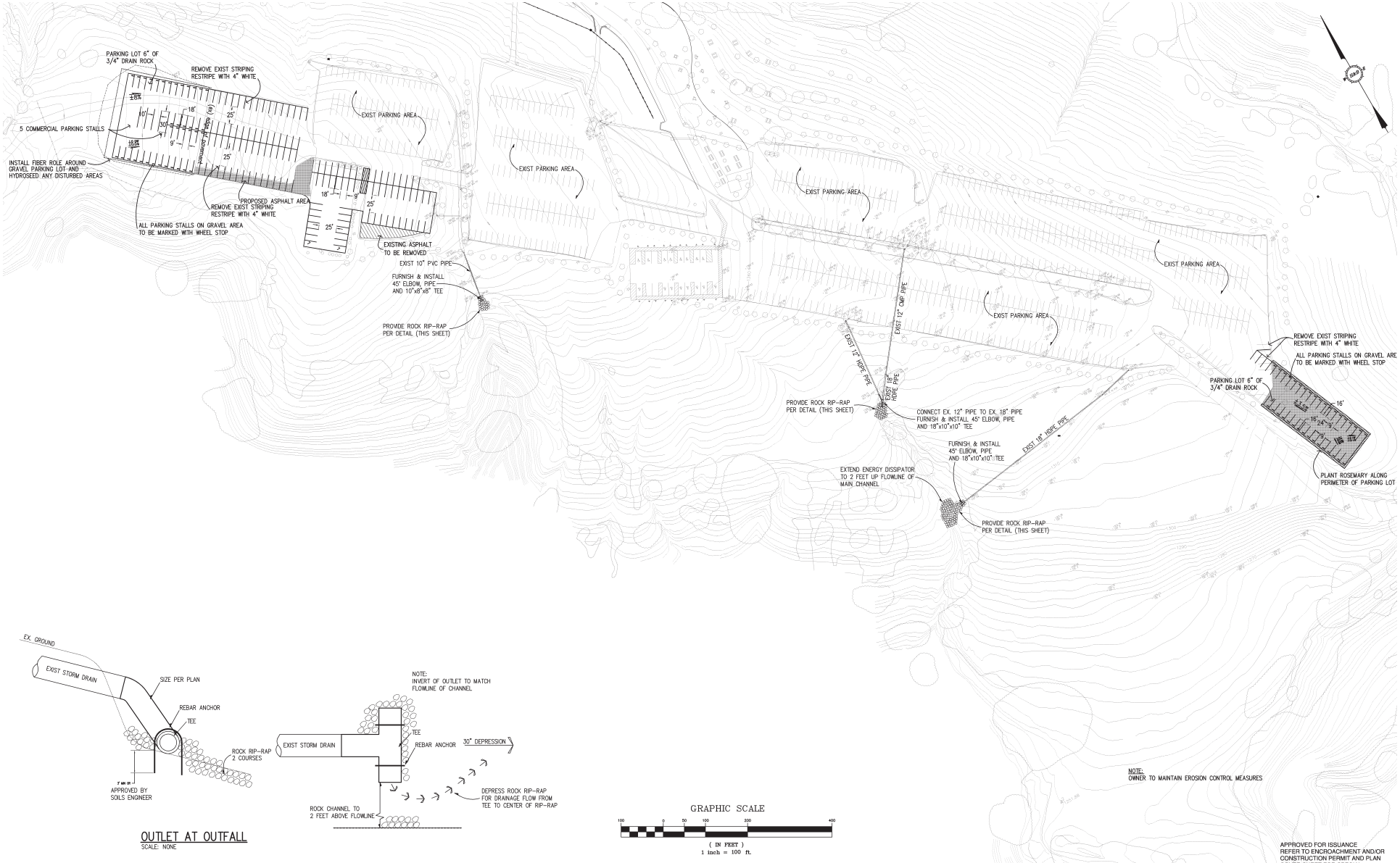
Figure 3-6: Existing Project Site Plan

Mountain Winery Annexation Project
Draft EIR

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Source: Hanna Brunetti, 2009

Figure 3-7: Parking Lot Storm Drain System

Mountain Winery Annexation Project
Draft EIR

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4 Introduction to Environmental Analysis

4.1 Environmental Assessment Methodology

The environmental resource analysis below (by section) describes the potential environmental impacts associated with the construction and operation of project. This analysis considers the comments submitted during the scoping process (see Appendix F: Notice of Preparation and Comment Letters). References to data and/or technical studies are listed at the end of each chapter.

4.1.1 Methodology

The methodology used to determine impacts consists of three key components, summarized below.

- **Environmental Setting**. The environmental setting describes existing conditions in the Project site that may change as a result of the construction and operation of the proposed project. Pursuant to CEQA Guidelines (Section 15125(a)), the environmental setting used for the impact analysis reflects the conditions at the time of the issuance of the Notice of Preparation.
- **Applicable Regulations, Plans, and Standards**. Each issue area includes a description of current public policies, regulations, programs, and standards that apply to the proposed project.
- **Environmental Impacts and Mitigation Measures**. This section evaluates the environmental impacts (including cumulative) of the proposed project based on predetermined, specific significance criteria. In determining the significance of impacts, the assessment considers the ability of existing regulations and other public agency requirements to reduce impacts. If an adverse impact is potentially significant despite existing regulations and requirements, mitigation measures are proposed to reduce or avoid the impact, where feasible. Mitigation measures are required only for significant adverse impacts. Once impacts and mitigation measures, as applicable, are presented, the "level of significance after mitigation" is determined.

4.1.2 Impact Significance

While the criteria for determining whether an impact is significant are unique to each issue area, a uniform classification of impacts is used in this EIR. Each impact is categorized based on the following definitions:

- **Significant Unavoidable**: Impact would be significant and cannot be mitigated to a level that is less than significant.
- **Less than Significant with Mitigation:** Potentially significant impact that can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

- **Less than Significant:** Impact would be less than significant; no mitigation recommended.
- **No Impact:** No impact would occur and no mitigation is recommended.

4.1.3 Mitigation Measures

Where potentially significant impacts are identified, mitigation measures are identified. Each mitigation measure defines the specific requirements to reduce impacts and defines the timeframe, responsible party, and the mitigation monitoring requirement, if applicable.

4.1.4 Mitigation Monitoring

Public Resources Code Section 21081.6 establishes two distinct requirements for agencies involved in the CEQA process. Subdivisions (a) and (b) of the section relate to mitigation monitoring and reporting, and the obligation to mitigate significant effects where possible. Pursuant to subdivision (a), whenever a public agency completes an EIR and makes a finding pursuant to Section 21081(a) of the Public Resources Code taking responsibility for mitigation identified in the EIR, the agency must adopt a program of monitoring or reporting which will ensure that mitigation measures are complied with during implementation of the proposed project.

4.2 Effects Not Found to Be Significant

Pursuant to the CEQA Guidelines §15128, "An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." This chapter of the Draft EIR describes the resource areas which were found not to pose any potentially significant effects.

Based on the scope of the proposed project, comment letters in response to the NOP, site visits, review of project applicant materials and technical reports, and additional background research on the construction and operational features of the project, Sections 5 through 21 of this Draft EIR consider all topics in Appendix G of the CEQA Guidelines.

4.3 Cumulative Impacts

4.3.1 CEQA Requirements

Under the CEQA Guidelines, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the environmental impact report ("EIR") together with other projects causing related impacts" (14 CCR §15130(a)(1)). CEQA PRC §21000 et seq., an EIR must discuss cumulative impacts if the incremental effect of a project, combined with the effects of other projects is "cumulatively considerable" (14 CCR §15130(a)). Such incremental effects are to be "viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (14 CCR §15164(b)(1)). Together, these projects compose the cumulative scenario which forms the basis of the cumulative impact analysis.

Cumulative impacts analysis should highlight past actions that are closely related either in time or location to the project being considered, catalogue past projects and discuss how they have harmed the environment and discuss past actions even if they were undertaken by another agency or another person. Both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, "but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion of cumulative impacts shall be guided by standards of practicality and reasonableness, and shall focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact" (14 CCR §15130(b)).

The analysis must be in sufficient detail to be useful to the decision maker in deciding whether, or how, to alter the program to lessen cumulative impacts. Most of these are undergoing, or will be required to undergo, their own independent environmental review under CEQA. Significant adverse impacts of the cumulative projects would be required to be reduced, avoided or minimized through the application and implementation of mitigation measures. The net effect of these mitigation measures is assumed to be a general lessening of contribution to cumulative impacts.

There are two commonly used approaches, or methodologies, for establishing the cumulative impact setting or scenario. One approach is to use a "list of past, present, and probable future projects producing related or cumulative impacts" (14 CCR §15130(b)(1)(A)). The other is to use a "summary of projects contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact" (14 CCR §15130(b)(1)(B)).

This EIR uses the list-based approach to provide a tangible understanding and context for analyzing the cumulative effects of a project. The cumulative analysis is based on the cumulative project list maintained by the City; the City's General Plan and other planning documents were also used as additional reference points in establishing the cumulative scenario for the analysis. Given the close proximity of the Project site to unincorporated County lands, the County General Plan was utilized to understand the potential cumulative setting, as well as any planned and reasonably foreseeable projects in the County purview. Only one project was identified as having potential to contribute to the cumulative setting for the Project, the Conservation Center for Wildlife Care project, which is described further below.

Specifically, the following major projects were considered in the cumulative analysis and are mapped in Figure 4-1:

- **Saratoga Retirement Community (Submitted to Planning September 2019, under review); 14500 Fruitvale Avenue** : The application is proposing to expand the campus to add 73 new Independent Senior Housing Units, a new Meeting Room, and a small Fitness Facility. The project will also include 196 new structured parking spaces, most of which are underground.

- **Marshall Lane Subdivision (Submitted to Planning June 2019, under review); 18500 and 18520 Marshall Lane**: The applicant is proposing to subdivide two (2) properties into 9 new lots. A new road is proposed as a part of this project. In addition, the application is requesting a zoning change from Agricultural (A) to R-1-40,000.
- **Saratoga to the Sea Trail (Project out to bid, anticipated start date November 2019):** The construction of an approximately 3 mile public recreational trail connection from Saratoga Quarry Park to Sanborn County Park in western Santa Clara County. The proposed trail would occur on City-owned and privately-owned land within the Project site. The trail is envisioned to eventually connect to existing County trails within Sanborn County Park and to serve as part of a trail system linking trails in Saratoga to the Skyline-to-the Sea Trail to form a Saratoga-to-the-Sea trail.
- **Palm Villas Saratoga; Saratoga Creek Drive (389-06-020, 389-06-021) (Submitted to Planning 2017, under review):** The proposed project consists of the construction and operation of a Residential Care Facility for the Elderly (RCFE) consisting of two - buildings on two adjacent lots. The two buildings have been designed to function as a single complex. One building would be for individuals with mild stage Alzheimer's/Dementia and the second for individuals with advanced stage Alzheimer's/Dementia. The proposed project would include a combined total of 78 beds, related support functions (such as food service, pharmacy, laundry, administration, etc.), 47 parking spaces, landscaping (including removal of some trees), utility connections, and an extension of Saratoga Creek Drive.
- **20640 Third Street (Planning approved 10/2019):** A three story, 35 feet tall, 5,678 square foot (SF) mixed-use building on a vacant 2,527 SF parcel at 20640 Third Street adjacent to the Sam Cloud Barn. The project includes a request for variances to locate the site on a slope exceeding 30% and for the project to exceed the 80% maximum allowed building site coverage. The project will include first-floor commercial office space and two residential units on floors two and three. A basement level garage will provide parking for eight vehicles. Three protected trees would be removed.
- **Mixed Use Project-14630 Big Basin Way (Planning approval 06/2019):** The project includes deconstructing, relocation, and reconstruction of the historic John Henry House to make room for the construction of a 2,922-mixed-use commercial/office building which will include a restaurant on the ground floor and offices on the second floor. The John Henry House would be relocated to the rear of the property and used as office/meeting space.
- **Conservation Center for Wildlife Care (Notice of Determination 11/2014)**: The Conservation Center for Wildlife Care project would be located on an approximately 170-acre site on the northeast side of Congress Springs Road (Highway 9). This proposed project entails the construction and operation of a conservation center for wildlife (Conservation Center) that would provide a state-of-the-art facility for rehabilitation of injured and orphaned native wildlife. The Conservation Center would also allow for captive propagation of small, endangered, threatened or imperiled native species in

collaboration with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). In addition, the Conservation Center would conduct education programs for children and families about native wildlife and the natural environment.

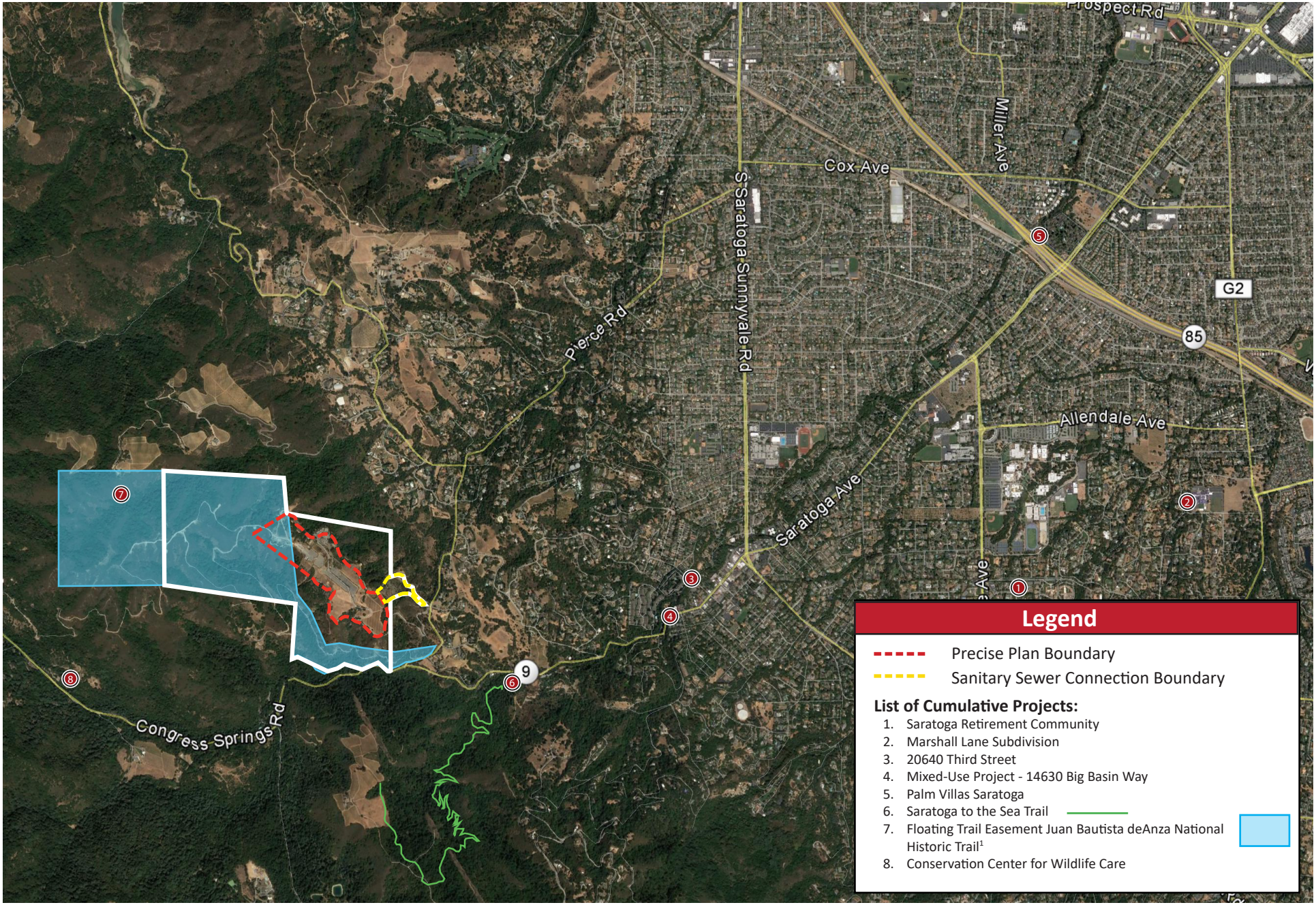
Cumulative Impact Analysis Methodology

The area within which a cumulative effect can occur varies by resource. For example, air quality impacts generally affect a large area (such as the regional Air Basin), while traffic impacts are typically more localized. For this reason, the geographic scope for the analysis of cumulative impacts is identified for each resource area in the following chapters.

The analysis of cumulative effects considers a number of variables, including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The geographic scope of each analysis is based on the topography surrounding the Project site and the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the proposed project.

In addition, each project has its own implementation schedule, which may or may not coincide or overlap with the proposed project's schedule. This is a consideration for short-term impacts from the proposed project. However, to be conservative, the cumulative analysis assumes that all projects in the cumulative scenario are built and operating during the operating lifetime of the proposed project that may result from the proposed project.

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Source: Kimley-Horn, 2019

Note: [1]The County Parks Department desires to develop a 10-foot wide trail, the Juan Bautista deAnza National Historic Trail, within a 25-foot wide trail easement on the Mountain Winery property.

Figure 4-1: Cumulative Projects

Mountain Winery Annexation Project
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

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5 Aesthetics

5.1 Introduction

This section describes effects on aesthetic conditions in the Project area. The current condition and quality of aesthetics was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- Mountain Winery Precise Plan
- Aerial Imagery
- Santa Clara County Conditional Use Permit. October 4, 2018.

The study area, also known as the viewshed or area of potential visual effect (the area within which the Project could potentially be seen), is defined as the area from which the Project would be seen. This includes views on the Project site, immediately surrounding the Project site, and from the surrounding public areas, such as Highway 9. The current condition and quality of aesthetic resources within the study area, plus consideration of the new buildings approved by the County in 2018 and currently under construction, were used as the baseline against which to compare potential aesthetic impacts of the Project.

5.2 Environmental Setting

This section presents information on aesthetic conditions in the study area. The current condition and quality of aesthetic resources was used as the baseline against which to compare potential impacts of the Project.

5.2.1 Regional Landscape

The Project site is located on the edge of the Santa Cruz Mountains, a temperate rainforest. Santa Clara County Municipal Code Section 3.30.050 designates Mt. Eden Road and Sanborn Road as scenic routes in the Project area that are within close proximity of the Project site. The area surrounding the Project site consists of generally undeveloped hillsides with scattered residential uses and roadways. The regional landscaping consists of native and non-native vegetation in chaparral and woodland habitats. Some of the native vegetation includes: redwood, coast live oak, and Pacific madrone. Some of the non-native vegetation includes: cypress, cedars of Lebanon, and palms.

5.2.2 Project Setting

The Mountain Winery is located on the eastern edge of the Santa Cruz Mountains at approximately 1,300 to 1,450 feet above mean sea level (amsl), just west of low-density single-family residential uses in the City of Saratoga. Vast views of the regional landscape are awarded from the Project site due to its elevation. Views to the north include the San Francisco Bay. Views

to the south and west include various peaks within the Santa Cruz Mountain range. Views to the east include the Santa Clara Valley with the west facing slopes of the Mount Diablo mountain range in the background. The principal visual elements of the site are the original Winery and associated buildings with surrounding landscaping, surface parking lots, and forested hillsides with native vegetation such as chaparral, oak, and pine.

5.2.3 Project Viewshed

The viewshed or area of potential visual effect (the area within which the Project could potentially be seen) is relatively confined to scattered residential uses, trail users, and motorists traveling on nearby roadways. The Project site sits at a relatively high elevation (approximately 1,300 to 1,450 feet above mean sea level) in comparison to surrounding uses. Therefore, views of the Project site could be awarded to users beyond the immediate vicinity looking upwards toward the Project site from a distance. However, those views would be limited due to the rolling hillside topography of the Project area and the densely vegetated regional landscape and the potential for other uses to interfere with views of the Project site.

5.3 Applicable Regulations, Plans, and Standards

5.3.1 Federal

None applicable.

5.3.2 State

In 1963, the California Legislature established the State's Scenic Highway Program, which is intended to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq.

The State Scenic Highways program, established by the Streets and Highways Code, is administered by the California Department of Transportation (Caltrans). The State Scenic Highway System includes highways that are either eligible for designation as scenic highways or have been designated as such.

For Caltrans to grant an eligible route official status as a California State Scenic Highway, the local jurisdiction must implement a Corridor Protection Program by either adopting ordinances, zoning, and/or planning policies to preserve the scenic quality of the corridor, or documenting that such regulations already exist in various portions of local codes. Policies to prevent visual degradation of these view corridors might include restriction of dense and continuous development, reflective surfaces, ridgeline development, extensive cut and fill grading, disturbed hillsides and landscape, exposed earth, and non-native vegetation.

Within the Project area, SR-9 is a State Scenic Route that runs from Los Gatos to Saratoga, then turns upward into the Santa Cruz Mountains and winds westward to Skyline Boulevard (Caltrans,

2017). Access to the Project site is provided by a steep winding private roadway that rises from Pierce Road just north of State Route 9 (SR-9).

5.3.3 Regional and Local

Santa Clara County General Plan

Resource Conservation Element

The Santa Clara County General Plan Resource Conservation Element (RC) discusses the natural and heritage resources found within the County. The RC Element addresses seven resource areas including (1) Water Supply, (2) Water Quality and Watershed Management, (3) Habitat and Biodiversity, (4) Agriculture, (5) Mineral Resources, (6) Heritage Resources, (7) Scenic Resources and two conservation-related areas (8) Solid Waste Management and (9) Energy Resources. Issue- specific goals, policy directions, and implementation actions are found in each section to promote effective resource conservation and management. Goals and policies most directly related to aesthetics are included below.

- Policy C-RC 27: Habitat types and biodiversity within Santa Clara County and the region should be maintained and enhanced for their ecological, functional, aesthetic, and recreational importance.
- Policy C-RC 57: The scenic and aesthetic qualities of both the natural and built environments should be preserved and enhanced for their importance to the overall quality of life for Santa Clara County.
- Policy C-RC 61: Public and private development and infrastructure located in areas of special scenic significance should not create major, lasting adverse visual impacts.
- Policy C-RC 62: Urban parks and open spaces, civic places, and public commons areas should be designed, developed and maintained such that the aesthetic qualities of urban settings are preserved and urban livability is enhanced. Natural resource features and functions within the urban environment should also be enhanced.

Parks and Recreation Element

The County General Plan Parks and Recreation Element (PR) discusses three types of areas and facilities with the potential to contribute to meeting future recreation demand and maintaining the County's natural resources and beauty: (1) Regional Parks and Public Open Space Lands, (2) Trails, and (3) Scenic Highways. Goals and policies most directly related to Aesthetics are included below.

- Policy C-PR 37: The natural scenery along many of Santa Clara County's highways should be protected from land uses and other activities which would diminish its aesthetic beauty.

- Policy C-PR 43: New structures should be located where they will not have a negative impact on the scenic quality of the area, and in rural areas they should generally be set back at least 100 feet from scenic roads and highways to minimize their visual impact.
- Policy C-PR 44: Landscaping with drought-resistant native plants should be encouraged adjacent to scenic roads and highways.
- Policy C-PR 45: Activities along scenic highways that are of a substantially unsightly nature, such as equipment storage or maintenance, fuel tanks, refuse storage or processing and service yards, should be screened from view.

Santa Clara County Municipal Code

Section 3.30.050

The purpose of the Scenic Roads combining district is to protect the visual character of scenic roads in Santa Clara County through special development and sign regulations. The combining district applies to all designated scenic roads in unincorporated Santa Clara County.

Section 3.20.040

The 503-46-006 and 503-46-007 parcels are located in unincorporated Santa Clara County. Parcel 503-46-007 and the northern half of parcel 503-46-006 are zoned Hillside-d1 District (HS-d1) and the southern half of parcel 503-46-006 is zoned Hillside-d1-Scenic Roads (HS-d1-sr).

The HS-d1 combining district is intended to conserve the scenic attributes of those hillside lands most immediately visible from the valley floor and allows all the uses listed under HS, including residential. This district is intended to minimize the visual impacts of structures and grading on the natural topography and landscape, using a combination of supplemental development standards, design guidelines, design review, and use of process incentives for smaller and less visible projects.

City of Saratoga General Plan

Land Use Element

The City of Saratoga General Plan Land Use Element (LU) serves as the central framework for the entire City General Plan and as a guide to planners, members of the public, and decision makers as to the desired pattern of development for the city. This element establishes the City General Plan land use designations for the city and details allowable uses within each. Furthermore, policies and implementation measures are outlined to allow the City to achieve the vision adopted for the planning horizon. Policies and implementation measures most directly related to aesthetics are included below.

Goal LU 1: Maintain the predominantly small-town residential character of Saratoga which includes semi-rural and open space areas.

- Policy LU 1.2: Continue to review all residential development proposals to ensure consistency with Land Use Element goals and Policies.

- Policy LU 1.5: Ensure that all development proposals are consistent with the spirit and requirements established by Measure G.

Goal LU 5: Relate development proposals to existing and planned street capacities to avoid excessive noise, traffic, and other public safety hazards so as to protect neighborhoods. If it is determined that existing streets need to be improved to accommodate a project, such improvements shall be in place or bonded for prior to issuance of building permits.

- Policy LU 5.2: Development proposals shall be evaluated against City standards and guidelines to assure that the related traffic, noise, light, appearance, and intensity of the proposed use have limited adverse impact on the area and can be fully mitigated.
- Policy LU 5.4: Through the development review process, ensure that adjoining neighborhoods are protected from noise, light, glare and other impacts resulting from new or expanded non-residential developments.

Goal LU 6: Protect natural resources and amenities through appropriate land use and related programs.

- Policy LU 6.1: Incorporate specific standards and requirements into the Zoning Ordinance to preserve and protect sensitive watershed areas on hillsides within the community.

Goal LU 9: Preserve the rural nature of the hills by limiting incompatible development.

- Policy LU 9.1: Limit Expansion of Urban Development in the hillside areas.
- Policy LU 9.2: Limit the amount of grading within hillside areas to the minimum amount needed for dwellings and access.

Goal LU 10: Minimize the visual impacts of hillside development, especially on ridgetops.

- Policy LU 10.1: Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts.

Goal LU 12: Recognize the heritage of the City by seeking to protect historic and cultural resources, where feasible.

- Policy LU 12.1: Enhance the visual character of the City by encouraging compatibility of architectural styles that reflect established architectural traditions.

Goal LU 13: The City shall use the design review process to assure that new construction and major additions thereto are compatible with the site and the adjacent surroundings.

- Policy LU 13.1: Utilize the design review process and the California Environmental Quality Act in the review of proposed residential and non-residential projects to promote high quality design, to ensure compliance with applicable regulations, to ensure compatibility with surrounding properties and use, and to minimize environmental impacts. Special attention shall be given to ensuring compatibility between residential and non-residential uses (e.g., land use buffering).

Circulation and Scenic Highway Element

The City General Plan Circulation and Scenic Highway Element (CI) discusses all travel modes and transportation systems including roadways, bikeways, sidewalks, transit facilities and services, and rail lines. Additionally, the element addresses Scenic Highway designations and corridor preservation issues. Policies and implementation measures are outlined to promote a balanced, multi-modal transportation system in Saratoga and meet other adopted goals. Policies and implementation measures most directly related to aesthetics are included below.

Goal CI.6a: Protect the aesthetic, historic and remaining rural qualities of Saratoga through street design and landscaping.

Goal CI.6b: Strive for aesthetically pleasing views from all roads in Saratoga and the Sphere of Influence.

City of Saratoga Municipal Code

Article 15-50

The purpose of this article is to establish basic standards and measures for the maintenance, removal, and replacement of trees. Thus, the ordinance codified in this Section is designed to provide a stable and sustainable urban forest to preserve and protect significant historic heritage values, and to enhance the unique aesthetic character and environment of this City.

5.4 Environmental Impacts and Mitigation Measures

5.4.1 Significance Criteria

The following significance criteria for aesthetics were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

AES-1 Have a substantial adverse effect on a scenic vista?

AES-2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

AES-3 In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

AES-4 Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Also given consideration are any City General Plan goals, policies, or designations that are designed to reduce aesthetic impacts. Lastly, a significant aesthetic impact could occur if the Project's incremental aesthetic impact would be cumulatively considerable.

For purposes of this analysis an adverse aesthetic (visual) impact occurs within public view when: (1) an action perceptibly changes existing features of the physical environment to the extent that they no longer appear to be characteristic of the subject locality or region; (2) an action introduces new features to the physical environment that are perceptibly uncharacteristic of the region and/or locale; or (3) aesthetic features of the landscape become less visible (i.e. partially or totally blocked from view) or are removed. Changes that seem uncharacteristic are those that appear out of place, discordant, or distracting. The degree of the aesthetic impact depends upon how noticeable the adverse change may be (i.e., whether an adverse impact is significant depends how noticeable the impact is). The noticeability of an adverse aesthetic impact is a function of project features, context, and viewing conditions (e.g. angle of view, distance, primary viewing directions, and duration of view).

The specific factors considered in determining impacts on aesthetics included the following factors:

1. An understanding of the overall visual sensitivity of the Project site;
2. The resulting contrast of the proposed facilities or activities with existing landscape characteristics;
3. The degree to which Project components would dominate the view of the observer;
4. The extent to which Project features or activities would block views of higher value landscape features; and,
5. An understanding of the overall visual change that would occur in the landscape as a result of the Project.

The components contributing to the assessment of overall visual change are described below.

Visual Contrast

Visual contrast concerns the degree to which a project's visual characteristics or elements (e.g. form, line, color, and texture) differ from the same visual elements in the existing landscape. The degree of contrast can range from low to high. A landscape with forms, lines, colors, and textures similar to those of the Project is more visually absorbent; that is, it is more capable of accepting those project characteristics than a landscape in which those elements are absent. Generally, visual absorption is inversely proportional to visual contrast. Visual contrast ranges from low to high. Contrast can also be exacerbated by visible glare off of project components.

Dominance

Dominance is a measure of the proportion of the total field of view occupied by the feature, a feature's apparent size relative to other visible landscape features, and the conspicuousness of the feature due to its location in the view.

A feature's level of dominance tends to be lower in a panoramic setting compared to a setting with confined sightlines with a focus on the feature itself. A feature's level of dominance is higher if it is near the center of the view, elevated relative to the viewer, or has the sky as a backdrop. As the distance between a viewer and a feature increases, its apparent size decreases, and consequently its dominance decreases. The level of dominance ranges from subordinate to dominant.

View Blockage

The extent to which any previously visible landscape features are blocked from view constitutes view blockage or impairment. The view is also impaired when the continuity of the view is interrupted. When considering a project's features, higher quality landscape features can be blocked by lower quality project features thus, resulting in adverse aesthetic impacts. The degree of view blockage can range from none to high.

Visual Change

Visual change is derived from the three components described above—contrast, dominance, and view blockage—and is a concluding assessment as to the degree of change that would be caused by a project. The degree of visual change can range from low to high.

5.4.2 Impacts of the Project

Impact AES-1: Would the project have a substantial adverse effect on a scenic vista? **(Less Than Significant)**

Scenic vistas are defined as expansive views of highly-valued landscapes from publicly accessible viewpoints. The City General Plan and Municipal Code do not have any regulations governing scenic vistas. The County General Plan does not identify any scenic vistas near the Project site. Therefore, no scenic vistas have been identified near the Project site. The primary character of the Project site consists of associated buildings and hillsides with native and non-native vegetation in chaparral and woodland habitats.

The Project would comply with the design guidelines established in the Mountain Winery Precise Plan. The Precise Plan requires that the height of a structure, its location on the site, and its architectural elements be designed to avoid unreasonable impacts to community viewsheds. Additionally, the Precise Plan requires that new buildings have heights that do not create breaks in the natural skyline or ridgelines beyond, and would require that any building or structure not

exceed 35 feet.[1] Because ridgeline views will be maintained, compliance with Precise Plan development standards will ensure future development would blend with the existing on-site buildings and natural beauty of the surrounding hillsides and not result in substantial adverse effects to viewsheds or to ridgeline views. See Impact AES-3 for further discussion. Therefore, the Project would not have a substantial adverse effect on a scenic vista and this impact would be less than significant.

Impact AES-2: Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? **(Less Than Significant)**

Access to the Project site is provided by a steep winding private roadway that rises from Pierce Road just north of State Route 9 (SR-9). SR-9 is a State Scenic Route that runs from Los Gatos to Saratoga, then turns upward into the Santa Cruz Mountains and winds westward to Skyline Boulevard (Caltrans, 2017). At its closest point, SR-9 is approximately 0.63 miles south of the Project site.

Future development of a new lodging facility and ancillary uses, connection to the Cupertino Sanitary District, and a new water tank could potentially expand the physical footprint of the existing facility operations and could have the potential to impact scenic resources along SR-9 and thus, could potentially result in substantial adverse impacts to scenic resources. In reality, the duration of motorist exposure to the viewshed would be very limited. The posted speed limit is 30 mph and there is a difference in elevation from the closest point of SR-9 (approximately 750 feet amsl) to the Project site (approximately 1,400 feet amsl). Additionally, views of the Project site would be limited for motorists traveling along SR-9 due to dense vegetation present in the area along SR-9.

In addition, Santa Clara County Municipal Code Section 3.30.050 designates Mt. Eden Road and Sanborn Road as scenic routes that are within close proximity of the Project site. This section establishes requirements for design review for any structures, including signs, located within 100 feet of the right-of-way of a designated scenic roadway. The Project site is located more than 100 feet from both Mt. Eden Road and Sanborn Road and the design review requirements do not apply.

According to the County NOP comment letter dated August 7, 2019, portions of these parcels 503-46-006 and 503-46-007 northeast of the existing parking areas have been mapped as highly visible from the valley floor. Therefore, future development associated with the Project could potentially have an impact on the viewshed. However, design standards in the Mountain Winery Precise Plan, listed below, will ensure Project aesthetic impacts would not be significant and would comply with the County General Plan policies C-PR 37 and C-PR 43. to 45.

[1] Up to 10 feet of additional height may be allowed for architectural features that do not contain floor area.

The Mountain Winery Precise Plan sets forth design standards that would aim to ensure any development within the Precise Plan area is consistent with the surrounding visual character (refer to Precise Plan Development Standards in Impact AES-3). Some of the specific standards specified in the Precise Plan include provisions to ensure that any future development will blend in with the natural beauty and hillsides and not result in unreasonable impacts to community viewsheds.

The Mountain Winery was designated as a State Historic Landmark in 1960, and in 1983 it was listed in the National Register of Historic Places. The property is also listed in the Santa Clara County Heritage Resource Inventory. Although the existing infrastructure onsite is designated as historic by multiple sources, the Project would not alter or damage the historic buildings onsite or adversely affect the setting, see *Section 7: Cultural Resources* for further discussion. Therefore, the Project would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway and this impact would be less than significant.

Impact AES-3: Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? **(Less Than Significant)**

The Project site is located in an urbanized area on the eastern edge of the Santa Cruz Mountains at approximately 1,300 to 1,450 feet above mean sea level (amsl), just west of low-density single-family residential uses in the City. The primary character of the Project site consists of historic associated buildings and hillsides with non-native and native vegetation.

As discussed under Section 5.3.3 above, Parcel 503-46-007 and the northern half of parcel 503-46-006 are zoned Hillside-d1 District (HS-d1) and the southern half of parcel 503-46-006 is zoned Hillside-d1-Scenic Roads (HS-d1-sr).

The HS-d1 combining district is intended to conserve the scenic attributes of those hillside lands most immediately visible from the valley floor and allows all the uses listed under HS, including residential. This district is intended to minimize the visual impacts of structures and grading on the natural topography and landscape, using a combination of supplemental development standards, design guidelines, design review, and use of process incentives for smaller and less visible projects. According to the County NOP comment letter dated August 7, 2019, portions of these parcels northeast of the existing parking areas have been mapped as highly visible from the valley floor. Therefore, future development associated with the Project could have an impact on the viewshed. However, design standards from the Mountain Winery Precise Plan, listed below, will ensure Project aesthetic impacts would comply with the policies C-RC 27, C-RC 57, and C-RC 61 and 62 in the County General Plan Resource Conservation Element and would result in a less than significant impact.

As discussed under Impact AES-2, the City has prepared a Precise Plan as a means to establish more specific land use regulations and development standards for the Project. The specific development standards in the Precise Plan include:

1. **Maximum Building Coverage:** The maximum area to be covered by enclosed structures (footprint of buildings) shall not exceed 20% of the Precise Plan area or 14 acres, whichever is less.

2. **Maximum Building Height:** No building or structure shall exceed 35'. Up to 10' of additional height may be allowed for architectural features that do not contain floor area.

3. **Setbacks:** 30 feet from property lines.

4. **Siting:** No structure shall be built on an area with an average slope that exceeds 30% or an area that exceeds 40% natural slope at any point under the structure, without a variance.

5. **Grading Limits:** The amount of grading shall be minimized through use of careful siting of improvements, infrastructure and buildings. (Balance grading to help reduce visibility of buildings from public roads)

6. **Exterior Materials and Colors:** The light reflectivity value (LRV) of the exterior surfaces of structures and buildings visible off-site shall not exceed 60.

7. **Lighting:** Parking lot and building lighting shall be the minimal amount for safety only and lighting controls shall be in place to ensure all lights are off when the site is not in use. To minimize light spill, outdoor lighting fixtures shall be shielded and direct light downward. Lighting of purely decorative purposes should be avoided.

8. **Landscape Screening:** Visual impacts of new development shall be mitigated by landscape screening to ensure minimal impact to neighboring properties, including impacts from nighttime lighting.

Any future development allowed by the Project would be required to comply with the design standards established in the Precise Plan in order to ensure future development would blend in with the natural beauty and hillsides and not result in unreasonable impacts to visual character.

The Juan deAnza National Historic Trail could cross over the northwest portion of the Precise Plan area. The Juan deAnza National Historic Trail precise location has yet to be established. Rather, the County has provided a Floating Trail Easement, as discussed further in Section 18, Recreation. In establishing this floating trail easement, it was agreed upon by the property owner and the County Parks Department that both parties shall cooperatively and in good faith determine a trail easement alignment on the easement property that 1) best minimizes any foreseeable impact to or from any presently permitted uses and/or future contemplated uses or improvements on the Mountain Winery property, 2) minimizes the environmental impacts of the trail construction and

public use, and 3) constitutes a link to a region-wide trail and that will foster the public's recreational enjoyment. Given the County's goal to minimize foreseeable impacts of the future trail easement to and from future uses on the Project site, it can be assumed that the trail easement would be mapped to avoid or minimize any aesthetics impacts.

Therefore, the Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings and this impact would be less than significant.

Impact AES-4: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **(Less Than Significant)**

The Project site is located on a steep sloping property, which is minimally visible from surrounding areas due to topography and existing vegetation. According to the County NOP comment letter dated August 7, 2019, portions of parcels 503-46-006 and 503-46-007 northeast of the existing parking areas have been mapped as highly visible from the valley floor. Therefore, light from future development associated with the Project could have an impact on day and nighttime views in the area.

Existing outdoor lighting at and near the Project site is associated with the Mountain Winery complex and surface parking area. Full buildout of the Project could generate lighting from street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting.

As part of the Project, new zoning designations would be established as follows: 503-46-006 parcel, including the Precise Plan area, would be designated Regional Commercial (RC); the 503-46-007 parcel would be zoned as Residential Open Space (R-OS); and the 503-46-005 parcel would retain the existing City zoning district of Hillside Residential (HR). Future development within the R-OS zoning designation would be subject to compliance with Saratoga Municipal Code Section 14-80.030: Special Rules for accessory uses and structures in residential districts which the City requires future development to ensure outdoor lighting fixtures shall be located, aimed, and shielded to prevent excessive glare or direct illumination onto adjacent properties and public street rights of way; notwithstanding the minimum lighting necessary to ensure adequate safety, night vision, and comfort. Further, the City would also review new lighting for conformance with the 2016 California Green Building Standards Code (CALGreen) (CCR Title 24 Part 11) such that only the minimum amount of lighting is used, and no light spillage occurs (CALGreen, 2016).

Resident comment letters were attached to the June 2019 City Mountain Winery Study Session Memorandum and a main point of concern was light pollution. Some of the specific guidelines specified in the Precise Plan include provisions for future development allowed by the Project to utilize minimal lighting so that the presence of development at night is minimized. The Precise Plan includes a specific development standard that minimizes lighting stating that: "parking lot and building lighting shall be the minimal amount for safety only and lighting controls shall be in place to ensure all lights are off when the site is not in use. To minimize light spill, outdoor lighting fixtures shall be shielded and direct light downward. Lighting of purely decorative purposes

should be avoided." Further, the Precise Plan requires existing vegetation, which currently provides visual screening, be retained to the maximum extent feasible.

Therefore, compliance with the Saratoga Municipal Code, Precise Plan design guidelines, California Green Building Standards Code, and other applicable regulations, the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and this impact would be less than significant.

5.4.3 Cumulative Impact Analysis

When evaluating cumulative aesthetic impacts, a number of factors must be considered. The cumulative study area for aesthetic impacts is the viewshed that includes the Project site and surrounding areas. The context in which a project is being viewed would also influence the significance of the aesthetic impact. The contrast a project has with its surrounding environment may actually be reduced by the presence of other cumulative projects. If most of an area is or is becoming urbanized, the contrast of a project with the natural surrounding may be less since it would not stand out in contrast as much. In order for a cumulative aesthetic impact to occur, the elements of the cumulative projects would need to be seen together or in proximity to each other. If the projects were not near each other, the viewer would not perceive them in the same scene.

Currently, there are seven projects proposed within the City of Saratoga: three residential projects, two mixed use projects, and two trail projects. The two proposed projects within one mile of the Project site are the Saratoga to the Sea Trail Project (connecting Saratoga Quarry Park to Sanborn County Park) and the Juan Bautista deAnza National Historic Trail (connecting Stevens Creek and Sanborn county parks). The next nearest proposed projects include a mixed-use project located at 20640 3rd Street (1.70 miles east of the Project site) and another mixed-use project located at 14630 Big Basin Way (1.50 miles east of the Project site). Three residential projects have also been considered in this cumulative analysis. However, those projects are planned to be located greater than 3 miles from the Project site. Due to the varied topography and distance to the Project site, the two mixed use projects, Saratoga to the Sea Trail Project, and three residential projects would not contribute to adverse aesthetic and visual resource impacts in conjunction with the Project.

The Juan deAnza National Historic Trail, as shown in Figure 4-1, could cross over the northwest portion of the Precise Plan area. The Juan deAnza National Historic Trail precise location has yet to be established. Rather, the County has provided a Floating Trail Easement. This Easement shows the potential location of the general area where the trail could be located. In an agreement between the County and the Owner of Mountain Winery dated November 2000, it was agreed to determine the Trail Easement alignment on the Easement Property that best minimizes any foreseeable impact to or from any presently permitted uses and/or future contemplated uses or improvements on the Mountain Winery Property; minimizes the environmental impacts of the Trail construction and public use; and constitutes a link to a region-wide trail and that will foster the public's recreational enjoyment. Additionally, the Juan Bautista deAnza National Historic Trail

does not propose any structures that could have an adverse effect on: a scenic vista; scenic resources within a State scenic highway; visual character; and day or nighttime views. Therefore, the Juan Bautista deAnza National Historic Trail, in conjunction with the Project, would not contribute to a cumulative impact.

The Conservation Center for Wildlife Care within the County would be located approximately 1 mile southwest of the Project site. The Conservation Center for Wildlife Care site would be located on an adjacent property to the Project site, but there is a mountain ridge between the Project site and the Conservation Center for Wildlife Care site. As such, the Project site would not be visible from the Conservation Center for Wildlife Care site, nor would the Project's incremental effect, in combination with the Conservation Center for Wildlife Care result in cumulative visual impacts. For these reasons, the cumulative impact is less than significant.

Additionally, the Project would not create a substantial adverse impact to scenic vistas, views from a State designated scenic highway, the visual character or quality of the site and its surroundings, or light and glare. Therefore, cumulative impacts would not occur and Project impacts would not be cumulatively considerable.

5.5 References

California Building Standards Commission. (2016). 2016 California Green Building Standards Code: California Code of Regulations Title 24, Part 11. International Code Council.

California Department of Transportation. (February 2017). *California Scenic Highways.* Retrieved from https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a Accessed August 13, 2019.

City of Saratoga. (June 2019). *Study Session – The Mountain Winery Annexation Project Memorandum.* Saratoga, CA.

6 Agricultural and Forestry Resources

6.1 Introduction

This section describes effects on agricultural and forestry resource conditions in the Project area. The current condition and quality of cultural resources was used as the baseline against which to compare potential impacts of the Project. Technical on-site information used to prepare this section came from the following resources:

- Aerial Photography
- City of Saratoga General Plan, 2007
- County of Santa Clara, Draft Environmental Impact Report for The Mountain Winery Conditional Use Permit and Architectural and Site Approval, October 1999
- County of Santa Clara, Final Draft Environmental Impact Report for The Mountain Winery Conditional Use Permit and Architectural and Site Approval. February 2000.
- Santa Clara County Important Farmland Map, 2016

6.2 Environmental Setting

This section presents information on the existing conditions of the Project site and vicinity for agricultural resources.

6.2.1 Regional Setting

The City of Saratoga is located in the western portion of Santa Clara County, just southwest of San José and approximately 35 miles south of San Francisco. The City encompasses 12.8 square miles and is located at the southerly end of the San Francisco Peninsula. The cities of Cupertino, Monte Sereno, San Jose, and Los Gatos are located to the north, south, and east of the City, respectively. The Santa Cruz Mountains are located to the west of the City and unincorporated areas of Santa Clara County border the City to the west.

6.2.2 Project Setting

The Mountain Winery is located at 14831 Pierce Road on three contiguous parcels: APNs 503-46-005, 503-46-006, and 503-46-007. The boundaries of the Project site are defined as a portion of parcel 503-46-005, all of parcel 503-46-006, and all of parcel 503-46-007, as shown in Figure 3-2. The Project site includes the Mountain Winery, which is an existing event center that hosts wine tastings and classes, weddings, corporate and other social events and outdoor concerts. There are several vineyards that have been planted on the Project site; however, these vineyards are not independently commercially viable and are generally used for aesthetic purposes.

6.2.3 Existing Farmland

According to the Santa Clara County Important Farmland Map (California Natural Resources Agency, 2016), the Project site is classified as “Grazing Land” and “Urban and Built-Up Land”,

which as further described below, is not recognized in the California Environmental Quality Act (CEQA) thresholds of significance with respect to farmland conversion. The State classifications of "Grazing Land" and "Urban and Built-Up Land" and various kinds of farmlands are described as follows:

- Prime Farmland. Prime Farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Farmland of Statewide Importance. Farmland of Statewide Importance is farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Unique Farmland. Unique Farmland is farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- Farmland of Local Importance. Farmland of Local Importance is land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- Grazing Land. Grazing land is land on which the existing vegetation is suited to the grazing of livestock.
- Urban and Built-Up Land. Unique farmland consists of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

In the hierarchy of farmland quality recognized by the California Farmland Mapping and Monitoring Program (FMMP), "Grazing Land" and "Urban and Built-Up Land" are neither Prime Farmland, Farmland of Statewide Importance, nor Unique Farmland. "Grazing Land" and "Urban and Built-Up Land" ranks below these categories in terms of quality and importance and is not recognized in the CEQA thresholds of significance with respect to farmland conversion.

6.2.4 Forest and Timber Lands

Forest land is defined by Public Resources Code Section 12220(g) and includes "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits."

Timberland is defined by Public Resources Code Section 4526, and means "land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis."

Based on the field survey conducted by H.T. Harvey & Associates on June 28 and July 26, 2019, the Project site does not contain resources that can be characterized as forest lands or timberlands using these definitions.

6.3 Applicable Regulations, Plans, and Standards

This section provides a brief overview of relevant federal, State, County, City and Local Agency Formation Commission (LAFCO) policies regarding agricultural land that may factor into the City's, and ultimately LAFCO's, decision making process.

6.3.1 Federal

United States Department of Agriculture (USDA)

The United States Department of Agriculture (USDA) is the U.S. federal executive department responsible for developing and executing federal laws related to farming, forestry and food. The USDA aims to meet the needs of farmers and ranchers, promote agricultural trade and production work to assure food safety, protect natural resources, assist rural communities and address hunger in the United States. While local agricultural may interface with USDA programs, data resources, requirements and procedures, federal regulations do not typically influence or have permitting authority over local land use projects under CEQA review. However, a summary of two the more common programs are provided below.

Farmland Protection Policy Act (FPPA)

The Natural Resources Conservation Services (NRCS), an agency within the USDA, is responsible for implementation of the FPPA. The purpose of the FPPA is to minimize Federal programs' contribution to the conversion of farmland to non-agricultural uses.

Farm and Ranch Lands Protection Program (FRPP)

The NRCS also administers the FRPP, a voluntary program aimed at keeping productive farmland in agricultural use. Under the FRPP, the NRCS provides matching funds to state, local or tribal government entities and nonprofit organizations with existing farmland protection programs to purchase conservation easements.

6.3.2 State

California Department of Conservation

The California Department of Conservation (DOC) administers and supports a number of programs, including the Williamson Act, the California Farmland Conservancy Program (CFCP), the Williamson Act Easement Exchange Program (WAEEP), and the FMMP. These programs are designed to preserve agricultural land and provide data on conversion of agricultural land to urban use.

Williamson Act

The California Land Conservation of Act of 1965, also known as the Williamson Act, was adopted to encourage the preservation of the state's agricultural lands and to prevent their premature conversion to urban uses. The Act established an agricultural preserve contract procedure that incentivizes land owners to maintain land in agricultural use via lower tax rates.

Farmland Security Zones

A Farmland Security Zone is an area created within an agricultural preserve by a board of supervisors or city council upon request of a landowner or group of landowners. An agricultural preserve defines the boundary of an area within which a city or county will enter into contracts with landowners that reduce property taxes based on a property valuation formula.

Forest Practices Rules

The California Department of Forestry and Fire Protection (CALFIRE) implements the laws that regulate timber harvesting on privately-owned lands. These laws are intended to ensure that timber harvesting is conducted in a manner that will preserve and protect fish, wildlife, forests, and streams. Under the Forest Practice Rules as applied to forest management activities, a Timber Harvesting Plan (THP) is submitted to CALFIRE by the landowner outlining what timber is proposed to be harvested, harvesting method, and the steps that will be taken to prevent damage to the environment.

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Cal. Gov't Code § 56000 et seq. ("CKH Act") establishes the procedures for local government organizational changes, including city incorporations, annexation to a city or special district, and city and special district consolidations. Broadly, the CKH Act contains a number of references that link local land use and open space policies, including Williamson Act contracts, to the sphere of influence (SOI) amendment and annexation processes of local land use jurisdictions.

The CKH Act, LAFCO's enabling and guiding legislation, begins with the following statement:

> *"The Legislature finds and declares that is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services." (§56001).*l

6.3.3 Regional and Local

Local Agency Formation Commission (LAFCo) of Santa Clara County

The Local Agency Formation Commission (LAFCO) of Santa Clara County has adopted policies to ensure that growth and development throughout the County has orderly boundaries and is anti-sprawl. Policies promote the preservation of agricultural lands and open space, efficient delivery of services, facilitation of regional opportunities for fiscal sustainability, and accountability and transparency within local governments. Policies are divided into different subject areas, and those most relevant to the Project are (1) Sphere of Influence Policies, (2) Urban Service Area Policies, (3) Policies relative to Annexations/Reorganizations for Cities and Special Districts, and (4) Island Annexation Policies. An analysis of the Project's consistency with these policies is included in Section 15 Land Use and Planning.

County of Santa Clara General Plan

Resource Conservation Element

The Santa Clara County General Plan Resource Conservation Element (RC) discusses the natural and heritage resources found within the County. The RC Element addresses seven resource areas including (1) Water Supply, (2) Water Quality and Watershed Management, (3) Habitat and Biodiversity, (4) Agriculture, (5) Mineral Resources, (6) Heritage Resources, (7) Scenic Resources and two conservation-related areas (8) Solid Waste Management and (9) Energy Resources. Issue- specific goals, policy directions, and implementation actions are found in each section to promote effective resource conservation and management. Goals and policies most directly related to agriculture and forestry resources are included below.

- Policy C-RC 37: Agriculture should be encouraged and agricultural lands retained for their vital contributions to the overall economy, quality of life, and for their functional importance to Santa Clara County, in particular:
    a. local food production capability;
    b. productive use land not intended for urban
    c. development; and
    d. protection of public health and safety.

- Policy C-RC 38: General public awareness and understanding of the importance of agriculture and the goals of agricultural preservation should be encouraged countywide.
- Policy C-RC 39: Adequate inventories, mapping and monitoring of the agricultural land supply should be provided, and consistent definitions of agricultural land, forms of measurement, and monitoring between state and local governments encouraged.
- Policy C-RC 40: Long term land use stability and dependability to preserve agriculture shall be maintained and enhanced by the following general means:
    a. limiting the loss of valuable farmland from unnecessary and/or premature urban expansion and development;
    b. regulating non-agricultural uses in agricultural areas, and their intensity and impacts on adjacent lands;
    c. maintaining agriculturally-viable parcel sizes; and
    d. minimizing conflicts between adjacent agricultural and non-agricultural land uses, through such means as right-to-farm legislation and mediation of nuisance claims.
- Policy C-RC 42: Interjurisdictional coordination and cooperation necessary to achieve agricultural preservation goals and strategies should be encouraged. These goals should include:
    a. preservation of remaining areas of large and medium scale agriculture in South County;
    b. encouragement of retention of agricultural lands in San Benito County adjoining South County agricultural areas ; and
    c. discouragement of Urban Service Area (USA) expansions into agricultural areas when LAFCO determines that a city's USA contains more land than is needed to accommodate five years of projected growth and development.

City of Saratoga General Plan

Land Use Element

The City General Plan Land Use Element (LU) serves as the central framework for the entire General Plan and as a guide to planners, members of the public, and decision makers as to the desired pattern of development for the city. This element establishes the General Plan land use designations for the city and details allowable uses within each. Furthermore, policies and implementation measures are outlined to allow the City to achieve the vision adopted for the planning horizon. Policies and implementation measures most directly related to agriculture and forestry resources are included below.

Goal LU 7: Protect existing agricultural resources and encourage expansion of this use.

- Policy LU 7.1: Encourage renewal and discourage cancellation of Williamson Act contracts to preserve agricultural lands.

- Policy LU 7.2: Encourage agricultural and open space landowners to voluntarily protect their land.
- Policy LU 7.3: Encourage agricultural use on suitable land with protection for nearby residences as appropriate.

Open Space and Conservation Element

The City General Plan Open Space and Conservation Element (OSC) discusses management, protection, and preservation of public and private open space, sensitive biological resources, flood hazards, agricultural lands, hillsides, and others. A primary goal of this element is to balance the needs of open space areas with those of continuous development pressures. Policies and implementation measures are outlined to preserve the remaining open space and natural resources to determine the character and quality of life within the Saratoga community. Policies and implementation measures most directly related to agriculture and forestry resources are included below.

Goal OSC 8: Encourage preservation of land uses for open space and agriculture.

- Policy OSC 8.1: In evaluating future land uses, efforts shall be made to maintain agricultural lands as a component of open space and to preserve the rural and agricultural heritage of Saratoga. The City shall discourage the cancellation of Williamson Act contracts.
- Policy OSC 8.2: Encourage land owners to enter into new Williamson Act Contracts.

6.4 Environmental Impacts and Mitigation Measures

6.4.1 Significance Criteria

The following significance criteria for agricultural and forestry resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria:

AG-1 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

AG-2 Conflict with existing zoning for agricultural use, or a Williamson Act contract.

AG-3 Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

AG-4 Result in the loss of forest land or conversion of forest land to non-forest use.

AG-5 Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

6.4.2 Impacts of the Project

Impact AG-1: Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **(No Impact)**

The California Department of Conservation's Santa Clara County Important Farmland 2016 map identifies only "Grazing Land" and "Urban and Built-Up Land" on the Project site. Because the Project site does not contain Important Farmlands, the Project would not convert lands designated as Farmland to non-agricultural use. Thus, no impacts are anticipated.

Impact AG-2: Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? **(No Impact)**

None of the parcels within the Project site are under a Williamson Act contract. As discussed above, the Project site is classified as "Grazing Land" and "Urban and Built-up Land" and currently has no commercially viable agricultural uses on-site. In addition, the 503-46-006 and 503-46-007 parcels are currently not zoned for agricultural uses. The current County of Santa Clara zoning districts for 503-46-006 and 503-46-007 parcels are Hillside-d1 District (HS-d1) and Hillside-d1-Scenic Roads (HS-d1-sr), with a land use designation of Hillside (HS). While the Project site is not in an Agricultural zoning district, permitted uses under HS-d1 zoning district include agriculture and grazing, very low density residential use, low density, low intensity recreation, mineral and other resource extraction, and land in its natural state. The Project would re-zone the 503-46-006 parcel from HS-d1 to the new Regional Commercial (RC) zoning district and the 503-46-007 parcel would be re-zoned as Residential Open Space (R-OS). The RC zoning district would allow, within the Precise Plan area, all existing on-site uses and uses permitted under the Mountain Winery's existing County Use Permit to continue, while also allowing for new lodging and ancillary uses (subject to a maximum permissible density and intensity of use established by the Precise Plan). The R-OS zoning district is intended to support and enhance a rural character, promote the wise use of natural resources, and avoid natural hazards. Given that the Project site is not under a Williamson Act contact and is not zoned as agricultural, project implementation would not conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, there would be no impact from conflicts with existing zoning for agricultural uses.

Impact AG-3: Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? **(No Impact)**

And

Impact AG-4: Would the project result in the loss of forest land or conversion of forest land to non-forest use? **(No Impact)**

No lands within or immediately adjacent to the Project site are zoned forest land or timberland. While future development of a new lodging facility, connection to the Cupertino Sanitary District, and a second water tank could potentially expand the physical footprint of the existing facility operations, the Project site is not located in or on forest land. Further, new allowed lodging uses would be restricted to development within the Precise Plan area, which is already developed with the existing Mountain Winery complex. Thus, the Project would not result in conversion of land or loss of designated forest land to non-forest uses.

The Project would not involve any changes to the existing surrounding environment that, due to their location or nature, could result in impacts resulting in the loss of forest land or conversion of forest land to non-forest use, as there is no forest land on the Project site. Thus, no impacts are anticipated for Impact AG-3 or Impact AG-4.

Impact AG-5: Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? **(No Impact)**

See Impacts AG-1 and AG-4.

6.4.3 Cumulative Impact Analysis

The geographic context for the analysis of cumulative agricultural impacts includes all agricultural lands in the City. Cumulative projects are those that could be considered in proximity to the Project site and, when taken together, would result in a substantial change to agricultural resources greater than the impact of the Project itself.

As discussed above, the Project site is not located on Important Farmlands, is not under a Williamson Act contract, and is not within lands zoned forest land or timberland or contained any forested areas.

Future projects near the Project site are described in Section 4, Introduction to Environmental Analysis and include the Saratoga to the Sea Trail Project (connecting Saratoga Quarry Park to Sanborn County Park) and the Juan Bautista deAnza National Historic Trail. The Saratoga to the Sea Trail would not cross the Precise Plan boundary. The County Parks Department desires to develop a 10-foot wide trail, the Juan Bautista deAnza National Historic Trail, within a 25-foot

wide trail easement on the Mountain Winery property. The precise trail alignment has not been identified, but the floating trail easement is for the alignment and construction of a non-exclusive, public, pedestrian and equestrian trail that will connect Stevens Creek and Sanborn county parks. The property contained within the easement is significantly larger than the envisioned trail to allow reasonable flexibility in mutually determining a suitable location and alignment.

The Saratoga to the Sea Trail and Juan Bautista deAnza National Historic Trail would not cross any prime agricultural lands as identified in California Department of Conservation's Santa Clara County Important Farmland 2016 map. Similar to the Project, these trail projects are located on lands classified as "Grazing Land" and "Urban and Built-Up Land. Thus, the cumulative impact on agricultural lands resulting from the Project in combination with other projects in the project area and larger region would not result in cumulative impact.

6.5 References

California Natural Resources Agency, 2016. *Santa Clara County Important Farmland Map*.

California Natural Resources Agency, 2016. *Santa Clara County Williamson Act FY 2015/2016*.

County of Santa Clara, 1999. *Draft Environmental Impact Report for The Mountain Winery Conditional Use Permit and Architectural and Site Approval*.

H.T. Harvey & Associates, 2019. *Mountain Winery Annexation Biological Resources Report*.

7 Air Quality

7.1 Introduction

This section describes effects on air quality conditions in the Project area. The current condition and quality of air quality was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- Project application and related materials
- Air quality data provided by the California Air Resources Board (CARB)
- Air Quality Assessment analysis (see Appendix A)
- State Office of Environmental Health Hazard Assessment (OEHHA)
- California Environmental Quality Act (CEQA) Air Quality Guidelines
- Bay Area Air Quality Management district (BAAQMD)

7.2 Environmental Setting

7.2.1 Climate and Meteorology

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project is located within the San Francisco Bay Area Air Basin (Basin). This Basin comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the southwestern portion of Solano County. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. These factors along with applicable regulations are discussed below. The Bay Area Air Quality Management District (BAAQMD) is responsible for local control and monitoring of criteria air pollutants throughout the Basin.

Climate, or the average weather condition, affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

The inversions typical of winter, called radiation inversions, are formed as heat quickly radiates from the earth's surface after sunset, causing the air in contact with it to rapidly cool. Radiation inversions are strongest on clear, low-wind, cold winter nights, allowing the build-up of such pollutants as carbon monoxide and particulate matter. When wind speeds are low, there is little mechanical turbulence to mix the air, resulting in a layer of warm air over a layer of cooler air

next to the ground. During radiation inversions downwind transport is slow, the mixing depths are shallow, and turbulence is minimal, all factors which contribute to ozone formation.

The frequency of hot, sunny days during the summer months in the Basin is another important factor that affects air pollution potential. It is at the higher temperatures that ozone is formed. In the presence of ultraviolet sunlight and warm temperatures, reactive organic gases and oxides of nitrogen react to form secondary photochemical pollutants, including ozone.

The climate is dominated by the location and strength of a semi-permanent, subtropical high-pressure cell. In the summer, the Pacific cell is centered over the northeastern Pacific Ocean, resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below the surface because of the northwesterly flow produces a band of cold water off the coast which results in condensation and the presence of fog and stratus clouds along the coast. In the winter, the high-pressure cell weakens and shifts southward, resulting in increased wind flow offshore, the absence of upwelling, and the occurrence of storms.

The Basin is characterized by moderately wet winters (November through March) and dry summers. The rainfall in the mountains reaches 40 inches while the valley sees less than 16 inches. Generally, coastal temperatures can be 35 degrees Fahrenheit cooler than temperatures 15 to 20 miles inland. At night, this contrast usually decreases to less than 10 degrees Fahrenheit. In the winter, the relationship of minimum and maximum temperatures is reversed.

The Project site is located in the City of Saratoga and unincorporated Santa Clara County; on the southern perimeter of the San Francisco Bay. The City of Saratoga is located near the northern end of the Santa Clara Valley. The City has a generally mild climate, with average temperatures in the low 80's Fahrenheit in the summer and high 50's Fahrenheit in the winter. The annual rainfall is approximately 16 inches in this part of the valley, primarily between November and April. The regulatory section below discusses the various buffer zones around sources of air pollution sufficient to avoid adverse health and nuisance impacts on nearby receptors.

7.2.2 Air Pollutants of Primary Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as "criteria air pollutants" and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_X), sulfur dioxide (SO_2), coarse particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead are primary air pollutants. Of these, CO, NO_X, SO_2, PM_{10}, and $PM_{2.5}$ are criteria pollutants. ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O_3) is formed by a chemical reaction between ROG and NO_X in the presence of sunlight. O_3 and nitrogen dioxide (NO_2) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in Table 7-1.

Table 7-1: Air Contaminants and Associated Public Health Concerns

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM_{10} and $PM_{2.5}$)	Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Ozone (O_3)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC)[1] and nitrogen oxides (NO_X) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.
Sulfur Dioxide (SO_2)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO_2)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to ozone. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lowered IQ.

Notes:
[1] Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

Source: California Air Pollution Control Officers Association (CAPCOA), Health Effects, capcoa.org/health-effects/, accessed June 13, 2019.

Ozone, or smog, is not emitted directly into the environment, but is formed in the atmosphere by complex chemical reactions between ROG and NO_X in the presence of sunlight. Ozone formation is greatest on warm, windless, sunny days. The main sources of NO_X and ROG, often referred to as ozone precursors, are combustion processes (including motor vehicle engines) the evaporation of solvents, paints, and fuels, and biogenic sources. Automobiles are the single largest source of ozone precursors in the Basin. Tailpipe emissions of ROG are highest during cold

starts, hard acceleration, stop-and-go conditions, and slow speeds. They decline as speeds increase up to about 50 miles per hour (mph), then increase again at high speeds and high engine loads. ROG emissions associated with evaporation of unburned fuel depend on vehicle and ambient temperature cycles. Nitrogen oxide emissions exhibit a different curve; emissions decrease as the vehicle approaches 30 mph and then begin to increase with increasing speeds.

Ozone levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis and emphysema. Chronic exposure to high ozone levels can permanently damage lung tissue. Ozone can also damage plants and trees, and materials such as rubber and fabrics.

Toxic Air Contaminants

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

CARB identified diesel particulate matter (DPM) as a toxic air contaminant. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

Ambient Air Quality

CARB monitors ambient air quality at approximately 250 air monitoring stations across the state. Air quality monitoring stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing levels of ambient air quality, historical trends, and projections near the Project site are documented by measurements made by the Bay Area Air Quality Management District (BAAAQMD)'s air pollution regulatory agency that maintains air quality monitoring stations, which process ambient air quality measurements.

Ozone (O_3) and particulate matter (PM_{10} and $PM_{2.5}$) are pollutants of concern in the BAAQMD. The closest air monitoring station to the Project site that monitors ambient concentrations of these pollutants is the Los Gatos Monitoring Station (located approximately 4.8 miles southeast of the Project site). The second closest is the San Jose-Jackson Street Monitoring Station located approximately 11 miles northeast of the Project site. Local air quality data from 2016 to 2018 is provided in Table 7-2. Table 7-2, lists the monitored maximum concentrations and number of exceedances of federal or state air quality standards for each year. Particulate matter (PM_{10} and $PM_{2.5}$) were both exceeded in 2018 at one of the closest monitoring stations. Table 7-4 below shows the attainment and nonattainment status for various pollutants. In general, the Bay Area experiences low concentrations of most pollutants when compared to federal standards, except for O_3 (ozone) and particulate matter (PM), for which standards are exceeded periodically. With respect to federal standards, the Bay Area's attainment status for 8-hour ozone is classified as "marginal nonattainment" and "nonattainment" for $PM_{2.5}$. The region is also considered to be in nonattainment with the California Ambient Air Quality Standards (CAAQS) for PM_{10} and $PM_{2.5}$. Area sources generate the majority of these airborne particulate emissions. The Basin is considered in attainment or unclassified with respect to the CO, NO_2 and SO_2 National Ambient Air Quality Standards (NAAQS) and CAAQS.

Table 7-2: Ambient Air Quality Data

Pollutant	Los Gatos [1]			San Jose- Jackson Street[2]		
	2016	2017	2018	2016	2017	2018
Ozone (O_3)[3]						
1-hour Maximum Concentration (ppm)	0.091	0.093	0.082	0.087	0.121	0.078
8-hour Maximum Concentration (ppm)	0.065	0.075	0.067	0.066	0.098	0.061
Number of Days Standard Exceeded						
CAAQS 1-hour (>0.09 ppm)	0	0	0	0	3	0
NAAQS 8-hour (>0.070 ppm)	0	3	0	0	4	0
Carbon Monoxide (CO)						
1-hour Maximum Concentration (ppm)	--	--	--	1.95	2.15	2.51
Number of Days Standard Exceeded						
NAAQS 1-hour (>35 ppm)	--	--	--	0	0	0
CAAQS 1 hour (>20 ppm)	--	--	--	0	0	0
Nitrogen Dioxide (NO_2)						
1-hour Maximum Concentration (ppm)	--	--	--	51.1	67.5	86.1
Number of Days Standard Exceeded						
NAAQS 1-hour (>100 ppm)	--	--	--	0	0	0
CAAQS 1-hour (>0.18 ppm)	--	--	--	0	0	0
Particulate Matter Less Than 2.5 Microns ($PM_{2.5}$)						
National 24-hour Maximum Concentration	--	--	--	22.6	49.7	133.9
State 24-hour Maximum Concentration	--	--	--	22.7	49.7	133.9
Number of Days Standard Exceeded						
NAAQS 24-hour (>150 µg/m^3)	--	--	--	0	6	15
CAAQS 24-hour (>50 µg/m^3)	--	--	--	11	11	13

Table 7-2: Ambient Air Quality Data

Pollutant	Los Gatos [1]			San Jose- Jackson Street[2]		
	2016	2017	2018	2016	2017	2018
Particulate Matter Less Than 10 Microns (PM_{10})						
National 24-hour Maximum Concentration	--	--	--	40.0	69.4	155.8
State 24-hour Maximum Concentration	--	--	--	41.0	69.8	121.8
Number of Days Standard Exceeded						
NAAQS 24-hour (>150 µg/m^3)	--	--	--	0	0	1
CAAQS 24-hour (>50 µg/m^3)	--	--	--	0	6	4

Notes: NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m^3 = micrograms per cubic meter; NM = not measured

[1] Measurements taken at the Los Gatos Monitoring Station located at 306 University Avenue, Los Gatos, California 95030 (CARB# 43380).

[2] Measurements taken at the San Jose-Jackson Street Monitoring Station located at 156B Jackson Street, San Jose, California 95112 (CARB# 43383).

[3] For the federal standards, the Bay Area is in nonattainment for 8-hour Ozone (O_3) and $PM_{2.5}$. For State standards $PM_{2.5}$ and PM_{10} are nonattainment.

Source: All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database (arb.ca.gov/adam).

7.2.3 Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

The Project site is located in the hills near the City of Saratoga. The surrounding land uses are predominantly vacant forestlands, with some scattered residences to the north and west. South and east of the Project site are single-family residences. Table 7-3 lists the distances and locations of nearby sensitive receptors, which primarily include single- family residences.

Table 7-3: Sensitive Receptors

Receptor Description	Distance and Direction from the Precise Plan Area	From Sanitary Sewer Connection Area
Single-family residential	1,000 feet east	200 feet east
Single-family residential	1,100 feet southeast	1,150 feet southeast
Single-family residential	1,500 feet east	1,450 feet east
Single-family residential	1,600 feet west	2,760 feet west
Single-family residential	2,000 feet north	4,800 feet northwest
Winery and Event Center	2,400 feet southwest	3,500 feet southwest
St. Nicholas Orthodox Church	1.2 miles east	1.1 miles east
Saratoga Elementary School	1.4 miles east	1.3 miles east
The Home of Christ Church in Saratoga	1.4 miles southeast	1.3 miles southeast
Saratoga Quarry Park	0.6 miles southeast	0.6 miles southeast
Wildwood Park	1.25 miles east	1.1 miles east

7.3 Regulatory Setting

7.3.1 Federal

Federal Clean Air Act

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the EPA developed the primary and secondary National Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including ozone, NO_2, CO, SO_2, PM_{10}, $PM_{2.5}$, and lead. Depending on whether the standards are met or exceeded, the local air basin is classified as in "attainment" or "nonattainment." Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires that each state prepare a State Implementation Plan (SIP) to demonstrate how it will attain the NAAQS within the federally imposed deadlines.

The U.S. Environmental Protection Agency (EPA) has designated enforcement of air pollution control regulations to the individual states. Applicable federal standards are summarized in Table 7-4.

7.3.2 State

California Air Resources Board

CARB administers California's air quality policy. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in Table 7-4, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates.

The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for the preparation of the SIP for meeting federal clean air standards for the State of California. Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. The applicable State standards are summarized in Table 7-4.

Table 7-4: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards[1]		Federal Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Ozone (O_3)	8 Hour	0.070 ppm (137 µg/m^3)	N[9]	0.070 ppm	N[4]
	1 Hour	0.09 ppm (180 µg/m^3)	N	NA	N/A[5]
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m^3)	A	9 ppm (10 mg/m^3)	A[6]
	1 Hour	20 ppm (23 mg/m^3)	A	35 ppm (40 mg/m^3)	A
Nitrogen Dioxide (NO_2)	1 Hour	0.18 ppm (339 µg/m^3)	A	0.10 ppm[11]	U
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	-	0.053 ppm (100 µg/m^3)	A
Sulfur Dioxide[12] (SO_2)	24 Hour	0.04 ppm (105 µg/m^3)	A	0.14 ppm (365 µg/m^3)	A
	1 Hour	0.25 ppm (655 µg/m^3)	A	0.075 ppm (196 µg/m^3)	A
	Annual Arithmetic Mean	NA	-	0.03 ppm (80 µg/m^3)	A
Particulate Matter (PM_{10})	24-Hour	50 µg/m^3	N	150 µg/m^3	-U
	Annual Arithmetic Mean	20 µg/m^3	N[7]	NA	-
Fine Particulate Matter ($PM_{2.5}$) [15]	24-Hour	NA	-	35 µg/m^3	U/A
	Annual Arithmetic Mean	12 µg/m^3	N[7]	12 µg/m^3	N
Sulfates (SO_{4-2})	24 Hour	25 µg/m^3	A	NA	-
Lead (Pb)[13, 14]	30-Day Average	1.5 µg/m^3	-	NA	A
	Calendar Quarter	NA	-	1.5 µg/m^3	A
	Rolling 3-Month Average	NA	-	0.15 µg/m^3	-
Hydrogen Sulfide (H_2S)	1 Hour	0.03 ppm (0.15 µg/m^3)	U	NA	-
Vinyl Chloride (C_2H_3Cl)	24 Hour	0.01 ppm (26 µg/m^3)	-	NA	-
Visibility Reducing Particles[8]	8 Hour (10:00 to 18:00 PST)	-	U	-	-

A = attainment; N = nonattainment; U = unclassified; N/A = not applicable or no applicable standard; ppm = parts per million; µg/m^3 = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter; – = not indicated or no information available.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.

2. National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 $\mu g/m_3$. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 $\mu g/m^3$.

   Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
3. National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.
4. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.
5. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005.
6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
7 In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.
8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.
10. On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as "nonattainment" for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation.
11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010). The US Environmental Protection Agency (EPA) expects to make a designation for the Bay Area by the end of 2017.
12. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO_2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS.
13. CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.
14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
15. In December 2012, EPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter ($\mu g/m^3$). In December 2014, EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

Source: Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, 2017c http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status, accessed February 26, 2019.

7.3.3 Regional and Local

Bay Area Air Quality Management District

The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin. The Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), county transportation agencies, cities and counties, and various nongovernmental organizations also join in the efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs.

Clean Air Plan

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment

for the state PM_{10} standard). The BAAQMD is responsible for developing a Clean Air Plan, which guides the region's air quality planning efforts to attain the CAAQS. The BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate on April 19, 2019, by the BAAQMD.

BAAQMD periodically develops air quality plans that outline the regional strategy to improve air quality and protect the climate. The most recent plan, 2017 Bay Area Clean Air Plan, includes a wide range of control measures designed to reduce emissions of air pollutants and GHGs, including the following examples that may be relevant to this project: reduce emissions of toxic air contaminants by adopting more stringent limits and methods for evaluating toxic risks; implement pricing measures to reduce travel demand; accelerate the widespread adoption of electric vehicles; promote the use of clean fuels; promote energy efficiency in both new and existing buildings; and promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas (GHG) reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The 2017 Clean Air Plan contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_X), particulate matter, TACs, and greenhouse gas emissions. The Bay Area 2017 Clean Air Plan updates the Bay Area 2010 Clean Air Plan in accordance with the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone; provides a control strategy to reduce ozone, PM, TACs, and greenhouse gases in a single, integrated plan; reviews progress in improving air quality in recent years; and establishes emission control measures to be adopted or implemented in both the short term and through 2050.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The following BAAQMD rules would limit emissions of air pollutants from construction and operation of the Project:

- Regulation 6, Rule 3. Wood-Burning Devices. The purpose of this rule is to limit emissions of particulate matter and visible emissions from wood-burning devices used for primary heat, supplemental heat or ambiance.

- Regulation 8, Rule 3. Architectural Coatings. This rule governs the manufacture, distribution, and sale of architectural coatings and limits the reactive organic gases content in paints and paint solvents. Although this rule does not directly apply to the project, it does dictate the ROG content of paint available for use during the construction.
- Regulation 8, Rule 15. Emulsified and Liquid Asphalts. This rule dictates the reactive organic gases content of asphalt available for use during construction through regulating the sale and use of asphalt and limits the ROG content in asphalt. Although this rule does not directly apply to the project, it does dictate the ROG content of asphalt for use during the construction.
- Regulation 9, Rule 8. Organic Compounds. This rule limits the emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower.

BAAQMD prepared an Ozone Attainment Demonstration Plan to satisfy the federal 1-hour ozone planning requirement because of the Air Basin's nonattainment for federal and State ozone standards. The U.S. EPA revoked the 1-hour ozone standard and adopted an 8-hour ozone standard. The BAAQMD will address the new federal 8-hour ozone planning requirements once they are established.

City of Saratoga General Plan

Land Use Element

The City General Plan Land Use Element (LU) includes the following policies and implementation measures most directly related to air quality:

Goal LU 15: Improve local and regional air quality by ensuring all development projects incorporate all feasible measures to reduce air pollutants.

- Policy LU 15.1: Require development projects to comply with Bay Area Air Quality Management District (BAAQMD) measures to reduce fugitive dust emissions due to grading and construction activities.
- Policy LU 15.2: Encourage use of trip demand measures as part of major commercial and office development projects to reduce dependence on auto use.
- Policy LU 15.3: Discourage the use of wood burning fireplaces by limiting to one per residence, including outdoor/patio fireplaces.

Goal OSC 15**:** Improve local and regional air quality by ensuring that all development projects incorporate all feasible measures to reduce air pollutants.

- Policy OSC 15.1: Require development projects to comply with Bay Area Air Quality Management District (BAAQMD) measures to reduce dust emissions due to grading and construction activities.

- Policy OSC 15.2: Encourage use of trip demand measures as part of major commercial and office development projects to reduce dependence on automobile use.

7.4 Environmental Impacts and Mitigation Measures

7.4.1 Significance Criteria

Based upon the criteria derived from State CEQA Guidelines Appendix G, a project normally would have a significant effect on the environment if it would:

AQ-1 Conflict with or obstruct implementation of the applicable air quality plan?

AQ-2 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

AQ-3 Expose sensitive receptors to substantial pollutant concentrations?

AQ-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Air Quality Threshold

Under the California Environmental Quality Act (CEQA), the Bay Area Air Quality Management District (BAAQMD) is an expert commenting agency on air quality within its jurisdiction or impacting its jurisdiction. Under the Federal Clean Air Act (FCAA), the BAAQMD has adopted Federal attainment plans for O_3 and $PM_{2.5}$. The BAAQMD reviews projects to ensure that they would not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any Federal attainment plan.

The BAAQMD Options and Justification Report (dated October 2009) establishes thresholds based on substantial evidence, and the thresholds are consistent with the thresholds outlined within the 2010/2011 BAAQMD CEQA Air Quality Guidelines (and current 2017 CEQA Air Quality Guidelines). The thresholds have been developed by the BAAQMD in order to attain State and Federal ambient air quality standards. Therefore, projects below these thresholds would not violate an air quality standard and would not contribute substantially to an existing or projected air quality violation.

The BAAQMD's CEQA Air Quality Guidelines provides significance thresholds for both construction and operation of projects. Ultimately the lead agency determines the thresholds of significance for impacts. However, if a project proposes development in excess of the established thresholds, as outlined in Table 7-5, a significant air quality impact may occur and additional analysis is warranted to fully assess the significance of impacts.

Table 7-5: Bay Area Air Quality Management District Emissions Thresholds

Criteria Air Pollutants and Precursors (Regional)	Construction-Related	Operational-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emission (pounds/day)	Annual Average Emission (tons/year)
Reactive Organic Gases (ROG)	54	54	10
Nitrogen Oxides (NO_X)	54	54	10
Coarse Particulates (PM_{10})	82 (exhaust)	82	15
Fine Particulates ($PM_{2.5}$)	54 (exhaust)	54	10
PM_{10} / $PM_{2.5}$ (fugitive dust)	Best Management Practices	None	
Local CO	None	9.0 ppm (8-hour average 20.0 ppm (1-hour average)	

Source: Bay Area Air Quality Management District, 2017 CEQA Air Quality Guidelines, 2017.

Methodology

This air quality impact analysis considers construction and operational impacts associated with the Project. Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Air quality impacts were assessed according to CARB and BAAQMD recommended methodologies. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects.

7.4.2 Impacts of the Project

Impact AQ-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan? (**Less Than Significant)**

The Project site is an existing, operational winery, concert amphitheater, and associated uses. According to the County of Santa Clara General Plan, the Project site is currently designated as Hillside. The Project would change the designation to Regional Commercial to allow for the proposed lodging use. The Project would consist of adjustments to the City Urban Service Area (USA) and Sphere of Influence (SOI) boundaries to include APNs 503-46-006 and 503-46-007. The new uses allowed by the Project would include lodging (up to 300 lodging units and ancillary uses), a new water tank, and the future connections to the Cupertino Sanitary District infrastructure. The lodging uses would create new employment opportunities of up to 75 new jobs. ABAG predicts that job opportunities in the City of Saratoga will grow from 8,750 in 2010 to 9,085 by 2040. As of 2017, there are 6,744 job opportunities in the City. While the Project was not contemplated by the City General Plan, the addition of 75 new jobs from lodging uses would be within the ABAG growth projections for the City of approximately 9,085 jobs by 2040 and would not exceed the ABAG growth projections for the City. In addition, employees could be commuting

from nearby cities, not necessitating the need for new homes. Therefore, population growth from the Project would be consistent with ABAG's projections for the City and with the City's General Plan.

A project would be consistent with the 2017 Clean Air Plan Progress Report if it would not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2017 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning designations for the site. It should be noted that the Clean Air Plan does not make a specific assumption for development on the site, but bases assumptions on growth in population, travel, and business, based on socioeconomic forecasts. As noted above, the Project would not exceed the growth assumptions in the General Plan. The Project proposes zoning and general plan land use designation changes that would primarily allow for increased short-term visitors to the site. Therefore, the growth assumptions in the Clean Air Plan would not be exceeded.

Given that approval of a project would not result in significant and unavoidable air quality impacts after the application of all feasible mitigation, the project is considered consistent with the 2017 Clean Air Plan. In addition, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

The Project is consistent with the 2017 Clean Air Plan policies that are applicable to the Project site. As discussed in Table 7-6, the Project would comply with city, state, and regional requirements.

Table 7-6: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Stationary Source Control Measures	
SS21: New Source Review of Toxic Air Contaminants	Consistent. The Project would not include uses that would generate new sources of TAC to impacts to the nearby sensitive receptors.
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives	Consistent. The project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction (also required per MM AQ-1).
SS26: Surface Prep and Cleaning Solvent	
SS29: Asphaltic Concrete	Consistent. Paving activities associated with the Project would be required to utilize asphalt that does not exceed BAAQMD emission standards in Regulation 8, Rule 15.
SS30: Residential Fan Type Furnaces	Consistent. BAAQMD is the responsible party for implementation of this regulation. The Project would use the latest central furnaces that comply with the applicable regulations. The project would not conflict with BAAQMD's implementation of that measure.
SS31: General Particulate Matter Emissions Limitation	Consistent. This control measure is implemented by the BAAQMD through Regulation 6, Rule 1. This Rule Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions and opacity. The Project would be required to comply with applicable BAAQMD rules.

Table 7-6: Project Consistency with Applicable Clean Air Plan Control Measures	
Control Measure	**Project Consistency**
SS32: Emergency Back-up Generators	Consistent. Use of back-up generators by the project is currently not anticipated. However, if emergency generators were to be installed they would be required to meet the BAAQMD's emissions standards for back-up generators.
SS33: Commercial Cooking Equipment	Consistent. The existing restaurant on site does not have a charbroiler. The project does include the potential development of additional restaurant facilities. However, if any kitchen facilities or restaurants occur and they install a charbroiler, a catalytic oxidizer system must also be installed pursuant to BAAQMD Rule 6-2.
SS34: Wood Smoke	Consistent. The Project would comply with BAAQMD Regulation 6, Rule 3 and prohibit the construction of wood burning appliances/ fireplaces.
SS36: Particulate Matter from Trackout	Consistent. Mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor based on BAAQMD's requirements.
SS37: Particulate Matter from Asphalt Operations	Consistent. Paving and roofing activities associated with the project would be required to utilize best management practices to minimize the particulate matter created from the transport and application of road and roofing asphalt.
SS38: Fugitive Dust	Consistent. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required to utilize best management practices, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 mph, to minimize the creation of fugitive dust. See MM AQ-1 BAAQMD Basic Construction Measures for a more detailed list.
SS40: Odors	Consistent. The project would comply with Regulation 7 to strengthen odor standards and enhance enforceability.
Transportation Control Measures	
TR2: Trip Reduction Programs	Consistent. Implementation of MM GHG -1 would create a Commute Trip Reduction (CTP)/Transportation Demand Management (TDM) plan. The Mountain Winery site is not located within the general service area for VTA services. Therefore, the Project is not anticipated to have transit trips to/from the Project site. However, as the Project would serve concert goers and winery visitors, the proposed lodging would largely serve an existing demand currently met by existing hotels in the surrounding area. [1]
TR8: Ridesharing and Last-Mile Connections	
TR9: Bicycle and Pedestrian Access Facilities	Not Applicable. The existing and proposed land use designations of the Project site support and enhance a rural character, promote the wise use of natural resources, and avoid natural hazards. There is currently no pedestrian access to/from the Project site. Sidewalks along the Mountain Winery driveway are not feasible because they would not connect to any existing sidewalks and would dead end at Pierce Road and the existing right of way could not accommodate sidewalks and two-way traffic. Bicyclists currently share the road with vehicles on Pierce Road and Highway 9. Bicycle lanes along the Mountain Winery driveway are not feasible because the bicycle lanes would not connect to any existing bicycle routes. In addition, the existing driveway varies in width and would not be able to safely accommodate bicyclists in both directions and vehicles accessing the Project site.

[1] This analysis estimates that 80 percent of patrons would have been traveling to the Mountain Winery already and that 20 percent of patrons would be new, induced visitors that would add new trips to the regional roadway network. Appendix E further details the methodology of the VMT analysis.

Table 7-6: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
TR10: Land Use Strategies	Consistent. This measure is a BAAQMD funding tool to maintain and disseminate information on current climate action plans and other local best practices and collaborate with regional partners to identify innovative funding mechanisms to help local governments address air quality and climate change in their general plans. As noted above, the Project would include a lodging facility at an existing winery and event center and would reduce the need to travel to off-site hotels. The Project would not conflict with implementation of this measure.
TR13: Parking Policies	Consistent. The Mountain Winery facility has 933 existing parking spaces. The existing parking is sufficient for the currently allowed uses and for the proposed uses. The existing parking lots would generally be maintained, although the Project may result in minor ground disturbance, within the Precise Plan area, to accommodate any additional parking, as needed.
TR19: Medium and Heavy Duty Trucks	Not Applicable. Although the project does not involve warehousing or industrial uses that would generate substantial truck trips, the project would not conflict with the implementation of this measure.
TR22: Construction, Freight and Farming Equipment	Consistent. The Project would comply through implementation of MM AQ-1, which requires construction equipment (graders and scrapers) to meet the Tier 4 emissions standards.
Energy and Climate Control Measures	
EN1: Decarbonize Electricity Generation	Consistent. The Project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen and with the City of Saratoga's California Green Building Standards Code.
EN2: Decrease Electricity Demand	
Buildings Control Measures	
BL1: Green Buildings	Consistent. The Project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen.
L2: Decarbonize Buildings	
BL4: Urban Heat Island Mitigation	Consistent. The Project would use the existing parking lots, which would generally be maintained in the existing formation. Development of new land uses would be limited to the already disturbed Precise Plan area.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	Not Applicable. The Project site is in a rural portion of Saratoga. The Project would maintain the existing natural vegetation to ensure continuation of existing visual screening of the property.
Waste Management Control Measures	
WA1: Landfills	Consistent. The waste service provider for the Project would be required to meet the AB 341 and SB 939, 1374, and 1383 requirements that require waste service providers to divert and recycle waste. Per Cal Green requirements the Project would recycle construction waste. Recycling is also required in Mitigation Measure GHG-1.
WA3: Green Waste Diversion	
WA4: Recycling and Waste Reduction	
Water Control Measures	
WR2: Support Water Conservation	Consistent: The project would implement water conservation measures and low flow fixtures as required by Title 24, CalGreen, and the City of Saratoga's Municipal Code Section 15-47 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc.

Source: BAAQMD, Clean Air Plan, 2017 and Kimley-Horn & Associates, 2019.

The Mountain Winery lodging facility would host visitors who wish to stay at the winery and those who are attending the many concerts that are held each summer. While there are several hotels within a short drive of the winery, the new lodging facility would provide guests easier access to and from on-site concerts, as well as wine tastings and other activities. Although the proposed lodging facility is expected to provide additional jobs and some related trips to the Mountain Winery, the facility itself is expected to mostly serve existing patrons of the Mountain Winery. The Project would create new employment opportunities. The addition of 75 new jobs from lodging uses would be within the ABAG growth projections for the City of approximately 9,085 jobs by 2040. In addition, employees may already be residents of the City or commute from nearby cities, not necessitating the need for new homes. Population growth from the Project would be consistent with ABAG's projections for the City and with the City's General Plan. Thus, the Project not exceed the assumptions in the General Plan EIR or the Clean Air Plan.

Additionally, as described below in Impact AQ-2, construction and operational air quality emissions generated by the Project would not exceed the BAAQMD's emissions thresholds. These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the Project would not exceed these thresholds, the Project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants, and would not contribute to any non-attainment areas in the San Francisco Bay Area Air Basin (SFBAAB). Therefore, the Project would be in compliance with the 2017 Clean Air Plan and impacts would be less than significant.

Impact AQ-2: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (**Less Than Significant with Mitigation)**

Construction Emissions

Project construction activities would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include ozone-precursor pollutants (i.e., ROG and NO_x) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BAAQMD's thresholds of significance.

Construction results in the temporary generation of emissions during demolition, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of

airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities, as well as weather conditions and the appropriate application of water.

The duration of construction activities associated with the Project are estimated to last approximately 18 months. The Project's construction-related emissions were calculated using the BAAQMD-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Project demolition, site preparation, and grading are anticipated to begin in the Summer 2020. Although earthwork volumes have not yet been determined, the modeling assumed approximately 100,000 cubic yards of balanced earthwork onsite. It should be noted that the design guidelines in the Precise Plan include policies requiring that grading is minimized and development over steep terrain is avoided. Paving for was modeled to be completed by Fall 2021 and Architectural Coating to be completed Winter 2021. Building construction was estimated to begin Fall of 2020 and last almost 14 months to Winter 2021. The exact construction timeline is unknown, however to be conservative, earlier dates were utilized in the modeling. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover. See Appendix A: Air Quality Data for additional information regarding the construction assumptions used in this analysis. The Project's predicted maximum daily construction-related emissions are summarized in Table 7-7.

Table 7-7: Construction-Related Emissions

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Unmitigated						
2020	10.87	128.89	5.02	4.62	18.21	9.97
2021	53.14	30.86	1.09	1.03	3.55	0.96
Maximum Unmitigated	**53.14**	**128.89**	**5.02**	**4.62**	**18.21**	**9.97**
BAAQMD Significance Threshold [2,3]	54	54	82	54	N/A	N/A
Exceed BAAQMD Threshold?	**No**	**Yes**	**No**	**No**	**No**	**No**
Mitigated						
2020	4.14	42.46	2.20	2.02	7.86	4.28
2021	53.14	30.86	1.09	1.03	3.37	0.91
Maximum Mitigated	**53.14**	**42.46**	**2.20**	**2.02**	**7.86**	**4.28**

Table 7-7: Construction-Related Emissions

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
BAAQMD Threshold	54	54	82	54	BMPs	BMPs
Exceed BAAQMD Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:
1. Emissions were calculated using CalEEMod. Mitigated emissions include compliance with the BAAQMD's Basic Construction Mitigation Measures Recommended for All Projects. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours. Additionally, all graders and scrapers are required to meet CARB Tier 4 Final emissions standards.
2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated May 2017.
3. BMPs = Best Management Practices. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant.
Source: Refer to the CalEEMod outputs provided in Appendix A, Air Quality Modeling Data.

Fugitive Dust Emissions. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. See MM AQ-1.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the Project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_X, PM_{10}, and $PM_{2.5}$. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. See MM AQ-1. Additionally, the MM AQ-2 requires graders and scrapers used during construction to meet CARB Tier 4 Final emissions standards.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod.

The highest concentration of ROG emissions would be generated from architectural coating beginning in summer 2021 and lasting approximately four months. This phase includes the interior and exterior painting as well as striping of all paved parking areas and roadways. Paints would be required to comply with BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

Summary. As shown in Table 7-7, all criteria pollutant emissions except NO_x would remain below their respective thresholds prior to mitigation. However, BAAQMD considers fugitive dust emissions to be potentially significant without implementation of fugitive dust controls. Accordingly, MM AQ-1 is required to reduce fugitive dust emissions to less than significant. NO_X emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NO_X emissions as proposed by AQ-2.

The Project emissions would not worsen ambient air quality, create additional violations of federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant with mitigation.

Operational Emissions

Operational emissions for developments such as the lodging facility are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling, heating, and cooking); and area sources (landscape equipment and household products). Table 7-8 shows that the Project's maximum emissions would not exceed BAAQMD operational thresholds. For purposes of this analysis, the lodging facility was determined to meet the definition of a resort hotel due to its alignment of amenities and operations with the industry definition of a resort hotel.

Table 7-8: Unmitigated Maximum Daily Project Operational Emissions

Emissions Source	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Project						
Area	10.86	0.01	0.00	0.00	0.00	0.00
Energy	0.57	5.18	0.39	0.39	0.00	0.00
Mobile	1.73	6.79	0.05	0.04	4.64	1.24
Total Project Emissions	**13.16**	**11.98**	**0.44**	**0.44**	**4.64**	**1.24**

Emissions Source	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
BAAQMD Significance Threshold[2]	54	54	82	54	N/A	N/A
BAAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**	**N/A**	**N/A**
Notes: 1. Existing mobile emissions represent the vehicle emissions associated with visitors to the Mountain Winery 2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2017.						
Source: Refer to the CalEEMod outputs provided in Appendix A, Air Quality and GHG Data.						

Mobile Sources. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport PM_{10} and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the project were based on the Project Traffic Impact Study. Based on the Traffic Impact Study, the Project would result in an average of approximately 1,431 total daily vehide trips. Table 7-8 shows the net project emissions generated by vehicle traffic associated with the Project would not exceed established BAAQMD regional thresholds.

Energy Source Emissions. Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the Project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. As shown in Table 7-8, energy source emissions from the Project would not exceed BAAQMD thresholds for ROG, NO_X, PM_{10}, and $PM_{2.5}$.

Area Source Emissions. Area source emissions would be generated due to an increased demand for consumer products, architectural coating, hearths, and landscaping. As shown in Table 7-8, area source emissions from the Project would not exceed BAAQMD thresholds.

Total Operational Emissions. As indicated in Table 7-8, net project operational emissions would not exceed BAAQMD thresholds. As noted above, the BAAQMD has set its CEQA significance threshold based on the trigger levels for the federal NSR Program and BAAQMD's Regulation 2, Rule 2 for new or modified sources. The NSR Program was created to ensure projects are consistent with attainment of health-based federal ambient air quality standards. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, the project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

Cumulative Short-Term Emissions

The SFBAAB is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. As discussed above, the Project's construction-related emissions by themselves would not have the potential to exceed the BAAQMD significance thresholds for criteria pollutants.

Since these thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, it can be expected that the Project-related construction emissions would not be cumulatively considerable. The BAAQMD recommends Basic Construction Mitigation Measures for all projects whether or not construction-related emissions exceed the thresholds of significance. Compliance with BAAQMD construction-related mitigation requirements are considered to reduce cumulative impacts at a Basin-wide level. As a result, construction emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Cumulative Long-Term Impacts

The BAAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the BAAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in Table 7-8, the Project's operational emissions would not exceed BAAQMD thresholds. As a result, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Mitigation Measures:

MM AQ-1: BAAQMD Basic Construction Measures.

Prior to any grading activities, the applicant shall prepare and implement A Construction Management Plan that includes the BAAQMD Basic Construction Mitigation Measures to minimize construction-related emissions. This shall plan shall first be reviewed and approved by the Director of Public Works/City Engineer. The BAAQMD Basic Construction Mitigation Measures are:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM AQ-2: Off-Road Diesel-Powered Construction Equipment.

Prior to issuance of grading permits, the applicant shall prepare and submit documentation to the City of Saratoga that demonstrates that all off-road diesel-powered graders and scrapers meet the California Air Resources Board's Tier 4 Final off-road emissions standards.

Impact AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations? (**Less Than Significant)**

Sensitive land uses are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. Sensitive receptors in the area, as shown in Table 7-3, include single-family residences approximately 200 feet to the east of the Sanitary Sewer Connection area, across Pierce Road (and 1000 feet from the Precise Plan area).

Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known toxic air contaminants (TAC). Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The closest sensitive receptor to the

Project site are the residences to the east and north of the Project site. BAAQMD provides guidance for evaluating impacts from TACs in its CEQA Air Quality Guidelines document. As noted therein, an incremental cancer risk of greater than 10 cases per million at the Maximally Exposed Individual (MEI) will result in a significant impact. The BAAQMD considers exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 µg/m^3 from a single source to be significant. The BAAQMD significance threshold for non-cancer hazards is 1.0.

Stationary sources within a 1,000-foot radius of the Project site were identified using BAAQMD's Stationary Source Screening Analysis Tools and consultation with the BAAQMD. BAAQMD confirmed no sources exist within 1,000-feet of the Project site.

Construction-Related Diesel Particulate Matter

Project construction would generate diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required for grading and excavation, paving, and other construction activities. For construction activity, DPM is the primary toxic air contaminant of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations. Diesel exhaust from construction equipment operating at the site could pose a health risk to nearby sensitive receptors. The closest sensitive receptor are single-family residences approximately 200 feet east of the Sanitary Sewer Connection area, as shown in Figure 3-2. Construction activities in the Sanitary Sewer Connection area would be limited to future connection to the Cupertino Sanitary District. New lodging uses (and ancillary uses) allowed by the Project would be limited to the Precise Plan area. As shown in Table 7-3, the nearest sensitive receptor to the Precise Plan area is approximately 1,000 feet east of the Precise Plan area.

The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations.

Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The use of diesel-powered construction equipment would be episodic and would occur in various phases throughout the Project site. Additionally, construction activities would limit idling to no more than five minutes (MM AQ-1), which would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. Furthermore, even during the most intense year of construction, emissions of DPM would be generated from different locations on the Project site rather than in a single location because different types of construction activities (e.g., site preparation and building construction) would not occur at the same place at the same time.

California Office of Environmental Health Hazard Assessment has not identified short-term health effects from DPM. Construction is temporary and would be transient throughout the site (i.e., move from location to location) and would not generate emissions in a fixed location for

extended periods of time. Construction activities would be subject to and would comply with California regulations limiting the idling of heavy-duty construction equipment to no more than five minutes to further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. For these reasons, DPM generated by Project construction activities would not expose sensitive receptors to substantial amounts of air toxics and the Project would result in a less than significant impact.

Therefore, impacts associated with construction activities would be less than significant.

Mobile Sources

The Project would not place sensitive receptors within 1,000-feet of a major roadway (mobile TAC source). Additionally, the Project's effects to existing vehicle distribution and travel speeds would be nominal. Any changes to vehicle distribution and travel speeds can affect vehide emissions rates, although these changes would be minimal and would not substantially change criteria pollutant emissions, which are primarily driven by vehicle miles travelled (VMT). Traffic is also predominantly light-duty and gasoline powered and therefore any shifts in traffic would not constitute a change in substantial cancer risk. The Project does not involve the increase of transit trips or routes and would not generate increased emissions from expanded service (e.g., increased bus idling service). Therefore, impacts related to cancer risk, hazards, and $PM_{2.5}$ concentrations from mobile sources would be less than significant at the Project site.

Carbon Monoxide Hotspots

The primary mobile-source criteria pollutant of local concern is carbon monoxide. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. CO concentration modeling is therefore typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

The SFBAAB is designated as in attainment for carbon monoxide (CO). Emissions and ambient concentrations of CO have decreased dramatically in the SFBAAB with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a project would not increase traffic volumes at local intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Traffic would increase along surrounding roadways during long-term operational activities.

According to the Traffic Impact Analysis prepared for the Project (2019), the Project would generate 85 net new a.m. peak hour trips and 101 net new p.m. peak hour trips. The Project's effects to existing vehicle distribution and travel speeds would be nominal. Therefore, the project would not involve intersections with more than 24,000 or 44,000 vehicles per hour. As a result, the Project would not have the potential to create a CO hotspot and impacts would be less than significant.

Impact AQ-4: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (**Less than Significant)**

Construction

According to the BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The Project does not include any uses identified by the BAAQMD as being associated with odors.

Construction activities associated with the Project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Any construction-related odors would be short-term in nature and cease upon Project completion. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

Operational

BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. BAAQMD's thresholds for odors are qualitative based on BAAQMD's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The Project includes lodging (up to 300 lodging units), a second water tank, and future connections to the Cupertino Sanitary District infrastructure. None of these uses are anticipated to generate odors.

With respect to odor impacts from adjacent and nearby properties that could affect project guests, land uses typically producing objectionable odors include agricultural uses, wastewater treatment facilities, waste-disposal facilities, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. None of these uses are located near the Project site. Impacts would be less-than-significant.

7.4.3 Cumulative Impact Analysis

Cumulative Setting

The cumulative setting for air quality includes the City and the Air Basin. Air Basin is designated as a nonattainment area for state standards of ozone, PM_{10}, and $PM_{2.5}$. The Air Basin is designated as a nonattainment area for federal standards of ozone and $PM_{2.5,}$ attainment and serious maintenance for federal PM_{10} standards, and is designated as unclassified or attainment for all other pollutants. Cumulative growth in population and vehicle use could inhibit efforts to improve regional air quality and attain the ambient air quality standards.

Cumulative Impacts and Mitigation Measures

The BAAQMD CEQA Air Quality Guidelines do not include separate significance thresholds for cumulative operational emissions. However, with respect to regional air pollution, the development of the project would result in population growth that is consistent with ABAG projections. Therefore, the project would be consistent with the 2017 Clean Air Plan that uses ABAG population forecasts. The Project would increase VMT as shown in the Vehicle Miles Travelled analysis of the Transportation Impact Analysis and summarized in Impact TR-2. However, because the future buildout of the Project would primarily serve existing winery patrons there would be an overall increase in efficiency.

As described in threshold 7.1 above, the project would also be consistent with the appropriate 2017 Clean Air Plan control measures, which are provided to reduce air quality emissions for the entire Bay Area region. Additionally, the discussion in threshold 7.2 addresses cumulative impacts and demonstrates that the project would not exceed the applicable BAAQMD thresholds. The BAAQMD CEQA Air Quality Guidelines note that the nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size by itself to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. Consistency with the 2017 Clean Air Plan control measures would ensure that the Project would not cumulatively contribute to air quality impacts in the Basin. Therefore, impacts would be less than significant.

7.5 References

1. Bay Area Air Quality Management District, Planning Healthy Places, 2016.
2. Bay Area Air Quality Management District, CEQA Air Quality Guidelines, 2017.
3. Bay Area Air Quality Management District, Clean Air Plan, 2017.
4. Bay Area Air Quality Management District, Air Quality Standards and Attainment Status, 2017.
5. Bay Area Air Quality Management District, Current Rules, 2017.
6. California Air Pollution Control Officers Association (CAPCOA), Health Effects, 2018.
7. California Air Pollution Control Officers Association (CAPCOA), Health Risk Assessments for Proposed Land Use Projects, 2009.

8. California Air Resources Board, Aerometric Data Analysis and Measurement System (ADAM) Top Four Summaries from 2015 to 2017, 2018.
9. California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, 2005.
10. California Air Resources Board, Current Air Quality Standards, 2016.
11. California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, 2000.
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13. City of Saratoga, Municipal Code, 2019.
14. Federal Highway Administration, Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents, 2016.
15. Kimley-Horn & Associates, Traffic Impact Study for the Mountain Winery Annexation Project, August 2019.
16. Office of Environmental Health Hazard Assessment, Air Toxics Hot Spots Program Risk Assessment Guidelines, 2015.
17. United States Environmental Protection Agency, National Ambient Air Quality Standards Table, 2016.
18. United States Environmental Protection Agency, Nonattainment Areas for Criteria Pollutants, 2018.
19. United States Environmental Protection Agency, Policy Assessment for the Review of the Lead National Ambient Air Quality Standards, 2013.

8 Biological Resources

8.1 Introduction

This section describes effects on Biological Resources conditions in the Project area. The current condition and quality of Biological Resources was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- H.T. Harvey & Associates. (August 2019). *Mountain Winery Annexation Biological Resources Report.* Los Gatos, CA. (Appendix B)

8.2 Environmental Setting

This section presents information on biological resources conditions in the project area. The current condition and quality of biological resources was used as the baseline against which to compare potential impacts of the Project.

8.2.1 Project site

The approximately 80-acre Project site is located in western Santa Clara County. It is located on the north side of Saratoga Creek and California State Route 9 (SR-9), primarily within the lower Calabazas Creek drainage (a tributary to Saratoga Creek). The southeast portion of the Project site includes an abandoned gravel quarry on the eastern flank of the ridge top and an existing unnamed access road off of Pierce Road. Outside the developed area of the winery, the Project site is surrounded on all sides by steeply sloped woodland and scrub habitat. Residential areas within Saratoga city limits are located downslope to the east and southeast of the Project site.

8.2.2 Biological Study Area

The biological study area (study area) includes areas where lodging and other future activities may occur; specifically encompassing the Precise Plan area and the Sewer Connection area; Figure 8-1. The study area is confined to the ridgetop plateau and lies entirely within the existing property fence. The potential future connection to the Cupertino Sanitary District would be located within the eastern end of the study area. The study area is bordered on the north and west by private property, low-density residential housing and privately-owned wineries, to the east by residential development and the City, and to the south by the Saratoga Creek drainage. The study area is located within the *Cupertino*, *California* 7.5-minute USGS quadrangle on the northern flank of the Santa Cruz Mountains. The study area includes the developed area surrounding the Mountain Winery, located along the top of a ridge, and the densely vegetated upper slopes on the northeast and southwest sides of the property. While the topography of the study area, as shown in Figure 8-1, is a relatively flat ridgetop, the topography surrounding the existing Mountain Winery complex consists of steep slopes ranging from approximately 20% - 80% grades along the perimeter of the study area.

Elevations within the study range from approximately 864 feet to 1,594 feet above sea level. The study area is underlain by four soil types, Mouser-Katykat-Sanikara complex, 50 to 75 percent slopes; Sanikara-Mouser-Rock outcrop complex, 50 to 75 percent slopes; Katykat-Sanikara complex, 8 to 30 percent slopes; and Sanikara-Rock Outcrop complex, 75 to 100 percent slopes (NRCS 2019). These soils are all considered to be well-drained soils.

8.2.3 Biotic Habitats

Reconnaissance-level surveys identified six habitat types/land uses in the study area: developed/landscaped (22.32 acre), coast live oak woodland (20.05 acre), California annual grassland (15.30 acre), vineyards (9.55 acre), northern coastal scrub (8.76 acre), and chamise chaparral (4.05 acre); see Figure 8-2. These habitats are described in detail below.

Developed/Landscaped

Vegetation. The most extensive land cover type within the study area consists of developed/landscaped areas developed for the winery and music venue. This land cover type extends through the center of the Project area from the southeast corner of the study area through the northwestern-most section and includes several buildings, a concert grandstand, paved roads, dirt roads, parking lots, and paved sidewalks; see Photo 1: Developed/Landscaped Habitat. While most of this habitat type consists of concrete, asphalt, buildings, and other impervious materials, landscaping is also present, including planted ornamental species such as olive trees (*Olea europaea*) lining the parking lots, as well as ornamental lilies (*Agapanthus* sp.) and ornamental grape vines (*Vitis* sp.) planted near the buildings. Additionally, coast live oak (*Quercus agrifolia*) and coyote brush (*Baccharis pilularis*) grow in the interface between the developed/landscaped habitat and the annual grassland. Areas of denuded ground in the abandoned gravel quarry, where vegetation has been completely removed, as well as the access road and turn-around to this area were also mapped as "developed".



Photo 1: Developed/Landscaped Habitat

Wildlife. The wildlife most often associated with developed/landscaped areas are those that are tolerant of periodic human disturbances, including introduced species such as the European starling (*Sturnus vulgaris*), house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), and black rat (*Rattus rattus*). Numerous common, native species are also able to utilize these habitats,

especially the landscaped areas, including the western fence lizard (*Sceloporus occidentalis*), striped skunk (*Mephitis mephitis*), and a variety of birds, such as the house finch (*Haemorhous mexicanus*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), California towhee (*Melozone crissalis*), bushtit (*Psaltriparus minimus*), and California scrub-jay (*Aphelocoma californica*), all of which were observed in the study area during the site visit. The buildings provide potentially suitable nesting habitat for house finches and black phoebes (*Sayornis nigricans*). No suitable habitat for bats or roosting barn owls was observed during the site visit.

Coast Live Oak Woodland

Vegetation. The coast live oak woodland within the study area is characterized by a closed canopy woodland dominated by coast live oak, although other tree species may be present, including California bay (*Umbellularia californica*), which is often a major component. Some areas within the coast live oak woodland habitat type also contain bigleaf maple (*Acer macrophyllum*) and California buckeye (*Aesculus californica*) as co-dominant overstory constituents; see Photo 2: Coast Live Oak Woodland Habitat. The understory layer is made up primarily of poison oak (*Toxicodendron diversilobum*) and coast live oak saplings. This habitat type is found mostly in the northwestern portion of the study area, as well as along the northern slopes of the Project study area.



Photo 2: Coast Live Oak Woodland Habitat

Wildlife. Woodlands dominated by oaks typically support diverse animal communities in California. Coast live oaks provide cavities, bark crevices, and complex branching growth that create shelter for wildlife species, and these trees produce mast crops that are an important food source for many birds and mammals. Breeding birds in this habitat type include the acorn woodpecker (*Melanerpes formicivorus*), white-breasted nuthatch (*Sitta carolinensis*), Bewick's wren (*Thryomanes bewickii*), chestnut-backed chickadee (*Poecile rufescens*), Anna's hummingbird, California scrub-jay, Steller's jay (*Cyanocitta stelleri*), oak titmouse (*Baeolophus inornatus*), and Hutton's vireo (*Vireo huttoni*), all of which were detected during the site visit. Other bird species expected to use this habitat include the resident western screech-owl (*Megascops kennicottii*), as well as wintering birds including the ruby-crowned kinglet (*Regulus calendula*) and Townsend's warbler (*Setophaga townsendi*). Raptors such as the Cooper's hawk (*Accipiter cooperii*), red-shouldered hawk (*Buteo lineatus*), and red-tailed hawk (*Buteo jamaicensis*) may forage for prey in these woodlands. These species could also potentially nest in

the limited oak woodlands present in the study area, but no active or inactive raptor nests or recently fledged young were detected during the site visit, suggesting that raptors did not nest in the study area in 2019.

Leaf litter and fallen logs in coast live oak woodlands in the study area may provide cover and foraging habitat for California slender salamanders (*Batrachoseps attenuatus*). Reptiles such as the northern alligator lizard (*Elgaria coerulea*) and western fence lizards are also expected to occur in the coast live oak forest. Mammals such as the native raccoon (*Procyon lotor*) and nonnative eastern gray squirrel (*Sciurus carolinensis*) and fox squirrel (*Sciurus niger*) may also occur in the coast live oak forest.

An examination of trees in the study area, including those in the coast live oak woodlands, did not detect any large cavities that might provide suitable roosting habitat for large colonies of bats. Several nests of San Francisco dusky-footed woodrats (*Neotoma fuscipes annectens*) were found in the coast live oak woodlands.

California Annual Grassland

Vegetation. California annual grassland is an herbaceous plant community dominated by nonnative annual grasses. California annual grassland in the study area occurs where grasses and forbs are dominant; see Photo 3: California Annual Grassland Habitat. In much of the study area, the California annual grassland habitat is disturbed by regular mowing and/or utilization for stockpiling materials. Characteristic dominant grass species in the grassland habitat include wild oats (*Avena fatua*), foxtail chess (*Bromus madritensis*), ripgut brome (*B. diandrus*), rat-tail fescue (*Festuca* [*Vulpia*] *myuros*), and Italian rye grass (*F. perennis*). Common forb species found within this habitat include many nonnative species such as yellow starthistle (*Centaurea solstitialis*), rose clover (*Trifolium hirtum*), and scarlet pimpernel (*Lysimachia arvensis*). Many of these nonnative forb species are ranked as moderately or highly invasive by the California Invasive Plant Council (Cal-IPC 2019). For example, yellow starthistle is highly invasive and has severe ecological impacts on physical processes, plant and animal communities, and vegetation structure (Cal-IPC 2019). Occasional patches of the shrub Yerba Santa (*Eriodictyon californicum*) occur within the grassland.

Wildlife. Wildlife use of California annual grasslands in the study area is limited by frequent human disturbance, an abundance of nonnative and invasive species, and isolation of the grassland habitat remnants from more extensive grasslands. As a result, wildlife species associated with more extensive grasslands, such as the grasshopper sparrow (*Ammodramus savannarum*) and western meadowlark (*Sturnella neglecta*), are absent from the relatively small grasslands in the study area. Most of the bird species using this habitat during the breeding season nest in nearby landscaped areas, the adjacent coast live oak woodland, and the adjacent chamise chaparral and northern coastal scrub, and use areas of California annual grassland only for foraging. Such species include the California quail (*Callipepla californica*), California towhee, California thrasher (*Toxostoma redivivum*), California scrub-jay, mourning dove (*Zenaida macroura*), lesser goldfinch (*Spinus psaltria*), and dark-eyed junco (*Junco hyemalis*). Similarly, a few species nesting on nearby buildings, such as the house finch and black phoebe, also forage on or over the California annual grassland habitat. Several other species of birds use the California annual grassland during the nonbreeding season. These species, which include the golden-crowned sparrow (*Zonotrichia atricapilla*), fox sparrow (*Passerella illiaca*), and white-crowned sparrow (*Zonotrichia leucophrys*), forage on the ground or in herbaceous vegetation, primarily for seeds.



Photo 3: California Annual Grassland Habitat

Few species of reptiles and amphibians occur in the California annual grassland in the study area due to its disturbed nature and low habitat heterogeneity. Nevertheless, reptiles such as the western fence lizard and gopher snake (*Pituophis melanoleucus*) occur in this habitat type. Small mammals expected to be present include the native western harvest mouse (*Reithrodontomys megalotis*) and nonnative house mouse, Norway rat, and black rat. Small burrowing mammals, such as the Botta's pocket gopher (*Thomomys bottae*) are also present, and larger mammals, such as the striped skunk, Virginia opossum (*Didelphis virginiana*), raccoon, and mountain lion (*Puma concolor*) are likely to occur here. No burrows of California ground squirrels (*Otospermophilus beecheyi*) were observed in grasslands in the study area during the site visit.

Vineyards



Photo 4: Vineyards Habitat

Vegetation. Vineyards are mostly located in the southeastern portion of the study area, along the road to the Mountain Winery buildings. Additionally, there are vineyards just north of the small parking lot, separating the parking lot from the buildings and concert grandstands. Vegetation within the vineyards consists primarily of ruderal (i.e., disturbed) weedy species such as yellow starthistle, hairy cat's ear (*Hypochaeris radicata*), and wild oats along the perimeter and within the rows of vines. This habitat is affected by regular maintenance and management, including efforts to control weedy vegetation between the vine rows.

Wildlife. The vineyards habitat within the study area is characterized by young grape vines that have little structural complexity, and therefore provide limited foraging habitat for wildlife species. Nevertheless, a number of wildlife species would forage in vineyards, including the raccoon and gray fox (*Urocyon cinereoargenteus*). Other wildlife species that occur in this habitat are generalist species that occur in adjacent habitats and opportunistically forage in vineyards, such as the mule deer (*Odocoileus hemionus columbianus*), California quail, house finch, brush rabbit (*Sylvilagus bachmani*), and western fence lizard. Agricultural pesticides reduce the availability of invertebrate prey in vineyards, but small numbers of insectivores such as the black phoebe and western bluebird would forage aerially for insects in this habitat. California quail, California towhee, and wintering sparrows, such as white-crowned and golden-crowned sparrows are also present within the study area. Generalist species that occur in adjacent habitats, such as California scrub jay, may forage on the edges of this habitat. Western fence lizards may forage around and on the vines and the associated infrastructure that supports the vines.

Northern Coastal Scrub

Vegetation**.** Northern coastal scrub habitat in the study area occurs around a facilities storage area and area of annual grassland in the northern portion of the study area, as well as in between stands of coast live oak woodland located around the northern perimeter of the study area boundary. This scrub habitat type is dominated by coyote brush, with occasional co-dominant shrub species such as poison oak and sticky monkey flower (*Diplacus aurantiacus*). The shrub

canopy is continuous and medium stature (four to six feet tall). Typically it represents the first stage (and least mature) of scrub occupation of former grassland sites in the succession stage (Ford and Hayes 2007), and that appears to be the case within the Project study area. Though dominated primarily by coyote brush, the invasive shrub French broom (*Genista monspessulana*) is also common, and forms thickets in portions of this habitat type. Associated herbaceous vegetation includes wild oats, Italian rye grass, and Italian thistle (*Carduus pycnocephalus*). Northern coast scrub habitat was also mapped in the abandoned gravel quarry where vegetation consisted of a mix of coyote brush, California sagebrush (*Artemisia californica*), toyon (*Heteromeles arbutifolia*), as well as abundant stands of the invasive grass, pampas grass (*Cortaderia jubata*).



Photo 5: Northern Coastal Scrub Habitat

A roadside ditch was mapped along the road at the base of the abandoned gravel quarry area, adjacent to areas mapped as northern coastal scrub and chamise chaparral. The ditch was dug out to convey stormwater flow from eroded areas in the quarry area. The ditch was approximately 2 feet wide and was dry at the time of the July field survey. A few small, narrow patches of cattails (*Typha latifolia*) are located intermittently at the east end of the ditch. These are no more than six feet long and are intermixed with pampas grass and other upland grasses. A narrow patch of arroyo willow (*Salix lasiolepis*) has colonized a portion of the ditch as well towards its west end, before it crosses under the road through a plastic 24-inch corrugated culvert. After passing under the road, the ditch flows downhill and off-site where it likely flows into an unnamed intermittent drainage approximately 500 feet downslope and to the northeast of the Project study area.

Wildlife. Coastal scrub communities are typically dry, have relatively short canopy heights, and are homogeneous in structure. Therefore, wildlife species diversity in coastal scrub is often low. Mammals that use coastal scrub habitats for cover include the coyote (*Canis latrans*), bobcat (*Lynx rufus*), and brush rabbit (*Sylvilagus bachmani*), among others. Several nests of San Francisco dusky-footed woodrats were observed in this habitat during the site visit. Bird species that nest in these habitats include the California thrasher, blue-gray gnatcatcher (*Polioptila caerulea*), California towhee, spotted towhee (*Pipilo maculatus*), California quail, wrentit (*Chamaea fasciata*), lesser goldfinch, and Anna's hummingbird, all of which were detected during the site visit. In winter, sparrows such as the golden-crowned sparrow, white-crowned sparrow, and fox sparrow are also expected to occur in this habitat. Reptiles that occur here include the gopher

snake, western rattlesnake (*Crotalus viridis*), southern alligator lizard (*Elgaria multicarinata*), striped racer (*Masticophis lateralis*), and western fence lizard. Amphibians are usually absent or scarce due to the dry conditions.

The roadside ditch supports flowing water only during and for short durations following rain events, so it provides no aquatic habitat for any aquatic wildlife species.

Chamise Chaparral

Vegetation**.** Chamise chaparral, which occurs in the northeastern portion of the study area, see Photo 6: Chamise Chaparral Habitat in the Western Portion of the Study Area, is defined by a dense, closed canopy of chamise (*Adenostoma fasciculatum*) occurring on south-facing, moderate to steep slopes. Shrub canopy height was slightly taller than that of the northern coastal scrub described above. Other chamise shrub species observed within this scrub type included big berry manzanita (*Arctostyaphylos glauca*), black sage (*Salvia mellifera*) and sticky monkey flower. Herbaceous vegetation is sparse due to the dense cover of shrub species, but nonnative grasses and forbs such as those mentioned in the description of California annual grassland were found around the perimeter of this habitat type.



Photo 6. Chamise Chaparral Habitat in the Western Portion of the Study Area.

Wildlife. Like northern coastal scrub, chamise chaparral communities are typically dry, have relatively short canopy heights, and are homogeneous in structure. Therefore, wildlife species diversity in chamise chaparral is often low, and wildlife communities are similar to those that occur in northern coastal scrub. Mammals that use chamise chaparral and coastal scrub habitats for cover include the coyote, bobcat, and brush rabbit, among others. Nests of San Francisco dusky-footed woodrats were present in this community. Bird species that nest in these habitats include the California thrasher, blue-gray gnatcatcher, California towhee, spotted towhee, California quail, wrentit, lesser goldfinch, and Anna's hummingbird, all of which were detected during the site visit. In winter, sparrows such as the golden-crowned sparrow, white-crowned sparrow, and fox sparrow are also expected to occur in this habitat. Reptiles that occur here include the gopher snake, western rattlesnake, southern alligator lizard, striped racer, and western fence lizard. Amphibians are usually absent or scarce due to the dry conditions.

8.2.4 Special-Status Species and Sensitive Habitats

CEQA requires assessment of the effects of a project on species that are protected by state, federal, or local governments as "threatened, rare, or endangered"; such species are typically described as "special-status species". For the purpose of the environmental review of the Project, special-status species have been defined as described below. Impacts on these species are regulated by some of the federal, state, and local laws and ordinances described in Section 7.4 below.

For purposes of this analysis, "special-status" plants are considered plant species that are:

- Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under CESA as threatened, endangered, rare, or a candidate species.
- Listed by the CNPS as CRPR 1A, 1B, 2, 3, or 4.
- For purposes of this analysis, "special-status" animals are considered animal species that are:
    - Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
    - Listed under CESA as threatened, endangered, or a candidate threatened or endangered species.
    - Designated by the CDFW as a California species of special concern.
    - Listed in the California Fish and Game Code as fully protected species (fully protected birds are provided in Section 3511, mammals in Section 4700, reptiles and amphibians in Section 5050, and fish in Section 5515).

Information concerning threatened, endangered, and other special-status species that potentially occur in the study area was collected from several sources and reviewed by H. T. Harvey & Associates biologists. Figure 8-3 depicts CNDDB records of special-status plant species in the general vicinity of the study area and Figure 8-4 depicts CNDDB records of special-status animal species. These generalized maps show areas where special-status species are known to occur or have occurred historically.

Special-Status Plant Species

The California Native Plant Society (CNPS) (2019) and California Natural Diversity Database (CNDDB) (2019) databases identify 105 special-status plant species as potentially occurring in at least one of the nine USGS quadrangles containing or surrounding the study area for California Rare Plant Ranking (CRPR) 1 or 2 species, or in Santa Clara County for CRPR 3 and 4 species. The CNPS Rare Plant Ranking system ranges from presumed extinct species, CRPR 1A, to limited distribution species, CRPR 4 (CNPS 2019). Ninety-nine of those potentially occurring special-status plant species were determined to be absent from the study area for at least one of the following reasons: (1) lack of suitable habitat types; (2) absence of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species is outside

of the range on the study area; and/or (4) the species is considered extirpated. Suitable habitat, edaphic requirements, and elevation range were determined to be present in the study area for six plant species: Anderson's manzanita (*Arctostaphylos andersonii*), King's Mountain manzanita (*Arctostaphylos regismontana*), Brewer's calandrinia (*Calandrinia breweri*), Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*), western leatherwood (*Dirca occidentalis*), and arcuate bush mallow (*Malacothamnus arcuatus*). These species are discussed in more detail below.

Anderson's manzanita (*Arctostaphylos andersonii*). Federal Listing Status: None; State Listing Status: None; CRPR 1B.2.

Anderson's manzanita is a perennial evergreen shrub that blooms from November to May. This species occurs in the openings and along the edges of broadleaved upland forest, chaparral, and north coast coniferous forest habitats at an elevation range of approximately 760 to 2,495 feet. The species is endemic to Santa Clara, Santa Cruz, and San Mateo counties (CNPS 2019). Known populations of Anderson's manzanita occur along Highway 9 approximately four miles west of the Project study area in forest openings along the road (CNDDB 2019). The chaparral in the study area as shown on Figure 8-2 provides potential suitable habitat for Anderson's manzanita. The only species of manzanita observed on the property during the field survey was bigberry manzanita (*Arctostaphylos glauca*), and Anderson's manzanita would likely have been identifiable during this survey if it were present. Therefore, the potential for this species to occur within the study area is low. However, because the reconnaissance-level field survey did not include a focused survey of all chaparral habitat within the study area specifically for this species, there is still some potential for this species to be present.

King's Mountain manzanita (*Arctostaphylos regismontana*). Federal Listing Status: None; State Listing Status: None; CRPR 1B.2.

King's Mountain manzanita is a perennial evergreen shrub that blooms from December to April. It occurs in broadleaved upland forest, chaparral, or coniferous forests in granitic or sandstone soils at an elevational range between 730 and 2,395 feet. King's Mountain manzanita is known to exist in Santa Clara, Santa Cruz, and San Mateo counties. CNDDB occurrence EO3 is located approximately four miles west of the study area, at the head of Peter's Creek, along King's Mountain Road in the Santa Cruz Mountains at an elevation of approximately 2,300 feet (CNDDB 2019). It is located in mixed oak woodland habitat similar to those found in the northern portion of the study area. In the study area, openings along the edges of coast live oak woodland habitat in the study area as shown on Figure 8-2 could support the King's mountain manzanita. The only species of manzanita observed on the property during the field survey was bigberry manzanita, and King's Mountain manzanita would likely have been identifiable during this survey if it were present. Therefore, the potential for this species to occur within the study area is low. However, because the reconnaissance-level field survey did not include a focused survey of all chaparral habitat within the study area specifically for this species, there is still some potential for this species to be present.

Brewer's calandrinia (*Calandrinia breweri*). Federal Listing Status: None; State Listing Status: None; CRPR 4.2.

Brewer's calandrinia is an annual herb in the Miner's lettuce family (Montiaceae) that blooms from March to June, and rarely as early as January, depending on the microsite and annual climactic conditions. This species occurs in disturbed or burned sites within chaparral and coastal scrub habitats at an elevational range of approximately 30 to 4,005 feet. Brewer's calandrinia is known from 17 occurrences in the North and Central Coast ranges (CNDDB 2019). An historic collection is known from the Steven's Creek Reservoir, approximately two miles north of the study area (CCH 2019). This nearby population was found on the disturbed slopes of chaparral habitat, similar to those found in the northern portion of the study area. Therefore, there is some potential for this species to be present within the study area, though only in areas shown on Figure 8-2 as supporting chamise chaparral.

Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*). Federal Listing Status: None; State Listing Status: None; CNPS List: 4.3.

Santa Clara red ribbons is an annual herb in the evening-primrose family (Onagraceae) that blooms from May to June, and in rare cases, as early as April or as late as July, depending on the microsite and annual climactic conditions. This species occurs in chaparral and cismontane woodland habitats in San Francisco Bay Area foothills at an elevational range of approximately 295 to 4,950 feet and is endemic to Alameda, Santa Clara and Santa Cruz Counties (CNPS 2019). A historic CNDDB occurrence, EO16, is mapped immediately south of the study area on the other side of Highway 9 in Congress Springs Canyon (CNDDB 2019). Openings on the edges of northern coastal scrub and chaparral in the study area as shown on Figure 8-2, provide potentially suitable habitat for Santa Clara red ribbons, and the species could potentially occur in that area, but it is not expected to occur elsewhere within the Project study area.

Western leatherwood (*Dirca occidentalis*). Federal Listing Status: None; State Listing Status: None; CRPR 1B.2.

Western leatherwood is a perennial deciduous shrub in the Thymelaeaceae family that blooms from January to April. This species occurs in mesic sights within broadleaved upland forest, closed-cone coniferous forest, brushy slopes of chaparral, cismontane woodland, north coast coniferous forest, riparian forest, and riparian woodland habitats at an elevational range of approximately 82 to 1,394 feet and is endemic to Alameda, Contra Costa, Marin, Santa Clara, San Mateo, and Sonoma counties (CNDDB 2019). Two recent CNDDB occurrences, EO57 and EO58, are mapped approximately two miles north of the study area, along a trail near the Stevens Creek Reservoir in Pichetti Ranch Regional Open Space (CNDDB 2019). Coast live oak woodland habitat in the study area as shown on Figure 8-2 could provide potential habitat for western leatherwood.

Arcuate bush mallow (*Malacothamnus arcuatus*). Federal Listing Status: None; State Listing Status: None; CRPR 1B.2.

Arcuate bush mallow is a perennial deciduous shrub in the Mallow family that blooms from January to April. This species occurs in chaparral and cismontane woodland at an elevational

range of approximately 45 to 1,170 feet and is endemic to Santa Cruz, Santa Clara, and San Mateo counties. The nearest CNDDB occurrences of arcuate bush mallow are over 100 years old. The chaparral habitat in the study area as shown on Figure 8-2 could provide potential habitat for arcuate bush mallow.

Special-Status Animal Species

The legal status and likelihood of occurrence in the study area of special-status animal species known to occur, or potentially occurring, in the surrounding region are presented in Table 8-1, Special-Status Animal Species, Their Status, and Potential Occurrence in the Study Area. Most of the special-status species listed in Table 8-1 are not expected to occur in the study area because it lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known extant populations by development or otherwise unsuitable habitat. Animal species not expected to occur in the study area for these reasons include the California tiger salamander (*Ambystoma californiense*), foothill yellow-legged frog (*Rana boylii*), western pond turtle (*Actinemys marmorata*), bald eagle (*Haliaeetus leucocephalus*), long-eared owl (*Asio otus*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), and American badger (*Taxidea taxus*). No aquatic habitats suitable to support special-status fish species are present within the study area.

Two salamander species, the California giant salamander (*Dicamptodon ensatus*) and the Santa Cruz black salamander (*Aneides flavipunctatus niger*), are both known to occur in the vicinity in the Santa Cruz Mountains, primarily along the Saratoga Creek/SR-9 corridor. However, both of these species are closely associated with mountain streams and seeps, and are not known to disperse away from this habitat. Therefore, because the study area is located entirely on a ridgetop and does not contain any mountain streams and/or seeps, these species are determined to be absent.

A number of special-status bird species can occasionally occur in the study area as nonbreeding foragers (i.e., they do not nest in the study area). These are the peregrine falcon (*Falco peregrinus anatum*) and golden eagle (*Aquila chrysaetos*). The pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), and Townsend's big-eared bat (*Corynorhinus townsendii*) are California species of special concern that may also forage aerially over habitats in the study area. These species are not expected to nest, roost, or breed in or immediately adjacent to the study area, and would be affected very little, if at all, by projects under the annexation. In addition, the Vaux's swift (*Chaetura vauxi*) and yellow warbler (*Setophaga petechia*) are bird species that are considered California species of special concern only when they are nesting; although they may occur occasionally within the study area as nonbreeding migrants, no suitable nesting habitat for these species occurs in the study area. Therefore, these species are not considered a "special-status species" in this study area.

Four special-status animal species–the California red-legged frog, white-tailed kite (*Elanus leucurus*), olive-sided flycatcher (*Contopus cooperi*), and San Francisco dusky-footed woodrat–have the potential to occur, or are known to occur, in the study area. Expanded descriptions for each of these species are provided following Table 8-1.

Table 8-1: Special Status Animal Species, Their Status, and Potential Occurrence in the Study Area

Name	*Status	Habitat	Potential for Occurrence in the Study Area
Federal or State Endangered, Rare, or Threatened Species			
California red-legged frog (*Rana draytonii*)	FT, CSSC	Streams, freshwater pools, and ponds with emergent or overhanging vegetation.	**May be Present**. Although suitable breeding habitat - pools with emergent vegetation - is not present in the study area, there is a 2007 breeding record from Calabazas Creek, 0.54 mi from the study area; a recent record from Saratoga Creek, approximately 0.91 mi from the study area (CNDDB 2019); and potentially suitable breeding habitat in Quarry Park, approximately 0.7 mi from the study area (i.e., within dispersal distance) (City of Saratoga 2014). Thus, although red-legged frogs are not expected to breed in the study area, non-breeding individuals can potentially disperse through the study area on an occasional basis (most likely during the wet season).
California tiger salamander (*Ambystoma californiense*)	FT, ST	Vernal or temporary pools in annual grasslands or open woodlands.	**Absent.** No suitable habitat is present in the study area. Further, populations have been extirpated from portions of Santa Clara County due to habitat loss, and the species is now considered absent from the Project vicinity, including the study area. The closest occurrence in the Project vicinity is adjacent to the southern edge of Rancho San Antonio Open Space Preserve, which is approximately 3.8 mi north of the study area (CNDDB 2019). Determined to be absent.
Foothill yellow-legged frog *(Rana boylii)*	SC, CSSC	Partially shaded shallow streams and riffles with a rocky substrate. Occurs in a variety of habitats in coast ranges.	**Absent.** There is no aquatic habitat suitable for the foothill yellow-legged frog present in the study area, although there are several historical records of this species from the Saratoga Creek corridor, within the Project vicinity, as well as a record near the crest of the Santa Cruz Mountains (CNDDB 2019). However, there are no recent records (all are before 1958) of this species from the study area (CNDDB 2019), and it is considered extirpated from the Project vicinity. Determined to be absent.
Bald eagle (*Haliaeetus leucocephalus*)	SE, SP	Occurs mainly along seacoasts, rivers, and lakes; nests in tall trees or in cliffs, occasionally on electrical towers. Feeds mostly on fish.	**Absent**. No suitable nesting or foraging habitat is present in the study area. Determined to be absent.
California Species of Special Concern			
California giant salamander (*Dicamptodon ensatus*)	CSSC	Moist forests and riparian zones in or near clear, cold streams or seeps.	**Absent.** This species is found in the Santa Cruz Mountains and foothills, typically in moist forests and riparian zones in or near streams or seeps, habitats which are absent from the study area. Although there are numerous records, historical and recent, in the Project vicinity (CNDDB 2019), this species is strongly associated with mountain streams and seeps, and does not occur away from these habitats. Therefore, this species is determined to be absent from the study area.

Table 8-1: Special Status Animal Species, Their Status, and Potential Occurrence in the Study Area

Name	*Status	Habitat	Potential for Occurrence in the Study Area
Santa Cruz black salamander (*Aneides flavipunctatus niger*)	CSSC	Moist forests and riparian zones in or near clear, cold streams or seeps.	**Absent.** This species is found in the Santa Cruz Mountains and foothills, typically in moist forests and riparian zones in or near streams or seeps, habitats which are absent from the study area. Although there are numerous records, historical and recent, in the Project vicinity (CNDDB 2019), this species is strongly associated with mountain streams and seeps, and does not occur away from these habitats. Therefore, this species is determined to be absent from the study area.
Western pond turtle (*Actinemys marmorata*)	CSSC	Permanent or nearly permanent water in a variety of habitats.	**Absent.** There are no ponds, or any other type of suitable aquatic habitat located within the study area. Therefore, the species is not expected to occur in the study area at all.
Burrowing owl (*Athene cunicularia*)	CSSC	Open grasslands and ruderal habitats with suitable burrows, usually those made by California ground squirrels (*Otospermophilus beecheyi*).	**Absent.** Although grasslands are present in the study area, the lack of burrows on or near the study area precludes this species' presence. The closest known records are of wintering birds at the Oka Ponds in Campbell, on the valley floor, 5.8 mi from the study area, and at the Russian Ridge Open Space Preserve, 8.5 mi from the study area (CNDDB 2019; Cornell Lab of Ornithology 2019). Determined to be absent.
Long-eared owl (*Asio otus*)	CSSC (nesting)	Riparian bottomlands with tall, dense willows (*Salix* spp.) and cottonwood (*Populus fremontii*) stands. In the Santa Cruz Mountains, also occurs in dense live oak and California Bay woodlands along upland streams; forages primarily in adjacent open areas.	**Absent.** The long-eared owl is uncommon in the Santa Cruz Mountains in appropriate habitat, but it is relatively rare and very secretive (CNNDB 2019; Cornell Lab of Ornithology 2019). The closest records to the study area are 5.27 mi north-northwest in the Monte Bello Open Space Preserve. Unmowed grasslands typically used by this species as foraging habitat are not present in the study area or adjacent areas. Determined to be absent.
Vaux's swift (*Chaetura vauxi*)	CSSC (nesting)	Nests in snags in coastal coniferous forests or, occasionally, in chimneys; forages aerially.	**Absent as Breeder.** In western Santa Clara County, known to nest in chimneys and may nest in snags in coniferous forest (Rottenborn 2007). Snags large enough to provide suitable nesting habitat for this species were not detected in the study area during the reconnaissance survey. May forage aerially over the site. Because this species is only considered special-status when nesting, individuals would not be considered special-status when they occur on the site as a migrant.
Yellow warbler (*Setophaga petechia*)	CSSC (nesting)	Nests in dense stands of willow and other riparian habitat.	**Absent as Breeder.** Dense stands of cottonwood and willow trees, which this species typically uses as nesting and foraging habitat, are absent from the study area. May occur in the study area as a migrant.
Olive-sided flycatcher	CSSC (nesting)	Breeds in mature forests with open canopies, along forest edges in more densely vegetated areas, in recently	**May be Present.** The eucalyptus groves located in the study area as well as other habitats in the study area provide suitable nesting habitat for this

Table 8-1: Special Status Animal Species, Their Status, and Potential Occurrence in the Study Area

Name	*Status	Habitat	Potential for Occurrence in the Study Area
(*Contopus cooperi*)		burned forest habitats, and in selectively harvested landscapes	species. The species is known to nest in similar habitats in the vicinity (Bousman 2007) and is often detected in nearby parks during the nesting season (Cornell Lab of Ornithology 2019). Therefore, one pair could potentially nest and forage in the study area.
Loggerhead shrike (*Lanius ludovicianus*)	CSSC (nesting)	Nests in tall shrubs and dense trees; forages in grasslands, marshes, and ruderal habitats.	**Absent.** Open habitats in the study area are too restricted and too isolated from vast expanses of open habitat elsewhere to support this species. Determined to be absent.
San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*)	CSSC	Woodlands and scrub habitats throughout the Santa Cruz Mountains and portions of the South Bay.	**Present.** This species is known to occur in the study area, with moderate densities of nests occurring in the coast live oak woodlands, and where coast live oak interfaces with northern coastal shrub.
Townsend's big-eared bat (*Corynorhinus townsendii*)	CSSC	Roosts in caves and mine tunnels, and occasionally in deep crevices in trees such as redwoods or in abandoned buildings, in a variety of habitats.	**Absent as Breeder.** Suitably large cavities to support roosting are not present in the study area. However, the species may be present as an occasional migrant or forager. The closest known location to the study area is from Picchetti Ranch Open Space Preserve, approximately 2.4 mi north-northwest of study area (CNDDB 2019).
Pallid bat (*Antrozous pallidus*)	CSSC	Forages over many habitats; roosts in caves, rock outcrops, buildings, and hollow trees.	**Absent as Breeder.** Suitable roosting and or maternity habitat was not detected in the study area during the reconnaissance survey. There are no recent records in the Project region, but the species could forage over the study area (CNDDB 2019).
Western red bat (*Lasiurus blossevillii*)	CSSC	Roosts in foliage in forest or woodlands, especially in or near riparian habitat.	**Absent as Breeder.** May occur in low numbers as a migrant and winter resident, but does not breed in the study area. Not expected to roost in foliage in trees in the study area, but may do so along edges of the Project site.
California Fully Protected Species			
Golden eagle (*Aquila chrysaetos*)	FP	Breeds on cliffs or in large trees (rarely on electrical towers), forages in open areas.	**Absent as Breeder**. No suitable nesting is present in the study area, but could forage in the ruderal grassland and adjacent chamise chaparral and northern coastal scrub.
White-tailed kite (*Elanus leucurus*)	SP	Nests in trees and forages in extensive grasslands or marshes.	**May be Present.** Potentially suitable foraging habitat for this species is present in the form of open, ruderal grasslands in the study area. Potential nesting habitat in the study area is present in the form of eucalyptus groves. May be present.

Table 8-1: Special Status Animal Species, Their Status, and Potential Occurrence in the Study Area			
Name	***Status**	**Habitat**	**Potential for Occurrence in the Study Area**
SPECIAL-STATUS SPECIES CODE DESIGNATIONS FE = Federally listed Endangered FT = Federally listed Threatened SE = State listed Endangered ST = State listed Threatened SC = State Candidate for listing CSSC = California Species of Special Concern SP = State Fully Protected Species			

Federal and State Listed Species

California Red-legged Frog (*Rana draytonii*). Federal status: Threatened; State status: Species of Special Concern.

The California red-legged frog was listed as threatened in June 1996 based largely on a significant range reduction and continued threats to surviving populations. Critical habitat was most recently designated in March 2010 (USFWS 2010). The historical distribution of the California red-legged frog extended from the city of Redding in the Central Valley and Point Reyes National Seashore along the coast, south to Baja California, Mexico. The species' current distribution includes isolated locations in the Sierra Nevada and the San Francisco Bay area, and along the central coast (USFWS 2002).

The California red-legged frog inhabits perennial freshwater pools, streams, and ponds throughout the Central California Coast Range and isolated portions of the western slope of the Sierra Nevada (Fellers 2005). Its preferred breeding habitat consists of deep perennial pools with emergent vegetation for attaching egg clusters (Fellers 2005), as well as shallow benches to act as nurseries for juveniles (Jennings and Hayes 1994). Non-breeding frogs may be found adjacent to streams and ponds in grasslands and woodlands, and may travel over 2 miles from their breeding locations across a variety of upland habitats to suitable nonbreeding habitats (Bulger et al. 2003, Fellers and Kleeman 2007). However, the distance moved is highly site-dependent, as influenced by the local landscape (Fellers and Kleeman 2007).

No suitable breeding or foraging habitat for the red-legged frog exists in the study area, and the study area does not contain designated critical habitat. Thus, red-legged frogs are not expected to breed or regularly forage in the study area. However, there is a May 2007 breeding record from Calabazas Creek (CNDDB 2019), approximately 0.54 mile from the study area, where one adult and three tadpoles were found in a small pool just downstream and adjacent to the Mount Eden Road culvert over Calabazas Creek. Based on an analysis of aerial photographs, this small pool is the nearest suitable California red-legged frog breeding habitat to the study area. Potentially suitable breeding habitat has also been identified in Quarry Park, approximately 0.7 miles from the study area (i.e., within dispersal distance)(City of Saratoga 2014) and south of Calabazas Creek. Any red-legged frog moving between Quarry Park, Saratoga Creek, and Calabazas Creek would likely move across the SR-9/Saratoga Creek corridor, rather than across the study area because the land surrounding the study area is occupied by steep terrain on all sides. Likewise, frogs are not expected to disperse across the study area from Calabazas Creek because there is no suitable aquatic habitat north and west of the study area within the species'

known dispersal range. The roadside ditch in the eastern portion of the study area does not provide suitable pools, nor any flowing water except during and shortly after rain events, and it is not expected to provide an attractant to red-legged frogs. No other suitable or potentially suitable breeding habitat is known within the species known dispersal range of the study area. Thus, due to the lack of suitable breeding and foraging habitat for the red-legged frog in the study area, the low quality of the nearest potential breeding habitat (there have been no subsequent records from Calabazas Creek, and it is a small roadside pool) and its separation from the site by residential development and roadways, and the distance from the study area to the nearest known red-legged frog occurrences or potential habitat to the north or west, California red-legged frogs are not expected to occur in the study area. However, this species is capable of long-distance dispersal events, and we cannot rule out the possibility that non-breeding individuals may occur in the study area on an occasional basis. If the species is present at all, it is most likely to be present during wet-season dispersal.

California Fully Protected Species

The classification of Fully Protected was the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals. amphibians and reptiles, birds and mammals. Please note that most fully protected species have also been listed as threatened or endangered species under the more recent endangered species laws and regulations.

Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock (USFWS 2019).

White-tailed Kite (*Elanus leucurus*). Federal Listing Status: None; State Listing Status: Fully Protected.

In California, white-tailed kites can be found in the Central Valley and along the coast, in grasslands, agricultural fields, cismontane woodlands, and other open habitats (Zeiner et al. 1990, Dunk 1995, Erichsen et al. 1996). White-tailed kites are year-round residents of the state, establishing nesting territories that encompass open areas with healthy prey populations, and snags, shrubs, trees, or other nesting substrates (Dunk 1995). Nonbreeding birds typically remain in the same area over the winter, although some movements do occur (Polite 1990). The presence of white-tailed kites is closely tied to the presence of prey species, particularly voles, and prey base may be the most important factor in determining habitat quality for white-tailed kites (Dunk and Cooper 1994, Skonieczny and Dunk 1997). Although the species recovered after population declines during the early 20th century, its populations may be exhibiting new declines because of recent increases in habitat loss and disturbance (Dunk 1995, Erichsen et al. 1996).

Large eucalyptus trees found in the developed/landscaped habitats in the northern portion of the study area provide potentially suitable nesting habitat for the white-tailed kite; however, no white-tailed kites were detected in the study area during the reconnaissance survey, nor were any raptor nests were found in these trees during the reconnaissance survey. Nonetheless, white-tailed kites could potentially nest in the study area in the future, and may forage in the California

annual grasslands found in the study area. At most, one nesting pair of this species would be present in the study area vicinity given this species' home range size.

California Species of Special Concern

A Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria[1]:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as Federally-, but not State-, threatened or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.

Olive-sided Flycatcher (*Contopus cooperi*). Federal status: None; State status: Species of Special Concern (Nesting).

Olive-sided flycatchers are often associated with coniferous forest habitats, and breed in mature forests with open canopies, along forest edges in more densely vegetated areas, in recently burned forest habitats, and in selectively harvested landscapes (Altman and Sallabanks 2000; Robertson and Hutto 2007). Olive-sided flycatchers nest in tall trees, building an open cup nest away from the main trunk in the middle to upper reaches of the tree, and individuals exhibit high site fidelity. This species makes one of the longest annual migrations of any songbird, from the Andes Mountains of South America to boreal breeding grounds in the United States and Canada, arriving at their breeding territories beginning in mid-May and remaining until late July.

This species breeds widely in the Santa Cruz Mountains, and more sparingly in the Diablo Range, but it does not breed on the Santa Clara Valley floor. Likely, few pairs nest at sites below 1,000 feet in elevation, but confirmed breeding has occurred at elevations as low as 400 feet (Bousman 2007). The eucalyptus groves in the study area provide potentially suitable nesting habitat for this species. The species is known to nest in similar habitats in the vicinity (Bousman 2007) and is often detected in nearby parks during the nesting season, such as at Stevens Creek County Park

[1] Criteria for fishes are similar except that Federally listed taxa are not defined as Species of Special Concern.

(Cornell Lab of Ornithology 2019). One pair of olive-sided flycatchers could potentially nest and forage in the study area, based on habitat availability and this species' home range size.

San Francisco Dusky-footed Woodrat (*Neotoma fuscipes annectens*). Federal status: None; State status: Species of Special Concern.

The San Francisco dusky-footed woodrat occurs in a variety of woodland and scrub habitats throughout the South Bay and the adjacent Central Coast Range, south to the Pajaro River in Monterey County (Hall 1981, Zeiner et al. 1990). They prefer riparian and oak woodland forests with dense understory cover, or thick chaparral habitat (Lee and Tietje 2005). Dusky-footed woodrats build large, complex nests of sticks and other woody debris, which may be maintained by a series of occupants for several years (Carraway and Verts 1991). Woodrats also are very adept at making use of human-made structures, and can nest in electrical boxes, pipes, wooden pallets, and even portable storage containers. Woodrat nest densities increase with canopy density and with the presence of poison oak (Carraway and Verts 1991). Although the San Francisco dusky-footed woodrat is described as a generalist omnivore, individuals may specialize on local plants that are available for forage (Haynie et al. 2007). The breeding season for dusky-footed woodrat begins in February and sometimes continues through September, with females bearing a single brood of one to four young per year (Carraway and Verts 1991).

Woodlands and scrub habitats in the study area provide suitable nesting and foraging habitat for this species, and this species can be abundant in suitable habitat; although a focused survey for woodrat nests was not conducted, numerous woodrat nests were observed in the study area during the reconnaissance survey.

Sensitive Natural Communities, Habitats, and Vegetation Alliances

Natural communities have been considered part of the Natural Heritage Conservation triad, along with plants and animals of conservation significance, since the state inception of the Natural Heritage Program in 1979. The CDFW determines the level of rarity and imperilment of vegetation types, and tracks sensitive communities in its Rarefind database (CNDDB 2019). Global rankings (G) of natural communities reflect the overall condition (rarity and endangerment) of a habitat throughout its range, whereas state (S) rankings are a reflection of the condition of a habitat within California. Natural communities are defined using NatureServe's standard heritage program methodology as follows (Faber-Langendoen et al. 2012):

- G1/S1: Critically imperiled
- G2/S2: Imperiled
- G3/S3: Vulnerable.
- G4/S4: Apparently secure
- G5/S4: Secure

In addition to tracking sensitive natural communities, the CDFW also ranks vegetation alliances, defined by repeating patterns of plants across a landscape that reflect climate, soil, water, disturbance, and other environmental factors (Sawyer et al. 2009). If an alliance is marked G1-

G3, all of the vegetation associations within it would also be of high priority (CDFW 2019). The CDFW provides the Vegetation Classification and Mapping Program's (VegCAMP) currently accepted list of vegetation alliances and associations (CDFW 2019).

Impacts on CDFW sensitive natural communities, vegetation alliances/associations, or any such community identified in local or regional plans, policies, and regulations, must be considered and evaluated under CEQA (Title 14, Division 6, Chapter 3, Appendix G of the California Code of Regulations). Furthermore, aquatic, wetland and riparian habitats are also protected under applicable federal, state, or local regulations, and are generally subject to regulation, protection, or consideration by the USACE, RWQCB, CDFW, and/or the USFWS.

Sensitive Natural Communities: A query of sensitive habitats in Rarefind (CNDDB 2019) identified four sensitive habitats as occurring within the nine USGS quadrangles containing or surrounding the study area: northern interior cypress forest (Rank G2/S2.2), serpentine bunchgrass (Rank G2/S2.2), valley oak woodland (G3/S2.1), and northern coastal salt marsh (Rank G3/S3.2). None of these sensitive natural communities occur within the Project study area.

Sensitive Vegetation Alliances: CDFW Sensitive alliances are not present on the Project site.

Sensitive Habitats (Waters of the U.S./State): A roadside ditch at the base of the abandoned gravel quarry contains some narrow bands of cattail (*Typha latifolia*) and recruiting arroyo willow (*Salix lasiolepis*), two species which are commonly associated with wetlands, and as such at least portions of this ditch have the potential to be considered waters of the U.S. and/or state. The USACE may claim this feature as jurisdictional waters of the U.S. under current regulations, as although this is an excavated feature, it has not been maintained and wetlands have been allowed to develop. Similarly, the RWQCB would likely consider the wetlands to be waters of the State. As waters of the State, and potential waters of the U.S., this wetland would be considered a sensitive habitat for CEQA assessment purposes. This wetland is not associated with a stream and would therefore not constitute sensitive riparian habitat subject to CDFW jurisdiction.

Nonnative and Invasive Species

Several nonnative, invasive plant species occur in the study area in the California annual grassland habitat. Of these, pampas grass, yellow star thistle (*Centaurea solstitialis*), French broom (*Genista monspessulana*), and Himalayan blackberry (*Rubus armeniacus*) are rated as high threats by the Cal-IPC and have the potential to cause the most severe ecological impacts. Pampas grass is a widespread, invasive perennial bunchgrass that is spread by the wind and is well-established in areas of disturbance throughout the Bay Area. Pampas grass is abundant in the abandoned gravel quarry area and within the drainage ditch at the base of the quarry. Yellow star thistle is often spread by recreation and vehicles, and often colonizes disturbed roadsides and fields. Large patches of yellow star thistle were found throughout the grassland habitat in the western portion of the study area, as well as along the dirt roads found throughout the property. This species can invade and degrade the remaining grassland habitat, as well as the higher quality chaparral and northern coastal scrub habitat. Himalayan blackberry is a strong competitor, often found in the understory of woodlands, and has potential to displace native plant species and thickets to produce a dense canopy which limits the growth of understory plants (Cal-IPC 2019). French

broom was primarily found in the north coast scrub habitat in the northeastern portion of the study area. French broom dominates this habitat and has potential to create negative environmental impacts by forming dense stands that exclude native plants and wildlife. Pampas grass, Yellow star thistle, French broom and Himalayan blackberry are all regionally common in the vicinity of the Project study area.

8.3 Applicable Regulations, Plans, and Standards

8.3.1 Federal

Clean Water Act

The Clean Water Act (CWA) functions to maintain and restore the physical, chemical, and biological integrity of waters of the U.S., which include, but are not limited to, tributaries to traditionally navigable waters currently or historically used for interstate or foreign commerce, and adjacent wetlands. Historically, in non-tidal waters, U.S. Army Corps of Engineers (USACE) jurisdiction extends to the ordinary high water (OHW) mark, which is defined in Title 33, Code of Federal Regulations (CFR), Part 328.3. If there are wetlands adjacent to channelized features, the limits of USACE jurisdiction extend beyond the OHW mark to the outer edges of the wetlands. Wetlands that are not adjacent to waters of the U.S. are termed "isolated wetlands" and, depending on the circumstances, may be subject to USACE jurisdiction. In tidal waters, USACE jurisdiction extends to the landward extent of vegetation associated with salt or brackish water or the high tide line. The high tide line is defined in 33 CFR Part 328.3 as "the line of intersection of the land with the water's surface at the maximum height reached by a rising tide." If there are wetlands adjacent to channelized features, the limits of USACE jurisdiction extend beyond the OHW mark or high tide line to the outer edges of the wetlands.

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must comply with permit requirements of the USACE. No USACE permit would be effective in the absence of Section 401 Water Quality Certification. The State Water Resources Control Board (SWRCB) is the state agency (together with the Regional Water Quality Control Boards [RWQCBs]) charged with implementing water quality certification in California.

Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) have jurisdiction over federally listed, threatened, and endangered species under FESA. The USFWS also maintains lists of proposed and candidate species. Species on these lists are not legally protected under FESA, but may become listed in the near future and are often included in their review of a Project.

Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. Section 703, prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA protects whole birds, parts of birds, and bird eggs and nests, and

prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young, as described by the Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum. Nest starts (nests that are under construction and do not yet contain eggs) are not protected from destruction.

8.3.2 State

Clean Water Act Section 401/Porter-Cologne Water Quality Control Act

The SWRCB works in coordination with the nine RWQCBs to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region, and may approve, with or without conditions, or deny Projects that could affect waters of the State. Their authority comes from the CWA and the State's Porter-Cologne Water Quality Control Act (Porter-Cologne). Porter-Cologne broadly defines waters of the State as "any surface water or groundwater, including saline waters, within the boundaries of the state." Because Porter-Cologne applies to any water, whereas the CWA applies only to certain waters, California's jurisdictional reach overlaps and may exceed the boundaries of waters of the U.S. For example, Water Quality Order No. 2004-0004-DWQ states that "shallow" waters of the State include headwaters, wetlands, and riparian areas. Moreover, the San Francisco Bay Region RWQCB's Assistant Executive Director, has stated that, in practice, the RWQCBs claim jurisdiction over riparian areas. Where riparian habitat is not present, such as may be the case at headwaters, jurisdiction is taken to the top of bank.

On April 2, 2019, the SWRCB adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. In these new guidelines, riparian habitats are not specifically described as waters of the state, but instead as important buffer habitats to streams that do conform to the State Wetland Definition. The Procedures describe riparian habitat buffers as important resources that may both be included in required mitigation packages for permits for impacts to waters of the state, as well as areas requiring permit authorization from the RWQCBs to impact.

Pursuant to the CWA, Projects that are regulated by the USACE must also obtain a Section 401 Water Quality Certification permit from the RWQCB. This certification ensures that the Project would uphold state water quality standards. Because California's jurisdiction to regulate its water resources is much broader than that of the federal government, proposed impacts on waters of the State require Water Quality Certification even if the area occurs outside of USACE jurisdiction. Moreover, the RWQCB may impose mitigation requirements even if the USACE does not. Under the Porter-Cologne, the SWRCB and the nine regional boards also have the responsibility of granting CWA National Pollutant Discharge Elimination System (NPDES) permits and Waste Discharge Requirements for certain point-source and non-point discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

California Endangered Species Act

The California Endangered Species Act (CESA; California Fish and Game Code, Chapter 1.5, Sections 2050-2116) prohibits the take of any plant or animal listed or proposed for listing as rare

(plants only), threatened, or endangered. In accordance with CESA, the CDFW has jurisdiction over state-listed species (Fish and Game Code 2070). The CDFW regulates activities that may result in "take" of individuals (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code. The CDFW, however, has interpreted "take" to include the "killing of a member of a species which is the proximate result of habitat modification."

California Environmental Quality Act

CEQA is a state law that requires state and local agencies to document and consider the environmental implications of their actions and to refrain from approving Projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. CEQA requires the full disclosure of the environmental effects of agency actions, such as approval of a general plan update or the Projects covered by that plan, on resources such as air quality, water quality, cultural resources, and biological resources. The State Resources Agency promulgated guidelines for implementing CEQA are known as the State CEQA Guidelines.

Section 15380(b) of the State CEQA Guidelines provides that a species not listed on the federal or state lists of protected species may be considered rare if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definitions in FESA and CESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. This section was included in the guidelines primarily to deal with situations in which a public agency is reviewing a Project that may have a significant effect on a species that has not yet been listed by either the USFWS or CDFW or species that are locally or regionally rare.

The CDFW has produced three lists (amphibians and reptiles, birds, and mammals) of "species of special concern" that serve as "watch lists". Species on these lists are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus, their populations should be monitored. They may receive special attention during environmental review as potential rare species, but do not have specific statutory protection. All potentially rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Section 15380(b).

The CNPS, a non-governmental conservation organization, has developed CRPRs for plant species of concern in California in the Inventory of Rare and Endangered Plants (CNPS 2019). The CRPRs include lichens, vascular, and non-vascular plants, and are defined as follows:

- CRPR 1A – Plants considered extinct.
- CRPR 1B – Plants rare, threatened, or endangered in California and elsewhere.
- CRPR 2A – Plants considered extinct in California but more common elsewhere.
- CRPR 2B – Plants rare, threatened, or endangered in California but more common elsewhere.
- CRPR 3 – Plants about which more information is needed.

- CRPR 4 – Plants of limited distribution.

The CRPRs are further described by the following threat code extensions:

- .1—seriously endangered in California;
- .2—fairly endangered in California;
- .3—not very endangered in California.

Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants appearing as CRPR 1B or 2 are, in general, considered to meet CEQA's Section 15380 criteria, and adverse effects on these species may be considered significant. Impacts on plants that are listed by the CNPS as CRPR 3 or 4 are also considered during CEQA review, although because these species are typically not as rare as those of CRPR 1B or 2, impacts on them are less frequently considered significant.

Compliance with CEQA Guidelines Section 15065(a) requires consideration of natural communities of special concern, in addition to plant and wildlife species. Vegetation types of "special concern" are tracked in Rarefind (CNDDB 2019). Further, the CDFW ranks sensitive vegetation alliances based on their global (G) and state (S) rankings analogous to those provided in the CNDDB. Global rankings (G1–G5) of natural communities reflect the overall condition (rarity and endangerment) of a habitat throughout its range, whereas S rankings reflect the condition of a habitat within California. If an alliance is marked as a G1–G3, all the associations within it would also be of high priority. The CDFW provides the Vegetation Classification and Mapping Program's (VegCAMP) currently accepted list of vegetation alliances and associations (CDFW 2019).

California Fish and Game Code

Ephemeral and intermittent streams, rivers, creeks, dry washes, sloughs, blue line streams on USGS maps, and watercourses with subsurface flows fall under CDFW jurisdiction. Canals, aqueducts, irrigation ditches, and other means of water conveyance may also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife. A *stream* is defined in Title 14, California Code of Regulations Section 1.72, as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish and other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." Using this definition, the CDFW extends its jurisdiction to encompass riparian habitats that function as part of a watercourse. California Fish and Game Code Section 2786 defines *riparian habitat* as "lands which contain habitat which grows close to and which depends upon soil moisture from a nearby freshwater source." The lateral extent of a stream and associated riparian habitat that would fall under the jurisdiction of the CDFW can be measured in several ways, depending on the particular situation and the type of fish or wildlife at risk. At a minimum, the CDFW would claim jurisdiction over a stream's bed and bank. In areas that lack a vegetated riparian corridor, CDFW jurisdiction would be the same as USACE jurisdiction. Where riparian habitat is present, the outer edge of riparian vegetation is generally used as the line of demarcation between riparian and upland habitats.

Pursuant to California Fish and Game Code Section 1603, the CDFW regulates any Project proposed by any person that would "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds." California Fish and Game Code Section 1602 requires an entity to notify the CDFW of any proposed activity that may modify a river, stream, or lake. If the CDFW determines that proposed activities may substantially adversely affect fish and wildlife resources, a Lake and Streambed Alteration Agreement (LSAA) must be prepared. The LSAA sets reasonable conditions necessary to protect fish and wildlife, and must comply with CEQA. The applicant may then proceed with the activity in accordance with the final LSAA.

Specific sections of the California Fish and Game Code describe regulations pertaining to protection of certain wildlife species. For example, Code Section 2000 prohibits take of any bird, mammal, fish, reptile, or amphibian except as provided by other sections of the code.

The California Fish and Game Code Sections 3503, 3513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the CDFW. Raptors (i.e., eagles, hawks, and owls) and their nests are specifically protected in California under Code Section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

Bats and other non-game mammals are protected by California Fish and Game Code Section 4150, which states that all non-game mammals or parts thereof may not be taken or possessed except as provided otherwise in the code or in accordance with regulations adopted by the commission. Activities resulting in mortality of non-game mammals (e.g., destruction of an occupied nonbreeding bat roost, resulting in the death of bats), or disturbance that causes the loss of a maternity colony of bats (resulting in the death of young), may be considered "take" by the CDFW.

8.3.3 Regional and Local

County of Santa Clara General Plan

Resource Conservation Element

The County of Santa Clara General Plan Resources Conservation Element discusses area issues and policies in the following subjects:

1. Water Supply, Quality, & Watershed Management
2. Habitat & Biodiversity
3. Agriculture & Agricultural Resources
4. Mineral Resources

5. Heritage Resources
6. Scenic Resources

Conservation and preservation are common themes to each of these major issues, the diversity of subjects addressed under Resource Conservation Element requires specific strategies and policies to be tailored to each type of resource. For certain sections, issues and strategies vary significantly from those raised in the Countywide Issues and Policies part of the Plan; in others, the issues and strategies vary primarily in emphases and policy elaboration. Policies most directly related to biological resources are included below.

R-RC 20: Strategies and policies for maintaining and enhancing habitat and biodiversity should include the following:

1. Improve current knowledge and awareness of habitats and natural areas.
2. Protect the biological integrity of critical habitat areas.
3. Encourage habitat restoration wherever possible.
4. Evaluate the effectiveness of project mitigations as required under CEQA.

City of Saratoga General Plan

Open Space and Conservation Element

The City of Saratoga General Plan Open Space and Conservation Element (OSC) discusses management, protection, and preservation of public and private open space, sensitive biological resources, flood hazards, agricultural lands, hillsides, and others. A primary goal of this element is to balance the needs of open space areas with those of continuous development pressures. Policies and implementation measures are outlined to preserve the remaining open space and natural resources to determine the character and quality of life within the Saratoga community. Policies and implementation measures most directly related to biological resources are included below.

Goal OSC 11: Protect and enhance sensitive vegetative and wildlife habitat in the Saratoga Planning area.

- Policy OSC 11.1: Minimize development that would encroach into important wildlife habitats, limit or restrict normal range areas, or restrict access to water, food, or shelter. This includes limitations on the installation of barrier fencing in hillside areas.
- Policy OSC 11.2: Through the development and CEQA process, preserve, protect, and maintain riparian habitats and creek corridors. This includes requiring biological surveys of parcels of land that could contain sensitive species or their habitats prior to allowing development on these parcels.
- Policy OSC 11.3: The design of parking lots shall be evaluated for opportunities to reduce large continuous expanses of asphalt and to promote the establishment of visually interesting and aesthetically pleasing parking lots.

- Policy OSC 11.4: The City should provide information and assistance to the public in the preservation and care of native trees whose existence can be threatened by environmental stress and development.
- Policy OSC 11.5: Mature vegetation shall be preserved wherever possible.

Goal OSC 12**:** Support appropriate management for sustaining the health and increasing the extent of arbor resources in the City. The specific vision is to increase overall tree cover, tree health and consequent tree benefits in an equitable, cost beneficial and sustainable manner.

- Policy OSC 12.1: Development project should include the preservation of protected trees and other significant trees. Any adverse effect on the health and longevity of native oak trees, protected or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, individual development projects shall include appropriate tree replacement as approved by the City.
- Policy OSC 12.2: Trees used for new or replacement plantings should be selected primarily for low water use characteristics.
- Policy OSC 12.3: To further protect and enhance the City's arbor resources built on the City's Tree Regulations, the City should continue its support of tree protection programs.
- Policy OSC 12.4: It is the City's policy that forested lands in the City's Sphere of Influence shall be managed to maximize environmental protection and to discourage logging to the maximum extent possible, consistent with proper fire protection standards and practices.

Goal OSC 13: The preservation of native and other plant species indicative of Saratoga's cultural heritage shall be given priority over development and provide for the perpetuation of such species.

- Policy OSC 13.1: To further preserve the City's inventory of arbor resources, the City should encourage owners to consider formal designation of heritage trees.
- Policy OSC 13.2: The City shall encourage public knowledge, understanding and appreciation of the City's past and foster civic and neighborhood pride and sense of identity based upon the recognition and use of the City's heritage resources, particularly as it relates to the designation and preservation of heritage trees. This can be done by publicizing information about heritage trees and the benefits of designation of heritage trees on the City's Website.
- Policy OSC 13.3: Fire safety shall be an important consideration when evaluating the preservation of native vegetation.

Land Use Element

The City General Plan Land Use Element (LU) serves as the central framework for the entire City General Plan and as a guide to planners, members of the public, and decision makers as to the desired pattern of development for the city. This element establishes the City General Plan land use designations for the city and details allowable uses within each. Furthermore, policies and

implementation measures are outlined to allow the City to achieve the vision adopted for the planning horizon. Policies and implementation measures most directly related to biological resources are included below.

Goal LU 6: Protect natural resources and amenities through appropriate land use and related programs.

- Policy LU 6.4: The General Plan shall continue to enforce and implement existing tree protection policies, especially in regards to native trees.

City of Saratoga Tree Ordinance

According to the City of Saratoga Municipal Code Section 15-50.050, except as otherwise provided in Section 15-50.060, it is unlawful for any person to remove, damage, prune, or encroach upon, or cause to be removed, damaged, pruned, or encroached upon any protected tree in the City without first having obtained a tree removal, pruning or encroachment permit issued pursuant to this Article and authorizing the proposed action. A protected tree shall consist of any of the following:

- Any native tree having a diameter at breast height (DBH) of 6.0 inches or greater
- Any other tree having a DBH of 10.0 inches or greater.
- Any street tree, as defined in Section 15-50.020(v), regardless of size.
- Any heritage tree, as defined in Subsection 15-50.020(1) regardless of size.
- Any tree required to be planted or retained as a condition of any approval granted under this Chapter or Chapter 14 of this Code.
- Any tree required to be planted as a replacement, as provided in Section 15-50.170 of this Article. (Amended by Ord. 226 Section 2 (part), 2003)

8.4 Environmental Impacts and Mitigation Measures

8.4.1 Significance Criteria

The following significance criteria for biological resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

BIO-1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

BIO-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

BIO-3 Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

BIO-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

BIO-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

BIO-6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

8.4.2 Impacts of the Project

Impact BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? **(Less Than Significant With Mitigation)**

U.S. Fish and Wildlife Service Applicability

Suitable habitat for federally listed plant species does not occur in the study area. One federally listed animal species, the federally threatened California red-legged frog (*Rana draytonii),* may occur in the study area. Incidental take approval from the USFWS would be needed if take of this species were to occur. No critical habitat for any federal species occurs in the study area (USFWS 2019).

Impacts on Special-Status Plants

Six plant species, Anderson's manzanita (CRPR 1B.2), King's Mountain manzanita (CRPR 1B.2), Brewer's calandrinia (CRPR 4.2), Santa Clara red ribbons (CRPR 4.3), western leatherwood (CRPR 1B.2) and arcuate bush mallow (CRPR 1B.2) have the potential to occur within the coast live oak, northern coastal scrub, and chamise chaparral habitats in the study area. If any of these species is present, Project development could potentially affect special-status plants due to disturbance of individuals within the populations and disturbance or destruction of suitable habitat. Potential direct impacts could include grading or filling areas supporting these species, trampling or crushing of plants, and soil compaction. Indirect impacts could include increased mobilization of dust onto plants, which can affect their photosynthesis and respiration.

Brewer's calandrinia and Santa Clara red ribbons are two CRPR 4 plant species that have potential to occur within the Project study area. These two species have threat rankings of 0.2 and 0.3, respectively, indicating that they are "moderately" and/or "not very" threatened in California. Both of these species have a fairly wide distribution. Brewer's caladrinia occurs in the Coast Ranges from Lake County to San Diego County as well as in the central Sierra Nevada foothills.

Santa Clara red ribbons has a more restricted range, being known from the San Francisco Bay area, but where it is found, populations tend to be quite large. The anticipated level of disturbance to populations of these two CRPR 4 species (if present) from the construction could result in minimal impacts locally. Potential development within the Project study area, such as construction of a lodging facility, is likely to occur in previously disturbed areas, though potentially, such development could occur anywhere in the study area. Because of the widespread distribution of CRPR 4 species (i.e., they are not particularly rare) and the limited extent of suitable habitat and limited potential impact area, potential impacts on these two species do not rise to the level of a significant impact. Each of these plants has relatively wide distributions in this part of the state, and any losses resulting from implementation of the proposed improvements would represent a very small percentage of these species' regional populations. Thus, impacts on or loss of small populations of these species would not be expected to substantially affect the species persistence or substantially reduce the number or restrict the range of these species. Therefore, Project implementation would not result in significant impacts on Santa Clara red ribbons and/or Brewer's calandrinia, and no mitigation for impacts to these species is warranted.

Conservation of CRPR 1 and 2 species is important because their populations contribute to preserving the genetic resources for the species and ensuring persistence of rare species in the County and state. If these species are present and impacts occur to 10% or less of their population (by individuals or occupied area) within the study area, the level of impact would be low enough to avoid potential extirpation of such a population, as long as the remaining plants were avoided and protected. However, due to the regional rarity of these species, impacts to more than 10% of a population could contribute to a reduction in these species' range or genetic resources, which would be considered significant under CEQA. For the four CRPR 1 and 2 species with potential to occur on the Project site—Anderson's manzanita, King's Mountain manzanita, western leatherwood, and arcuate bush mallow—extirpation of any population located within the study area could negatively impact the species' genetic resources and could potentially represent a reduction in range. Implementation of the following mitigation measures would reduce any potential impacts on special-status plants to a less-than-significant level.

MM BIO – 1: Pre-Activity Surveys for Special-Status Plants.

Prior to initial ground disturbance and during the appropriate blooming period (Anderson's manzanita, November to May; King's Mountain manzanita, January to April; western leatherwood, January to April; arcuate bush mallow, April to September), a focused survey for these four potentially occurring special-status plant species would be conducted within chaparral, northern coastal scrub, and coast live oak woodland habitat in portions of the Project study area that would overlap with any Project footprint, as well as a 50-foot buffer around that Project footprint. This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the areas, but must be at least 50 feet wide. Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust, such

as grading; potential for Project activities to alter hydrology supporting the habitat for the species in question; or proximity to proposed structures that may shade areas farther than 50 feet away. Surveys are to be conducted in a year with near-average or above-average precipitation. The purpose of the survey would be to assess the presence (and locations) or absence of the potentially occurring species. If none of the target species are found in the impact area or the identified buffer, then no further mitigation would be warranted. If Anderson's manzanita, King's Mountain manzanita, western leatherwood, or arcuate bush mallow individuals are found in the impact area or identified, then MMs BIO – 2 and 3 would be implemented.

MM BIO – 2: Avoidance Buffers.

To the extent feasible, and in consultation with a qualified plant ecologist, the Project proponent would design and construct the Project to avoid impacts on individuals of, and occupied habitat for, special-status plant species within the Project site or within the identified buffer of the impact area. Avoided special-status plant populations would be protected by establishing and observing the buffer identified by the qualified plant ecologist between plant populations and the impact area. All such populations located in the impact area or the identified buffer, and their associated designated avoidance areas, would be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the identified buffer around special-status plants to be avoided would be flagged or fenced. The flagging would be maintained intact and in good condition throughout Project-related construction activities.

If complete avoidance is not feasible and more than 10% of a population (by occupied area or individuals) would be impacted as determined by a qualified plant ecologist, MM BIO – 3 would be implemented.

MM BIO – 3: Preserve Off-Site Populations of Special-Status Plant Species.

If avoidance of CRPR 1 or 2 special-status plant species is not feasible and more than 10% of the population would be impacted, compensatory mitigation would be provided via the preservation, enhancement, and management of occupied habitat for the affected species. To compensate for impacts on CRPR 1 or 2 special-status plants, off-site habitat occupied by the affected species would be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected), for any impact over the 10% significance threshold.

Areas proposed to be preserved as compensatory mitigation for special-status plant impacts must contain verified extant populations of the CRPR-ranked plants that would be impacted. Mitigation areas would be managed in perpetuity to encourage persistence and even expansion of the preserved target species. Mitigation lands

cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat quality would be achieved by the mitigation activities. The mitigation habitat would be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified plant ecologist, in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and would contain at least as many individuals of the species as are impacted by Project activities. The permanent protection and management of mitigation lands would be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase. A habitat mitigation and monitoring plan (HMMP) would be developed and implemented for the mitigation lands. The HMMP would be prepared by a qualified plant or restoration ecologist. Approval of the HMMP by the City would be required before the Project impact occurs. That plan would include, at a minimum, the following information:

- a summary of habitat impacts and the proposed mitigation;
- a description of the location and boundaries of the mitigation site and description of existing site conditions;
- a description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for the focal special-status species;
- a description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which would be determined by a qualified plant or restoration ecologist);
- proposed management activities to maintain high-quality habitat conditions for the focal species;
- a description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. At a minimum, performance criteria would include demonstration that any plant population fluctuations over the monitoring period do not indicate a downward trajectory in terms of reduction in numbers and/or occupied area for the preserved mitigation population that can be attributed to management (i.e., that are not the result of local weather patterns, as determined by monitoring of a nearby reference population, or other factors unrelated to management); and
- contingency measures for mitigation elements that do not meet performance criteria.

Impacts on the White-tailed Kite and the Olive-sided Flycatcher

Both the white-tailed kite (a California fully protected species) and the olive-sided flycatcher (a California species of special concern when nesting) may potentially nest in trees within and

adjacent to the study area, and both species may forage in the study area. Heavy ground disturbance, noise, and vibrations caused by Project development activities could potentially disturb foraging or roosting individual white-tailed kites or olive-sided flycatchers and cause them to move away from work areas. Project grading and any tree removal could potentially result in the removal of active nests or the disturbance of nests adjacent to the study area, possibly to the point of abandonment of active nests with eggs or nestlings.

Neither adult white-tailed kites nor adult olive-sided flycatchers are expected to be killed or injured due to construction activities associated with buildout of the Project because they could easily fly from the work site prior to such effects occurring. However, eggs or young in nests may be killed or injured as a result of any destruction by construction personnel or equipment, or removal of vegetation containing nests. Further, nesting may be disrupted to the extent that nests would fail because of disturbance that was too frequent or too severe. In addition, any Project associated activities causing a substantial increase in noise, movement of equipment, or human presence may have a direct effect on the behavior of individuals causing them to avoid work sites and possibly exposing them to increased competition with other birds in the areas to which they disperse and increased levels of predation caused by unfamiliarity with the new area. These types of impacts are expected to occur primarily while construction or maintenance activities are ongoing. Increases in human concentration, including ongoing construction activities associated with lodging and ancillary uses construction, and activity associated with increased human activities near suitable habitat also may result in an increase in native and nonnative predators that would be attracted to trash left in the work site.

However, based on site observations, the areal extent of the study area, and known breeding densities of these two species, no more than one pair each of white-tailed kites and olive-sided flycatchers are expected to nest on or adjacent to the study area, if these species are present at all. Therefore, the loss of individuals potentially resulting from Project development would represent a very small fraction of the regional population of these species and would not rise to the CEQA standard of having a *substantial* adverse effect. In the case of the White-tailed Kite, Olive-side Flycatcher, and any other non-special status birds that could be impacted by the Project, the potential loss of a few nests or individuals would not have regional effects. Nevertheless, all native bird species, including the white-tailed kite and olive-sided flycatcher, are protected from direct take by federal and state statutes. Compliance with MM BIO-10 and MM BIO-11 would avoid violation of these laws.

Impacts on the San Francisco Dusky-footed Woodrat

The San Francisco dusky-footed woodrat (a California species of special concern) is known to occur throughout the study area, and several nests were documented throughout the Project site during the reconnaissance survey. Lodging facility construction and sewer connection activities may result in the injury or mortality of dusky-footed woodrats because of equipment use and worker foot traffic, particularly when woodrats are taking refuge in their stick nests. Suitable habitat and nests may be directly lost as a result of clearing and grading for the proposed lodging facility, and any associated infrastructure. Construction associated with full buildout of

the Project could potentially result in the loss of tens of nests, depending on how many nests are present.

Indirect impacts also could occur as a result of over-crowding (as individuals lost habitat and moved to areas that were already occupied) and increased risk of predation. As a result of the species' regional abundance and high reproductive capabilities, Project impacts on dusky-footed woodrats would not have a substantial effect on regional populations. However, woodrats are very important ecologically in that they provide an important prey source for raptors (particularly owls) and for predatory mammals, and their nests also provide habitat for a wide variety of small mammals, reptiles, and amphibians. As a result, any potential loss of large numbers of woodrats and their nests would be considered a significant impact. Implementation of MM BIO – 4, as described below, would reduce Project impacts on the San Francisco dusky-footed woodrat and its habitat to a less-than-significant level.

MM BIO –4: Preconstruction Surveys and Avoidance or Nest Relocation.

Prior to any clearing of, or work within, coast live oak woodland, northern coastal scrub, or chamise chaparral habitats, a qualified biologist would conduct a survey for San Francisco dusky-footed woodrat nests. If active San Francisco dusky-footed woodrat nests are determined to be present within or very close to the impact areas, the following measures would be implemented.

San Francisco dusky-footed woodrats are year-round residents and avoidance measures are directed at restricting Project activities to avoid direct impacts on San Francisco dusky-footed woodrats and their active nests to the extent feasible. A minimum 10-foot buffer would be maintained between Project activities and each nest to avoid disturbance. In some situations, a smaller buffer may be allowed if, in the opinion of a qualified biologist, removing the nest would be a greater impact than that anticipated as a result of Project activities.

If avoidance of active nests is not feasible, then the woodrats would be evicted from their nests prior to the removal of the nests and onset of any clearing or ground-disturbing activities to avoid injury or mortality of the woodrats. The nests would be dismantled and the nesting material moved to a new location outside the Project's impact areas so that it can be used by woodrats to construct new nests. Prior to nest deconstruction, each active nest would be disturbed by a qualified wildlife biologist to the degree that all woodrats leave the nest and seek refuge out of the impact area. Whether the nest is on the ground or in a tree, the nest would be nudged to cause the woodrats to flee. The nest would then be dismantled and the nest material piled at the base of a nearby hardwood tree or shrub (preferably with refuge sites among the tree roots or with dense vegetation or other refugia nearby) outside of the impact area. The spacing between relocated nests would not be less than 100 foot, unless a qualified biologist has determined that the habitat can support higher densities of nests.

Implementation of MM BIO –4 would be adequate to assure that impacts on San Francisco dusky-footed woodrats and their habitat would be less than significant. Because the species' habitats are relatively widespread, impacts on its habitat would not require additional species-specific mitigation.

Impacts on the California Red-legged Frog

Although suitable breeding habitat for the California red-legged frog (pools with emergent vegetation) is not present in the study area, there is a 2007 breeding record from Calabazas Creek, 0.54 mile from the study area, as well as a recent record from Saratoga Creek, approximately 0.91 mile from the study area (CNDDB 2019). Moreover, potentially suitable breeding habitat for the California red-legged frog has been identified in Quarry Park, approximately 0.7 mile from the study area (i.e., within dispersal distance) (City of Saratoga 2014). Thus, although red-legged frogs are not expected to breed in the study area, non-breeding individuals may still disperse through the study area, albeit infrequently and in low numbers. If the species occurs, it is most likely to occur during the wet season, due to the arid conditions surrounding the site.

Project activities would not result in the loss of breeding or foraging habitat for the California red-legged frog, because no suitable breeding or foraging habitat exists in the study area. Ostensibly suitable dispersal habitat may be permanently lost; however, because such habitat represents low-quality, low-use habitat (due to the arid conditions dominating the site), and because the Project site does not lie between two high-use areas (such as two large breeding populations), the loss of habitat over which red-legged frogs may occasionally disperse would not be considered a significant impact. Similarly, the footprint of the proposed lodging facility would occupy only a relatively small proportion of the study area, so it would not impede the ability of red-legged frogs to occasionally move through the study area.

Although individuals are expected to occur in the study area only on an occasional basis, if it all, if individuals are present during lodging and ancillary uses construction activities, grading, excavation, and ground disturbance associated with construction of the lodging facility, could result in injury or mortality of individuals. This would represent a significant impact due to the species' regional rarity. Seasonal movements may be temporarily and locally affected during construction activities because of disturbance, and substrate vibrations may cause individuals to move out of refugia, exposing them to a greater risk of predation or desiccation. In addition, petrochemicals, hydraulic fluids, and solvents that are spilled or leaked from construction vehicles or equipment may kill individuals. Further, increases in human concentration and activity in the vicinity of potentially suitable dispersal habitat may result in an increase in native and nonnative predators that would be attracted to trash left at the work site and that would prey opportunistically on individuals of this species. Implementation of MMs BIO – 5–7 would reduce Project impacts on the California red-legged frog to a less-than-significant level.

MM BIO – 5: Worker Environmental Awareness Program.

Before any construction activities begin, the Mountain Winery would hire a qualified biologist who would conduct a training session for all construction personnel. At a minimum, the training would include descriptions of all special-status species potentially occurring on the Project site and their habitats, the importance of these species, the general measures that are being implemented to conserve them as they relate to the Project, and the boundaries within which Project activities may be accomplished.

MM BIO – 6: Avoidance.

Because dusk and dawn are often the times when the red-legged frog is most actively moving and foraging, to the maximum extent practicable, earthmoving and other Project activities would cease no less than 30 minutes before sunset and would not begin again prior to 30 minutes after sunrise. Further, to the extent practicable, ground-disturbing activities would be avoided from October 15 through April 15 because that is when red-legged frogs are most likely to be moving through upland areas. When ground-disturbing activities must take place between October 15 and April 15, MM BIO – 7 would be implemented.

MM BIO – 7: Pre-activity Survey and Monitoring.

If work activities occur between October 15 and April 15, a qualified biologist would conduct a preconstruction survey for the California red-legged frog prior to initial ground disturbing activities and would remain on-site to monitor during all initial ground-disturbing activities within this area. If a California red-legged frog is encountered in the work area, all activities with the potential to result in the harassment, injury, or death of the individual would be immediately halted and would not resume until the individual leaves the Project site of its own accord. After initial clearing and grubbing are completed, biological monitoring is no longer necessary. However, if any member of the construction crew observes an animal that may be a California red-legged frog, all work that could affect the frog would stop; a qualified biologist would be contacted; and the qualified biologist would determine whether the animal is a red-legged frog and what next steps are appropriate. The animal would not be physically handled without approval from the U.S. Fish and Wildlife Service.

Impact BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? **(No Impact)**

No riparian habitats are present in the study area, and thus none would be directly impacted by the Project. Indirect impacts on potential water quality in drainages outside the Project study area (as well as any associated riparian habitat) would be avoided as described under Impact BIO - 3.

Several nonnative, invasive plant species occur in the ruderal California annual grassland, northern coastal scrub, and coast live oak woodland throughout the study area. Invasive species can spread quickly and can be difficult to eradicate. Many nonnative, invasive plant species produce seeds that germinate readily following disturbance. Further, disturbed areas are highly susceptible to colonization by nonnative, invasive species that occur locally, or whose propagules are transported by personnel, vehicles, and other equipment. Activities such as trampling, equipment staging, and vegetation removal are all factors that would contribute to disturbance. Areas of disturbance could serve as the source for promoting the spread of nonnative species, which could degrade the ecological values of wetland habitat and adversely affect native plants and wildlife that occur there. Invasive species can have an adverse effect on native species and habitats in several ways, including by altering nutrient cycles, fire frequency and/or intensity, and hydrologic cycles; by creating changes in sediment deposition and erosion; by dominating habitats and displacing native species; by hybridizing with native species; and by promoting nonnative animal species (Bossard et al. 2000). The study area contains invasive species rated by Cal-IPC as highly invasive, including pampas grass, French broom, yellow star thistle, and Himalayan blackberry. These species are located along the dirt roads throughout the property and throughout the abandoned gravel quarry area, where Project activities could cause them to spread.

Any future development to be undertaken in the northern portion of the study area has the potential to result in large portions of the site being subject to soil disturbance (e.g. for the development of a lodging facility and ancillary uses in the northern portion of the study area or construction of a new water tank). The installation of a sewer line in the vicinity of the abandoned gravel quarry, similarly, has the potential to result in additional soil disturbance in an area that already has invasive species (e.g. pampas grass). Activities such as vegetation removal, grading, and equipment staging are all factors that would contribute to disturbance. Areas of disturbance could serve as the source for promoting the spread of nonnative species, which could degrade the ecological values of native habitats that occur immediately adjacent to the Project study area, and adversely affect native plants and wildlife that occur there. Given the relatively high quality of the coast live oak woodland, northern coastal scrub, and chamise chaparral habitats on the site, increasing the risk or extent of invasion by nonnative plants would be a potentially significant impact.

Because grading and vegetation removal disturbance would occur within an area that is already disturbed, and that pampas grass, French broom, yellow star thistle, and Himalayan blackberry are already widespread regionally, it is unlikely that this disturbance would result in a substantially increased source population for the spread of nonnative, invasive species into adjacent native habitat areas. Nevertheless, implementation of the following mitigation measure would further prevent the spread of nonnative, invasive species into adjacent native habitat areas and reduce this potential impact to a less-than significant level.

MM BIO – 8: Reseeding of Disturbed Areas.

All disturbed upland soils would be stabilized and planted with a native seed mix from seed sourced from local genotypes following construction. All straw used as erosion control materials for the project would be certified weed-free. The removed vegetation, which may include invasive plant species, would be safely disposed of on-site in disturbed areas, areas where invasive plants are known to occur or off-site in a legally operating landfill so that propagules are not spread to other areas. All equipment used to remove and dispose of project vegetation would be washed prior to being used on another Project site.

Impact BIO-3: Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **(Less Than Significant With Mitigation)**

Direct Impacts on Wetlands

Wetlands and other waters provide substantial habitat value for wildlife, providing foraging and dispersal opportunities for aquatic-dependent species. Additionally, these habitats are considered sensitive by regulatory agencies.

Portions of a roadside ditch at the base of the abandoned quarry have potential to be considered a wetland because wetland plant species (e.g., cattails and willow scrub) are present, and wetland hydrology may be present in the form of a ditch holding water for some period of the year; see Figure 8-2. However, this roadside ditch is not likely to be considered a water of the State under SWRCB policy because the roadside ditch is less than an acre in size, resulted from human activity and is operated as a drainage feature that is subject to regular, routine maintenance by the property owner. Additionally, should it be determined that this roadside ditch is considered a water of the US, the landowner would coordinate with the appropriate regulatory agencies.

This roadside ditch has potential to be impacted temporarily during grading for the installation of a sewer line, exclusively within the Sanitary Sewer Connection area shown in Figure 3-2. Even if the roadside ditch is not permanently impacted, temporary impacts to the wetlands within the ditch may occur due to construction access, potentially resulting in removal of wetland vegetation or temporary disruption of hydrology. If it is determined that the roadside ditch must be relocated, the resulting impact would be considered a temporary impact. Although roadside ditches with some wetland features are common in the San Francisco Bay Area, this temporary impact would be potentially significant. Implementation of MM BIO – 9 would reduce this impact to a less-than-significant level.

MM BIO – 9: In-Situ Restoration of Temporary Impacts.

If impacts to the ditch, and/or the portions of the ditch containing wetlands, are temporary and permanent fill of the ditch is not necessary, then the ditch would be restored following construction. Following installation of the sewer line, the ditch would

be restored to its original contours and erosion control measures installed to prevent indirect impacts on wetland vegetation elsewhere in the ditch.

Indirect Impacts to Wetlands and Water Quality

Development of areas in the northeastern portion of the study area could have indirect impacts on the water quality in the drainages that occur just outside of the study area in intermittent drainages that have their headwaters just downslope of the study area. Development of these areas could negatively impact water quality from construction-related erosion or changes to stormwater patterns. In order to eliminate indirect impacts on sensitive creek habitat outside the Project study area, any disturbance or construction should be designed to avoid any potential impacts to downslope jurisdictional other waters habitat. Construction Projects in California causing land disturbances that are equal to one acre or greater must comply with State requirements to control the discharge of stormwater pollutants under the NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit; Water Board Order No. 2009-0009-DWQ). Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the Project. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and maintained during the Project and it must include the use of Best Management Practices (BMPs) to protect water quality until the site is stabilized. Standard permit conditions under the Construction General Permit require that the applicant utilize various measures including: on-site sediment control best management practices, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors.

Finally, in many San Francisco Bay Area counties/cities, including the City, projects must also comply with the *California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit* (MRP) (Water Board Order No. R2-2015-0049). This MRP requires that all Projects implement BMPs and incorporate Low Impact Development practices into the design to prevent stormwater runoff pollution, promote infiltration, and hold/slow down the volume of water coming from a site after construction has been completed. In order to meet these permit and policy requirements, Projects must incorporate the use of green roofs, impervious surfaces, tree planters, grassy swales, bioretention and/or detention basins, among other factors. These same features would be used to treat any stormwater that flows to the off-site brackish marsh during large storm events.

Compliance with State requirements to control the discharge of stormwater pollutants during construction under the NPDES Construction General Permit and the RWQCB required SWPPP, and post-construction measures and design features required by the MRP would reduce the Project's potential impact on water quality/sensitive creek habitats to a less-than-significant level.

Impact BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **(Less Than Significant With Mitigation)**

For many species, landscapes are a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between these different habitats while also providing cover. Development that fragments natural habitats (i.e., breaks them into smaller, disjunct pieces) can have a twofold impact on wildlife: first, as habitat patches become smaller they are unable to support as many individuals (patch size); and second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

The study area is located in a mixture of habitats, including developed/landscaped, California annual grassland, northern coastal scrub, chamise chaparral, and irrigated vineyards. Although construction associated with full buildout of the Project would convert a relatively small area of the study area from existing natural communities to developed/landscaped, it would result in negligible loss of habitat relative to the study area as a whole, and animals would continue to be able to move through the study areas after it is completed.

Noise and disturbance associated with construction could cause species that commonly use habitats within the study area for dispersal to temporarily avoid moving through the site. The loudest noise not already occurring on the Project site would be associated with construction and temporary maintenance activities, and once such activities are complete, wildlife use of the surrounding areas would be similar to existing conditions. Construction of the lodging facility and ancillary uses may inhibit movement of some more sensitive wildlife species, such as mountain lions, through the site, as this species can be particularly sensitive to human activity. However, ample opportunity exists for movement by this species in the vicinity of the Project site, and while dispersal or habitat use by this species may be limited by the introduction of additional human activity to the Project site, impacts on regional mountain lion populations or movements are not expected to be substantial. Thus, the Project would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors and this impact would be less than significant.

Disturbance related to construction activities and maintenance post-construction during the bird breeding season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. However, the habitats in the study area represent a very small proportion of the habitats that support these species regionally. In addition, all species of birds currently using the study area are expected to continue to nest and forage on the site after Project construction is completed because no substantial loss of existing natural communities would occur. Therefore, Project impacts on common nesting and foraging birds due to disturbance would not rise to the CEQA standard of having a *substantial* adverse effect, and these impacts would not constitute a significant impact on these species or their habitats under CEQA. However, all native bird species are protected from direct take by federal and state statutes. Therefore, the following mitigation measures shall be implemented to ensure that Project activities comply with the MBTA and California Fish and Game Code.:

MM BIO – 10: Preconstruction Surveys.

Preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests would be disturbed during Project construction. It is recommended that these surveys be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist should inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests.

MM BIO – 11: Buffers.

If an active nest is found sufficiently close to work areas to be disturbed by Project activities, the ornithologist should determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code would be disturbed during Project implementation.

MM BIO – 12: Inhibition of Nesting.

If construction activities would not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the Project may be removed prior to the start of the nesting season (e.g., prior to February 1). This would preclude the initiation of nests in this vegetation, and prevent the potential delay of the Project due to the presence of active nests in these substrates.

Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **(Less Than Significant With Mitigation)**

City of Saratoga Tree Ordinance

Per City of Saratoga Municipal Code Chapter 15, permission to remove protected trees may be granted as part of approval of other development permits. While the Project does not identify specific trees for removal, development associated with full buildout of the Project may result in removal of trees. Any future development activities associated with the Project that would require tree removal would need to comply with City's tree ordinance, including obtaining a permit from the City to remove protected trees and paying any applicable fee. Therefore, by complying with the tree ordinance, impacts related to conflict with local policies or ordinances protecting trees would be less than significant.

City of Saratoga General Plan Open Space and Conservation Element Policies

The City's General Plan Open Space and Conservation Element (City of Saratoga 2007) includes several policies designed to protect biological resources. These policies are described below.

City General Plan Policy Goal OSC 11, protect and enhance sensitive vegetative and wildlife habitat in the Saratoga Planning area, is regulated by City General Plan Policies OSC 11.1, 11.2, and 11.3. General Policy OSC 11.1 specifies the minimization of development that would

encroach into important wildlife habitats, limit or restrict normal range areas, or restrict access to water food or shelter. This includes limitations on the installation of barrier fencing in hillside areas. The Project may result in lodging and ancillary uses development within the study area, which contains no sensitive vegetative habitat. Although the study area provides suitable or potentially habitat for several special-status species, as discussed above the numbers of individuals of these species that may occur in the study area are limited at best for the white-tailed kite and olive-sided flycatcher, and any impacts on their habitat would not rise to the CEQA standard of significance. MM BIO – 4 for the San Francisco dusky-footed woodrat and MMs BIO 5 through 7 for the California red-legged frog, would reduce any impacts to a less than significant level.

City General Plan Policy Goal OSC 11.2 specifies the preservation and protection of riparian habitats and creek corridors through the development and CEQA process. This includes requiring biological surveys of parcels of land that could contain sensitive species or their habitats prior to allowing development on these parcels. There is no impact because this policy is not applicable; there is no riparian habitat or creek corridors within the study area.

City General Plan Policy Goal OSC 11.3 specifies that the design of parking lots shall be evaluated for opportunities to reduce large continuous expanses of asphalt and to promote the establishment of visually interesting and aesthetically pleasing parking lots.

Thus, provided that this Project would incorporate the mitigation measures described in this Section, it would not conflict with City General Plan Open Space and Conservation Element Policies. The biological resources report represents compliance with these policies by providing all the information required by the mitigation measure for a biological resources assessment.

Impact BIO-6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? **(No Impact)**

The study area is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the Project would not conflict with any such plans.

8.4.3 Cumulative Impact Analysis

The Project would contribute to cumulative impacts if – in conjunction with the effects of past projects, other current projects, and probable future projects – a significant adverse impact would occur. Future projects near the Project site include the Saratoga to the Sea Trail Project (connecting Saratoga Quarry Park to Sanborn County Park) and the Juan Bautista deAnza National Historic Trail. The Saratoga to the Sea Trail would not cross the Precise Plan boundary. The County Parks Department desires to develop a 10-foot wide trail, the Juan Bautista deAnza National Historic Trail, within a 25-foot wide trail easement on the Mountain Winery property. The precise trail alignment has not been identified, but the floating trail easement is for the alignment and construction of a non-exclusive, public, pedestrian and equestrian trail that will connect Stevens

Creek and Sanborn county parks. The property contained within the easement is significantly larger than the envisioned trail to allow reasonable flexibility in mutually determining a suitable location and alignment. According to the June 2000 "Floating Trail Easement Map", the trail easement does cross the northwest portion of the Project site

The Saratoga to the Sea Trail and Juan Bautista deAnza National Historic Trail have the potential to impact natural habitat similar to those on the Project site. Thus, these trail projects, as well as any development that occurs in the future in similar habitats in this region, would result in potential impacts on many of the same types of biological resources that would be impacted by construction activities associated with full buildout of these trail projects. The cumulative impact on biological resources resulting from the Project in combination with other projects in the project area and larger region would be dependent on the relative magnitude of adverse effects of these projects on biological resources compared to the relative benefit of impact avoidance and minimization efforts prescribed by planning documents, CEQA mitigation measures, and permit requirements for each project; compensatory mitigation and proactive conservation measures associated with each project. In the absence of such avoidance, minimization, compensatory mitigation, and conservation measures, cumulatively significant impacts on biological resources would occur.

However, the City General Plan contains conservation measures that would benefit biological resources, as well as measures to avoid, minimize, and mitigate impacts on these resources. Further, it is expected that most current and future projects in the region, including the projects listed above, would have to mitigate impacts through the CEQA, Fish and Game Code 1602, or Clean Water Act Section 404/401 permitting process, and possibly FESA and CESA consultation. As a result, these other projects are expected to implement mitigation for substantial impacts on biological resources as is being required of the Project. Thus, provided that this Project successfully incorporates the mitigation measures described in this Section, the Project would not have a cumulatively considerable contribution to substantial cumulative impacts on biological resources.

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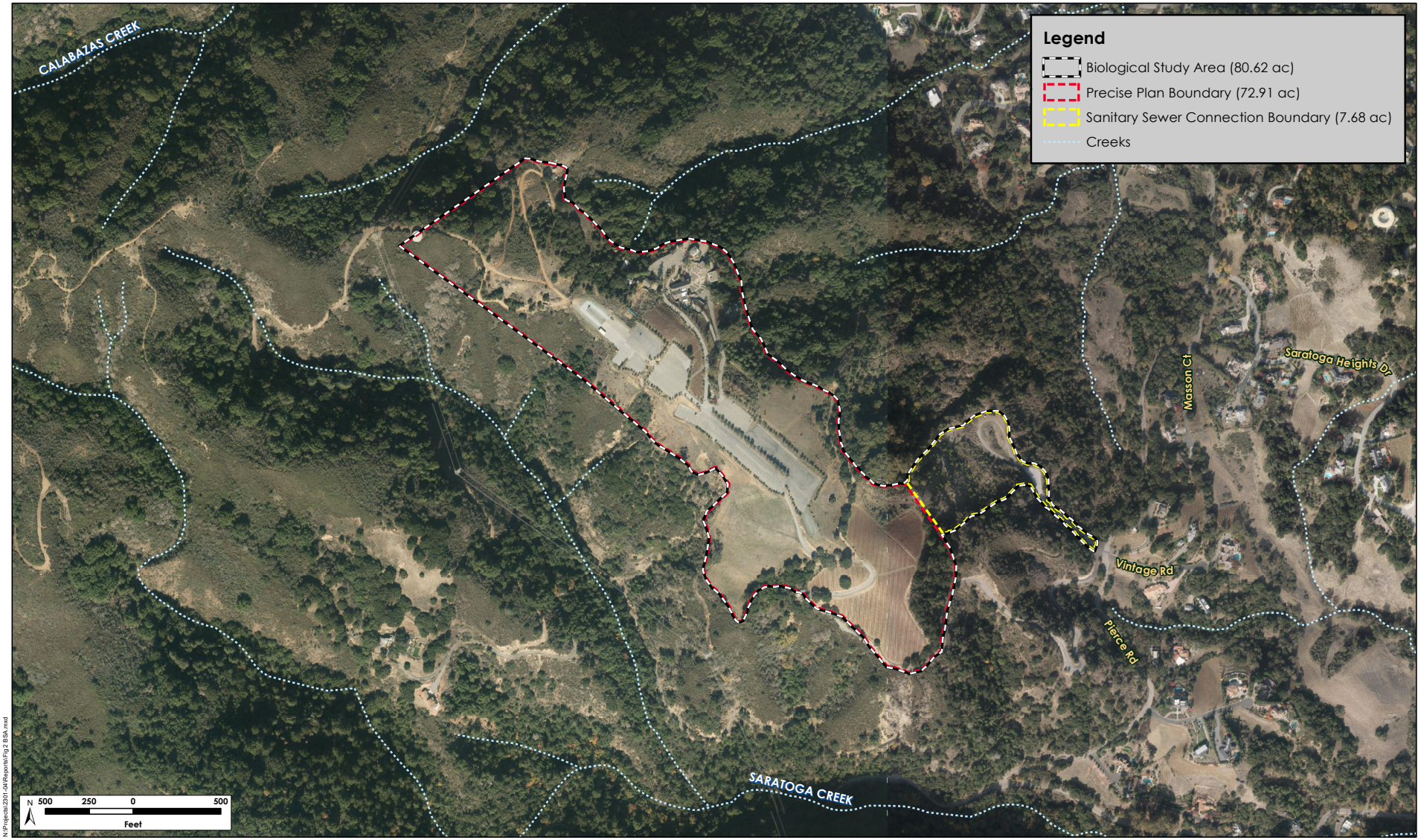
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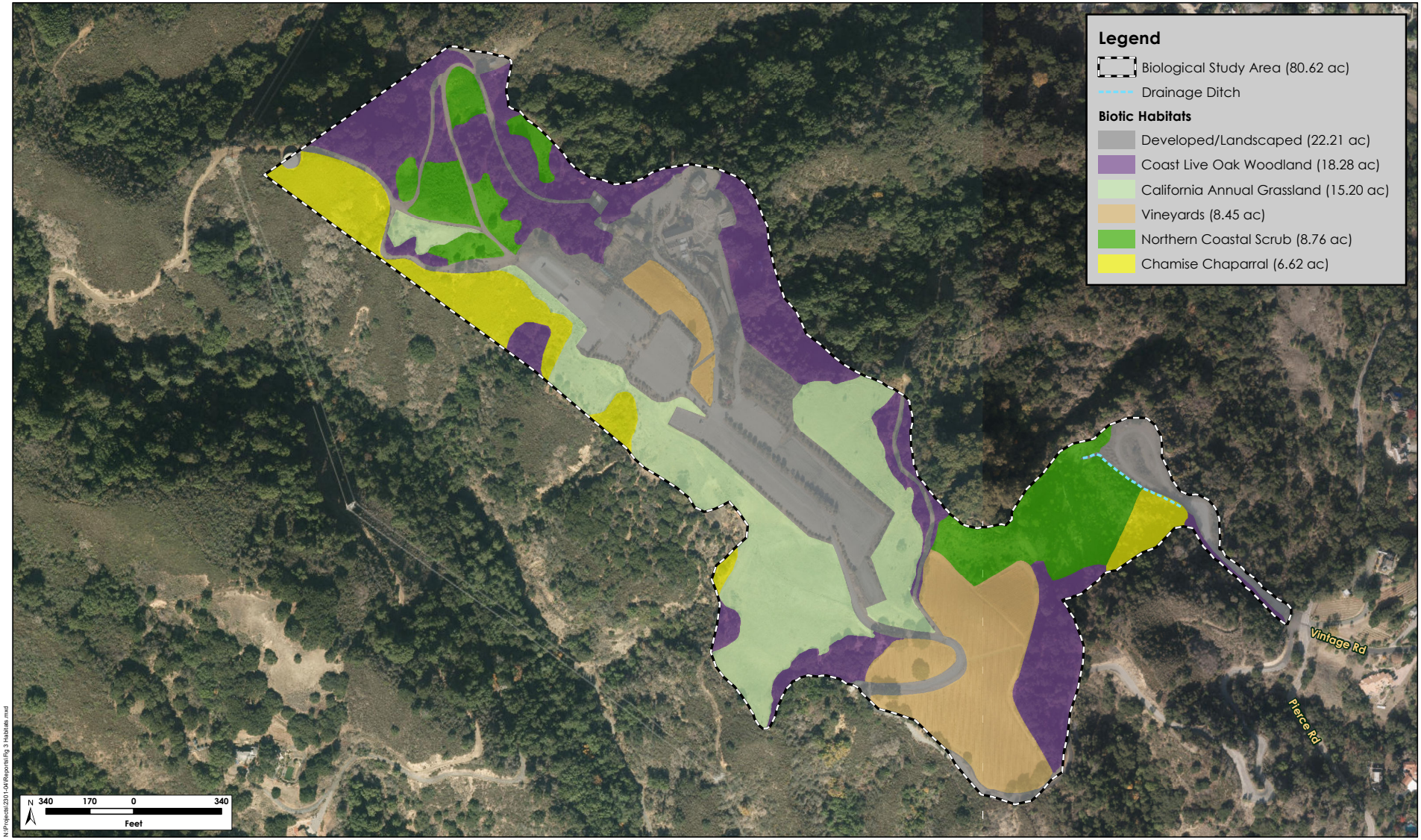
Figure 8-1: Biological Study Area

Mountain Winery Annexation Project
Draft EIR

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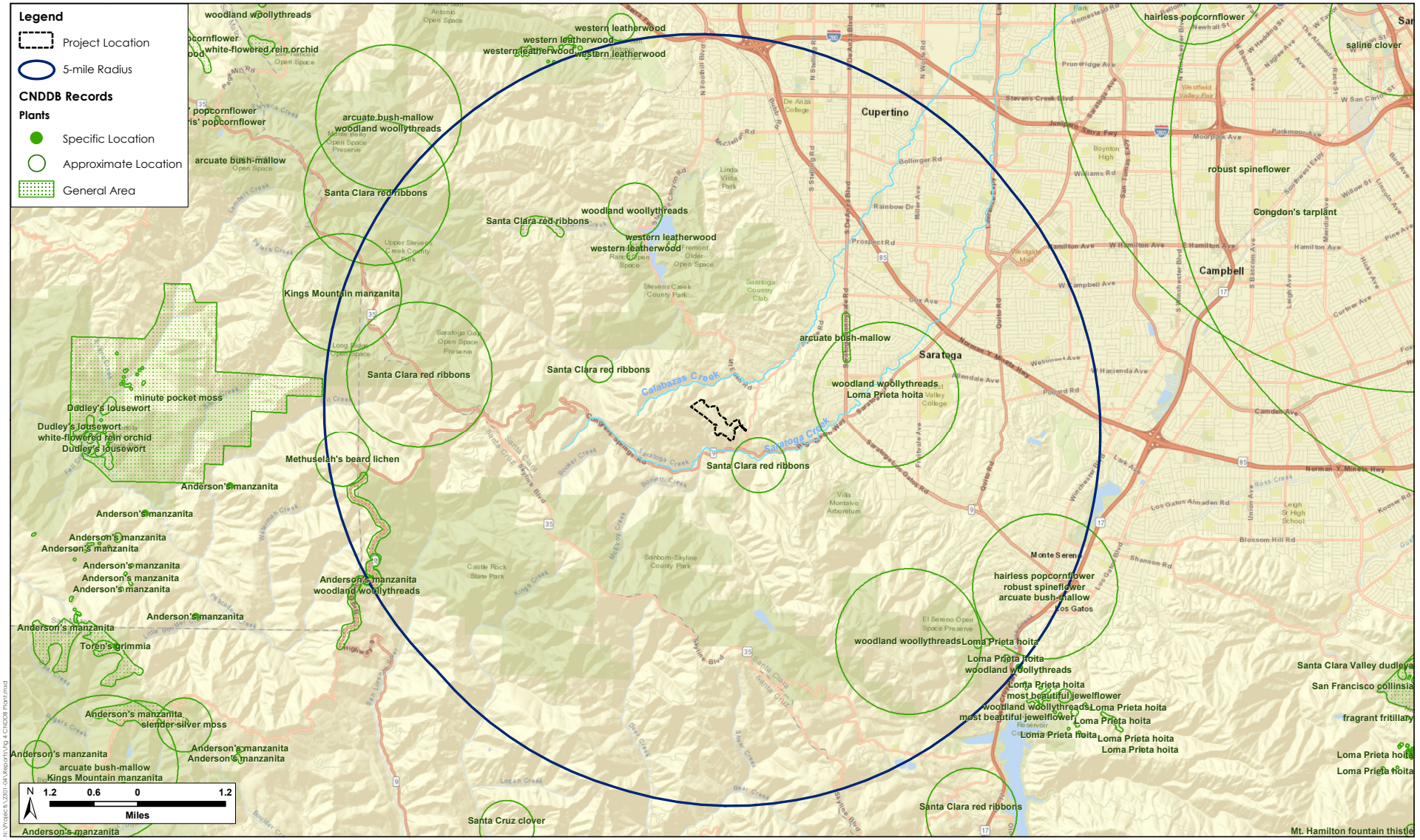
Figure 8-2: Biotic Habitats

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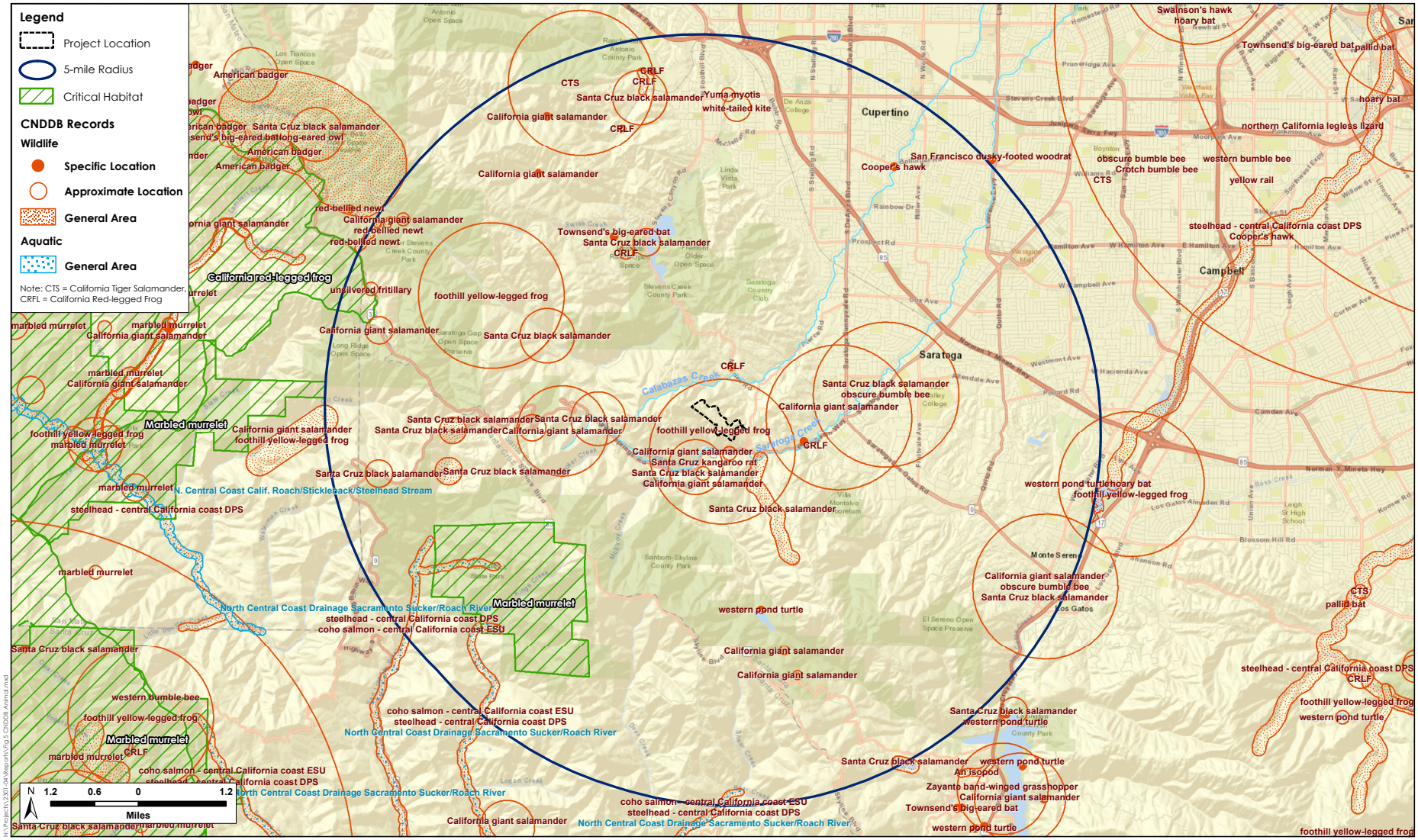
Figure 8-3: CNDDB-Mapped Records of Special-Status Plants

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Figure 8-4: CNDDB-Mapped Records of Special-Status Animals

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9 Cultural Resources

9.1 Introduction

This section describes effects on cultural resource conditions in the Project area. The current condition and quality of cultural resources was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- California Historical Resources Information System. *Record search results for the proposed Mountain Winery Project.* June 18, 2019.
- Archives and Architecture. *Historic Project Assessment for the Proposed Modification to ASA Submittal Project*. July 21, 2017 (Revised April 23, 2018).
- Dill Design Group. *Historic Resource Assessment and Secretary of the Interior's Standards Review for the Historic Paul Masson Mountain Winery Building*. June 10, 2003.

9.2 Environmental Setting

This section presents information on cultural resources conditions in the Project area. The current condition and quality of cultural resources was used as the baseline against which to compare potential impacts of the Project.

9.2.1 Architecture

The Paul Masson Mountain Winery (Mountain Winery) was designated as a State Historic Landmark in 1960, and in 1983 it was listed in the National Register of Historic Places. The property is also listed in the Santa Clara County Heritage Resource Inventory.

The Winery building was built in the 1910s of stone and concrete materials from an earlier winery on the Project site. The front of the Winery building features a 12th century Romanesque-style portal, originally from Spain and retrieved from the St. Patrick's Church in downtown San Jose after the 1906 earthquake. The chateau building, called Chateau La Cresta, was built in 1915 near the Winery, and was largely used for entertaining actors and politicians.

The rectangular three-story Winery building was constructed as a gravity-flow winery, possibly on the site of an earlier winery. The present winery was damaged by fire in 1941, but photographs of that event show that the four exterior walls survived, though the roof was destroyed. During its reconstruction, the building was strengthened on the interior with steel and concrete work. The original wood floors were replaced by concrete floors.

The front section of the Winery building is the oldest, having been constructed most likely in 1907. The front wall is flanked by two asymmetrical square, sandstone-block towers, each highlighted by two semi-circular arched windows with arched molded trims just below flat roofs.

In the center of this wall is the Romanesque-style portal. Above the portal is an arched panel with the metal name "Paul Masson."

The lowest floor extends only halfway back the distance of the upper two floors. This lower level, lying behind the massive wood doors, is used as a changing area for the performers. In 1946, a square-shaped one-story fermentation and shipping annex was added to the south side of the Winery.

The west (rear) end of the combined building rises one-half story out of the hillside. The west end of the annex repeats the design of the west end of the old Winery building, with a centered semi-circular arched doorway. These arches, delineated by radiating brick work with center keystones, were closed up with concrete, probably at the time of the 1940s reconstruction. The gabled parapets of the roof are also of brick.

The Chateau La Cresta building was built of stone and wood in the 1920s or slightly earlier. A second floor was added in 1948 over the original stone balconied first floor south wing.

9.2.2 Historic Setting

The Mountain Winery is significant for its association with Paul Masson, a prominent California winemaker. It was Masson who successfully established the production of fine wines and champagnes in Santa Clara County. The Mountain Winery is also significant architecturally for its incorporation of a medieval Romanesque portal and other Romanesque elements as a visible manifestation of a California winemaker's efforts to provide a sense of tradition for a relatively new American industry in the 1960s.

Masson was a native of the Burgundy area of France and came to California in 1878. In 1892, he released the first of his champagnes, using New Almaden grapes from the LeFranc vineyards in Los Gatos. Shortly thereafter, he purchased the acreage in the hills above Saratoga, and soon began producing fine wines. The earthquake of 1906 destroyed over 62,000 bottles of Masson champagne that had been stored in the cellars of a San Jose hotel; but the Masson business was large enough to survive the disaster, and Masson profited by the sudden wine shortage caused by the earthquake. He built the stone and concrete Winery building circa 1907, using the Romanesque portal that had come from St. Patrick's Church in San Jose, which had been destroyed in the earthquake. In 1946, a one-story fermentation and shipping annex was added to the south side of the Winery Building.

By the 1920s, Masson's champagnes had achieved worldwide recognition. He was always active in having his wines presented and judged at a wide variety of fairs and expositions. He emphasized his "Frenchness" and the fact that he came from a family with a long history of winemaking. Masson popularized the west Santa Clara Valley foothills as a wine growing area and used superior vines and techniques to create wines of a standard previously unattained by California viticulture.

Masson sold the Mountain Winery to a local stockbroker in 1936, who in turn sold it to another owner in 1943. Masson retained a small land holding at the east edge of the property, where he built a stone chateau residence in the late 1930s. This house is still standing, located at the northeast comer of Vintage Lane and Pierce Road. Masson died in the house in 1940.

9.2.3 Records Searches

A records search for the property was completed at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University, on June 18, 2019 (NWIC search #18-2389). The purpose of the records search was to determine the extent of previous surveys within a 0.5-mile (800-meter) radius of the Project location, and whether previously documented pre-contact or historic archaeological sites, architectural resources, or traditional cultural properties exist within this area. A search radius of 0.5 miles is a standard search radius for in order to inform a sufficient review of cultural resource types in the vicinity of the Project site to formulate a cohesive historic background and help determine study of what types of resources may be present within the Project site.

According to the records on file at NWIC, there has been one archaeological study that covers 100 percent of the Project area (Holman 1979, S-4587), and one cultural study that covers less than 5 percent of the Project area (Cohen and Crawford 2011, S-38710). No previously recorded archaeological resources were found onsite.

9.2.4 Historic Evaluation

The State Office of Historic Preservation Historic Property Directory lists one previously recorded building/structure complex within the Project area. The winery complex, which is located within the Project area, is listed in both the National Register of Historic Places (NRHP) and in the California Register of Historic Places (CRHP). In addition to the NRHP and CRHP inventories, the NWIC found no previously recorded buildings or structures within the Project area. Table 9-1 lists all previously recorded cultural resources within a 0.5 mile buffer of the Project site.

Table 9-1: Previously Recorded Cultural Resources within 0.5 Mile of the Project site

Site Number	Resource Name	Status Code	Status Code Meaning
14592	Paul Masson Mountain Winery (State Historic Landmark no. 733)	1S; 7L	1S: Individual property listed in the National Register by the Keeper and listed in the California Register. 7L: State Historic Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 - needs to be reevaluated using current standards.

Source: NWIC, 2019.

9.3 Applicable Regulations, Plans, and Standards

9.3.1 Federal

National Register of Historic Places Eligibility

The federal law that regulates cultural resources that could be affected by federal undertakings is the National Historic Preservation Act (NHPA) of 1966, as amended. Section 106 of the Act requires that federal agencies consider the effects of a federal undertaking on properties listed in or eligible for the National Register of Historic Places (NRHP). The agencies must afford the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officer (SHPO) a reasonable opportunity to comment on the undertaking. A federal undertaking means "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval" [36 CFR 800.16(y)].

The regulations that stipulate the procedures for complying with Section 106 are in 36 CFR 800. The Section 106 regulations require:

- Definition of the Area of Potential Effects (APE);
- Identification of cultural resources within the APE;
- Evaluation of the identified resources in the APE using NRHP eligibility criteria;
- Determination of whether the effects of the undertaking or project on NRHP-eligible resources (historic properties) will be adverse by applying the criteria of adverse effect; and
- Agreement on and implementation of measures to resolve adverse effects, if necessary.

The federal agency must seek comment from the SHPO and, in some cases, the ACHP, for its determinations of eligibility, effects of the undertaking on historic properties, and proposed treatment (mitigation measures) to resolve adverse effects to historic properties. Section 106 procedures for a specific project can be modified by negotiation of a Memorandum of Agreement (MOA) or Programmatic Agreement (PA) between the federal agency and the State Historic Preservation Officer (SHPO).

Historic properties are cultural resources that are eligible for the NRHP. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess aspects of integrity (the ability of a property to convey its significance) including location, design, setting, materials, workmanship, feeling, association, and that meet at least one of the following four criteria (36 CFR 60.4):

- **A:** Are associated with important historical events (Criterion A).
- **B:** Are associated with the lives of significant persons in our past (Criterion B).
- **C:** Embody the distinct characteristics of a type, period, or method of construction (Criterion C).
- **D:** May yield information important in prehistory or history (Criterion D).

In addition, the resource must be at least 50 years old, except in exceptional circumstances.

Executive Order 11593 (May 13, 1971), 36 Code of Federal Regulations, Section 8921 as incorporated into Title 7, United States Code

Executive Order 11593, Protection of the Cultural Environment, orders the protection and enhancement of the cultural environment through providing leadership, establishing State offices of historic preservation, and developing criteria for assessing resource values.

American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act establishes that it is the nation's policy to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise their traditional religions, including access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

9.3.2 State

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) is a state law that applies to a project's impacts on cultural resources. A project is an activity that may cause a direct or indirect physical change in the environment and that is undertaken or funded by a state or local agency, or requires a permit, license, or lease from a state or local agency. CEQA requires that impacts to Historical Resources be identified and, if the impacts will be significant, that mitigation measures to reduce the impacts be applied.

A Historical Resource [as defined in CCR Title 14, Section 15064.5(a)] is a resource that:

1. Is listed in or has been determined eligible for listing in the California Register of Historical Resources by the State Historical Resources Commission, or has been determined historically significant by the CEQA lead agency because it meets the eligibility criteria for the CRHR;
2. Is included in a local register of historical resources, as defined in Public Resources Code 5020.1(k); and
3. Has been identified as significant in an historical resources survey, as defined in Public Resources Code 5024.1(g).

The eligibility criteria for the CRHR require that [CCR Title 14, Section 4852(b)]:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Resources that have been determined eligible for the NRHP are automatically eligible for the CRHR.

Archaeological sites are usually evaluated under Criterion 4, the potential to yield information important in prehistory. An archaeological test program may be necessary to determine whether the site has the potential to yield important data. The CEQA lead agency makes the determination of eligibility based on the results of the test program.

Impacts to Historical Resources are considered significant if a project (1) physically destroys or damages all or part of a resource; (2) changes the character of the use of the resource or physical feature within the setting of the resource that contributes to its significance; and/or (3) introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

The Lead Agency must concurrently determine whether a project will cause damage to a unique archaeological resource (as defined in PRC Section 21083.2[b]) and, if so, must make reasonable efforts to permit the resources to be preserved in place or left undisturbed. An archaeological resource must be determined to be "unique" or "historic" for an impact to the resource to be considered significant. Section 21083.2(g) of CEQA defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be demonstrated that without merely adding to the existing body of archaeological knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In practice, if an archaeological site is eligible for the CRHR, it is not necessary to determine if it is unique [CCR Title 14, Section 15064.5(c)(2)].

Title 14, Penal Code, Section 622.5

According to Penal Code Section 622.5, anyone (except the owner of the item at issue) who willfully damages or destroys an item of archaeological or historic interest or value is guilty of a misdemeanor.

Human Remains

Public Resources Code 5097.98 (b) and (e)

Public Resources Code 5097.98 (b) and (e) require a landowner on whose property Native American human remains are found to limit further development activity in the vicinity until he/she confers with the Native American Heritage Commission (NAHC)-identified Most Likely Descendants (MLDs) to consider treatment options. In the absence of MLDs or of a treatment acceptable to all parties, the landowner is required to reenter the remains elsewhere on the property in a location not subject to further disturbance.

California Health and Safety Code, Section 7050.5

This code makes it a misdemeanor to disturb or remove human remains found outside a cemetery. This code also requires a project owner to halt construction if human remains are discovered and to contact the county coroner.

Paleontological Resources

Paleontological resources are nonrenewable scientific and educational resources. The CEQA regulatory framework for impacts on paleontological resources is contained in revised Appendix G (Environmental Checklist Form) of the State CEQA Guidelines and includes paleontological resources under the general heading "Geology." Projects subject to CEQA must determine whether a project would "directly or indirectly destroy a unique paleontological resource."

An impact to paleontological resources would be considered a significant impact if a project results in the direct or indirect destruction of a unique or important paleontological resource or site. The Society of Vertebrate Paleontology (SVP), a national organization, has established a set of procedures and standards for assessing and mitigating impacts to vertebrate paleontological resources.

Public Resources Code Section 5097.5

California Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having

jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

California Register of Historical Resources

In order to be determined eligible for listing in the California Register of Historical Resources (CRHR), a property must be significant at the local, State, or national level under one or more of the following four criteria as defined in Public Resources Code 5024.1 and CEQA Guideline 15064.5(a).

- It is associated with events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California and the United States.
- It is associated with the lives of persons important to the nation or to California's past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- It has yielded, or may be likely to yield, information important to the prehistory or history of the state and the nation.

In addition to meeting one or more of the above criteria, a significant property must also retain integrity. Properties eligible for listing in the CRHR must retain enough of their historic character to convey the reason(s) for their significance. Integrity is judged in relation to location, design, setting, materials, workmanship, feeling, and association.

CEQA defines a substantial adverse change in the significance of a historical resource as a significant effect on the environment (PRC §21084.1; 14 CCR §15064.5(b)). A substantial adverse change means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired (14 CCR §15064.5(b)(1)). The significance of a resource is materially impaired when the physical characteristics that convey its historical significance and that justify its designation as a historical resource are demolished or materially altered in an adverse manner (14 CCR §15064.5(b)(2)). Construction of a project in the vicinity of historical structures that does not damage or materially alter any of them is not a substantial adverse change in the significance of a historical resource. *Eureka Citizens for Responsible Gov't v City of Eureka* (2007) 147 CA4th 357, 375.

California Historical Building Code, California Code of Regulations, Title 24, Part 8

The California Historical Building Code, defined in Sections 18950 to 18961 of Division 13, Part 2.7 of the Health and Safety Code, provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings or structures deemed by any level of government as having importance to the history, architecture, or culture of an area.

9.3.3 Regional and Local

County of Santa Clara General Plan

Parks and Recreation Element

The County General Plan Parks and Recreation Element (PR) discusses three types of areas and facilities with the potential to contribute to meeting future recreation demand and maintaining the County's natural resources and beauty: (1) Regional Parks and Public Open Space Lands, (2) Trails, and (3) Scenic Highways. Goals and policies most directly related to cultural resources are included below.

- Policy C-PR 10: Recreation facilities and activities within regional parks and public open space lands should be located and designed to be compatible with the long term sustainability of each site's natural and cultural resources, with particular attention to the preservation of unique, rare, or endangered resources (including historic and archeological sites, plant and animal species, special geologic formations, etc.).
- Policy C-RC 49: Cultural heritage resources within Santa Clara County should be preserved, restored wherever possible, and commemorated as appropriate for their scientific, cultural, historic and place values.
- Policy C-RC 50: Countywide, the general approach to heritage resource protection should include the following strategies:
    1. Inventory and evaluate heritage resources.
    2. Prevent or minimize adverse impacts on heritage resources.
    3. Restore, enhance, and commemorate resources as appropriate.

City of Saratoga General Plan

Land Use Element

The City General Plan Land Use Element (LU) serves as the central framework for the entire General Plan and as a guide to planners, members of the public, and decision makers as to the desired pattern of development for the city. This element establishes the General Plan land use designations for the city and details allowable uses within each. Furthermore, policies and implementation measures are outlined to allow the City to achieve the vision adopted for the planning horizon. Policies and implementation measures most directly related to cultural resources are included below.

Goal LU 12: Recognize the heritage of the City by seeking to protect historic and cultural resources, where feasible.

- Policy LU 12.1: Enhance the visual character of the City by encouraging compatibility of architectural styles that reflect established architectural traditions.

- Policy LU 12.2: Develop zoning and other incentives for property owners to preserve historic resources and seek out historic designations for their respective properties.
- Policy LU 12.3: In order to create an incentive for the protection of historic structures, modify the Zoning Ordinance to allow the Planning Commission to have the authority to modify any of the development regulations in the Ordinance, if the subject of the application is a structure which has been designated as an historic landmark.
- Policy LU 12.4: The City shall continue to participate in the Mills Act program which allows property owners of historic residences a reduction of their property tax.
- Policy LU 12.5: Encourage public knowledge, understanding and appreciation of the City's past and foster civic and neighborhood pride and sense of identity based upon the recognition and use of the City's heritage resources.
- Policy LU 12.6: The Heritage Preservation Commission shall regularly update the City's Historic Resources Inventory.
- Policy LU 12.7: Development proposals impacting any of the City's heritage land and/or any historic resources listed on any local or state inventory shall be reviewed by Heritage Preservation Commission and the Planning Commission, as required.
- Policy LU 12.8: For any project development affecting structures that are 50 years of age or older, conduct an historic review.
- Policy LU 12.9: Conduct reconnaissance level analyses of new development projects to ensure that no significant archeological, prehistoric, paleontological Native American resources would be disturbed. If such resources are found, appropriate steps shall be taken, consistent with CEQA requirements to protect these resources.

Open Space and Conservation Element

The City General Plan Open Space and Conservation Element (OSC) discusses management, protection, and preservation of public and private open space, sensitive biological resources, flood hazards, agricultural lands, hillsides, and others. A primary goal of this element is to balance the needs of open space areas with those of continuous development pressures. Policies and implementation measures are outlined to preserve the remaining open space and natural resources to determine the character and quality of life within the Saratoga community. Policies and implementation measures most directly related to cultural resources are included below.

Goal OSC 13: The preservation of native and other plant species indicative of Saratoga's cultural heritage shall be given priority over development and provide for the perpetuation of such species.

- Policy OSC 13.1: To further preserve the City's inventory of arbor resources, the City should encourage owners to consider formal designation of heritage trees.
- Policy OSC 13.2: The City shall encourage public knowledge, understanding and appreciation of the City's past and foster civic and neighborhood pride and sense of

identity based upon the recognition and use of the City's heritage resources, particularly as it relates to the designation and preservation of heritage trees. This can be done by publicizing information about heritage trees and the benefits of designation of heritage trees on the City's Website.

Goal OSC 14: Through coordination with and implementation of other related General Plan Policies, encourage preservation of the City's heritage by providing for the protection of irreplaceable historic and cultural resources representing significant elements of City and regional history. (Refer to Historic Character Land Use Element Policies and Implementation Program).

- Policy OSC 14.1: Support activities/events that highlight Saratoga's rich history as the "Valley of the Heart's Delight", such as the yearly Mustard Walk event at the Central Park or Heritage Orchard.

9.4 Environmental Impacts and Mitigation Measures

9.4.1 Significance Criteria

The following significance criteria for cultural resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria:

CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

CUL -2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

CUL-3 Disturb any human remains, including those interred outside of dedicated cemeteries?

To the extent any cultural resource is identified as relevant to the analysis, its significance as a cultural resource deposit and subsequently the significance of any impact is determined, in part, by whether or not that deposit can increase our knowledge of the past. Key determining factors, among others, are site content and degree of preservation. A finding of archaeological significance follows the criteria established in the CEQA *Guidelines*.

Section 15064.5 of the CEQA *Guidelines* define four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource

survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:
    - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
    - Is associated with the lives of persons important in our past;
    - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
    - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Historical resources are "significantly" affected if there is demolition, destruction, relocation, or alteration of the resource or its surroundings. Preservation in place is typically viewed as the preferred form of mitigation for a "historical resource of an archaeological nature" as it retains the relationship between artifact and context, and may avoid conflicts with groups associated with the site [PRC 15126.4 (b)(3)(A)]. In general, historical resources of an archaeological nature and "unique archaeological resources" typically can be mitigated to below a level of significance by:

- Relocating construction areas such that the site is avoided;
- Incorporation of sites within parks, greenspace, or other open space;
- "Capping" or covering the site with a layer of chemically stable soil before building; or

- Deeding the site into a permanent conservation easement. [PRC 15126.4 (b)(3)(B)]

If an archaeological resource does not meet either the historical resource or the more specific "unique archaeological resource" definition, impacts to such a resource would not be considered significant for purposes of CEQA and therefore would not require mitigation under CEQA [13 PRC 15064.5 (e)]. Where the significance of a site is unknown, it may be presumed to be significant for the purpose of the EIR with appropriate mitigation identified.

9.4.2 Impacts of the Project

Impact CR-1: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to the State CEQA Guidelines Section 15064.5? **(Less Than Significant)**

As identified in the records search conducted by NWIC, one historic resource, the winery complex, is listed in both the NRHP and CRHP inventories. The winery complex is located within the Project site, specifically within the Precise Plan area. Previous historic resource assessments summarized this historic resource as architecturally significant for its concrete form and Romanesque stone façade. The NRHP indicated that the significance criteria is based upon its association with Paul Masson and for its architecture due to its incorporation of Romanesque portal and other Romanesque features "as a visible manifestation of a California winemaker's efforts to provide a sense of tradition for a relatively new American industry (Archives and Architecture, 2017)." The listing is based on what is identified as Criteria B and C of the National Register as defined in Section 9.4.1 of this chapter.

The new uses allowed by the Project would include lodging (up to 300 lodging units and ancillary uses), a new water tank, and the proposed annexation into the Cupertino Sanitary District. Any future lodging uses allowed on the Project site would be limited to the Precise Plan area and subject to the design standards in the Precise Plan. Where future development of more than one building or structure would be constructed within the Precise Plan area, the Precise Plan requires that architectural features (e.g. height, elevations, roofs, material, color, and appurtenances) and landscaping be harmonious. Further the Precise Plan design guidelines require that any future development protect historical values and significant landmarks on the Project site. Adherence to all Precise Plan design standards would ensure that the architecture, building materials, building size and scale, and overall visual character of any future development would be consistent with the existing historic resource. For future buildings or structures within the Precise Plan area, historical significance is based upon Criteria B (association with a person) and C (design, architecture, construction) of the National Register. Therefore, the Project would not cause an adverse change in the significance of said resource.

During ground-disturbing activities associated with future construction activities such as grading, trenching, excavation, or other construction activities, the vibrations from these activities could potentially affect the historic resource structure. With implementation of best management practices discussed in Section 16, Noise and Vibration, construction associated with the Project would not result in damaging vibrations to the historic resource. Given that construction would

not affect the historic resource structure, that no alterations are proposed to the historic resource structure, and that new development within the Precise Plan area would comply with the Precise Plan design guidelines, potential impacts on the historic resource structure, would be less than significant.

Impact CR-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to the State CEQA Guidelines Section 15064.5? **(Less Than Significant with Mitigation)**

According to the records search completed by the NWIC, Sonoma State University, the Mountain Winery is not within nor does it contain any previously recorded archaeological resources. While no previously recorded archaeological resources were found onsite, the records search concluded there is a moderate potential of identifying Native American archaeological resources and a high potential of identifying historic-period archaeological resources in the Project area.

As discussed above, the new uses allowed by the Project would include lodging (up to 300 lodging units and ancillary uses), a new water tank, and the proposed annexation into the Cupertino Sanitary District. Thus, during ground-disturbing activities associated with future construction of the water tank and lodging facility, the Project may result in the disturbance of undiscovered archaeological resources.

Therefore, the Project would be required to comply with MM CR-1a, 1b, and 1c, which require that a qualified archaeologist train worker in the protocols for the identification and treatment of cultural resources should they be discovered during construction. The archaeologist would have the ability to temporarily halt or redirect work to permit the sampling, identification, and evaluation of the artifacts and resources, as appropriate. If resources are found to be significant, the archaeologist would determine appropriate actions, in cooperation with the City and Project Applicant. Implementation of these mitigation measures would reduce impacts associated with archaeological resources to a less than-significant-level.

MM CR-1a Cultural Resources Worker Environmental Awareness Program (WEAP)

A qualified archaeologist shall conduct a WEAP training for all personnel involved in ground-disturbing, site preparation construction activities on the Project site prior to construction and ground-disturbing activities. The training shall include basic information about the types of artifacts that might be encountered during construction activities, and procedures to follow in the event of a discovery. This training shall be provided for any additional personnel added to the Project even after the initiation of construction and ground disturbing activities.

MM CR-1b Cultural Resources Monitoring During Ground-Disturbing Activities

A qualified archaeologist shall monitor all ground-disturbing activities within the Precise Plan area. This monitoring will continue for the duration of the ground-disturbing activities to ensure that MM CR-1c is appropriately implemented. A qualified archaeologist may determine to decrease or increase monitoring efforts based on observations, findings, or number of large ground disturbing machines in operation. The qualified archaeologist shall meet the Secretary of the Interior's Standards for professional archaeology.

MM CR-1c Halt Construction Activity, Evaluate Find, and Implement Mitigation

In the event that previously unidentified paleontological, archaeological, historical, or tribal resources are uncovered during site preparation, excavation, or other construction activity, all such activity within 25 feet of the discovery shall cease until the resources have been evaluated by a qualified professional, and specific measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code. If the find is significant, the archaeologist will excavate the find in compliance with state law, keeping Project delays to a minimum. If the qualified archaeologist determines the find is not significant then proper recordation and identification will ensue, and the Project will continue without delay.

Impact CR-3: Would the project disturb human remains, including those interred outside of formal cemeteries? **(Less Than Significant with Mitigation)**

According to the records search completed by the NWIC, Sonoma State University, no known human remains are located on the Project site. The Mountain Winery in an existing use and there is no indication that there are burials present at the Project site. It is unlikely that human remains would be discovered during Project development. In the event that human remains are discovered during grading activities, the contractor shall follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines.

Implementation of MM CR-2 would mitigate potential impacts regarding cultural resources and would reduce impacts associated with human remains during construction to less-than-significant levels.

MM CR-2 Prior to ground disturbance, the applicant shall ensure that protocols related to the discovery of human remains are in place and followed during construction of the Project.

If human remains are encountered during grading, excavation, or other construction activity all such work within 25 feet of that area must cease until the remains have been evaluated by the Santa Clara County Coroner. If the remains are determined to be Native American, then the Native American Heritage

Commission (NAHC) is to be notified within 24 hours as required by section 7050.5 of the CHSC or, if the remains are Native American, section 5097.98 of the California Public Resources Code.

9.4.3 Cumulative Impact Analysis

With respect to historic resources, the Project would potentially impact an identified historical resource under CEQA, however any impacts to historical resources would be mitigated to a less than significant level with the implementation of Mitigation Measures CR-1a, CR-1b, CR-1c and CR-2. With respect to prehistoric archaeological resources, the cumulative study area would include the areas in Santa Clara County historically used by a number of tribes as previously discussed.

Although the Project — in conjunction with the effects of past projects, other current projects, and probable future projects — may result in the disturbance of prehistoric archaeological resources throughout the study area, standard conditions of approval and mitigation measures required for each project would reduce the impacts to less than significant levels. Despite the site-specific nature of the resources, mitigation required for the identification and protection of unknown or undocumented resources would reduce the potential for cumulative impacts. On a cumulative level, data recovered from a site, combined with data from other sites in the region, would allow for the examination and evaluation of the diversity of human activities in the region. Future projects near the Project site include the Saratoga to the Sea Trail Project (connecting Saratoga Quarry Park to Sanborn County Park) and the Juan Bautista de Anza National Historic Trail. These trail projects are within one mile of the Project site but would not cross the Precise Plan boundary. These projects could potentially impact historical resources during ground disturbing activities associated with the development of the proposed trails. However, these trail projects would be subject to separate environmental analyses and project mitigations. Thus, cumulative development would not result in significant cumulative impacts to cultural resources because other development within Saratoga would be required to comply with existing law and policies intended to avoid impacts to those resources, including the applicable policies in the Cultural Resources Section of the City General Plan that mitigate potential impacts regarding cultural resources. As a result, development of the Project would not contribute to a significant cumulative impact on cultural resources.

9.5 References

NWIC. 2019. *CHRIS Record search for the proposed Mountain Winery Project*, June 18, 2019.

Archives and Architecture. 2017. *Historic Project Assessment for the Proposed Modification to ASA Submittal Project*. July 21, 2017 (Revised April 23, 2018).

Dill Design Group. 2003. *Historic Resource Assessment and Secretary of the Interior's Standards Review for the Historic Paul Masson Mountain Winery Building*. June 10, 2003.

10 Energy Conservation

10.1 Introduction

This section describes effect energy conservation conditions in the Project area. The current condition and quality of energy conservation was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- California Air Resources Board (CARB) Emission Factor Model (EMFAC2017)
- South Coast Air Quality Management District (SCAQMD) California Emissions Estimator Model (CalEEMod)
- CEQA Guidelines Appendix F, Energy Conservation
- City of Saratoga General Plan

10.2 Environmental Setting

10.2.1 California's Energy Use and Supply

Californians consumed 290,567 gigawatt hours (GWh)[1] of electricity in 2016, which is the most recent year for which data is available. Of this total, Santa Clara County consumed 16,688 GWh (CEC, 2017a). In 2016, the California electricity mix included natural gas (33.67 percent), coal (4.13 percent), large hydroelectric plants (14.72 percent), nuclear (9.08 percent), oil (0.01 percent), petroleum coke/waste heat (0.14 percent) and unspecified sources of power (9.25 percent). The remaining 29 percent was supplied from renewable resources, such as wind, solar, geothermal, biomass, and small hydroelectric facilities (CEC, 2017b)[2]. In 2017, the state consumed 2,110,829 million cubic feet[3] of natural gas.[4]

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 7,830 trillion BTU in 2016 (the most recent year for which this specific data is available), which equates to an average of 199 million BTU per capita (EIA, 2017b). Of California's total energy usage, the breakdown by sector is 39 percent transportation, 24 percent industrial, 19 percent commercial, and 18 percent residential. Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial

[1] A watt hour is a unit of energy equivalent to one watt of power expended for one hour. For example, a typical light bulb is 60 watts, meaning that if it is left on for one hour, 60-watt hours have been used. One kilowatt equals 1,000 watts. The consumption of electrical energy by homes and businesses is usually measured in kilowatt hours (kWh). Some large businesses and institutions also use megawatt hours (MWh), where one MWh equals 1,000 kWh. One gigawatt equals 1,000 megawatts, or 1,000,000 kilowatts. The energy output of large power plants over long periods of time, or the energy consumption of jurisdictions, can be expressed in gigawatt hours (GWh).

[2] California Energy Commission (CEC), *Energy Almanac, California's Electricity Data*, 2018.

[3] 100 cubic feet (CCF) is approximately the energy equivalent to burning 100 cubic feet of natural gas. 100 CCF of natural gas equals 103,700 a British Thermal Unit (BTU). A BTU is the amount of energy needed to raise the temperature of one pound of water by one degree Fahrenheit. A kBTU is 1,000 BTUs. A therm is 100,000 BTUs.

[4] U.S. EIA, *California Natural Gas Total Consumption*, 2018.

facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use.[5] In 2017, taxable gasoline sales (including aviation gasoline) in California accounted for 15,540,154,774 gallons of gasoline.[6]

10.2.2 Current Energy Providers

Silicon Valley Clean Energy CCA

Silicon Valley Clean Energy CCA (SVCE) is the primary provider for the City of Saratoga working in partnership with PG&E. SCVE purchases clean electricity directly from the source while PG&E delivers the electricity over existing power lines, continues to maintain the lines, and provides billing and customer service. SCVE can provide lower generation charges while providing a cleaner energy source. Approximately 50 percent of the energy source is from renewable energy sources such as wind and solar power, while 50 percent is non-polluting hydroelectric.[7]

Pacific Gas and Electric Company

Electricity in Santa Clara County is primarily provided by PG&E. The PG&E 2017 power mix was as follows: 20 percent natural gas, 27 percent nuclear, 33 percent renewables, 18 percent large hydroelectric, and 2 percent unspecified power (PG&E, 2019b).

The electricity consumption attributable to Santa Clara County from 2008 to 2018 is shown in Table 10-1. As indicated in Table 10-1, energy consumption in Santa Clara County remained relatively constant between 2007 and 2017, with no substantial increase.

Table 10-1: Electricity Consumption in Santa Clara County 2008-2018

Year	Electricity Consumption (in millions of kilowatt hours)
2008	16,733
2009	16,565
2010	16,271
2011	16,580
2012	16,508
2013	16,579
2014	16,672
2015	16,807
2016	16,824
2017	17,195
2018	16,668

Source: CEC, Electricity Consumption by County, 2018.

[5] EIA (US Energy Information Administration), California State Profile and Energy Estimates, http://www.eia.gov/state/data.cfm?sid=CA#ConsumptionExpenditures and https://www.eia.gov/state/seds/data.php?incfile=/state/seds/sep_fuel/html/fuel_te.html&sid=US&sid=CA.

[6] California Board of Equalization, *Net Taxable Gasoline Sales*, 2016, https://www.boe.ca.gov/sptaxprog/reports/mvf_10_year_report.pdf.

[7] Silicon Valley Clean Energy, 2019, https://www.svcleanenergy.org/

Transportation Fuels

California's transportation sector uses roughly half of the energy consumed in the state. In 2016, Californians consumed approximately 15.1 billion gallons of gasoline and 3 billion gallons of diesel fuel, which were down from 15 billion gallons of gasoline and 2.8 billion gallons of diesel in 2008 (BOE, 2017a; 2017b).

Fuel Consumption

Automotive fuel consumption in Santa Clara County from 2007 to 2019 is shown in Table 10-2 (projections for the year 2019 are also shown). As shown in Table 10-2, on-road automotive fuel consumption in Santa Clara County has declined slowly from 2008, although 2014 through 2017 were increased. Heavy-duty vehicle fuel consumption has been relatively constant since 2008.

Table 10-2: Automotive Fuel Consumption in Santa Clara County 2007-2019

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2008	617,416,367	99,105,521
2009	613,010,133	89,542,059
2010	620,689,669	87,525,624
2011	614,211,984	91,538,054
2012	613,471,756	92,071,909
2013	615,055,520	95,687,793
2014	623,290,538	95,159,337
2015	637,819,781	95,435,108
2016	649,085,918	100,325,622
2017	634,426,130	100,331,338
2018	622,474,287	100,893,853
2019 (projected)	610,142,526	101,253,089

Source: California Air Resources Board, EMFAC2017.

10.3 Applicable Regulations, Plans, and Standards

This section presents legislation and regulations specifically related to energy. See also Section 7, Air Quality, and Section 12, Greenhouse Gases, and Section 19, Transportation and Circulation, for other policies related to energy use. See Section 17, Public Services and Utilities, for policies related to water Consumption.

10.3.1 Federal

National Energy Conservation Policy Act

The National Energy Conservation Policy Act serves as the underlying authority for Federal energy management goals and requirements. Signed into law in 1975, it has been regularly updated and amended by subsequent laws and regulations. Pursuant to the act, the National Highway Traffic Safety Administration is responsible for establishing additional vehicle standards. In 2012, new

fuel economy standards for passenger cars and light trucks were approved for model years 2017 through 2021 (77 FR 62624–63200). Fuel economy is determined based on each manufacturer's average fuel economy for the fleet of vehicles available for sale in the United States.

Energy Policy Act of 2005

The Energy Policy Act of 2005 sets equipment energy efficiency standards and seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the act, consumers and businesses can attain federal tax credits for purchasing fuel-efficient appliances and products, including hybrid vehicles; constructing energy-efficient buildings; and improving the energy efficiency of commercial buildings. Additionally, tax credits are available for the installation of qualified fuel cells, stationary micro-turbine power plants, and solar power equipment.

Energy and Independence Security Act of 2007

The Energy and Independence Security Act of 2007 sets federal energy management requirements in several areas, including energy reduction goals for federal buildings, facility management and benchmarking, performance and standards for new buildings and major renovations, high-performance buildings, energy savings performance contracts, metering, energy-efficient product procurement, and reduction in petroleum use and increase in alternative fuel use. This act also amends portions of the National Energy Policy Conservation Act. In addition to setting increased Corporate Average Fuel Economy standards for motor vehicles, the EISA includes the following other provisions related to energy efficiency:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

10.3.2 State

The discussion below focuses primarily on those policies, regulations, and laws that directly pertain to energy-related resources. Refer to Section 12 , Greenhouse Gas Emissions, of this EIR, which addresses various policies, regulations, and laws targeted to the reduction of GHG emissions that are expected to achieve co-benefits in the form of reduced demand for energy-related resources and enhanced efficiencies in the consumption of energy-related resources.

Assembly Bill 32 and Senate Bill 32

California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006." AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05[8]), and requires CARB to prepare a Scoping

[8] As discussed in Section 12, Greenhouse Gas Emissions, S-3-05 established GHG emissions reduction targets which included reducing GHG emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050.

Plan that outlines the main state strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Reductions in overall energy consumption have been implemented to reduce emissions. See Section 12 (Greenhouse Gas Emissions) for a further discussion of AB 32.

In September 2016, the Governor signed into legislation SB 32, which builds on AB 32 and requires the state to cut GHG emissions to 40 percent below 1990 levels by 2030. With SB 32, the Legislature also passed AB 197, which provides additional direction for updating the Scoping Plan to meet the 2030 GHG reduction target codified in SB 32. CARB adopted the update to the Scoping Plan in 2017.

Additional energy efficiency measures beyond the current regulations are needed to meet these goals as well as the AB 32 greenhouse gas (GHG) reduction goal of reducing statewide GHG emissions to 1990 levels by 2020 and the SB 32 goal of 40 percent below 1990 levels by 2030 (see Section 12, Greenhouse Gas Emissions), for a discussion of AB 32 and SB 32). Part of the effort in meeting California's long-term reduction goals include reducing petroleum use in cars and trucks by 50 percent, increasing from one-third to more than one-half of California's electricity derived from renewable sources, doubling the efficiency savings achieved at existing buildings and making heating fuels cleaner; reducing the release of methane, black carbon, and other short-lived climate pollutants, and managing farm and rangelands, forests, and wetlands so they can store carbon. [9]

2008 California Energy Action Plan Update

The *2008 Energy Action Plan Update* provides a status update to the *2005 Energy Action Plan II,* which is the State of California's principal energy planning and policy document (CPUC & CEC, 2008). The plan continues the goals of the original *Energy Action Plan*, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy is adequate, affordable, technologically advanced, and environmentally sound. First-priority actions to address California's increasing energy demands are energy efficiency, demand response (i.e., reduction of customer energy usage during peak periods in order to address system reliability and support the best use of energy infrastructure), and the use of renewable sources of power. If these actions are unable to satisfy the increasing energy and capacity needs, the plan supports clean and efficient fossil-fired generation.

California Green Building Standards Code

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical

[9] California Energy Commission (CEC), *Final Integrated Energy Policy Report Update,* 2016.

areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2016 and went into effect January 1, 2017.

Among the key mandatory provisions are requirements that new buildings:

- Reduce indoor potable water use by at least 20 percent below current standards;
- Recycle or salvage at least 50 percent of construction waste;
- Utilize low VOC-emitting finish materials and flooring systems;
- Install separate water meters tracking non-residential buildings' indoor and outdoor water use;
- Utilize moisture-sensing irrigation systems for larger landscape areas;
- Receive mandatory inspections by local officials of building energy systems, such as heating, ventilation, and air conditioning (HVAC) and mechanical equipment, to verify performance in accordance with specifications in non-residential buildings exceeding 10,000 square feet; and
- Earmark parking for fuel-efficient and carpool vehicles.

Building Energy Efficiency Standards

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2016 Title 24 standards are the current applicable building energy efficiency standards, and became effective on January 1, 2017. The 2019 Building Energy Efficiency Standards will continue to improve upon the 2016 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and take effect on January 1, 2020. Under the 2019 standards, homes will use about 53 percent less energy and nonresidential buildings will use about 30 percent less energy than buildings under the 2016 Title 24 standards.

2006 Appliance Efficiency Regulations

The California Energy Commission adopted Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608) on October 11, 2006. The regulations were approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non-federally regulated appliances. While these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

Senate Bill 1078 and 107; Executive Order S-14-08, S-21-09, and SB 2X

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) accelerated the due date of the 20 percent mandate to 2010 instead of 2017. These mandates apply directly to investor-owned utilities. In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which expands the state's Renewable Portfolio Standard to 33 percent renewable power by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the CARB under its AB 32 authority to enact regulations to help the state meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SBX1-2 (2011) codified the 33 percent by 2020 goal.

Executive Order B-30-15 and Senate Bill 100 and 350

In April 2015, the Governor issued Executive Order B-30-15, which established a GHG reduction target of 40 percent below 1990 levels by 2030. SB 350 (Chapter 547, Statutes of 2015) advanced these goals through two measures. First, the law increases the renewable power goal from 33 percent renewables by 2020 to 50 percent by 2030. Second, the law requires the CEC to establish annual targets to double energy efficiency in buildings by 2030. The law also requires the California Public Utilities Commission (CPUC) to direct electric utilities to establish annual efficiency targets and implement demand-reduction measures to achieve this goal. In 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Also initiated by EO B-55-18.

State Vehicle Standards (AB 1493)

AB 1493 (Pavley Regulations and Fuel Efficiency Standards), enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO2e emissions and 75 percent fewer smog-forming emissions.

Sustainable Communities Strategy

The Sustainable Communities and Climate Protection Act of 2008, or SB 375, coordinates land use planning, regional transportation plans, and funding priorities to help California meet its GHG

emissions reduction mandates. As codified in California Government Code Section 65080, SB 375 requires metropolitan planning organizations (e.g., ABAG) to include a Sustainable Communities Strategy in their regional transportation plan. The main focus of the Sustainable Communities Strategy is to plan for growth in a fashion that will ultimately reduce GHG emissions, but the strategy is also part of a bigger effort to address other development issues, including transit and VMT, which influence the consumption of petroleum-based fuels.

Renewable Portfolio Standard

In 2002, California established its Renewable Portfolio Standard program[10] with the goal of increasing the annual percentage of renewable energy in the state's electricity mix by the equivalent of at least 1 percent of sales, with an aggregate total of 20 percent by 2017. The California Public Utilities Commission subsequently accelerated that goal to 2010 for retail sellers of electricity (*Public Utilities Code* Section 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable energy by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the California Air Resources Board under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In September 2010, the California Air Resources Board adopted its Renewable Electricity Standard regulations, which require all of the state's load-serving entities to meet this target. In October 2015, then-Governor Jerry Brown signed into legislation Senate Bill 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed in 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

10.3.3 Regional and Local

City of Saratoga General Plan

Land Use Element

The City General Plan Land Use Element (LU) serves as the central framework for the entire General Plan and as a guide to planners, members of the public, and decision makers as to the desired pattern of development for the city. This element establishes the General Plan land use designations for the city and details allowable uses within each. Furthermore, policies and

[10] The Renewable Portfolio Standard is a flexible, market-driven policy to ensure that the public benefits of wind, solar, biomass, and geothermal energy continue to be realized as electricity markets become more competitive. The policy ensures that a minimum amount of renewable energy is included in the portfolio of electricity resources serving a state or country.

implementation measures are outlined to allow the City to achieve the vision adopted for the planning horizon. Policies and implementation measures most directly related to greenhouse gas emissions included below.

- Policy LU 6.5: Encourage the use of renewable resources and energy conservation.

10.4 Environmental Impacts and Mitigation Measures

10.4.1 Significance Criteria

The environmental analysis in this section utilizes Appendix F of the California Environmental Quality Act Guidelines to assess the Project's direct, indirect, and cumulative impacts. Appendix F does not prescribe a threshold for the determination of significance. Rather, Appendix F focuses on reducing and minimizing inefficient, wasteful, and unnecessary consumption of energy. Accordingly, for purposes of this EIR, the Project would result in a significant environmental impact to energy if it causes one or more of the following to occur:

ER-1 Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

ER-2 Conflict with or obstruct state or local plan for renewable energy or energy efficiency.

The analysis below generally follows Appendix F of the State CEQA Guidelines, which states that the goal of conserving energy includes decreasing overall per capita energy consumption; decreasing reliance on fossil fuels such as coal, natural gas/propane, and oil; and increasing reliance on renewable energy.

10.4.2 Impact Assessment Methodology

In determining whether implementation of the Specific Plan would encourage wasteful consumption of fuel or energy, this analysis considers the recommendations of Appendix F (as described above), which states that environmental impact analyses of energy conservation may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.

5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

This section analyzes energy consumption on three sources of energy that are relevant to the Project: electricity, propane, and transportation fuel for vehicle trips associated with 300 lodging units, water tank, and sewer service connection as well as the fuel necessary for project construction.

- The analysis of project electricity/propane usage is based on California Emissions Estimator Model (CalEEMod) modeling, which quantifies energy use for occupancy. The results of the CalEEMod modeling are included in Appendix A (Air Quality and GHG Data) of this Draft EIR.

- Modeling related to transportation fuel consumption was based primarily on the default settings in the computer program for Santa Clara County. The amount of operational fuel use was estimated using CalEEMod outputs for the project and the California Air Resources Board's Emissions Factor 2017 (EMFAC2017) computer program for typical daily fuel usage in Santa Clara County. Construction fuel consumption was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. The results of EMFAC2017 modeling and construction fuel estimates are included in Appendix A Air Quality and GHG Data.

10.4.3 Impacts of the Project

Impact ER-1: Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (**Less than Significant)**

Construction (Short-Term)

The energy consumption associated with buildout of the 300 lodging units, water tank, and sewer service connection includes electricity usage associated with water usage for dust control, diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. Temporary electric power for as-necessary lighting and electronic equipment (such as computers inside temporary construction trailers, and heating, ventilation, and air conditioning) would be powered by a generator. The amount of electricity used during construction would be minimal; typical demand would stem from the use of electrically powered hand tools and several construction trailers by managerial staff during the hours of construction activities. The majority of the energy used during construction would be from petroleum. The electricity used for construction activities would be temporary and minimal. The methodology for each category is discussed below. This analysis relies on the construction

equipment list and operational characteristics, as stated in Section 7 (Air Quality) and Section 12 (Greenhouse Gas Emissions), as well as, Appendix A of this Draft EIR. Quantifications of construction energy consumption are provided for the Project, followed by an analysis of impacts based on those quantifications.

Electricity Usage

Water Consumption for Construction Dust Control

Electricity usage associated with water consumption for construction dust control is calculated based on total water consumption and the energy intensity for supply, distribution, and treatment of water.

The total number of gallons of water usage is calculated based on acreage disturbed during grading and site preparation, as well as the daily water consumption rate per acre disturbed.

- The total acres disturbed are calculated using the methodology described in Chapter 4.2 of Appendix A of the CalEEMod® User's Guide (Grading Equipment Passes).
- The water application rate of 3,020 gallons per acre per day is from Air & Waste Management Association's Air Pollution Engineering Manual.

The energy intensity value is based on the CalEEMod® default energy intensity per gallon of water for Santa Clara County.

As summarized in Table 10-3, the total electricity consumption associated with water consumption for construction dust control would be approximately 114 MWh over the duration of buildout of the Project.

On-Road Electric Vehicle Trips

The EMFAC2017 model includes the fraction of electric vehicles projected to be in the on-road fleet during construction. Using this data, electricity consumption related to electric vehide traffic was estimated. The electric vehicles included in the EMFAC2017 model are all in the light-duty auto and light-duty truck category, and as such would only exist in the construction worker fleet, not the vendor and haul truck fleets. The efficiency of electric vehicles in kilowatt-hours per vehicle mile travelled (kWh/mile) are the model year 2015 average for current model electric vehicles (USDOE, 2016). Total electricity usage from the on-road worker fleet during construction would be approximately 32 kWh (3.15×10^{-5} MWh) over the duration of buildout of the Project.

Petroleum Fuel Usage

On-Road Diesel Construction Trips

The diesel usage associated with on-road construction mobile trips is calculated based on vehide miles traveled (VMT) from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default diesel fleet percentage, and vehicle fuel efficiency in miles per gallon. Fuel consumption is based

on VMT for the entire construction period. Construction fuel consumption was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. The CalEEMod emissions are specific to construction year and include fleet adjustments based on current regulations and equipment turnover.

As summarized in Table 10-3, the total diesel consumption associated with on-road construction trips would be approximately 40,099 gallons over the duration of buildout of the Project. For analysis purposes it is assumed construction of the Project would occur in Summer 2020 and last approximately 18 months. Construction equipment in future years would also be required to comply with more stringent fuel efficiency standards. Project construction fuel demand would have a lower effect on regional energy supplies.

Off-Road Diesel Construction Equipment

The construction diesel usage associated with the off-road construction equipment is calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. In addition, MM AQ-1 (BAAQMD Additional Construction Mitigation Measures) would require limiting idling time to five minutes and would result in less fuel wasted. As summarized in Table 10-3, the total diesel consumption associated with off-road construction equipment is approximately 59,685 gallons for duration of buildout the Project. It should be noted that the diesel consumption in Table 10-3 conservatively does not include additional reductions from the idling limitations required by MM AQ-1.

Gasoline Usage

On-Road Gasoline Construction Trips

The gasoline usage associated with on-road construction mobile trips is calculated based on VMT from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default gasoline fleet percentage, and vehicle fuel efficiency in miles per gallon using the same methodology as the construction on-road trip diesel usage calculation discussed above. As summarized in Table 10-3, the total gasoline consumption associated with on-road construction trips would be approximately 35,074 gallons over the duration of buildout for the Project.

Table 10-3: Project Energy Consumption During Construction			
Source	**Project Construction Usage**	**Santa Clara County Annual Energy Consumption**	**Percentage Increase Countywide**
Electricity Use	**Megawatt Hours (MWh)**		
Water Consumption [1]	114	16,668,161	6.8×10^{-4}%
On-Road Construction Trips [2]	0.032		2.0×10^{-7}%
Construction Electricity Total	114		6.8×10^{-4}%
Diesel Use	**Gallons**		
On-Road Construction Trips [2]	40,099	101,253,089	0.0396%
Off-Road Construction Equipment [3]	59,685	101,253,089	0.0589%
Construction Diesel Total	**99,783**	**101,253,089**	**0.0985%**
Gasoline	**Gallons**		
On-Road Construction Trips [2]	35,074	610,142,526	0.0057%

Notes:
1. Construction water use estimated based on acres disturbed per day per construction sequencing and estimated water use per acre (AWMA 1992).
2. On-road mobile source fuel use based on vehicle miles traveled (VMT) from CalEEMod and fleet-average fuel consumption in gallons per mile from EMFAC2017 in Santa Clara County. Electricity demand based on VMT and calculated average electric vehicle fuel economy for 2015 models (in kWh per mile) from the DOE Fuel Economy Guide.
3. Off-road mobile source fuel usage based on a fuel usage rate of 0.05 gallons of diesel per horsepower (hp)-hour from USEPA.
Abbreviations:
CalEEMod: California Emission Estimation Model; EMFAC: Emission Factor Model 2014; kWh: kilowatt-hour;
Sources: AWMA, 1992; DOE 2016; USEPA 1996.

Analysis

In total, construction of the Project would consume approximately 114,188 kWh of electricity, 99,783 gallons of diesel, and 35,074 gallons of gasoline.

There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel consumption.

The Project would entail construction activities that would use energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Contractors would be required to minimize air quality emissions of construction activities using applicable regulatory guidance such from BAAQMD CEQA Guidelines as required by MM AQ-1. This

requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced. There are no aspects of the Project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities.

Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials. Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The Project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all available and reasonable energy conservation practices in the interest in minimizing the cost of doing business.

As described above, the Project's fuel from the entire construction period would increase fuel use in the County by approximately 0.10 percent for diesel and 0.01 percent for gasoline. The CEQA Guideline Appendix G and Appendix F criteria requires the Project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A 0.10 percent increase in construction fuel demand is not anticipated to trigger the need for additional capacity. As noted above, fuel consumption is based on a conservative construction phasing and conservative estimates for annual construction fuel consumption. Longer phases would result in lower construction intensity and a lower annual fuel consumption, resulting in lower annual demand on energy supplies. Additionally, use of construction fuel would cease once the Project is fully developed. As such, Project construction would have a nominal effect on the local and regional energy supplies.

As stated above, there are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. In addition, MM AQ-1 would be implemented which requires the project to limit idling to two minutes (beyond the state standard of five minutes), which would reduce fuel consumption. Additionally, the Project would not involve soil hauling, which would reduce haul truck trips and associated fuel consumption. Therefore, it is expected that construction fuel consumption associated with the Project would not be inefficient, wasteful, or unnecessary. The Project would not substantially affect existing energy or fuel supplies or resources and new capacity would not be required. Impacts would be less than significant in this regard.

Operations (Long-Term)

The energy consumption associated with the 300 lodging units, water tank, and sewer service connection would include building electricity, water, and propane usage, as well as fuel usage from on-road vehicles. The methodology for each category is discussed below. Note that this energy resources analysis is consistent with the analysis presented in Section 7, Air Quality, and Section 12, Greenhouse Gases. Quantifications of operational energy consumption are provided for the Project.

Petroleum Fuel

The gasoline and diesel usage associated with on-road vehicular trips is calculated based on total VMT from Section 7, Air Quality, and Section 12, Greenhouse Gases analyses and average fuel efficiency from EMFAC2017 model. The EMFAC2017 fuel efficiency data incorporates the Pavley Clean Car Standards and the Advanced Clean Cars Program. As summarized in Table 10-4, the total gasoline and diesel consumption associated with on-road trips would be approximately 313,451 gallons per year and 39,977 gallons per year, respectively.

The EMFAC2017 model includes the fraction of electric vehicles projected to be in the on-road fleet during the assumed first year of operation, 2022, however the fraction of the fleet that is electric is assumed to continue to increase, allowing a decrease in gasoline and diesel consumption. The electricity consumption related to electric vehicle traffic during operation was estimated based on the EMFAC2017 fleet mix and the model year 2015 average kWh/mile for current model electric vehicles (USDOE 2016). Total electricity usage from the on-road transportation during operation is approximately 41,611 kWh (42 MWh) per year.

Electricity Usage

The electricity usage associated with operation of the Project is based on CalEEMod defaults for the proposed uses, including lodging. The electricity usage associated with operational water consumption is estimated based on the default annual water consumption and the energy intensity factor in CalEEMod for Santa Clara County. Project area water use is based on water demand per square foot factors in CalEEMod. As shown in Table 10-4, the Project would use approximately seven million gallons annually (six million gallons for indoor uses and one million gallons for outdoor uses) of water annually which would require 35.9 MWh per year for conveyance and treatment.

As discussed in Section 12 Greenhouse Gas Emissions, if Project emissions can be shown to be below the BAAQMD GHG threshold of 1,100 $MTCO_2e$ per year, then mitigation would not be required. If Project emissions cannot be shown to be below the BAAQMD GHG threshold of 1,100 $MTCO_2e$ per year, then a GHG Reduction Plan would be required, in accordance with MM GHG-1. With implementation of MM GHG-1, the Project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources.

Table 10-4: Project Annual Energy Consumption During Operations

Source	Project Operational Usage	Santa Clara County Annual Energy Consumption	Percentage Increase Countywide
Electricity Use	**Megawatt Hour/Year (MWh/year)**		
Area [1]	3,051	16,668,161	0.02%
Water [1]	36		0.0002%
Mobile [2]	42		0.0003%
Total Electricity	**3,129**		**0.02%**
Stationary Fuel Use[3]	**Therms/year**		
Area [1]	141,317	440,030,822	0.03%
Diesel Use	**Gallons/Year**		
Mobile [2]	39,977	101,253,089	0.002%
Gasoline Use	**Gallons/Year**		
Mobile [2]	313,451	610,142,526	0.02%

Notes:
1. The electricity, propane, and water usage are based on project-specific estimates and CalEEMod defaults. Note that CalEEMod does not have consumption factors for propane; natural gas is used as a proxy.
2. Calculated based on the mobile source fuel use based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2017 for operational year 2022. For electric vehicles, model year 2015 electric vehicle fuel economy is used from the DOE Fuel Economy Guide.
3. Stationary Fuel Use on the Project site is provided by on-site propane tanks.

Abbreviations: CalEEMod: California Emission Estimation Model; EMFAC2017: California Air Resources Board Emission Factor Model; kBTU: thousand British Thermal Units; kWh: kilowatt-hour

Propane Usage

The methodology used to calculate the propane usage associated with the building envelopes constructed pursuant to the Project is based on CalEEMod default usage rates for natural gas as a proxy since CalEEMod does not calculate propane consumption. The building area would use 141,317 therms per year.

Analysis

Operation of uses implemented pursuant to the Project would annually consume approximately 3,129 MWh of electricity, 141,317 therms of propane, 39,977 gallons of diesel, and 313,451 gallons of gasoline.

Santa Clara County consumed 16,668,161 MWh of electricity in 2018. The Project's operational electricity consumption would represent 0.02 percent of the energy consumption in Santa Clara County. Regarding propane/natural gas, Santa Clara County consumed 141,317 therms of natural gas in 2017. Therefore, the Project's operational energy consumption for space and water heating would represent 0.03 percent of the natural gas consumption in the state.

In 2018, Californians consumed approximately 15,589,042,965 gallons of gasoline and approximately 3,107,823,655 gallons of diesel fuel. Santa Clara County annual gasoline fuel use in 2018 was 610,142,256 gallons and diesel fuel use was 101,253,089 gallons. Expected Project operational use of gasoline and diesel would represent 0.02 percent of current gasoline use and 0.002 percent of current diesel use in the County. Project operational consumption of gasoline and diesel would represent 0.0006 percent of gasoline and 0.0002 percent of diesel consumption statewide.

None of the project energy uses exceed one percent of Santa Clara County use. Therefore, Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant in this regard.

Impact ER-2: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (**Less than Significant)**

Project design and operation would comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. As discussed above in Impact ER-1, Project development would not cause inefficient, wasteful or unnecessary energy use, and impacts would be less than significant.

The City of Saratoga does not have a stand-alone Climate Action Plan or Energy Plan. However, the Project is consistent with the CARB Scoping Plan, which implements the State requirements for AB 32 and SB 32. Therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by 2020. The Project would develop the Project site with lodging uses consistent with the General Plan. While the Project would add some additional employment trips related to employees that work directly at the lodging facility, the facility itself is expected to mostly serve existing patrons of the Mountain Winery. As noted above, many patrons of the proposed lodging facility would be already traveling to the Mountain Winery and are currently staying at alternative accommodations further away than the proposed facility.[11] The Project would not conflict with the General Plan. Impacts are considered less than significant.

Regional Plans

Bay Area MTC's RTP/SCS Plan Bay Area 2040 integrates transportation, land use and housing to meet GHG reduction targets set by CARB. The most recent plan was adopted in July 2017. Plan Bay Area 2040 establishes GHG emissions goals for automobiles and light-duty trucks for 2020 and 2035 as well as an overall GHG target for the project region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of EOs 5-03-05, B-30-15, and SB 32.

[11] This analysis estimates that 80 percent of patrons would have been traveling to the Mountain Winery already and that 20 percent of patrons would be new, induced visitors that would add new trips to the regional roadway network. Appendix E further details the methodology of the VMT analysis.

As noted above, the Project would not conflict the City General Plan. Although the Project would result in an increase in visitors on the Project site, the increase would not exceed the growth assumptions in the General Plan. Plan Bay Area sets forth regional transportation policy and provides capital program planning for all regional, State, and Federally funded projects. In addition, Plan Bay Area provides strategic investment recommendations to improve regional transportation system performance over the next 25 years. Plan Bay Area includes employment and household projections for the region. The MTC forecasted that, between 2010 and 2040, the San Francisco Bay Area will see increases in the number of jobs, population, and households.

The Project would be consistent with the overall goals of Plan Bay Area 2040 to provide housing, healthy and safe communities, and climate protection, with an overall goal to reduce VMT. The proposed lodging use is an infill project and is adding an amenity to the existing on-site uses. This new addition would not substantially conflict with Plan Bay Area's goals. Therefore, the Project would not conflict with the land use concept plan in Plan Bay Area 2040 and impacts would be less than significant.

10.4.4 Cumulative Impact Analysis

Construction and operation associated with implementation of the Project would result in the consumption of fuel and energy, but it would not do so in a wasteful manner, as discussed above. The consumption of fuel and energy would not be substantial in comparison to statewide electricity, natural gas/propane, gasoline, and diesel demand; refer to Table 10-3 and Table 10-4. New capacity or supplies of energy resources would not be required. Additionally, the Project would be subject to compliance with all Federal, State, and local requirements for energy efficiency.

The anticipated Project impacts, in conjunction with cumulative development in the site vicinity, would increase urbanization and result in increased energy consumption. Potential land use impacts are site-specific and require evaluation on a case-by-case basis. Each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential energy consumption impacts and identify necessary mitigation measures, where appropriate.

As noted above, the Project would not result in significant energy consumption impacts. The Project would not be considered inefficient, wasteful, or unnecessary with regard to energy. Thus, the Project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

10.5 References

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11 Geology, Soils, and Mineral Resources

11.1 Introduction

This section describes effects on geology, soils, and mineral resource conditions in the Project area. The current condition and quality of geology, soils, and mineral resources was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- City of Saratoga, *General Plan Safety Element*, 2013
- Santa Clara County, *General Plan Resource Conservation Element,* 1994
- Cotton, Shires & Associates, Inc., *Ground Movement Potential Zones Map,* 2019

11.2 Environmental Setting

This section presents information on geology, soils, and mineral resources conditions in the project area. The Regional Setting provides information on the baseline conditions in the region. The Project Setting describes baseline conditions for geology, soils, and mineral resources within the project area.

11.2.1 Regional Setting

The Mountain Winery is located in the lower hills that characterize the eastern flank of the Santa Cruz Mountains, which are part of the California Coast Ranges. The Project site is essentially bisected by a generally east-west to northwest-southeast trending ridge, which forms a drainage divide. Locally, relief across the property varies and elevations range from a low of 700 feet to a high of approximately 2,000 feet; natural slopes vary from relatively flat to gentle to very steep. The Winery buildings and parking lot area are located on a relatively flat ridge top at an elevation of about 1,300 feet above mean sea level (msl).

The bedrock units that underlie the site are composed of relatively hard, highly fractured, fine- to medium-grained sandstone and highly fractured shale known as the Franciscan Complex. This complex is comprised predominantly of marine shale and sandstone of the late Mesozoic age. The complex also includes chert, limestone, greenstone, and various other igneous and metamorphic rocks. This bedrock is highly deformed due to shearing, breaking, faulting, and folding. Hard blocks separated by weak sheared bedrock characterize this complex, which is susceptible to landslides.

Surficial deposits in the project area consist of landslide deposits, colluvium, and fill. The landslide deposits contain a weak mixture of bedrock and soil materials. Colluvium is found primarily on the lower slopes of hillsides and within hillside swales and ravines. The colluvium contains a mixture of sand, silt, and clay containing up to fist-size or larger angular blocks of sandstone and

shale. Artificial fill is found along the roadway alignments and in a portion of the Quarry Road area and is composed of poorly compacted rock and soil debris which has not been properly bonded to underlying stable bedrock; it is also subject to sliding (County of Santa Clara, 1999).

11.2.2 Project Setting

Topography and Slope Stability

The Project site is located on a ridge crest with slopes varying from essentially flat to very steep. Minor sliding is found in poorly placed fill on the southeast side of the concert bowl and behind the Winery building. Ground cracking appears to be relatively rare and only minor cracks in concrete walls of buildings or retaining walls are found. The Mountain Winery buildings were inspected shortly after the Loma Prieta earthquake (1989), and no significant damage to the structures was observed at that time.

The Winery access road traverses the hillside area of the Mountain Winery from Pierce Road to the building complex. It crosses an area characterized by gentle to very steep to locally precipitous hillside topography. Cut and fill slopes are generally unengineered, with cut slopes as steep as 60 degrees and fill slopes as steep as 35 degrees. Franciscan Complex bedrock materials are exposed in the cut slope at many locations along the roadway; elsewhere thick sections of colluvium are exposed. The bedrock is characterized by hard but well fractured and jointed sandstone and thinly bedded shale.

Evidence of past landslide activity is common along the access roadway, varying from small debris slides in cut slopes to larger failures which have occasionally damaged the roadway. These slides have probably been triggered by high groundwater levels during the rainy season. Drainage along the road is generally controlled by directing runoff to inboard ditches and then into culverts under the roadway, which in tum discharge onto the slope below the roadway; the only exception is at the hairpin tum above Pierce Road where the inboard ditch discharges onto the slope. Erosion and gullying is apparent at the discharge end of the culverts, resulting in destabilization of portions of the hillside below the access road in some locations.

The Quarry Road area is located to the west off Pierce Road and is northeast of the building complex; this road is used for the stacking of vehicles arriving for concert events and waiting to proceed up the main access road to the parking lot. The area surrounding the Quarry Road is characterized by unengineered fill slopes as steep as 40 degrees and cut slopes up to 125 to 175 feet high, which range from precipitous (greater than 36 degrees) to near vertical. The fill is poorly compacted and is not benched into the underlying bedrock or native soils. The thickness of the fill is unknown but is estimated to be 20 or more feet. Slopes of both the quarry face and fill are unstable, as evidenced by the active landslides occurring in the cut and fill slopes.

Erosion and storm drainage repairs to the Quarry Road area were completed in May 1999. Because this part of the Mountain Winery is within the boundaries of the City of Saratoga, repairs and grading were performed in consultation with City of Saratoga Public Works staff, and under a grading permit issued by the City. A basin was created on the uphill side of the road (where the

old quarry area existed) to serve as a small siltation and detention pond for stormwater coming from uphill. Swales were cut again on the uphill (west) side of the road to direct water to culverts that cross under the Quarry Road in three locations.

Downhill slopes that were previously eroded (on the east side of the road) were reconstructed in several locations. Due to the nature of the pre-existing canyon-like conditions, slope reconstruction was achieved without removing any trees. New culverts were installed from the top to the bottom of the slopes. Appropriate energy dissipater mechanisms were installed at the three outfall points to prevent future erosion. The roadway itself was then oil and screened, also to prevent future erosion. The improvements have provided stability to the Quarry Road as well as helped in eliminating future erosion at the old quarry area in these locations (County of Santa Clara, 1999).

Faults and Seismicity

The seismicity of Northern California is dominated by the north-northwest trending San Andreas Fault system and east-west crustal shortening of the Coast Ranges. Both systems are responding to strain produced by the relative motions of the Pacific and North American Tectonic Plates. This strain is relieved by right-lateral strike-slip faulting on the San Andreas and related faults, left-lateral strike slip on the Garlock Fault, and by vertical, reverse-slip or left-lateral strike-slip displacement on faults in the Coast Ranges. The effects of this deformation include mountain building, basin development, deformation of Quaternary marine terraces, widespread regional uplift, and generation of earthquakes.

The Coast Ranges are characterized by numerous geologically young faults. These faults can be classified as historically active, active, potentially active, or inactive, based on the following criteria (CGS, undated):

- Faults that have generated earthquakes accompanied by surface rupture during historic time (approximately the last 200 years) and faults that exhibit aseismic fault creep are defined as Historically Active.
- Faults that show geologic evidence of movement within Holocene time (approximately the last 11,000 years) are defined as Active.
- Faults that show geologic evidence of movement during the Quaternary time (approximately the last 1.6 million years) are defined as Potentially Active.
- Faults that show direct geologic evidence of inactivity during all of Quaternary time or longer are classified as Inactive.

Although it is difficult to quantify the probability that an earthquake will occur on a specific fault, this classification assumes that if a fault has moved during the Holocene epoch, it is likely to produce earthquakes in the future. Blind thrust faults do not intersect the ground surface, and thus they are not classified as active or potentially active in the same manner as faults that are present at the earth's surface. Blind thrust faults are seismogenic structures and thus the activity classification of these faults is predominantly based on historic earthquakes and micro seismic

activity along the fault. Periodic earthquakes accompanied by surface displacement are expected to continue through the lifetime of the Project; therefore, the effects of strong ground shaking and fault rupture are of concern to safe operation of the Project and associated facilities.

Active regional faults capable of producing significant ground shaking at the Project site are strike-slip faults associated with the San Andreas Fault System and reverse and blind thrust faults associated with the compressional faulting and folding of the Coast Ranges. Active and potentially active faults in proximity to the Project site are presented in Table 11-1.

Table 11-1: Regional Faults and Seismicity

Fault Segment	Distance from Project site (miles)	Direction from Site	Maximum Characteristic Magnitude
San Andreas	1.24	West	8.0
Zayante-Vergeles	9.5	Southwest	7.4
Monterey Bay-Tularcitos	25.6	South	7.30
San Gregorio	18.4	Southwest	7.00
Berrocal Fault Zone	0.30	East	6.7

Source: USGS. (2019). *U.S. Quaternary Faults*. USGS Geologic Hazards Science Center Golden, CO.

San Andreas Fault

The San Andreas Fault zone is located approximately 1.24 miles west of the Project site. The San Andreas Fault is active and represents a major seismic hazard in northern California. The San Andreas Fault zone extends nearly the entire length of California and marks the boundary between the North American plate to the east and the Pacific plate to the west. Historical earthquakes along the San Andreas Fault and its branches have caused significant seismic shaking in Santa Clara County.

The two largest historically recent earthquakes on the San Andreas to affect the area were the moment magnitude (Mw) 7.9 San Francisco earthquake of April 1906 and the Mw 6.9 Loma Prieta earthquake of October 1989. The San Francisco earthquake caused severe seismic shaking and structural damage to buildings in Santa Clara County. The Working Group on Northern California Earthquake Potential (NCEP) estimates that the San Andreas - 1906 Segment experiences earthquakes of comparable magnitudes at intervals of approximately 200 years.

Zayante-Vergeles Fault

The Zayante-Vergeles Fault is located approximately 9.5 miles southwest of the Project site. The Zayante Fault lies west of the San Andreas Fault and trends approximately 50 miles northwest

from the "Watsonville lowlands" into the Santa Cruz Mountains. The southern extension of the Zayante Fault, known as the Vergeles Fault, merges with the San Andreas Fault south of the City of San Juan Bautista in San Benito County.

The Zayante-Vergeles Fault has a long, well-documented geological history of vertical movement, accompanied by right-lateral, strike-slip movement. Stratigraphic and geomorphic evidence indicates the Zayante-Vergeles Fault has undergone late Pleistocene and Holcene movements and is considered potentially active. The NCEP considers it capable of generating a Mw 6.8 earthquake with an effective recurrence interval of 10,000 years.

Monterey Bay-Tularcitos Fault

The Monterey Bay-Tulcaritos Fault is located approximately 25.6 miles south of the Project site. The Monterey Bay-Tularcitos Fault zone is approximately 6 to 9 miles wide and approximately 25 miles long. The fault trends northwest-southeast and intersects the coast near the City of Seaside and the former Fort Ord. Several onshore fault traces have been tentatively correlated with offshore traces in the heart of Monterey Bay-Tularcitos Fault zone. These onshore faults are, from southwest to northeast, the Tulcaritos-Navy fault, Berwick Canyon, Chupines, Seaside, and Ord Terrace faults.

Outcrop evidence indicates a variety of strike-dip and dip-slip movement associated with onshore and offshore traces. Earthquake studies suggest the Monterey Bay-Tularcitos Fault zone is predominantly right-lateral, strike-slip in character. Stratigraphically, both offshore and onshore fault traces in this zone have displaced Quaternary beds and therefore are considered potentially active. One offshore trace, which aligns with the trend of the Navy fault, has displaced Holocene beds and therefore is considered active.

Seismically, the Monterey Bay-Tularcitos Fault zone may be historically active. The largest historical earthquakes tentatively located in the Monterey Bay-Tularcitos Fault zone are two events, estimated at M_L 6.2 on the Richter Scale, in October 1926.[1] The NCEP has assigned an earthquake of Mw 7.1 with an effective recurrence interval of 2,600 years to the Monterey Bay-Tularcitos Fault zone.

San Gregorio

The San Gregorio fault is located approximately 18.4 miles southwest of the Project site and skirts the coastline of Santa Cruz County northward from Monterey Bay, and trends onshore at Point Año Nuevo. Northward from Año Nuevo, it passes offshore again, to connect with the San Andreas Fault near Bolinas. Southward from Monterey Bay, it may trend onshore north of Big Sur to connect with the Palo Colorado Fault, or continue southward through Point Sur to connect

[1] The moment magnitude scale, denoted as Mw, was developed in the 1970s to replace the Richter magnitude scale, denoted as M_L.

with the Hosgri Fault in south-central California. Based on these two proposed correlations, the San Gregorio Fault zone has a length of at least 100 miles and possibly as much as 250 miles.

In addition to stratigraphic evidence for Holocene activity, the historical seismicity in the region is partially attributed to the San Gregorio Fault. Due to inaccuracies of epicenter locations, even the magnitude 6+ earthquakes of 1926, tentatively assigned to the Monterey Bay Fault zone, may have occurred on the San Gregorio Fault. The San Gregorio Fault has been assigned a slip rate that results in an Mw 7.3 earthquake with a recurrence interval of 400 years.

Berrocal Fault Zone

The Berrocal Fault Zone is located approximately 0.30 miles east of the Project site. The Berrocal is a late Quaternary southwest-dipping, reverse-dextral oblique slip fault zone that forms a part of the Southwestern Santa Clara Valley thrust belt. The Berrocal fault zone, which is commonly associated with the Monte Vista-Shannon fault zone, offsets sediment of the Pliocene-Pleistocene Santa Clara Formation and probably deforms later Pleistocene fluvial and alluvial fan deposits. The Berrocal fault zone lacks evidence of Holocene displacement. Late Quaternary slip rate is poorly constrained, and the recurrence interval not known. The amount of uplift of late Pleistocene terraces of ancestral Los Gatos Creek suggests a post-250 ka incision rate of 0.6 mm/yr. Minor disturbed coseismic contractional deformation in the urbanized areas along the northeastern flank of the Santa Cruz Mountains associated with the 1989 Loma Prieta earthquake locally was coincident with the general trend and locations of the Berrocal and Monte Vista-Shannon faults (Bryant 2000).

Surface Fault Rupture

Fault rupture is the surface displacement that occurs when movement on a fault deep within the earth breaks through to the surface. The Alquist-Priolo Earthquake Fault Zoning Act delineates fault rupture zones approximately 1,000 feet wide, or 500 feet on either side of an active fault trace. Fault rupture and displacement almost always follows preexisting faults, which are zones of weakness; however, not all earthquakes result in surface rupture (i.e., earthquakes that occur on blind thrusts do not result in surface fault rupture. Rupture may occur suddenly during an earthquake or slowly in the form of fault creep).

In addition to damage caused by ground shaking from an earthquake, fault rupture is damaging to buildings and other structures due to the differential displacement and deformation of the ground surface that occurs from the fault offset. This leads to damage or collapse of structures across this zone.

The Mountain Winery is located within a region of high seismic activity. Earthquakes are a recurrent phenomenon throughout the region, and the site is situated between two active faults that can be expected to generate earthquakes in the future due to continuing movement and strain accumulation. The San Andreas Fault is a right-lateral strike slip fault located just over one mile to the southwest of the Winery building complex, and the Berrocal Fault, an active thrust fault associated with the Santa Cruz Mountain Uplift, crosses the northeast comer of the Winery

property, approximately 2,000 feet northeast of the building complex. This fault separates the Franciscan Complex and the valley fill, referred to as the Santa Clara Formation. Two subparallel spurs of the Berrocal fault have been mapped as passing along the eastern upslope of the Mountain Winery property, and along the base of the slope.

Ground shaking

An earthquake is classified by the amount of energy released, which traditionally has been quantified using the Richter scale (M_L). However, seismologists most commonly use the Moment Magnitude (M_W) scale because it provides a more accurate measurement of the size of major and great earthquakes. For earthquakes of less than M 7.0, the Moment and Richter Magnitude scales are nearly identical. For earthquake magnitudes greater than M 7.0, readings on the Moment Magnitude scale are slightly greater than a corresponding Richter Magnitude.

The intensity of the seismic shaking, or strong ground motion, during an earthquake is dependent on the distance between the Project site and the epicenter of the earthquake, the magnitude of the earthquake, and the geologic conditions underlying and surrounding the Project site. Earthquakes occurring on faults closest to the Project site would most likely generate the largest ground motion.

Liquefaction

Liquefaction tends to occur in loose, saturated fine-grained sands, course silts, or clays with low plasticity. The liquefaction process typically occurs at depths less than 50 feet below the ground surface, although liquefaction can occur at deeper intervals, given the right conditions. The most susceptible zone occurs at depths shallower than 30 feet below the ground surface.

For liquefaction to occur, there must be the proper soil type, soil saturation, and cyclic accelerations of sufficient magnitude to progressively increase the water pressures within the soil mass. Non-cohesive soil shear strength is developed by the point-to-point contact of the soil grains. As the water pressures increase in the void spaces surrounding the soil grains, the soil particles become supported more by the water than the point-to-point contact. When the water pressures increase sufficiently, the soil grains begin to lose contact with each other resulting in the loss of shear strength and continuous deformation of the soil where the soil begins to liquefy.

Liquefaction can lead to several types of ground failure, depending on slope conditions and the geological and hydrological settings, of which the four most common types of ground failure are: 1) lateral spreads, 2) flow failures, 3) ground oscillation and 4) loss of bearing strength.

The Project site is encompassed in three contiguous parcels: APN 503-46-005, 503-46-006, and 503-46-007. Parcel 503-46-006 is the only parcel that is within a liquefaction zone (CGS, undated).

Soils

The Precise Plan area is underlain by four soil types, Mouser-Katykat-Sanikara complex, 50 to 75 percent slopes; Sanikara-Mouser-Rock outcrop complex, 50 to 75 percent slopes; Katykat-

Sanikara complex, 8 to 30 percent slopes; and Sanikara-Rock Outcrop complex, 75 to 100 percent slopes (NRCS 2019). These soils are all considered to be well-drained soils.

11.3 Applicable Regulations, Plans, and Standards

11.3.1 Federal

International Building Code

Published by the International Code Council, the scope of this code covers major aspects of construction and design of structures and buildings, except for 3-story one- and two-family dwellings and town homes. The 2012 International Building Code replaces the 1997 Uniform Building Code and contains provisions for structural engineering design. Published by the International Conference of Building Officials, the 2012 International Building Code (IBC) addresses the design and installation of structures and building systems through requirements that emphasize performance. The IBC includes codes governing structural as well as fire- and life-safety provisions covering seismic, wind, accessibility, egress, occupancy, and roofs.

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act of 1977 established the National Earthquake Hazards Reduction Program (NEHRP). Under the NEHRP, four federal agencies have responsibility for long-term earthquake risk reduction: the U.S. Geological Survey (USGS), the National Science Foundation, the Federal Emergency Management Agency (FEMA), and the National Institute of Standards and Technology. NEHRP's mission includes improved understanding, characterization, and prediction of hazards and vulnerability; improvements of building codes and land use practices; risk reduction through post-earthquake investigation and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results.

11.3.2 State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code (PRC), section 2621-2630 (formerly the Special Studies Zoning Act), regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. This Act categorizes faults as active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive. These classifications are qualified by the conditions that a fault must be shown to be "sufficiently active" and "well defined" by detailed site-specific geologic explorations to determine whether building setbacks should be established.

The Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, PRC, Sections 2690–2699, of 1990 directs the California Department of Conservation, Division of Mines and Geology [now called California Geological Survey (CGS)] to delineate Seismic Hazard Zones. The purpose of the act is to reduce the threat

to public health and safety and to minimize the loss of life and property by identifying and mitigating seismic hazards.

Cities, counties, and State agencies are directed to use seismic hazard zone maps developed by CGS in their land-use planning and permitting processes. The act requires that site-specific geotechnical investigations be performed prior to permitting most urban development projects within seismic hazard zones.

California Building Code

The California Building Code, Title 24, Part 2 (CBC, 2013) provides building codes and standards for design and construction of structures in California. The 2013 CBC is based on the 2012 IBC with the addition of more extensive structural seismic provisions.

Chapter 16 of the CBC contains definitions of seismic sources and the procedure used to calculate seismic forces on structures. Chapter 33 of the CBC contains requirements relevant to the construction of underground transmission lines. Building permits for the Project will be reviewed to ensure compliance with the CBC.

California Building Standards Code

The California Building Code (CBC) is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 2, which is a portion of the California Building Standards Code and establishes minimum requirements for a buildings structural strength and stability to safeguard the public health, safety and general welfare. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under state law, all building standards must be centralized in Title 24 or they are not enforceable.

Published by the International Conference of Building Officials, the Uniform Building Code (UBC) is a widely adopted model building code in the United States. The CBC incorporates by reference the 2006 International Building Code, with necessary California amendments.

11.3.3 Local

County of Santa Clara General Plan

Resource Conservation Element

The County General Plan Resource Conservation Element (RC) discusses the natural and heritage resources found within the County. The RC Element addresses seven resource areas including (1) Water Supply, (2) Water Quality and Watershed Management, (3) Habitat and Biodiversity, (4) Agriculture, (5) Mineral Resources, (6) Heritage Resources, (7) Scenic Resources and two conservation-related areas (8) Solid Waste Management and (9) Energy Resources. Issue- specific goals, policy directions, and implementation actions are found in each section to promote effective resource conservation and management. Goals and policies most directly related to Geology and Soils are included below.

- Policy C-RC 44: Local supplies of mineral resources should be recognized for their importance to the local, regional, and state economy. Countywide strategies for preserving and managing mineral resources include:
    a. ensuring continued availability of mineral resources to meet long term demand;
    b. mitigating environmental impacts of extraction and transportation; and
    c. reclaiming sites for appropriate subsequent land uses.

City of Saratoga General Plan

Safety Element

The City General Plan Safety Element (SAF) discusses natural and human activity related hazards within Saratoga. Topics of discussion include geologic, seismic, flood, and fire hazards, in addition to hazardous materials and waste, and incidents that call for emergency preparedness. Policies and implementation measures are included to take precautions against hazards and serve as a complement to the City's Emergency Operations Plan. Policies and implementation measures most directly related to Geology and Soils are included below.

Goal SAF 1: Protect residents from injuries and minimize property damage resulting from land instability and geologic hazards.

- Policy SAF 1.1: No development shall be permitted in geologic hazard areas without individual site-specific geotechnical investigations to determine depth of bedrock, soil stability, location of rift zones and other localized geotechnical problems.

Goal SAF 2: Protect residents of the City and surrounding areas from seismically induced hazards.

- Policy SAF 2.1: In order to mitigate the danger of earthquake damage, the City shall enforce strict earthquake construction and soil-engineering standards, selecting the most stable areas for development and requiring developers to compensate for soil instabilities through approved engineering and construction techniques.
- Policy SAF 2.2: Critical structures and systems vital to the public health and safety (water, power and waste disposals systems, police and fire stations and communication facilities) shall be designed to mitigate any seismic or geologic hazards associated with their sites.
- Policy SAF 2.3: The City should comply with State statutes regarding the identification and retrofit of non-reinforced masonry structures.

11.4 Environmental Impacts and Mitigation Measures

11.4.1 Significance Criteria

The following significance criteria for geology, soils, and mineral resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

GEO-1 Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42
- Strong seismic ground shaking?
- Seismic-related ground failure, including liquefaction?
- Landslides?

GEO-2 Result in substantial soil erosion or the loss of topsoil?

GEO-3 Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

GEO-4 Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

GEO-5 Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

GEO-6 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

GEO-7 Result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state?

GEO-8 Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

11.4.2 Impacts of the Proposed Project

Impact GEO-1(i): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. **(Less Than Significant With Mitigation)**

AND

Impact GEO-1(ii): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking? (**Less Than Significant With Mitigation**)

Faults are considered to be "potentially active" if they display evidence of movement within Quaternary time (i.e., within the last 1.6 million years) and "active" if they display evidence of movement wi1hin Holocene time (the last 11,000 years).

Several active faults are near the Project site, including the Berrocal fault zone (0.30 miles), San Gregorio (18.4 miles), Monterey Bay-Tularcitos (25.6 miles), Zayante-Vergeles (9.5 miles), and San Andreas (1.24 miles). However, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known active faults cross the site (CGS, undated).

Due to proximity and high level of earthquake activity, the San Andreas fault is considered to be the controlling fault near the Project site in terms of future ground shaking estimates. The Project site could be affected by seismic shaking generated from earthquakes on any one of several major active and potentially active faults. The Project site would experience violent ground shaking during large earthquakes on the nearby segment of the San Andreas fault, similar to the level experienced in the 1906 earthquake (Terrasearch, 2006).

Ground Movement Potential Zones, as shown in Figure 11-1, have been mapped near the Project site and conform with the existing City Ordinances and City General Plan for hillside development. Steep northeastern slopes and the abandoned quarry are generally subject to increased occurrences of rockfall or deep-seated instability ('PMW' and 'Pd'). Southwestern slopes are generally not densely vegetated and surficial solid and bedrock are subject to increased rates of incision and erosion by debris flow style landslide events. Broad mountain ridges are designated as zones of generally stable bedrock or 'Sbr'. These zones will still be subject to severe and violent seismic ground shaking as a result of anticipated earthquakes along the San Andreas Fault. Where slopes steepen or are overlain by areas of identified artificial fill and colluvium they are designated as 'Ps' zones denoting an increased potential for shallow instability. While active or potentially active faults have not been identified crossing the Project site, the potentially active Berrocal Fault is located just east of the property boundary and the active San Andreas Fault is located west of the map area. Distributed ground deformation similar to that observed in 1989 as a result of the nearby Loma Prieta Earthquake may impact the area. This could include ground cracking or ridge-top shattering of rock.

Although the Project is not located within an Alquist-Priolo Earthquake Fault Zone and no known active faults cross the Project site, as stated above, the Project site is located in a seismically active area. Therefore, the Project would require compliance with various State and local standards. Implementation of future development allowed by the Project (under the guidance of the Precise Plan) would be required to conform to the seismic design requirements of the 2016 CBC (or applicable adopted code at the time of plan submittal or permit issuance) which would reduce potential impacts related to the proximity of earthquake faults by requiring structures to be built to withstand seismic ground shaking. Additionally, any future development allowed by

the Project would comply with the City of Saratoga Municipal Code, Article 16-17 Excavation and Grading, which requires approval of a soils engineering report and an engineering geology report (Section 16-17.060(d)). Article 16-17 Excavation and Grading Code also requires that the plans and specifications shall be prepared and signed by an individual licensed by the State, when required by the Building Official. Implementation of Mitigation Measure (MM) GEO – 1 would ensure that any future development allowed by the Project would comply with these local ordinances and would ensure that the development would be designed and constructed to acceptable seismic standards. Implementation of MM GEO-1 would reduce potential impacts relative to strong seismic ground shaking to less than significant.

MM GEO – 1: Geotechnical Investigation Requirements

Prior to issuance of grading permits, the applicant shall submit to the City of Saratoga Community Development Department, Building Division for review and approval, a site-specific, design-level geotechnical investigation prepared for the Project site by a registered geotechnical engineer. The investigation shall comply with all applicable State and local code requirements.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the recommendations and mitigations specified in the site-specific investigations. The structural engineer shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the structural design plans and shall ensure that all structural plans for the Project meet current Building Code requirements.

The City's registered geotechnical engineer or third-party registered engineer retained to review the geotechnical reports shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical requirements contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure and all other relevant construction permits.

The City shall review all Project plans for grading, foundations, structural, infrastructure and all other relevant construction permits to ensure compliance with the applicable geotechnical investigation and other applicable Code requirements.

Impact GEO-1(iii): Would the project directly or indirectly cause potential substantial adverse effects involving seismic-related ground failure, including liquefaction? (**Less Than Significant With Mitigation**)

AND

Impact GEO-1(iv): Would the project directly or indirectly cause potential substantial adverse effects, including landslides? (**Less Than Significant With Mitigation**)

Refer to Impact GEO-3.

Impact GEO-2: Would the project result in substantial soil erosion or the loss of topsoil? (**Less Than Significant With Mitigation)**

Full buildout of the Project could involve the removal of vegetation and grading activities associated with the construction of lodging facilities and ancillary uses, a new water tank, and connection to the Cupertino Sanitary District. The potential loosening and exposure of soil would make the Project site susceptible to erosion by rainfall and wind. The project could also increase the amount of impervious surfaces, which may increase the amount of stormwater runoff. During unusually high rainfall over a short duration, excessive erosion may occur. Soil particles may be carried by stormwater to receiving water bodies, resulting in sedimentation.

Grading activities performed during the rainy season on cohesive soils may be hampered by excessive moisture, and achieving proper compaction may be difficult, causing delays. Measures to control erosion would be incorporated into construction specifications pursuant to the National Pollution Discharge Elimination System (NPDES) requirements for construction.

Projects involving construction on sites that are one acre or more[2] are required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies how the discharger will protect water quality during construction activities. These measures include, but are not limited to, the following: design and construction of cut and fill slopes in a manner that will minimize erosion, protection of exposed slope areas, control of surface water flows over exposed soils, use of wetting or sealing agents or sedimentation ponds, limiting soil excavation in high winds, construction of beams and runoff diversion ditches, and use of sediment traps, such as hay bales; see Section 12, Hydrology & Water Quality, for further discussion. Should any future development of lodging uses be proposed on one acre or more of land within the Precise Plan are, preparation of a SWPPP would be required. Regardless of the size of future development, a Storm Water Management Plan shall be prepared and approved by the City before construction of any future development, as required by MM HYD-1.

The subsequent preparation of a SWPPP and/or Storm Water Management Plan would ensure compliance with the erosion control ordinances, and acquisition of the NPDES General Permit as appropriate, and thereby minimize potential impacts related to soil erosion. Therefore, the Project would not result in substantial soils erosion or the loss of topsoil and this impact would be less than significant with implementation of MM HYD-1.

[2] NPDES program's Construction General Permit is required if the future development includes construction activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than 1.0 acre. The Precise Plan establishes the maximum area to be covered by enclosed structures (footprint of buildings) on lands as no more than 20% of the Precise Plan area, or 14 acres, whichever is less. Therefore, full buildout of the Project could disturb up to approximately 14 acres, thus, would potentially be subject to this General Permit. The General Permit requires development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and monitoring plan.

Impact GEO-3: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (**Less Than Significant With Mitigation**)

The Project site is located at an elevation of approximately 1,300 to 1,450 feet above msl. In general, the overall Precise Plan area ground surface is relatively level with a gentle slope to the south. The land within the Project site, surrounding the Precise Plan area, is hilly with steep slopes. The Project site is within an area susceptible to landslides and a portion of the Project site is in a liquefaction hazard zone (parcel 503-46-006) (CGS, undated). However, the high elevation, shallow bedrock, and lack of permanent[3] groundwater indicate the potential for liquefaction at the site to be negligible (Terrasearch, 2006).

The City has included policies in its General Plan Safety Element to achieve the goal of minimizing the risk of injury, loss of life, and property damage caused by earthquake hazards or geologic disturbances. General Policies SAF 2.1 through SAF 2.3 require new development to be in compliance with the most recent seismic and other geologic hazard safety standards and help protect community health and safety through the implementation of effective, state-of-the-art standards for seismic design of structures. Additionally, compliance with MM GEO – 1 would require a geotechnical evaluation of the development site to identify appropriate engineering design measures to reduce potential impacts relative to strong seismic ground shaking to less than significant. Therefore, the risk associated with seismic-related ground failure and associated on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse is less than significant level with implementation of MM GEO-1.

Impact GEO-4: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? (**Less Than Significant With Mitigation**)

Soils that expand and contract in volume ("shrink-swell" pattern) are considered to be expansive and may cause damage to aboveground infrastructure as a result of density changes that shift overlying materials. Fine-grain clay sediments are most likely to exhibit shrink-swell patterns in response to changing moisture levels. The Precise Plan area is underlain by four soil types, Mouser-Katykat-Sanikara complex, 50 to 75 percent slopes; Sanikara-Mouser-Rock outcrop complex, 50 to 75 percent slopes; Katykat-Sanikara complex, 8 to 30 percent slopes; and Sanikara-Rock Outcrop complex, 75 to 100 percent slopes (NRCS 2019). These soils are all considered to be well-drained soils and not expansive Additionally, compliance with MM GEO – 1 would ensure future site development would meet the Building Code requirements.

[3] Groundwater has been historically recorded onsite during heavy rainfall events. Heavy rainfall is not common in the climate region of the Project site and the soils on site are all considered to be well-drained soils. Therefore, groundwater is not expected to be present on site for long periods of time.

Since the Precise Plan area is not located on expansive soils and since the Project would meet Building Code requirements and City requirements, impacts would be less than significant with mitigation incorporated.

Impact GEO-5: Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (**No Impact)**

The Project site is currently served by an onsite sewage collection system, septic treatment, and percolation disposal field adequate to serve existing uses. The new lodging permitted by the Precise Plan would likely require a connection into the Cupertino Sanitary District. This connection would eliminate the need for future septic tanks or alternative waste water disposal systems on the Project site and no impact would occur.

Impact GEO-6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (**Less Than Significant With Mitigation**)

According to the Northwest Information Center, Sonoma State University, the project area has a moderate potential of identifying Native American archaeological resources and a high potential of identifying historic-period archaeological resources in the project area. However, MM CR-1c is required to reduce construction related impacts to paleontological resources and can be reviewed in Section 7, Cultural Resources. This Mitigation Measure ensures that if any previously unidentified paleontological, archaeological, historical, or tribal resources are uncovered during site preparation, excavation, and or other construction activity, all such activity within 25 feet of the discovery shall cease until the resources have been evaluated by qualified professional, and specific measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code. For further discussion, please refer to Impact CR-1 in Section 7, Cultural Resources. Therefore, with mitigation, the Project would not directly or indirectly destroy a unique paleontological resource or site, or unique geological features and this impact would be less than significant with mitigation.

Impact GEO-7: Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (**Less Than Significant Impact)**

The Project site is in an area classified as Mineral Resources Zone 2 (MRZ-2) by the California Department of Conservation (CDC) (CDC, 1987). These are areas where information indicates that significant deposits are present, or where a high likelihood for their presence exists. The Project site is classified as such due to the presence of sand and gravel resources. However, all of deposits occur beneath urbanized lands and are incompatible for extraction or mining purposes. Moreover, there are no known stone mineral resources of regional value located on or near the Project site. Therefore, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and a less than significant impact would occur.

Impact GEO-8: Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (**No Impact)**

The County General Plan Resource Conservation Element includes a mineral resource inventory detailing eight active mineral resource operations within the County. The Project site does not fall in these areas and would not affect any ongoing local resource extraction operations. Moreover, the Project site is not identified in the City General Plan as containing any locally-important mineral resources. Therefore, the Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, and no impact would occur.

11.4.3 Cumulative Impact Analysis

Northern California is a seismically active region with a range of geologic and soil conditions. These conditions can vary widely within a limited geographical area due to factors, including differences in landforms and proximity to fault zones, among others. Therefore, while geotechnical impacts may be associated with the cumulative development, by the very nature of the impacts (i.e., landslides and expansive and compressible soils), the constraints are typically site specific and there is typically little, if any, cumulative relationship between the development of a Project and development within a larger cumulative area, such as citywide development. Additionally, while seismic conditions are regional in nature, seismic impacts on a given Project site are site specific. For example, development within the Project site or surrounding area would not alter geologic events or soil features/characteristics (such as ground shaking, seismic intensity, or soil expansion); therefore, the Project would not affect the level of intensity at which a seismic event on an adjacent site is experienced. However, Project development and future development in the area may expose more persons to seismic hazards.

In accordance with the thresholds of significance, impacts associated with seismic events and hazards would be considered significant if the effects of an earthquake on a property could not be mitigated by an engineered solution. The significance criteria do not require elimination of the potential for structural damage from seismic hazards. Instead, the criteria require an evaluation of whether the seismic conditions on a site can be overcome through engineering design solutions that would reduce to less than significant the substantial risk of exposing people or structures to loss, injury, or death.

State and local regulatory code requirements and their specific mandatory performance standards are designed to ensure the integrity of structures during maximum ground shaking and seismic events. The Project would be constructed in compliance with all applicable codes and in accordance with the Mitigation Program set forth in this Draft EIR, which are designed to reduce the exposure of people or structures to substantial risk of loss, injury, or death related to geological conditions or seismic events. Therefore, Project impacts would be mitigated to a less than significant level. Current building codes and regulations would apply to all present and reasonably foreseeable future projects, which could also be subject to even more rigorous

requirements. Therefore, the Project—in combination with past, present, and reasonably foreseeable future projects—would not result in a cumulatively significant impact by exposing people or structures to risks related to geologic hazards, soils, or seismic conditions.

The Project's compliance with the California Building Code, City building code requirements, and City/County General Plan policies would ensure that geology and soil impacts would be less than significant. As such, potential impacts would be reduced to a less than significant level with implementation of applicable standard engineering practices and construction requirements. The Project would not contribute to cumulative geotechnical and seismic impacts. None of the Project characteristics would affect or influence the geotechnical hazards for off-site development. Similarly, the cumulative projects are not expected to have an adverse impact on the Project. For these reasons, the Project – in conjunction with the effects of past projects, other current projects, and probable future projects – would not result in a cumulative impact.

11.5 References

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Source: Cotton, Shires, & Associates, Inc, 2019

Figure 11-1: Ground Movement Potential Zones

Mountain Winery Annexation Project
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

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12 Greenhouse Gas Emissions

12.1 Introduction

This section describes effects on climate change and greenhouse gas emissions that would be caused by implementation of the project. Information used to prepare this section came from the following resources:

Kimley-Horn. (2019). *Greenhouse Gas Emissions Assessment* (see Appendix C)

The study area for climate change and the analysis of greenhouse gas (GHG) emissions is broad because climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by the CEQA Guidelines [Section 15064(d)], which directs lead agencies to consider an "indirect physical change" only if that change is a reasonably foreseeable impact that may be caused by the project. This analysis limits discussion to those physical changes to the environment that are not speculative and are reasonably foreseeable.

12.2 Environmental Setting

12.2.1 Climate Change and Greenhouse Gases

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have long

atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO_2 emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere (Intergovernmental Panel on Climate Change,2013). Table 12-1 describes the primary GHGs attributed to global climate change, including their physical properties.

Table 12-1: Description of Greenhouse Gases

Greenhouse Gas	Description
Carbon Dioxide (CO_2)	CO_2 is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO_2 emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO_2 is variable because it is readily exchanged in the atmosphere. CO_2 is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs.
Nitrous Oxide (N_2O)	N_2O is largely attributable to agricultural practices and soil management. Primary human-related sources of N_2O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N_2O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N_2O is approximately 120 years. The Global Warming Potential of N_2O is 298.
Methane (CH_4)	CH_4, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, approximately 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH_4 include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH_4 is approximately 12 years and the Global Warming Potential is 25.
Hydrofluorocarbons (HFCs)	HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.
Perfluorocarbons (PFCs)	PFCs have stable molecular structures and only break down by ultraviolet rays approximately 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200.
Chlorofluorocarbons (CFCs)	CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400.
Sulfur Hexafluoride (SF_6)	SF_6 is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the

Table 12-1: Description of Greenhouse Gases	
Greenhouse Gas	**Description**
	magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF_6 is 23,900.
Hydrochlorofluorocarbons (HCFCs)	HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.
Nitrogen Trifluoride (NF_3)	NF_3 was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. This gas is used in electronics manufacture for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200.
Source: Compiled from U.S. EPA, Overview of Greenhouse Gases, April 11, 2018 (https://www.epa.gov/ghgemissions/overview-greenhouse-gases); U.S. EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016, 2018; Intergovernmental Panel on Climate Change, Climate Change 2007: The Physical Science Basis, 2007; National Research Council, Advancing the Science of Climate Change, 2010; U.S. EPA, Methane and Nitrous Oxide Emission from Natural Sources, April 2010.	

12.3 Applicable Regulations, Plans, and Standards

12.3.1 Federal

To date, national standards have not been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding

The U.S. Environmental Protection Agency's (EPA) authority to regulate GHG emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled

that GHGs meet the definition of air pollutants under the existing Federal Clean Air Act (FCAA) and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it found that six GHGs (CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO_2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks. It should be noted that the EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO_2 emissions by approximately

1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In 2018, President Trump and the EPA have stated their intent to halt various Federal regulatory activities to reduce GHG emission, including the phase two program. California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. The timing and consequences of these types of Federal decisions and potential responses from California and other states are speculative at this time.

Clean Power Plan and New Source Performance Standards for Electric Generating Units

On October 23, 2015, the EPA published a final rule (effective December 22, 2015) establishing the carbon pollution emission guidelines for existing stationary sources: electric utility generating units (80 Federal Register [FR] 64510–64660), also known as the Clean Power Plan (CPP). These guidelines prescribe how states must develop plans to reduce GHG emissions from existing fossil-fuel-fired electric generating units. The guidelines establish CO_2 emission performance rates representing the best system of emission reduction for two subcategories of existing fossil-fuel-fired electric generating units: one fossil-fuel-fired electric utility steam-generating unit and two stationary combustion turbines. Concurrently, the EPA published a final rule (effective October 23, 2015) establishing standards of performance for GHG emissions from new, modified, and reconstructed stationary sources: electric utility generating units (80 FR 64661–65120). The rule prescribes CO_2 emission standards for newly constructed, modified, and reconstructed affected fossil-fuel-fired electric utility generating units. The U.S. Supreme Court stayed implementation of the CPP pending resolution of several lawsuits. Additionally, in March 2017, the federal government directed the EPA Administrator to review the CPP to determine whether it is consistent with current executive policies concerning GHG emissions, climate change, and energy.

Presidential Executive Order 13783

Presidential Executive Order 13783, Promoting Energy Independence and Economic Growth issued on March 28, 2017, orders all federal agencies to apply cost-benefit analyses to regulations of GHG emissions and evaluations of the social cost of CO_2, N_2O, and CH_4.

12.3.2 State

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO_2e in the world and produced 440 million gross metric tons of CO_2e in 2015. In the state, the transportation sector is the largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark AB 32 California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major legislation related to GHG emissions reduction.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verification of statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

CARB Scoping Plan

CARB adopted the Scoping Plan to achieve the goals of AB 32. The Scoping Plan establishes an overall framework for the measures that would be adopted to reduce California's GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business-as-usual"). The Scoping Plan evaluates opportunities for sector-specific reductions, integrates early actions and additional GHG reduction measures by both CARB and the state's Climate Action Team, identifies additional measures to be pursued as regulations, and outlines the adopted role of a cap-and-trade program. Additional development of these measures and adoption of the appropriate regulations occurred through the end of 2013. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions (adopted in 2011).
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing state laws and policies, including California's clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).

- Creating targeted fees, including a public goods charge on water use, fees on gasses with high global warming potential, and a fee to fund the administrative costs of California's long-term commitment to AB 32 implementation.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated considering current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 million metric tons of CO_2e ($MMTCO_2e$) to 545 $MMTCO_2e$. The reduction in forecasted 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent, down from 29 percent. CARB also provided a lower 2020 inventory forecast that incorporated state-led GHG emissions reduction measures already in place. When this lower forecast is considered, the necessary reduction from business-as-usual needed to achieve the goals of AB 32 is approximately 16 percent.

CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG emissions reductions necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32.

In January 2017, CARB released the 2017 Climate Change Scoping Plan Update (Second Update) for public review and comment (CARB, 2017). The Second Update sets forth CARB's strategy for achieving the state's 2030 GHG target as established in Senate Bill (SB) 32 (discussed below). The Second Update was approved by CARB's Governing Board on December 14, 2017 (CARB, 2017).

Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan (CARB, 2017b). The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other Federal actions.

SB 375 (The Sustainable Communities and Climate Protection Act of 2008)

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet the GHG reduction goals established by AB 32. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies. The applicable sustainable community strategy in the Bay Area is Plan Bay Area 2040.

AB 1493 (Pavley Regulations and Fuel Efficiency Standards)

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO_2e emissions and 75 percent fewer smog-forming emissions.

SB 1368 (Emission Performance Standards)

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the state. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of CO_2 per megawatt-hour.

SB 1078 and SBX1-2 (Renewable Electricity Standards)

SB 1078 required California to generate 20 percent of its electricity from renewable energy by 2017. This goal was accelerated with SB 107, which changed the due date to 2010 instead of 2017. On November 17, 2008, Executive Order S-14-08 established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the state's load serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SB X1-2 codified the 33 percent by 2020 goal.

SB 350 (Clean Energy and Pollution Reduction Act of 2015)

Signed into law on October 7, 2015, SB 350 implements the goals of Executive Order B-30-15. The objectives of SB 350 are to increase the procurement of electricity from renewable sources from 33 percent to 50 percent (with interim targets of 40 percent by 2024, and 45 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

AB 398 (Market-Based Compliance Mechanisms)

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

SB 150 (Regional Transportation Plans)

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

SB 100 (California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases)

Signed into Law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs using executive orders. Although not regulatory, they set the state's tone and guide the actions of state agencies.

Executive Order S-3-05

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what the 2007 Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report indicates is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07

Issued on January 18, 2007, Executive Order S-01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

Executive Order S-13-08

Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08

Issued on November 17, 2008, Executive Order S-14-08 expands the state's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the state come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Executive Order S-21-09

Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's RPS to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

Executive Order B-30-15

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping

Plan to express the 2030 target in terms of million metric tons of CO_2e ($MMTCO_2e$). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the state's climate adaptation plan to be updated every three years and for the state to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat, even with rapid population growth.

Title 20 Appliance Efficiency Regulations

The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

Title 24 Building Energy Efficiency Standards

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6), was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2016 Building Energy Efficiency Standards approved on January 19, 2016 went into effect on January 1, 2017. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and will take effect on January 1, 2020. Under the 2019 standards, residential dwellings will be required to use approximately 53 percent less energy and nonresidential buildings will be required to use approximately 30 percent less energy than buildings under the 2016 standards.

Title 24 California Green Building Standards Code

The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as CALGreen, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and nonresidential buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The most recent update to the 2016 CALGreen Code, went into effect January 1, 2017. Updates to the 2016 CALGreen Code will take effect on January 1, 2020 (2019 CALGreen). The 2019 CALGreen standards will continue to improve upon the existing standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The new 2019 CALGreen standards require residential buildings are required to be solar ready through solar panels (refer to Section 110.10 in the 2019 Building Energy Efficiency Standards for more details).

12.3.3 Regional and Local

Bay Area Air Quality Management District Thresholds

The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin. The Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), county transportation agencies, cities and counties, and various nongovernmental organizations also join in the efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs.

Under CEQA, the BAAQMD is a commenting responsible agency on air quality within its jurisdiction or impacting its jurisdiction. The BAAQMD reviews projects to ensure that they would: (1) support the primary goals of the latest Air Quality Plan; (2) include applicable control measures from the Air Quality Plan; and (3) not disrupt or hinder implementation of any Air Quality Plan control measures.

In May 2010, the BAAQMD adopted its updated California Environmental Quality Act (CEQA) Air Quality Guidelines as a guidance document to provide lead government agencies, consultants, and project proponents with uniform procedures for assessing air quality impacts and preparing the air quality sections of environmental documents for projects subject to CEQA. The BAAQMD CEQA Guidelines include methodologies and thresholds for addressing project and program level air quality and GHG emissions. The Guidelines were called into question by an order issued March 5, 2012, in California Building Industry Association (CBIA) v. BAAQMD (Alameda Superior Court Case No. RGI0548693). The Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds. The court also issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease dissemination of them until the BAAQMD had complied with CEQA. Notably, the court's ruling was based solely

on BAAQMD's failure to comply with CEQA. The court did not reach any issues relating to the validity of the scientific reasoning underlying the recommended significance thresholds.

In August 2013, the Appellate Court struck down the lower court's order to set aside the thresholds. CBIA sought review by the California Supreme Court on three issues, including the appellate court's decision to uphold the BAAQMD's adoption of the thresholds, and the Court granted review on just one: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users of a proposed project? In December 2015, the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. The BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The BAAQMD is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

Clean Air Plan

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state PM10 standard). The 2017 Clean Air Plan: Spare the Air, Cool the Climate was adopted on April 19, 2019, by the BAAQMD.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas (GHG) reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

City of Saratoga

The City of Saratoga does not have a Climate Action Plan or Energy Plan. The General Plan does not include any sustainability policies. However, the City of Saratoga Municipal Code includes Chapter 17- Sustainability. This section includes a list of greenhouse gas reduction policies (17-05.010) about recycling; discharge pollutants into storm drains and watercourses; water-efficient landscaping, limitations on wood-burning fireplaces; tree regulations; small wind energy

systems; and accessory dwelling units. The City of Saratoga has green building regulations (16-47) that require new developments to demonstrate compliance with green building standards. New projects in the City must also demonstrate compliance with the State of California Green Building Code (16-49).

12.4 Environmental Impacts and Mitigation Measures

12.4.1 Significance Criteria

Based upon the criteria derived from State CEQA Guidelines Appendix G, a project normally would have a significant effect on the environment if it would:

GHG-1 Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

GHG-2 Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The Bay Area Air Quality Management District's (BAAQMD's) approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move towards climate stabilization. If a project would generate GHG emissions above the threshold level, it would be considered to contribute considerably to a significant cumulative impact. Stationary-source projects include land uses that would accommodate processes and equipment that emit GHG emissions and would require an Air District permit to operate. If annual emissions of operational-related GHGs exceed these levels, the proposed Project would result in a cumulatively considerable contribution to a cumulatively significant impact to global climate change. BAAQMD's recommended 2020 thresholds are as follows:

Compliance with a Qualified Climate Action Plan or

Meet one of the following thresholds:

- 1,100 MT CO_2e/year (yr); or
- 4.6 MTCO_2e/service population (sp)/yr (residents and employees)

BAAQMD is currently working to provide updated threshold guidance to address updated GHG regulations such as SB 32 and case law that has found efficiency metric thresholds based on state-wide data must be supported by substantial evidence that the threshold is appropriate for a specific location and specific project type.

BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, the BAAQMD recommends quantification and disclosure of construction GHG emissions. The BAAQMD also recommends that the Lead Agency should make a determination on the significance of these construction generated GHG emission impacts in

relation to meeting AB 32 GHG reduction goals, as required by the Public Resources Code, Section 21082.2. The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable.

12.4.2 Study Methodology

The Project's construction and operational emissions were calculated using the California Emissions Estimator Model version 2016.3.2 (CalEEMod). Details of the modeling assumptions and emission factors are provided in Appendix C: Greenhouse Gas Emissions Data. For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips for 300 lodging units, water tank, and sewer service connection. The Project's construction-related GHG emissions were forecasted based on the proposed construction schedule and applying the mobile-source and fugitive dust emissions factors derived from CalEEMod. The Project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles.

The CalEEMod construction and operational emissions are based on the full proposed development potential of 300 lodging units and water tank and sewer service connection. The Project's operations-related GHG emissions would be generated by vehicular traffic, area sources (e.g., landscaping maintenance, consumer products), electrical generation, propane gas consumption, water supply and wastewater treatment, and solid waste.

Details of the modeling assumptions and emission factors are provided in Appendix C, and a summary of adjustments is provided below.

CalEEMod default emission factors incorporate compliance with some, but not all, applicable rules and regulations regarding energy efficiency and vehicle fuel efficiency, and other GHG reduction policies, as described in the CalEEMod User's Guide (CAPCOA, 2016). The reductions obtained from each regulation and the source of the reduction amount used in the analysis are described below.

The following regulations are incorporated into the CalEEMod emission factors:

- Pavley I motor vehicle emission standards
- Low Carbon Fuel Standard (LCFS)
- 2016 title 24 Energy Efficiency Standards

The following regulations have not been incorporated into the CalEEMod emission factors:

- Pavley II (LEV III) Advanced Clean Cars Program (extends to model year 2025)
- Renewable Portfolio Standards (RPS)
- Green Building Code Standards (indoor water use)
- California Model Water Efficient Landscape Ordinance (Outdoor Water)
- 2019 Title 24 Energy Efficiency Standards (effective January 1, 2020)

12.4.3 Impacts of the Project

Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (**Less Than Significant with Mitigation**)

Short-Term Construction Greenhouse Gas Emissions

Construction of the Project would result in direct emissions of CO_2, N_2O, and CH_4 from the operation of construction equipment and the transport of materials and construction workers to and from the Project site. BAAQMD does not have a threshold for construction GHG emissions, which are one-time, short-term emissions and therefore would not significantly contribute to long-term cumulative GHG emissions impacts of the proposed Project. However, the BAAQMD advises that construction GHG should be disclosed and a determination on the significance of construction GHG emissions in relation to meeting AB 32 GHG reduction goals should be made. Total GHG emissions generated during all phases of construction were combined and are presented in Table 12-2. The CalEEMod outputs are contained within the Appendix A and Appendix C.

Table 12-2: Construction Greenhouse Gas Emissions

Year	Project ($MTCO_2e$)[1]
2020	557
2021	766
Total	**1,323**
Annual	44

Notes:
1. Due to Rounding, Total $MTCO_2e$ may be marginally different from CalEEMod output. $MTCO_2e$ = metric tons of carbon dioxide equivalent.
Source: CalEEMod version 2016.3.2. Refer to Appendix C for model outputs.

As shown in Table 12-2, Project construction-related activities would generate approximately 1,323 $MTCO_2e$ of GHG emissions over the course of construction. One-time, short-term construction GHG emissions are typically summed and amortized over the Project's lifetime (assumed to be 30 years).[1] It is reasonable to look at a 30-year time frame for buildings since this is a typical interval before a new building requires the first major renovation.[2] The amortized Project emissions would be 44 $MTCO_2e$ per year. Once construction is complete, the generation of construction-related GHG emissions would cease.

Long-Term Operational Greenhouse Gas Emissions

Operational or long-term emissions would occur over the Project's life. GHG emissions would result from direct emissions such as Project generated vehicular traffic, on-site combustion of

[1] The project lifetime is based on the standard 30-year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13,* August 26, 2009).

[2] International Energy Agency, *Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings*, March 2008.

propane, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the Project, the energy required to convey water to, and wastewater from the Project site, the emissions associated with solid waste generated from the Project site, and any fugitive refrigerants from air conditioning or refrigerators. Table 12-3 summarizes the total GHG emissions associated with the Project.

Table 12-3: Unmitigated Operational Greenhouse Gas Emissions

Category	$MTCO_2e$[1]
Proposed Project	
Area Source	0.11
Energy	1,260
Mobile	924
Waste	83
Water and Wastewater	13
Vegetation Land Use Change (Loss of Sequestration)[2]	111
Total Project[3]	**2,390**
Threshold	**1,100**
Exceeds Threshold?	**Yes**

Notes:
1. Emissions were calculated using CalEEMod version 2016.3.2.
2. Sequestration loss is annualized over a 20-year growing period per the CalEEMod User Guide.
3. Emissions may not total due to rounding.
Source: CalEEMod version 2016.3.2. Refer to Appendix C for model outputs.

Below is a description of the primary sources of operational emissions:

Area Sources. Area source emissions occur from hearths (i.e. natural gas fireplaces), architectural coatings, landscaping equipment, and consumer products. Landscaping is anticipated to occur throughout the proposed lodging area. Additionally, the primary emissions from architectural coatings are volatile organic compounds, which are relatively insignificant as direct GHG emissions. The Project would result in 0.11 $MTCO_2eq/yr$ (refer to Table 12-3).

Energy Consumption. Energy consumption consists of emissions from project consumption of electricity and propane. CalEEMod does not have consumption factors for propane; natural gas is used as a proxy. The Project would result in 1,260 $MTCO_2e/yr$ from energy consumption (refer to Table 12-3).

Mobile Sources. Mobiles sources from the Project were calculated with CalEEMod based on the trip generation from the Project Traffic Study. As shown in Table 12-3, the mobile source emissions from the Project would be 924 $MTCO_2eq/yr$. The proposed Mountain Winery lodging

facility would host visitors who wish to stay at the winery and those who are attending the many concerts that are held each summer. While there are several hotels within a short drive of the winery, the new lodging facility would provide guests easier access to and from on-site concerts, as well as wine tastings and other activities. Although the proposed lodging facility is expected to provide additional jobs and some related trips to the Mountain Winery, the facility itself is expected to mostly serve existing patrons of the Mountain Winery.[3]

Solid Waste. Solid waste releases GHG emissions in the form of methane when these materials decompose. The Project would result in 83 $MTCO_2e$/yr from solid waste (refer to Table 12-3).

Water and Wastewater. GHG emissions from water demand would occur from electricity consumption associated with water conveyance and treatment. Existing water efficiency regulations require the Project to limit the use of turf. In addition, the Project proposes to use recycled water. The Project would result in 13 $MTCO_2e$/yr from water and wastewater conveyance and treatment (refer to Table 12-3).

Vegetation Land Use Change (Loss of Sequestration). Sequestration refers to the process of vegetation storing CO_2 (resulting in a carbon sink and reducing CO_2 emissions). As the Project would potentially develop natural land with vegetation that is currently sequestering CO_2, loss of the existing vegetation would result in approximately 2,200 MT CO_2e that would not be sequestered, which is approximately 111 MT CO_2e/yr over a 20-year growing period[4]. The Precise Plan Design Guidelines require the Project to minimize tree removal and encourage the avoidance of development in heavily wooded areas.

Table 12-3, shows that unmitigated emissions from the development of up to 300 lodging units would potentially exceed the BAAQMD GHG threshold of 1,100 $MTCO_2e$ per year. It should be noted that the unmitigated emissions incorporate adjustments for Project energy consumption based on the 2019 Title 24 Part 6 (Building Energy Efficiency Standards). The standards also require updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements that would cut residential energy use by more than 50 percent (with solar) and nonresidential energy use by 30 percent. The standards also encourage demand responsive technologies including battery storage and heat pump water heaters and improve the building's thermal envelope through high performance attics, walls and windows to improve comfort and energy savings (California Energy Commission, March 2018). The Project would also comply with the appliance energy efficiency standards in Title 20 of the California Code of Regulations. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The Project would be constructed according to the standards for high-efficiency water fixtures for

[3] This analysis estimates that 80 percent of patrons would have been traveling to the Mountain Winery already and that 20 percent of patrons would be new, induced visitors that would add new trips to the regional roadway network. Appendix E further details the methodology of the VMT analysis.

[4] The 20-year active growth period is consistent with IPCC recommendations. CalEEMod User's Guide version 2016.3.1, 2016.

indoor plumbing and water efficient irrigation systems required in 2019 Title 24, Part 11 (CALGreen).

At the state and global level, improvements in technology, policy, and social behavior can also influence and reduce operational emissions generated by a project. The state is currently on a pathway to achieving the Renewable Portfolio Standards goal of 33 percent renewables by 2020 and 60 percent renewables by 2030 per SB 100. Despite these goals, the majority of the Project's emissions would still be from mobile and energy sources. Future mobile source emissions are greatly dependent on changes in vehicle technology, fuels, and social behavior, which can be influenced by policies to varying degrees. Taking known future policies into account, CARB estimates that over 90 percent of future vehicles in Santa Clara County would still run on gasoline even with increased electric vehicle mode share (California Air Resources Board, 2017). This is assumed to also be applicable to the Saratoga vehicle fleet, absent data that may suggest otherwise. Due to these external factors, average emissions from transportation in 2050 would mostly still generate GHG emissions, but the quantity is uncertain in light of potential changes in technology and policy over the next 30 years.

The majority of Project emissions (approximately 94 percent) would occur from mobile and energy sources. As noted above, energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT, continued implementation of the Renewable Portfolio Standard (the target is now set at 60 percent renewables by 2030), and extension of the Cap and Trade program (requires reductions from industrial sources, energy generation, and fossil fuels). The Cap and Trade program covers approximately 85 percent of California's GHG emissions as of January 2015. The statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and will decline approximately three percent each year, achieving GHG emission reductions throughout the program's duration. The passage of AB 398 in July 2017 extended the duration of the Cap and Trade program from 2020 to 2030. With continued implementation of various statewide measures, the Project's operational energy and mobile source emissions would continue to decline in the future.

As the Project's unmitigated emissions associated with the development of up to 300 lodging units would potentially exceed thresholds, implementation of MM GHG-1 would be required. This mitigation measure would be triggered at the time the project applicant submits an application for a lodging facility development if the proposed development exceeds the BAAQMD GHG threshold of 1,100 $MTCO_2e$ per year. This analysis identifies that this mitigation is triggered for a lodging facility with 300 units. Therefore, under this Project assumption, MM GHG-1 requires the Project Applicant to prepare a GHG Reduction Plan to determine the GHG emissions associated with the final Project at the time of discretionary approval. The GHG Reduction Plan would identify specific feasible GHG reduction measures to ensure Project emissions would be less than significant. The GHG Reduction Plan could potentially include such measures as electric vehicle charging stations (beyond current code requirements), a Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to minimize vehicle trips and mobile

emissions, and net zero energy buildings through a Zero Net Energy Confirmation Report prepared by a qualified building energy efficiency and design consultant. Additionally, as discussed in Section 7, Air Quality, MM AQ-1 and AQ-2 would reduce construction emissions. These include minimizing idling times to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications, and utilizing Tier 4 final construction equipment.

The CTR/TDM program would discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. Employees would be encouraged to work flexible work schedules, receive transit subsidies, and have vanpool and rideshare options available. Through the incorporation of zero-energy building technology, fossil fuel-related sources of GHGs associated with energy use would be reduced to less than significant levels.

Project emissions with implementation of MM GHG-1 are shown in Table 12-4. MM GHG-1 includes potential measures such as zero net energy buildings and a CTR/TDM plan to minimize vehicle trips and mobile emissions. With implementation of MM GHG-1, Project GHG emissions would be reduced to a less than significant level.

Table 12-4: Mitigated Operational Greenhouse Gas Emissions

Category	$MTCO_2e$[1]
Proposed Project	
Area	0.11
Energy[2]	0
Mobile[2]	888
Waste	21
Water/Wastewater	11
Vegetation Land Use Change (Loss of Sequestration) [3]	111
Total Project[3]	**1,031**
Threshold	**1,100**
Exceeds Threshold?	**No**

Notes:
1. Emissions were calculated using CalEEMod version 2016.3.2.
2. Sequestration loss is annualized over a 20-year growing period per the CalEEMod User Guide.
3. Emissions may not total due to rounding.
Source: CalEEMod version 2016.3.2. Refer to Appendix C for model outputs.

Mitigation Measures:

MM GHG-1: GHG Reduction Plan

Prior to the issuance of grading permits for future lodging uses, the Project Applicant may be required to prepare and implement a GHG Reduction Plan, to the satisfaction of the City of Saratoga Community Development Director. Refinement of the estimated Project GHG emissions would be completed at the time of discretionary approval in order to reflect the most current and accurate data available regarding the Project's estimated emissions (including emission rates). If Project emissions can be shown to be below BAAQMD GHG threshold of 1,100 $MTCO_2e$ per year, then mitigation would not be required. If Project emissions cannot be shown to be below BAAQMD GHG threshold of 1,100 $MTCO_2e$ per year, then a GHG Reduction Plan would be required. The Project Applicant may submit a report to the City that substantiates why specific measures are considered infeasible at that point in time and identify alternate measures that would achieve equivalent reductions. Potential measures for reducing operational GHG emissions are listed below.

- Electric Vehicle Charging. Prior to the issuance of commercial or recreational building permits, the Project Applicant or its designee shall submit building design plans to the City that demonstrate that the parking areas for the lodging facility are equipped with electric vehicle (EV) charging stations that provide charging opportunities to at least 7.5 percent of the total number of required parking spaces. The EV charging stations shall achieve a similar or better functionality as a Level 2 charging station. In the event that the installed charging stations use more superior functionality/technology other than Level 2 charging stations, the parameters of the mitigation obligation (i.e., number of parking spaces served by EV charging stations) shall reflect the comparative equivalency of Level 2 charging stations to the installed charging stations on the basis of average charge rate per hour. For purposes of this equivalency demonstration, Level 2 charging stations shall be assumed to provide charging capabilities of 25 range-miles per hour.
- Vehicle Trip Reduction. Develop a qualifying Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. The TDM plan shall be approved by the City of Saratoga prior to the issuance of building permits and incorporated into the Project's Conditions of Approval. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The following measures shall be incorporated into the TDM plan.
    - The Project Applicant shall consult with the local transit service provider on the need to provide infrastructure to connect the

Project with transit services. Evidence of compliance with this requirement may include correspondence from the local transit provider(s) regarding the potential need for installing bus turnouts, shelters or bus stops at the site.

- The CTR/TDM plan for the lodging facility shall include, but not be limited to the following potential measures: ride-matching assistance, preferential carpool parking, flexible work schedules for carpools, half-time transportation coordinators, providing a web site or message board for coordinating rides, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, and including bicycle end of trip facilities. This list may be updated as new methods become available. Verification of this measure shall occur prior to building permit issuance for the commercial l uses.

- Zero Net Energy. Prior to the issuance of building permits, the Project Applicant or its designee shall submit a Zero Net Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the City for review and confirmation that Project achieves the ZNE standard specified in this mitigation measure approval.

  Specifically, the ZNE Report shall demonstrate that the Project, subject to application of Title 24, Part 6, of the California Code of Regulations has been designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, which requires the value of the net energy produced by Project renewable energy resources to equal the value of the energy consumed annually by the Project using the CEC's Time Dependent Valuation metric.

  The ZNE Report shall provide, at a minimum, the following information:

  - Confirmation that the Project shall comply with Title 24, Part 6 building standards that are operative at the time of building permit application.
  - Identification of additional measures or building performance standards that shall be relied upon to achieve the ZNE standard (as defined above), assuming ZNE is not already achieved by meeting the operative Title 24, Part 6 building standards.

  In demonstrating that the Project achieves the ZNE standard, the ZNE Report may make reasonable assumptions about the estimated electricity and propane loads and energy efficiencies of the subject buildings.

If the Project's renewable generation is not sufficient to allow compliance with the ZNE standard, then the Project Applicant or its designee shall achieve an equivalent level of GHG emissions reductions to mitigate such shortfall by providing GHG reductions for every kilowatt-hour of renewable energy generation that would have been needed to achieve the ZNE standard for the Project, as demonstrated in the ZNE Report.

- Onsite Recycling. Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas. Recycling bins in the storage areas shall be included to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as part of the proposed Project's regular solid waste disposal program. The Project Applicant or its success in interest shall only contract for waste disposal services within a company that recycles waste in compliance with AB 341. This measure shall be implemented prior to issuance of occupancy permit.
- GHG Emissions Offsets. The Project Applicant shall purchase and retire GHG offsets to reduce the Project's GHG emissions below the BAAQMD's thresholds of significance (i.e., below 1,100 $MTCO_2e$ per year, or 4.6 $MTCO_2e$ per service population per year, or the latest applicable threshold at the time). GHG offsets shall be consistent with the performance standards and requirements set forth below.
    - The GHG offsets shall be secured from an accredited registry that is recognized by the California Air Resources Board (CARB) or a California air district, or from an emissions reduction credits program that is administered by CARB or a California air district.
    - The GHG offsets shall represent the past reduction or sequestration of 1 $MTCO_2e$ that is "not otherwise required," in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15126.4(c)(3).
    - The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable.
    - Recognizing that future regulatory mandates, technological advances, and/or final project design features would likely result in GHG emissions that are lower than the levels presented in this EIR, the Project Applicant may prepare a final project GHG emissions inventory prior to City issuance of the certificate of occupancy. The inventory shall be subject to verification by a City-approved third party (at applicant expense), with the final emissions estimates dictating the increment to be mitigated through purchase of GHG offsets. The offsets must also be secured by the applicant and

verified by the City prior to issuance of the certificate of occupancy, thus providing full mitigation prior to completion of the Project.

Impact GHG-2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (**Less Than Significant**)

As discussed above in the Local Regulatory Section, the City of Saratoga does not have a stand-alone Climate Action Plan but includes policies and actions to reduce the generation of GHG emissions within the City. The Project would be consistent with and rely on these goals, policies, and actions. Therefore, the Project would result in a less than significant cumulative impact to global climate change.

The Project would be subject to compliance with all building codes in effect at the time of construction, which include energy conservation measures mandated by California Building Standards Code Title 24 – Energy Efficiency Standards. Because Title 24 standards require energy conservation features in new construction (e.g., high- efficiency lighting, high-efficiency heating, ventilating, and air-conditioning (HVAC) systems, thermal insulation, double-glazed windows, water conserving plumbing fixtures), they indirectly regulate and reduce GHG emissions. California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. The 2016 standards improved upon the 2013 standards for new construction of, and additions and alterations to, residential, commercial, and industrial buildings. The 2016 standards went into effect on January 1, 2017. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and will take effect on January 1, 2020. Under the 2019 standards, residential dwellings will be required to use approximately 53 percent less energy and nonresidential buildings will be required to use approximately 30 percent less energy than buildings under the 2016 standards.

Additionally, the Project would be required to follow Green Building Ordinance (Chapter 14.49) of the Saratoga Municipal Code. The Project would comply with SB X7-7, which requires California to achieve a 20 percent reduction in urban per capita water use by 2020. As well as implement best management practices for water conservation to achieve the City's water conservation goals.

The Project demonstrates consistency with the General Plan goals, measures, and emission reduction targets, and would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32. Therefore, Project impacts would be less than significant.

CARB Scoping Plan

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the ARB adopted the

Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan provides a range of GHG reduction actions that include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market- based mechanisms such as the cap-and-trade program, and an AB 32 implementation fee to fund the program.

The latest CARB Climate Change Scoping Plan (2017) outlines the state's strategy to reduce state's GHG emissions to return to 40 percent below 1990 levels by 2030 pursuant to SB 32. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the First Update to the Climate Change Scoping Plan (2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions would be adopted as required to achieve statewide GHG emissions targets.

As shown in Table 12-5 the Project is consistent with most of the strategies, while others are not applicable to the Project.

Table 12-5: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanism October 20, 2015 (CCR 95800)	**Consistent.** The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.

Table 12-5: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	California Light-Duty Vehicle Greenhouse Gas Standards	Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles	**Consistent**. This measure applies to all new vehicles starting with model year 2012. The Project would not conflict with its implementation as it would apply to all new passenger vehicles purchased in California. Passenger vehicles, model year 2012 and later, associated with construction and operation of the Project would be required to comply with the Pavley emissions standards.
		2012 LEV III Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards	**Consistent.** The LEV III amendments provide reductions from new vehicles sold in California between 2017 and 2025. Passenger vehicles associated with the site would comply with LEV III standards.
	Low Carbon Fuel Standard	2009 readopted in 2015. Regulations to Achieve Greenhouse Gas Emission Reductions Sub article 7. Low Carbon Fuel Standard CCR 95480	**Consistent.** This measure applies to transportation fuels utilized by vehicles in California. The Project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the Project would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related Greenhouse Gas Targets	SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28	**Consistent**. The project would provide development in the region that is consistent with the growth projections in the Regional Transportation Plan/Sustainable Communities Strategy (SCS) (Plan Bay Area 2040).
	Goods Movement	Goods Movement Action Plan January 2007	**Not applicable**. The Project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
	Medium/Heavy-Duty Vehicle	2010 Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer Greenhouse Gas Regulation	**Consistent**. This measure applies to medium and heavy-duty vehicles that operate in the state. The Project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the Project would be required to comply with the requirements of this regulation.
	High Speed Rail	Funded under SB 862	**Not applicable**. This is a statewide measure that cannot be implemented by a Project Applicant or Lead Agency.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	**Consistent.** The Project would not conflict with implementation of this measure. The Project would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and	

Table 12-5: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
		Non-Residential Building	
		Title 24 Part 11 California Green Building Code Standards	
	Renewable Portfolio Standard/Renewable Electricity Standard.	2010 Regulation to Implement the Renewable Electricity Standard (33% 2020)	**Consistent**. The Project would obtain electricity from the electric utility, PG&E. PG&E obtained 33 percent of its power supply from renewable sources in 2016. Therefore, the utility would provide power when needed on site that is composed of a greater percentage of renewable sources.
		SB 350 Clean Energy and Pollution Reduction Act of 2015 (50% 2030)	
	Million Solar Roofs Program	Tax incentive program	**Consistent.** This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. Homeowners within the project would be able to take advantage of incentives that are in place at the time of construction.
Water	Water	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The Project would comply with the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The Project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.47 of the Saratoga Municipal Code).
		SBX 7-7—The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The State goal is to increase the use of green building practices. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CalGreen requirements.
Industry	Industrial Emissions	2010 CARB Mandatory Reporting Regulation	**Not applicable.** The Project does not include industrial land uses.
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The Project would not conflict with implementation of these measures. The Project is required to achieve the recycling mandates via compliance with the CALGreen code. The City has consistently achieved its state recycling mandates.
		AB 341 Statewide 75 Percent Diversion Goal	
Forests	Sustainable Forests	Cap and Trade Offset Projects	**Not applicable.** The Project site is in an area designated for hillside. No forested lands exist on-site.

Table 12-5: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	**Not applicable**. The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The Project is not expected to use large systems subject to the refrigerant management regulations adopted by CARB.
Agriculture	Agriculture	Cap and Trade Offset Projects for Livestock and Rice Cultivation	**Not applicable**. The Project site is designated for development. No grazing, feedlot or other agricultural activities that generate manure currently exist on-site or are proposed to be implemented by the Project. The Project would not modify or expand the existing vineyards on-site.

Source: California Air Resources Board (CARB), California's 2017 Climate Change Scoping Plan, 2017b and CARB, Climate Change Scoping Plan, December 2008.

As noted above, the Project would emit approximately 1,030 $MTCO_2e$ per year, directly from on-site activities and indirectly from off-site motor vehicles. Also, as demonstrated in Table 12-5, the project would not conflict with the CARB Scoping Plan. GHG emissions caused by long-term operation of the proposed would be less than significant.

Appendix B, Local Action, of the 2017 CARB Scoping Plan lists potential actions that support the State's climate goals. However, the Scoping Plan notes that the applicability and performance of the actions may vary across the regions. The document is organized into two categories (A) examples of plan-level GHG reduction actions that could be implemented by local governments and (B) examples of on-site project design features, mitigation measures, that could be required of individual projects under CEQA, if feasible, when the local jurisdiction is the lead agency.

The Project would include a number of the potential mitigation measures for construction and operation. For example, the Scoping Plan's construction measures include enforcing idling time restrictions on construction vehicles, requiring construction vehicles to operate highest tier engines commercially available, diverting and recycling construction waste, minimizing tree removal, and increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available. These measures are consistent with the requirements in MM AQ-1, which require the minimization of idling, the use of clean off-road engines, and the recycling of construction waste.

As indicated above, GHG reductions are also achieved as a result of State of California energy and water efficiency requirements for new non-residential developments. These efficiency improvements correspond to reductions in secondary GHG emissions. For example, in California, most of the electricity that powers homes is derived from natural gas combustion. Therefore,

energy saving measures, such as Title 24, reduces GHG emissions from the power generation facilities by reducing load demand.

The Project would be required to comply with existing regulations, including applicable measures from the City's General Plan, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). As such, the Project would not conflict with any other state-level regulations pertaining to GHGs.

As demonstrated in Table 12-5 above, the Project would not conflict with the CARB Scoping Plan. GHG emissions caused by long-term operation of the Project would be less than cumulatively considerable.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the Project would comply with all applicable measures are enacted that State lawmakers decide would lead to an 80 percent reduction below 1990 levels by 2050.

Plan Bay Area

The Project would be consistent with the overall goals of Plan Bay Area 2040 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce VMT. As noted above, the Project would develop the Project site with lodging uses consistent with the General Plan. While the Project would add some additional employment, trips related to employees that work directly at the lodging facility, the facility itself is expected to mostly serve existing patrons of the Mountain Winery.

12.4.4 Cumulative Impact Analysis

Cumulative Setting

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe.

Cumulative Impacts and Mitigation Measures

It is generally the case that an individual project of the Project's size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHG emissions would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. In addition, the Project as well as other cumulative related projects, would be subject to all applicable regulatory requirements, which

would further reduce GHG emissions. As shown in Table 12-4, the Project's GHG emissions would be less than significant with the implementation of MM GHG-1. The Project would not conflict with any GHG reduction plan. Therefore, the Project's cumulative contribution of GHG emissions would be less than significant and the Project's cumulative GHG impacts would also be less than cumulatively considerable.

12.5 References

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14. Kimley-Horn & Associates, Traffic Impact Study for the Mountain Winery Annexation Project, August 2019.
15. National Research Council, Advancing the Science of Climate Change, 2010.
16. U.S. EPA, Methane and Nitrous Oxide Emission from Natural Sources, 2010.
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18. U.S. EPA, Overview of Greenhouse Gases, 2018.

13 Hazards and Hazardous Materials

13.1 Introduction

This section describes effects on hazards and hazardous materials that would be caused by implementation of the Project. The current condition and quality of hazardous materials was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- Aerial photography
- EBI Consulting. *Phase I Environmental Site Assessment.* February 2012.
- EBI Consulting. *Phase I Environmental Site Assessment.* October 2011.

13.2 Environmental Setting

13.2.1 Project site

Historic Land Use

The original Mountain Winery building (formerly known as the Paul Masson Mountain Winery) was constructed in the 1910s. From that time to the present, numerous other structures have been built near the original Winery building, resulting in a centrally-located complex of buildings on the property that originally served Paul Masson's wine-making operations. The Mountain Winery was historically used for vineyards and winemaking. Most of the vineyards were eventually removed, and the Winery building, and surrounding complex became the site of a concert series in 1958. In addition to the concert series, the Mountain Winery has been used over the years as a center for cultural events, and for various types of receptions (including weddings), business meetings, wine tastings, benefit and charitable events, and theatrical productions.

Previous Environmental Assessments

EBI Consulting in October 2011 and February 2012 prepared a Phase I environmental site assessment (ESA) for the Precise Plan area. The ESA included a site reconnaissance, a regulatory records review, standard historical sources, aerial photographs, fire insurance maps, physical setting sources, and findings regarding the potential presence of any recognized environmental conditions (RECs).

As defined by the American Society for Testing and Materials (ASTM), a REC is "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to any release to the environment; 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment." The 2011 Phase I ESA found evidence of hazardous discharge on the areas to be disturbed by development within the Precise Plan area. However, the 2012 Phase I ESA

determined that this open case is considered a de minimis condition as it does not present a material risk of harm to public health or the environment and would not be subject to enforcement action by the responsible regulatory authorities.

Other Potential Hazards

Other hazards that have the potential to impact the Project are wildland fire hazards and hazardous materials transported on nearby roadways. These potential hazards are further discussed below. Section 12: Hydrology and Water Quality, discusses potential hazards related to flooding.

Wildland Fire Hazards

As described in Section 21, Wildfire, wildfires are large-scale brush and grass fires in undeveloped areas. Wildfires are often caused by human activities, such as equipment use and smoking, and can result in loss of valuable wildlife habitat, soil erosion, and damage to life and property. The level of wildland fire risk is determined by a number of factors, including:

- Frequency of critical fire weather;
- Percentage of slope;
- Existing fuel (vegetation, ground cover, building materials);
- Adequacy of access to fire suppression services; and
- Water supply and water pressure.

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped the relative wildfire risk in areas of large population by intersecting residential housing density with proximate fire threat according to three risk levels, namely Moderate, High, and Very High. As shown in Figure 13-1: Fire Hazard Severity Zones the Project site falls within the Very-high Fire Hazard Severity Zone.

Hazardous Materials Transport on Roadways

The Project site is located near State Route 9 which is used for the transport of hazardous wastes and materials. Truck accidents could result in spills of such materials. However, all transport of hazardous materials are subject to federal, state, and local regulations to minimize impacts associated with the transportation of hazardous materials.

Airport Proximity

The nearest public airport, public use airport, and/or private airstrip is Norman Y. Mineta San Jose International Airport, located approximately 10.5 miles northeast of the Project site.

Emergency Response Plan

The Project site would be located within the area of or within the direct vicinity of an emergency response plan; City of Saratoga Emergency Operations Plan (EOP).

13.3 Applicable Regulations, Plans, and Standards

The management of hazardous materials and hazardous wastes is regulated at federal, state, and local levels, including, among others, through programs administered by the U.S. Environmental Protection Agency (U.S. EPA); agencies within the California Environmental Protection Agency (CalEPA), such as the Department of Toxic Substances Control (DTSC); federal and state occupational safety agencies; and the Santa Clara County Department of Environmental Health. Regulations pertaining to flood hazards are discussed in Section 14: Hydrology & Water Quality, and regulations for geologic and soil-related hazards are discussed in Section 9: Geology and Soils.

13.3.1 Federal

Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act

The federal Toxic Substances Control Act of 1976 and Resource Conservation and Recovery Act (RCRA) established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and the National Priorities List

The USEPA also maintains the Comprehensive Environmental Response Compensation (CERCLIS) and Liability Information System list. This list contains sites that are either proposed to be or on the National Priorities List (NPL), as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The NPL is a list of the worst hazardous waste sites that have been identified by Superfund. There are no NPL sites on the Project site.

Clean Water Act/SPCC Rule

The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The Project is within the jurisdiction of the San Francisco RWQCB.

Section 402 of the Clean Water Act authorizes the California State Water Resources Control Board to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the "General Construction Permit." Construction activities can comply with and be covered under the General Construction Permit provided that they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving off-site into receiving waters;
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the nation; and
- Perform inspections of all BMPs.
- NPDES regulations are administered by the RWQCB. Projects that disturb one or more acres are required to obtain NPDES coverage under the Construction General Permits.

As part of the CWA, U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention and Countermeasures (SPCC) Plans. A facility is subject to SPCC regulations if a single oil (or gasoline, or diesel fuel) storage tank has a capacity greater than 660 gallons, the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States.

Emergency Planning and Community Right-to-Know Act

The federal Emergency Planning and Community Right-To-Know Act (EPCRA) was enacted to inform communities and residents of chemical hazards in their area. Businesses are required to report the locations and quantities of chemicals stored on site to both State and local agencies. EPCRA requires the USEPA to maintain and publish a digital database list of toxic chemical releases and other waste management activities reported by certain industry groups and federal facilities. This database, known as the Toxic Release Inventory, gives the community more power to hold companies accountable for their chemical management.

Hazardous Materials Transportation Act

The U.S. Department of Transportation (DOT) receives authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act, as amended and codified (49 U.S.C. 5101 et seq.). The DOT is the primary regulatory authority for the interstate transport of hazardous materials and establishes regulations for safe handling procedures (i.e., packaging, marking, labeling and routing).

In California, Section 31303 of the California Vehicle Code states that any hazardous material being moved from one location to another must use the route with the least travel time. This, in practice, means major roads and highways, although secondary roads are permitted to be used for local delivery. These policies are enforced by both the California Highway Patrol and the California Department of Transportation (Caltrans).

Occupational Safety and Health Administration (OSHA)

OSHA's mission is to ensure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA staff establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in Title 29 CFR Part 1910.

OSHA's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) applies to five distinct groups of employers and their employees. This includes any employees who are exposed or potentially exposed to hazardous substances — including hazardous waste — and who are engaged in one of the following operations:

- Clean-up operations — required by a governmental body, whether federal, State, local, or other involving hazardous substances — that are conducted at uncontrolled hazardous waste sites;
- Corrective actions involving clean-up operations at sites covered by RCRA as amended (42 U.S.C. 6901 et seq.);
- Voluntary clean-up operations at sites recognized by federal, state, local, or other governmental body as uncontrolled hazardous waste sites;
- Operations involving hazardous wastes that are conducted at treatment, storage, and disposal facilities regulated by Title 40 Code of Federal Regulations Parts 264 and 265 pursuant to RCRA, or by agencies under agreement with U.S. EPA to implement RCRA regulations; and
- Emergency response operations for releases of, or substantial threats of releases of, hazardous substances regardless of the location of the hazard.

13.3.2 State

California Environmental Protection Agency

CalEPA has jurisdiction over hazardous materials and wastes at the State level. DTSC is the department of CalEPA responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by the USEPA are called "non-RCRA hazardous wastes. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board (SWRCB) as having underground storage tank leaks and have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Hazardous Materials Release Response Plans and Inventory Act of 1985

The California Health and Safety Code, Division 20, Chapter 6.95, known as the Hazardous Materials Release Response Plans and Inventory Act or the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Businesses must submit this information to the County Department of Environmental Health. The Department of Environmental Health verifies the information and provides it to agencies responsible for protection of public health and safety and the environment. Business Plans are required to include emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, all of the following:

- Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.
- Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- Evacuation plans and procedures, including immediate notice, for the business site.

Business Plans are also required to include training for all new employees, and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the DTSC.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting); Aboveground Petroleum Storage Tank SPCC; Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or "Community-Right-To-Know"); California Accidental Release Prevention Program (Cal ARP); Underground Storage Tank (UST) Program; and Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA.

Department of Toxic Substance Control (DTSC)

DTSC is a department of Cal EPA and is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code §65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

California Office of Emergency Services (OES)

To protect the public health and safety and the environment, the California OES is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) needs to be available to firefighters, public safety officers, and regulatory agencies. The information must be included in these institutions' business plans to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under Chapter 6.95 of the California Health and Safety Code Article 1– Hazardous Materials Release Response and Inventory Program (Sections 25500 to 25520) and Article 2– Hazardous Materials Management (Sections 25531 to 25543.3). CCR Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4–Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBP). These plans shall include the following: (1) a hazardous material inventory in accordance with Sections 2729.2 to 2729.7; (2) emergency response plans and procedures in accordance with Section 2731; and (3) training program information in accordance with Section 2732. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the State. Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337-340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

California Fire Code

The 2016 California Fire Code (CCR Title 24 Part 9) sets forth requirements including those for building materials and methods pertaining to fire safety and life safety, fire protection systems in buildings, emergency access to building, and handling and storage of hazardous materials.

13.3.3 Regional and Local

Santa Clara County General Plan

Growth and Development Element

The County General Plan Growth and Development Element (GD) discusses the future urban expansion strategy to ensure orderly expansion while preventing urban development outside urban service areas. This element proposes a three-part strategy for managing urban growth: (1) protect and promote compact urban development patterns, (2) achieve balanced urban growth and development, and (3) improve coordinated, countywide planning. Each strategy is supported by sub-strategies, policies, and implementation actions. Policies and implementation recommendations most directly related to hazards and hazardous materials are included below.

- Policy C-GD 3: Urban service areas should generally include only those areas suited for urban development. Development of such areas should be:
    a. reasonably serviceable with public facilities and services;
    b. relatively free from risks associated with natural hazards;
    c. without substantial adverse environmental impact;
    d. not likely to create severe off-site impacts on surrounding areas; and
    e. without cumulative adverse impacts on the county's water supply watersheds or any other natural resource.
- Policy C-GD 6: Hazard and resource areas with the following characteristics shall be considered unsuited for urban development:
    a. flood potential, including areas designated as floodways, tidal zones, coastal high hazard areas and federal flood insurance rate zones by the National Flood Insurance Program;
    b. seismic and geologic hazards (see Safety chapter for complete description of types of seismic and geologic hazards);
    c. sanitary landfill sites;
    d. areas of soil creep, saturated soils, and areas where the water table is 3 feet or less below the surface;
    e. prime agricultural soils;
    f. bay wetlands;
    g. water supply watersheds;
    h. riparian corridors; and
    i. areas generally above 15% slope.

Safety Element

The County General Plan Safety Element (HS) discusses topics related to countywide public health and safety within the natural and built environments. This element includes six sections: (1) Hazardous Materials, (2) Emergency Preparedness, (3) Noise, (4) Natural Hazards, (5) Aviation Safety, and (6) Wastewater Disposal. Policies and implementation recommendations are included within each chapter to ensure the intensity of land use is aligned with estimated levels of risk, availability of services, and facilities to ensure safety. Policies and implementation recommendations most directly related to hazards and hazardous materials are included below.

- Policy C-HS 28: Countywide strategies for reducing the threat of natural hazards to life and property should include:
    a. Inventory hazards and monitor changing conditions.
    b. Minimize the resident population within high hazard areas.
    c. Design, locate and regulate development to avoid or withstand hazards.
    d. Reduce the magnitude of the hazard, if feasible.
    e. Provide public information regarding natural hazards.
- Policy C-HS 30: Local jurisdictions' urban development and land use policies should minimize the resident population within areas subject to high natural hazards in order to reduce
    a. the overall risk to life and property; and
    b. the cost to the general public of providing urban services and infrastructure to urban development.
- Policy C-HS 31: Cities should not expand Urban Service Areas into undeveloped areas of significant hazards.
- Policy C-HS 32: Areas of significant natural hazards shall be designated in the County's General Plan as Resource Conservation Areas with low development densities in order to minimize public exposure to avoidable risks.
- Policy C-HS 33: Development in areas of natural hazards should be designed, located, and otherwise regulated to reduce associated risks, by regulating the type, density, and placement of development where it will not:
    a. be directly jeopardized by hazards;
    b. increase hazard potential; and
    c. increase risks to neighboring properties.

City of Saratoga General Plan

Safety Element

The City General Plan Safety Element (SAF) discusses natural and human activity related hazards within Saratoga. Topics of discussion include geologic, seismic, flood, and fire hazards, in addition to hazardous materials and waste, and incidents that call for emergency preparedness. Policies and implementation measures are included to take precautions against hazards and serve as a complement to the City's Emergency Operations Plan. Policies and implementation measures most directly related to hazards and hazardous materials are included below.

Goal SAF 4: Reduce the danger of property damage and loss of life due to urban and wild fires.

- Policy SAF 4.2: The City shall coordinate with the Santa Clara County Fire Safe Council on preventing and reducing future losses from wildfires.
- Policy SAF 4.5: The City shall continue to enforce existing regulations pertaining to hazardous fire areas (wildland-urban interface, fire retardant construction and landscaping (fuel modification).

Goal SAF 5**:** Develop and maintain an emergency preparedness plan which will provide effective response in the event of a natural or manmade disaster.

- Policy SAF 5.1: The City shall review and update on a regular basis its plan for emergency response and preparedness. This plan shall use local resources and manpower to provide maximum benefit and protection for the City's residents.
- Policy SAF 5.2: The City shall coordinate its Emergency Operations Plan with local jurisdictions and regional agencies to anticipate cumulative impacts during times of disaster.

Hazardous Materials Storage and Disposal

The Santa Clara County Department of Public Health administers the Hazardous Materials Program for the County. The Hazardous Materials Program is part of the Hazardous Materials Compliance Division (HMCD) within the Santa Clara County Department of Environmental Health. HMCD is the Certified Unified Program Agency (CUPA) for all areas of Santa Clara County other than the cities of Santa Clara, Gilroy, and Sunnyvale. HMCD provides comprehensive environmental regulatory compliance inspection services to protect human health and the environment. Additionally, program personnel perform plan reviews and inspections associated with the construction, upgrading, and closure of hazardous materials storage facilities and equipment. Saratoga does not have an identified problem with hazardous materials storage and handling. No major chemical handlers are located in the City. Storage, use, and disposal of hazardous materials is typically limited to automotive service stations located in the City and normally consists of anti-freeze, brake fluid, motor oil, and gasoline.

The Santa Clara County Local Hazard Mitigation Plan indicates that hazardous materials spills are not of particular concern to the City. Generally, hazardous materials are transported through the

City rather than to a location within the City limits for storage or use. The main transportation routes for these materials are Saratoga-Sunnyvale Road, State Route 9 and State Route 85. If a hazardous chemical spill occurs, surface and groundwater contamination is possible. Floodplains and creeks lie in close proximity to the primary transportation routes and can become contaminated quickly between the time a spill occurs and the clean-up process begins. Any spills that may occur within the City would be responded to by the Santa Clara County Fire Department with the clean-up operation being the responsibility of the County of Santa Clara and the State of California.

City of Saratoga Municipal Code

Chapter 8 – Hazardous Materials

The purpose of this Chapter is the protection of health, life, resources, and property through prevention and control of unauthorized discharges of hazardous materials. The City delegates its authority over the regulation of Hazardous Materials to the County of Santa Clara Hazardous Materials Compliance Division.

Chapter 16 – Building Regulations

SMC *Article 16-20 – Fire Code,* discusses the City's adoption of the 2016 California Fire Code and International Fire Code to preclude impacts from fire hazards.

SMC *Article 16-20.150 – Amendments to Chapter 49 of the Fire Code; requirements for wildland-urban interface fire areas* requires land designated as Very-high Fire Hazard Severity Zone to maintain the required hazardous vegetation and fuel management within this Article.

- SMC §4907.2 was amended to require defensible space to be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270. Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 - 51189 and any local ordinance of the authority having jurisdiction.
- SMC §4909.1 requires buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area to provide fire protection water supplies in accordance with Chapter 5 and Section 4910.2 of the Fire Code.

Emergency Operations Plan Purpose and Organization

The purpose of Saratoga's Emergency Operations Plan is to create a framework for Saratoga response personnel who will make the continual planning process both very clear and relatively easy while identifying the hazards that exist in Saratoga. The Emergency Operations Plan also enhances the development of Local Hazard Mitigation Planning on an ongoing basis and addresses the needs of all people located in Saratoga.

13.4 Environmental Impacts and Mitigation Measures

13.4.1 Significance Criteria

The following significance criteria for hazards & hazardous materials were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria:

HAZ-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

HAZ-2 Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

HAZ-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

HAZ-4 Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

HAZ-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

HAZ-6 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

HAZ-7 Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

13.4.2 Impacts of the Project

Impact HAZ-1: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **(Less Than Significant)**

The existing uses on the Project site, including the existing propone tank and their refueling, do not pose any significant hazards to the public or the environment (County of Santa Clara, 2018; County of Santa Clara, 1994). The proposed uses associated with the Project would involve materials used and stored on-site that are generally considered household hazardous materials, and include cleaning fluids, solvents, pool supplies (including small quantities of liquid chlorine), paint, and pesticides. These materials would be stored in accordance with applicable regulations,

usually in storage sheds or other structures in the Project site. The Project could include use of cleaners, paints, solvents, and fertilizers and herbicides for site landscaping. The handling and transportation of all hazardous materials would be performed in accordance with applicable laws and regulations. The Project would also be required to comply with State and local health and safety requirements, including the City's Fire Code and Fire Department Guidelines. Therefore, with regulations compliance, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and impacts would be less than significant.

Impact HAZ-2: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **(Less than Significant)**

Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors. Accordingly, construction associated with future development allowed by the Project could have the potential to create a significant hazard.

Two Phase I Reports for the Project site were completed by EBI Consulting in 2011 and 2012. Both Reports included conclusions and recommendations to preclude or mitigate impacts from future development on the Project site. Those conclusions and recommendations are discussed below.

The Project site formerly contained a 1,500-gallon gasoline underground storage tank (UST) and a 350-gallon diesel fuel aboveground storage tank (AST). Local Oversight Program records noted that the 1,500-gallon gasoline UST was removed from the Project site on April 24, 1987. The 350-gallon AST was removed from the Project site in March 1991. Soil sample results found that the soils were impacted from the AST and UST and no remediation activities were performed on the impacted soils. However, the 2012 ESA determined that this open case is considered a de minimis condition as it does not present a material risk of harm to public health or the environment and would not be subject to enforcement action by the responsible regulatory authorities.

Asbestos-containing materials (ACM) were present on the Project site at the time of the 2012 report. However, based on the condition of the suspect ACM, it was determined that the materials did not pose a significant environmental threat to the occupants of the Project site. It was recommended that the property owners submit documentation to the Santa Clara County Department of Environmental Health, Local Oversight Program requesting a case closure status for the two tanks previously located at the Project site. According to the California Water Board GeoTracker, the case was closed on April 23, 2013 (GeoTracker, 2019).

Chapter 8 of the Saratoga Municipal Code regulates hazardous materials within the City. The purpose of Chapter 8 is to protect the health, life, resources, and property through the prevention and control of unauthorized discharges of hazardous materials. The City delegates its authority over the regulation of Hazardous Materials to the County of Santa Clara. Compliance with the City and County's regulations concerning hazardous materials would ensure that the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment and this impact would be less than significant.

Impact HAZ-3: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **(No Impact)**

The closest school, Saratoga Elementary School, is located approximately 1.5 miles east of the Project site at 14592 Oak Street. Therefore, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and no impact would occur.

Impact HAZ-4: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment? **(No Impact)**

According to the Department of Toxic Substances Control EnviroStor database and the State Water Board GeoTracker database the Project site is not identified on the Cortese List, which is the list of hazardous materials sites that is compiled pursuant to Section 65962.5 of the California Government Code. Therefore, the Project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code 65962.5 and, as a result, create a significant hazard to the public or the environment and no impact would occur.

Impact HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? **(No Impact)**

The nearest airport to the Project site is the Norman Y. Mineta San Jose International Airport, located approximately 10.5 miles northeast of the Project site. Accordingly, the Project site is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport and would not result in a safety hazard or excessive noise for people residing or working in the Project area and no impact would occur.

Impact HAZ-6: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **(Less Than Significant)**

The Project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City Emergency Operations Plan (EOP) (maintained and administered by the City of Saratoga and Santa Clara County Fire Department), is the applicable emergency response plan to the Project site, and it is reviewed and updated every year. The purpose of the EOP is to create a framework for Saratoga and County Fire response personnel who will make the continual planning process both very clear and relatively easy while identifying the hazards that exist in Saratoga. The EOP also enhances the development of Local Hazard Mitigation Planning on an ongoing basis and addresses the needs of all people located in Saratoga.

No revisions to the adopted EOP would be required as a result of the Project. Primary access to all major roads would be maintained during construction associated with full buildout of the Project. Fire Protection Services for the Mountain Winery are currently provided by Santa Clara County Fire Department under contract to the Saratoga Fire Protection District. The Mountain Winery also maintains an Emergency Action Guide, which is reviewed and approved by the Saratoga Fire Protection District. The Emergency Action Guide provides a list of the performing arts events, office and emergency phone numbers, maps, assignment of duties, general emergency instructions, emergency evacuation procedures, earthquake procedures, actions for riots or public disturbances and bomb threats, and actions to be taken in the event of a power failure. Project compliance with the above-mentioned plans would ensure the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and this impact would be less than significant.

Impact HAZ-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? **(Less Than Significant)**

Project compliance with the regulations set forth by the City, County, and CalFire would ensure that future development on the Project site would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires and this impact would be less than significant. Detailed analysis of wildfire impacts can be found in Section 21: Wildfire.

13.4.3 Cumulative Impact Analysis

Impacts associated with hazardous materials are often site-specific and localized. The EIR evaluates RECs in connection with the Project site and surrounding area. Regarding the off-site RECs, the database search documents the findings of various governmental database searches regarding properties with known or suspected releases of hazardous materials or petroleum hydrocarbons within a search radius of up to one mile from the site and serves as the basis for defining the cumulative impacts study area.

Although some of the cumulative projects and other future projects associated with buildout of the surrounding communities also have potential impacts associated with hazardous materials, the environmental concerns associated with hazardous materials are typically site specific.

Each project is required to address any issues related to hazardous materials or wastes. Projects must adhere to applicable regulations for the use, transport, and disposal of hazardous materials and implement mitigation in compliance with federal, State, and local regulations to protect against site contamination by hazardous materials. Compliance with all applicable federal, State, and local regulations related to hazardous materials would ensure that the routine transport, use, or disposal of hazardous materials would not result in adverse impacts. Any demolition activities associated with project that effects asbestos or lead based paint would also occur in compliance with SCAQMD Rule 1403 and the CalOSHA Construction Safety Orders, which would ensure that hazardous materials impacts would be less than significant. Additionally, site-specific investigations would be conducted at sites where contaminated soils or groundwater could occur to minimize the exposure of workers and the public to hazardous substances. With adherence to applicable federal, State, and local regulations governing hazardous materials, the potential risks associated with hazardous wastes would be less than significant. The incremental effects of the Proposed Project related to hazards and hazardous materials, if any, are anticipated to be minimal, and any effects would be site-specific. Therefore, the Project would not result in incremental effects to hazards or hazardous materials that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. The Project would not result in cumulatively considerable impacts to or from hazards or hazardous materials.

13.5 References

EnviroStor. (2019). Sites and Facilities. Retrieved from https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=14831+Pierce+Rd%2C+Saratoga%2C+CA+95070 Accessed August 7, 2019.

GeoTracker. (2019). Sites Facilities. Retrieved from: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=14831+Pierce+Rd%2C+Saratoga%2C+CA+95070Cal fire map Accessed August 7, 2019.

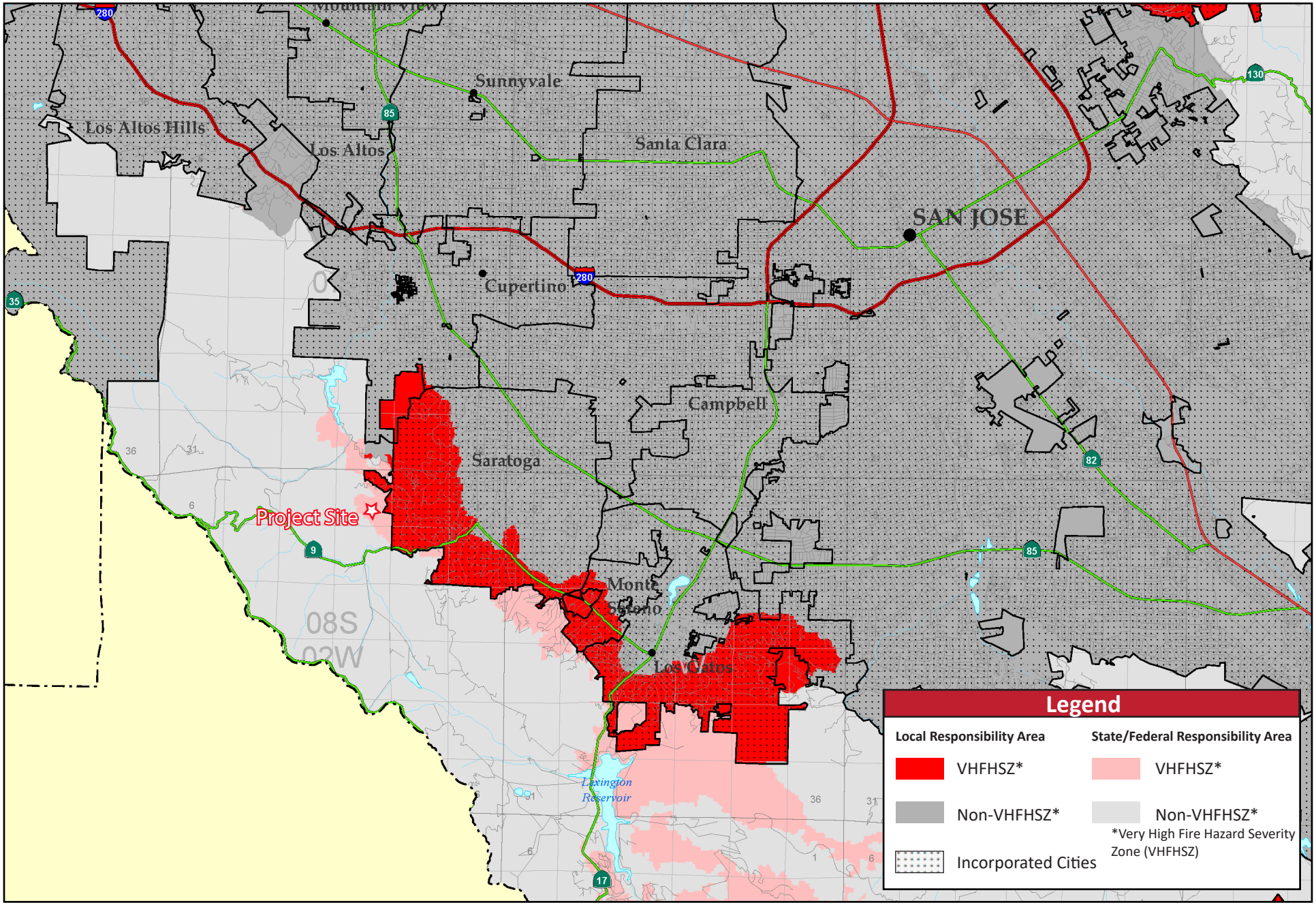
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Mechanics Bank. (February 2012). *Phase I Environmental Site Assessment.* San Francisco, CA: EBI Consulting.

California Department of Forestry and Fire Protection. (October 2008). *Santa Clara County Very High Fire Hazard Severity Zone in LRA.* California Department of Forestry and Fire Protection.

County of Santa Clara. (1994). Santa Clara County General Plan Draft Environmental Impact Report.

County of Santa Clara. (2018). Architecture and Site Approval, Design Review and Grading Approval for five (5) new buildings and a garden terrace Area.



Source: CALFIRE, 2008

Figure 13-1: Fire Hazard Severity Zones

Mountain Winery Annexation Project
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

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14 Hydrology and Water Quality

14.1 Introduction

This section describes effects on hydrology and water quality conditions in the Project area. The current condition and quality of hydrology and water quality was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- Aerial photography
- Federal Emergency Management Agency. *Flood Insurance Rate Map. May 18, 2009.*

14.2 Environmental Setting

14.2.1 Existing Site Drainage

The Project site is bisected by an east-west to northwest-southeast trending ridge. This ridge generally forms a drainage divide. Drainage from the northeast of the divide moves through intermittent tributaries to Calabazas Creek. On the south, runoff from the hillside areas ultimately is captured by Saratoga Creek. The Calabazas Creek and Saratoga Creek are both listed on the CWA 303(d) list for elevated levels of Diazinon.[1] Diazinon is an organophosphorus pesticide that is widely used in both agricultural and urban applications and contributes to high toxicity levels in waterbodies.[2]

There are no perennial (wet all year long) streams on the Project site; there are some intermittent drainages that are dry most of the year, but capture site runoff during the rainy season. These intermittent drainages ultimately carry water to Calabazas Creek. Due to the hilly topography and high elevation of the site, on-site flooding is not a hazard, and there are no 100-year flood zones delineated at the Project site.

Approximately 22 acres of the Precise Plan area are currently paved for existing Mountain Winery uses, including parking, roadways, buildings or other uses and, therefore, are impervious. All

[1] California Environmental Protection Agency State Water Resources Control Board. (April 2019). *Impaired Water Bodies.* Retrieved from https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml?wbid=CAR205500401999021813395 6. Accessed September 20, 2019.
[2] Bailey, H. C., Deanovic, L., Reyes, E., Kimball, T., Larson, K., Cortright, K., Connor, V. and Hinton, D. E. (2000). *Diazinon and chlorpyrifos in urban waterways in Northern California, USA.* Environmental Toxicology and Chemistry, 19: 82-87.

surface runoff from the parking lots is collected through catch basins and underground pipelines, which follow the natural contours down to swales in the adjacent hillsides.

Asphalt berms exist along the perimeter of the parking areas. The berms channel the water to several drains and asphalt swales between the parking areas. At the point where the runoff disperses to the hillside, it can have considerable velocity and significant potential for creating erosion. There are several gullies that have been carved by the runoff. These gullies continue to erode each winter/rainy season.

Surface runoff within the Project site is captured in catch basins and discharged through pipes to adjacent hillsides in a few locations at the periphery of the complex. One discharge point is located on the south side of the concert bowl, below the southern bleacher seating. In this location, the runoff is dissipated somewhat by geotextile fabric (County of Santa Clara Department of Planning & Development, 1999).

14.2.2 Flooding

Flood Insurance Rate maps partition flood areas into three zones: Zone A for areas of 100-year flood; Zone B for areas of 500-year flood; Zone C and X for areas of minimal flooding; and Zone D for areas of possible but undetermined flood hazards. The National Flood Insurance Program 100-year floodplain is considered the base flood condition. This is defined as a flood event of a magnitude that would be equaled or exceeded an average of once during a 100-year period. Floodways are defined as stream channels plus adjacent floodplains that must be kept free of encroachment as much as possible so that the 100-year floods can be carried without substantial increases (no more than one foot) in flood elevations. A small portion of the Project site is located within Zone X, an area of minimum flood risk, or 0.2% chance annually. A majority of the Project site is located in Zone D which is defined as an area where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. No wells exist on the Project site.

The Precise Plan area is underlain by four soil types, Mouser-Katykat-Sanikara complex, 50 to 75 percent slopes; Sanikara-Mouser-Rock outcrop complex, 50 to 75 percent slopes; Katykat-Sanikara complex, 8 to 30 percent slopes; and Sanikara-Rock Outcrop complex, 75 to 100 percent slopes (NRCS 2019). These soils are all considered to be well-drained soils and not expansive

14.2.3 Groundwater

Groundwater use in the Santa Clara Plain (the northern Santa Clara Subbasin) was 69,700 acre-feet (AF) in 2017, a 25% increase from 2016. However, this is below the 2016 Groundwater Management Plan long-term average of 92,000 AF due to continued lowered demands since the drought; see Table 14-1. Pumping locations and use remained relatively stable, with nearly all groundwater used for municipal and industrial (M&I) purposes. Groundwater levels recovered from the recent drought and were well above both historical lows and minimum water level thresholds established to protect against resumed land subsidence. Estimated groundwater storage at the end of 2017 was 302,400 AF, which was 18,200 AF higher than 2016. North County

groundwater continues to have very good quality generally; in CY 2017, 99% of water supply wells tested met all health-based drinking water standards (one domestic well had elevated nitrate). Public water systems must comply with drinking water standards, which may require treatment or blending prior to delivery (Santa Clara Valley Water District, 2017).

Table 14-1: Multiple Dry Year (2013 to 2015) Supply and Demand (AF)

		2020	2025[3]	2030	2035	2040
2013	Supply Totals	370,800	391,000	408,200	425,200	434,700
	Demand Totals[5]	370,800	391,000	408,200	425,200	434,700
	Difference	-	-	-	-	-
2014	Supply Totals	330,900	389,300	377,600	363,200	354,900
	Demand Totals[5]	370,600	390,900	407,900	424,800	434,300
	Difference	(39,700)	(1,600)	(30,300)	(61,600)	(79,400)
2015	Supply Totals	257,500	331,200	307,200	275,800	256,800
	Demand Totals[5]	370,500	390,700	407,800	424,700	434,100
	Difference	(113,000)	(59,500)	(100,600)	(148,900)	(177,300)

14.2.4 Water Supply and Groundwater Recharge

There are two subbasins within the Santa Clara Valley Water District's boundaries, Santa Clara and Llagas. From the years of 2003 to 2012, the total inflow to these basins was 160,000 AF and the total outflow was 158,500 AF. The Project site is underlain by the Santa Clara Subbasin, which is divided into two plains, the Santa Clara Plain and the Coyote Valley Plain. The Project would be served by the Santa Clara Plain (Santa Clara Valley Water District, May 2016).

Water is supplied to the Project site by the San Jose Water Company. Approximately 40 percent of the San Jose Water Company's water supply comes from Santa Clara Groundwater Subbasin groundwater resources. The remaining 60 percent of the San Jose Water Company supply is provided by surface water resources.

Recharge within the Santa Clara Subbasin generally occurs along the margins and southern portion of the subbasin where coarse-grained sediments predominate (the Project site is on the western margin of the subbasin). The recharge area includes the alluvial fan and fluvial deposits along the edge of the subbasin where high lateral and vertical permeability allow surface water

[3] Year 2025 has better reliability than 2020 because several projects, including potable reuse and dam retrofits, are scheduled to be completed between 2020 and 2025. After that, demands increase more quickly than supplies increase.

to infiltrate the aquifers. The percolation of surface water in recharge areas replenishes unconfined groundwater within the recharge area and contributes to the recharge of principal aquifers in the confined area through subsurface flow (Santa Clara Valley Water District, November 2016).

Natural recharge of the Santa Clara Subbasin occurs through all uncontrolled recharge, including the deep percolation of rainfall, septic system and/or irrigation return flows, and natural seepage through creeks. Additional recharge efforts consist of capturing local runoff in reservoirs and releasing it to groundwater recharge facilities or drinking water treatment plants.

14.2.5 Recharge Water Quality

The Santa Clara Valley Water District (District) began monitoring surface water quality districtwide in 2006 at selected in-stream and off-stream recharge facilities to characterize recharge water quality and assess how managed recharge influences groundwater quality. A review of all data from the District suggests that recharge water quality is generally good and is typically similar to or better than the underlying groundwater quality. Although managed recharge water is not suitable for direct consumption before treatment or infiltration, comparing it to health-based drinking water standards provides context for results. The District reports that no parameters were detected above health-based drinking water standards in any recharge water samples collected since 2006 (Santa Clara Valley Water District, 2017).

14.3 Applicable Regulations, Plans, and Standards

14.3.1 Federal

Clean Water Act

The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States (U.S.) and has given the U.S. Environmental Protection Agency (U.S. EPA) the authority to implement pollution control programs. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The Project is within the jurisdiction of the San Francisco RWQCB.

Section 402 of the Clean Water Act authorizes the California State Water Resources Control Board (SWRCB) to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the "General Construction Permit." Construction activities can comply with and be covered under the General Construction Permit provided that they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters.
- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation.
- Perform inspections of all BMPs.

The SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Increased compliance tasks under the adopted 2009 Construction General Permit include project risk evaluation, effluent monitoring, receiving water monitoring, electronic data submission of the SWPPP and all other permit registration documents, and a Rain Event Action Plan (REAP), which must be designed to protect all exposed portions of a Project site within 48 hours prior to any likely precipitation event.

Section 404 of the CWA requires a permit for construction activities involving placement of any kind of fill material into waters of the U.S. or wetlands. A Water Quality Certification pursuant to Section 401 of the CWA is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the RWQCB.

When an application for a Section 404 permit is made, the applicant must show it has:

- Taken steps to avoid impacts to wetlands or waters of the U.S. where practicable;
- Minimized unavoidable impacts on waters of the U.S. and wetlands; and
- Provided mitigation for unavoidable impacts.

Section 303(d) of the CWA (CWA, 33 USC 1250, et seq., at 1313(d)) requires states to identify "impaired" water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to U.S. EPA for review and approval. An affected waterbody, and associated pollutant or stressor, is then prioritized in a list of impaired water bodies known as the 303(d) List. The CWA further requires the development of a Total Maximum Daily Load (TMDL) for each listing.

National Flood Insurance Program (NFIP)

The NFIP, implemented by the Congress of the United States in 1968, enables participating communities to purchase flood insurance. Flood insurance rates are set according to the flood-prone status of property as indicated by FIRMs developed by FEMA. FIRMs identify the estimated limits of the 100-year floodplain for mapped watercourses, among other flood hazards. As a condition of participation in the NFIP, communities must adopt regulations for floodplain development intended to reduce flood damage for new development through such measures as flood proofing, elevation on fill, or floodplain avoidance.

14.3.2 State

California Sustainable Groundwater Management Act (SGMA)

In 2014, the SGMA was passed, which provides authority for agencies to develop and implement groundwater sustainability plans (GSP) or alternative plans that demonstrate water basins are being managed sustainably (State Water Resources control Board, 2019). Under the SGMA, the Santa Clara Valley Water District is deemed the exclusive local agency within its respective statutory boundaries.

Senate Bill (SB) 610

SB 610 was passed on January 1, 2002, amending California state law to require detailed analysis of water supply availability for large development projects. An SB 610 Water Supply Assessment (WSA) must be prepared if the following three conditions are met: 1) the project is subject to CEQA under Water Code Section 10910; 2) the project meets criteria to be defined as a "project" under Water Code Section 10912; and 3) the applicable water agency's current Urban Water Management Plan (UWMP) does not account for the water supply demand associated with the project. A project would meet the definition of "project" per Water Code Section 10912 if it is:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet (SF) of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 SF of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 SF of floor area;
- A mixed-use project that includes one or more of the projects specified in this subdivision; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project (DWR, 2003b).

The Project would not meet the established criteria to qualify as a 'project' pursuant to SB610. As such, no further analysis is included related to SB 610.

Porter-Cologne Water Quality Control Act

SWRCB regulates water quality through the Porter-Cologne Water Quality Act of 1969, which contains a complete framework for the regulation of waste discharges to both surface waters and groundwater of the state. On the regional level, the Project falls under the jurisdiction of the San Francisco RWQCB, which is responsible for the implementation of state and federal water quality protection statutes, regulations and guidelines.

California Water Code Section 13050-13260

California Water Code Section 13050. California Water Code Section 13050(e) defines "waters of the state" as "any surface water or groundwater, including saline waters, within the boundaries of the state." California Water Code Section 13260 requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the State, other than into a community sewer system, must submit a report of waste discharge to the applicable RWQCB.

Municipal Regional Stormwater Permit, Provision C.3

The San Francisco RWQCB Municipal Regional Stormwater Permit (MRP) was adopted in October 2009. MRP Provision C.3 requires permitees to use their planning authorities to include source control, site design, and stormwater treatment measures in new development and redevelopment projects. Efforts are aimed at both soluble and insoluble stormwater runoff pollutant discharges and preventing increases in runoff flows. Planning authorities may achieve these goals through the implementation of low impact development (LID) techniques, which must be supplemented by studies and reports to ensure compliance.

14.3.3 Regional and Local

Santa Clara County General Plan

Resource Conservation Element

The County General Plan Resource Conservation Element (RC) includes the following policies most directly related to hydrology and water quality:

- Policy R-RC 2: The County shall provide leadership in protecting and restoring valuable natural resources, such as wetlands, riparian areas, and others, for County-owned lands and by means of multijurisdictional endeavors.
- Policy R-RC 10: For lands designated as Resource Conservation Areas (Hillsides, Ranchlands, Agriculture, and Baylands) and for Rural Residential areas, water resources shall be protected by encouraging land uses compatible and consistent with maintenance of surface and ground water quality. 1. Uses that pose a significant potential hazard to water quality should not be allowed unless the potential impacts can be adequately mitigated. 2. The amounts of impervious surfaces in the immediate vicinity of water courses or reservoirs should be minimized.
- Policy R-RC 11: Areas with prime percolation capabilities shall be protected to the maximum extent possible, and placement of significant pollution sources within such areas shall be avoided.
- Policy R-RC 12: Excessive concentrations of septic systems shall be avoided, especially in areas vulnerable to groundwater contamination or in which normal functioning may be impaired by hydrologic constraints.

- Policy R-RC 13: Sedimentation and erosion shall be minimized through controls over development, including grading, quarrying, vegetation removal, road and bridge construction, and other uses which pose such a threat to water quality.

City of Saratoga General Plan

Land Use Element

The City General Plan Land Use Element (LU) includes the following policies and implementation measures most directly related to hydrology and water:

Goal LU 6: Protect natural resources and amenities through appropriate land use and related programs.

- Policy LU 6.1: Incorporate specific standards and requirements into the Zoning Ordinance to preserve and protect sensitive watershed areas on hillsides within the community.
- Policy LU 6.2: Development proposals shall incorporate stormwater quality features, including but not limited to grassy bio-swales, to protect surface and subsurface water quality

Open Space and Conservation Element

The City General Plan Open Space and Conservation Element (OSC) includes the following policies and implementation measures most directly related hydrology and water quality:

Goal OSC 9: Protect existing watercourses in the community and enhance water quality in surface and subsurface water sources.

- Policy OSC 9.1: Retain surface watercourses in their natural condition to the greatest extent possible.
- Policy OSC 9.2: Concentrate development in those portions of the community least susceptible to soil erosion and minimize grading and the introduction of impervious surfaces. Where appropriate, consider the use of on-site detention or retention basins to minimize stormwater runoff from sites.
- Policy OSC 9.3: Implement land use controls to protect watershed lands on the upper elevations of hillsides.

Goal OSC 10: Maximize efficiencies in the use of the City's water supply.

- Policy OSC 10.1: Implement water conservation provisions of the San Jose Water Company's Urban Water Management Plan.

Implementation

- Action OSC.9.b: The City shall ensure erosion control measures are required with each development project as part of the development approval process.

- Action OSC.9.c: Amend the Zoning Ordinance and standard conditions of approval to require that all new developments are in compliance with stormwater pollution prevention best management practices.
- Action OSC.10.a: The City shall inform applicants of water conservation provisions and require that all new development proposals be in compliance with the water conservation provisions of the San Jose Urban Water Management Plan.

City of Saratoga Municipal Code

Section 14-30.030

Subterranean storm drains shall be designed and installed by the subdivider or owner to adequately and safely drain all storm waters of the subdivision or site, and all surface waters reaching or reasonably calculated to reach the subdivision or site from areas outside of its boundaries. All drainage plans shall be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES) as defined in Article 15-06 of the Zoning Code.

Section 15-46.030

Engineered grading and drainage plans with existing and proposed finished grade elevation data, including cross sections if the structure is to be constructed on a hillside lot. Disposition of on-site stormwater shall be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES).

Section 16-17.130

The faces of cut and fill slopes shall be prepared and maintained to control against erosion. All cut and fill surfaces subject to erosion shall be planted with ground cover which is compatible with the natural ground covers in the City and which will thrive with little maintenance. Earth slopes shall be contour graded to encourage landscaping. Cut and fill along public roads may be required to be landscaped to blend into the natural surroundings. Plants used shall be at heights which will not obstruct vehicular sight distances on City streets, as determined by the Building Official. All plant materials shall be satisfactory to the Building Official. The protection of the slopes shall be installed as soon as practicable and prior to calling for final grading approval. When cut slopes are determined by the Building Official not to be subject to erosion due to the erosion resistant character of the materials, planting precautions may be omitted.

14.4 Environmental Impacts and Mitigation Measures

14.4.1 Significance Criteria

The following significance criteria for hydrology & water quality were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

HYD-1 Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

HYD-2 Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

HYD-3 Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

HYD-4 In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

HYD-5 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on-or off- site?
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Or
iv. Impede or redirect flood flows?

14.4.2 Impacts of the Project

Impact HYD-1: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? **(Less Than Significant With Mitigation)**

Construction-related activities associated with full buildout of the Project would include excavation, grading, and trenching, which would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion.

Construction-related erosion effects would be addressed through compliance with the NPDES program's Construction General Permit if future construction activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity results in a land disturbance of equal to or greater than 1.0 acre. The Precise Plan establishes the maximum area to be covered by enclosed structures (footprint of buildings) as no more than 20% of the Precise Plan area, or 14 acres, whichever is less. Therefore, full buildout of the Project could disturb up to approximately 14 acres, and would be subject to this General Permit. To obtain coverage under this General Permit, dischargers are required to file with the State Water Board the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI) and other compliance-related documents. The General Permit requires development and implementation of a

Stormwater Pollution Prevention Plan (SWPPP) and monitoring plan, which must include erosion-control and sediment-control Best Management Practices (BMPs) that would meet or exceed measures required by the General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. The types of BMPs required would be based on the amount of soil disturbed, the types of pollutants used or stored at the Project site, and proximity to water bodies. In addition, the Saratoga Municipal Code Section 15-46.030 specifies that disposition of on-site stormwater shall be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Prior to soil disturbance, a Storm Water Management Plan shall be prepared and approved by the City before construction of any future development to identify erosion-control and stormwater management BMPs. Implementation of MM HYD-1, as described below, would require preparation of this Storm Water Management Plan.

One of the subsequent actions allowed by the Project would include the potential future connection to the Cupertino Sanitary District. Therefore, the Project would be required to comply with the regulations set forth within the Cupertino Sanitary District. These include, as a requirement for the connection of the annexed property to the District's sewer system, that the owner of the property shall pay to the District the connection and permit fees as determined and charged in accordance with the provisions of the Cupertino Sanitary District Operations Code (Adopted by Ordinance No. 115) (Cupertino Sanitary District, 2016).

Following compliance with NPDES requirements, the Saratoga Municipal Code, MM HYD-1, and the Cupertino Sanitary District requirements, construction and operations associated with full buildout of the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality and this impact would be less than significant.

MM HYD-1: Provide a Stormwater Management Plan.

> Prior to issuance of a grading permit for any future development allowed by the Project, applicants shall prepare a Stormwater Management Plan. The Stormwater Management Plan shall incorporate site design measures, source control measures, and shall show drainage management area treatment measures, and (if applicable) hydromodification management (HM) features demonstrating conformance with C3 Stormwater Treatment Requirements as outlined in the NPDES Municipal Regional Permit to ensure future development would not violate any water quality standards or waste discharge requirements. Sizing calculations for the treatment measures and hydraulic analysis of the HM measures will be required. Please see the C.3 Stormwater Handbook published by the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Impact HYD-2: Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? **(Less Than Significant With Mitigation)**

AND

Impact HYD-3: Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? **(Less Than Significant With Mitigation)**

Development on the Project site would increase the amount of impervious surface on the Project site, allowing for less percolation of precipitation. Future connection of the Mountain Winery to the Cupertino Sanitary District system would be subsurface and would not increase the site's effective imperviousness. Future development of the lodging facility and ancillary uses and water tank would occur within the 73-acre Precise Plan area. The Precise Plan area establishes a maximum area to be covered by enclosed structures (footprint of buildings) as no more than 20 percent of the Precise Plan area, or 14 acres, whichever is less. The three parcels on which the Project would be located total approximately 430 acres. Therefore, even if future development resulted in covering the Precise Plan area up to the maximum acres allowed, that development would comprise a small percentage (approximately 3.26 percent) of the three parcels.[4] Additionally, all future development would be required to comply with MM HYD 1 and prepare a Stormwater Management Plan in order to ensure future development would not violate any water quality standards or waste discharge requirements. Furthermore, the Project site sits on top of a ridge and any new impervious surface area would be designed, in compliance with MM HYD 1, to ensure site drainage continues to flow offsite to lower elevations allowing for recharge in the open hillside areas surrounding the Project site. Therefore, impacts to groundwater recharge as a result of the project would not be significant, with implementation of MM HYD 1.

Large amounts of water can be stored in the Santa Clara Subbasin, with total storage capacity estimated to be as high as 1.9 million AF. However, only a fraction of this water can be extracted practically using wells and without causing undesirable results like land subsidence and salt water intrusion. The District has estimated the operational storage capacity of the Santa Clara Plain to be 350,000 AF (Santa Clara Valley Water District, November 2016).

The long-term average groundwater pumping in the Santa Clara Subbasin is 103,000 AFY, including the Santa Clara Plain and Coyote Valley Plain. Future projections show a decrease of around 5% by 2020, followed by a steady increase. This is based on average pumping from 2003 to 2012, which was chosen to represent typical conditions not significantly affected by drought. Average 2003 to 2012 groundwater pumping in the Santa Clara Plain is 92,000 AFY, with maximum and minimum annual pumping of 110,000 AF and 71,000 AF, respectively. The average

[4] The percentage of the Project site that 14 acres of new impervious surface area would occupy would be slightly higher than the percentage for all three parcels since the Project site's overall area is slightly less than the three parcels.

water usage for one person in the Silicon Valley is 75 gallons per capita per day (GPCD)(Santa Clara Valley Water District, November 2016 and Santa Clara Valley Water District, 2019).

The Project would not substantially induce permanent population growth however it would introduce additional water demand on the Project site. Full buildout of the Project would generate new water demand of approximately 75,000 gpd or 84 AFY[5]. The Project's water demand, if solely taken from groundwater resources, would represent 0.02 percent of the Santa Clara Subbasin's total 2012 groundwater supply, which was 353,000 AF. Furthermore, the City would continue to comply with State Senate Bill No. 7 requirements, which aim to reduce urban water usage by 20 percent per capita by 2020. Therefore, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge in a manner that would impede the basins' sustainable groundwater management. Further, with the implementation of MM HYD-1, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and therefore, these impacts would be less than significant with mitigation.

Impact HYD-4: Would the project, be located in flood hazard, tsunami, or seiche zones, or risk release of pollutants due to project inundation? **(Less Than Significant)**

The Project site is in an area of minimal flood hazard (Federal Emergency Management Act, 2019). Areas immediately downstream from the Project site are also at minimal risk of flood hazard. The nearest flood hazard area is approximately 1.33 miles east of the Project site on Big Basin Way, a floodway zone AE (special flood hazard area). This is a zone where flood insurance is mandatory due to the increased risk of flooding. However, due to the distance from the Project site and the varying topography that breaks runoff from the Project site to this floodway zone, the Project would not significantly contribute to flooding in downstream areas.

Given the Project site's inland location and lack of nearby bodies of standing water, tsunamis and seiches do not pose hazards. The Project is not within a flood hazard, tsunami, or seiche zone and would not risk the release of pollutants due to project inundation. Therefore this impact would be less than significant.

Impact HYD-5: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or offsite? (**Less Than Significant With Mitigation**)

The new uses allowed by the Project would include lodging and ancillary uses (up to 300 lodging units), a new water tank, and the proposed connection into the Cupertino Sanitary District. This

[5] Assuming 250 gpd/lodging unit

development would result in an increase of impervious surface areas. Future development of the lodging facility and ancillary uses and water tank would occur within the 73-acre Precise Plan area. The Precise Plan area establishes a maximum area to be covered by enclosed structures (footprint of buildings) as no more than 20 percent of the Precise Plan area, or 14 acres, whichever is less. The three parcels on which the Project would be located total approximately 430 acres. Therefore, even if future development resulted in covering the Precise Plan area up to the maximum acres allowed, that development would comprise a small percentage (approximately 3.26 percent) of the three parcels.

The Project would be required to adhere to applicable stormwater regulations and as identified under MM HHY-2, to create an Erosion and Sediment Control Plan in order to reduce erosion or siltation on- or offsite. In addition, the Project site is on a slope and therefore, any future development would be required to comply with the Saratoga Municipal Code Section 16-17.130 – Erosion Control standards in order to reduce erosion and siltation impacts on- or offsite. Therefore, with the appropriate erosion and sediment controls addressed in MM HYD-2, the Project would not result in substantial erosion or siltation on- or offsite and this impact would be less than significant.

MM HYD-2: Erosion and Sediment Control Plan

The following are standards that are to be followed for all development associated with the Project in order to show compliance with the Saratoga Municipal Code Section 16-17.130. These standards have been adopted from the Saratoga Municipal Code and shall be fully addressed in the final Erosion and Sediment Control Plan to be prepared by the property owner and approved by the City at the time of specific development applications.

- The faces of cut and fill slopes shall be prepared and maintained to control against erosion. All cut and fill surfaces subject to erosion shall be planted with ground cover that is compatible with the natural ground covers in the City and that will thrive with little maintenance. Earth slopes shall be contour graded to encourage landscaping. Cut and fill along public roads may be required to be landscaped to blend into the natural surroundings. Plants used shall be at heights that will not obstruct vehicular sight distances on City streets, as determined by the Building Official. All plant materials are subject to review and approval by the Building Official. The slope protection shall be installed as soon as practicable and prior to calling for final grading approval. When cut slopes are determined by the Building Official not to be subject to erosion due to the erosion resistant character of the materials, planting precautions may be omitted.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (**Less Than Significant with Mitigation**)
AND

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? or (**Less Than Significant With Mitigation**)

As discussed under Impact HYD-2, Project implementation would increase the site's effective imperviousness, allowing for more surface runoff. As discussed in a County Staff Report from 2013, on July 6, 2006, the County Planning Commission required that a Stormwater Pollution Prevention Plan be provided for the Project site (County of Santa Clara Department of Planning and Development, 2013). Thus, future development on the Project site would be required to adhere to the same standards and create a Stormwater Pollution Prevention Plan for the Project that would minimize any potential imapcts of the Project related to stormwater. Therefore, with adherence to the Stormwater Pollution Prevention Plan, the Project would not substantially increase the rate or amount of surface runoff from the site. In addition, the Project would be required to comply with Saratoga Municipal Code Section 14-30.030 – Storm Water and Sewage in order to ensure all stormwater adequately and safely drains off the site. With implementation of MM HYD-1, future development allowed by the Project would be required to prepare a Stormwater Management Plan to ensure future development would be designed adequately with regard to stormwater management. Therefore, with the preparation of a Stormwater Management Plan, the Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite and would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff and these impacts would be less than significant.

iv. Impede or redirect flood flows? (**Less Than Significant**)

According to the Federal Emergency Management Administration (FEMA) flood zone maps, a small portion of the Project site is located within Zone X, an area of minimum flood risk, or 0.2% chance annually. A majority of the Project site is located in Zone D which is defined as an area where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. No wells exist on the Project site. No levees, reservoirs, rivers, or flood control channels are in the Project's vicinity that could potentially cause onsite inundation. Additionally, there are no streams or rivers near the Project site. Therefore, the Project would not impede or redirect flood flows and this impact would be less than significant.

14.4.3 Cumulative Impact Analysis

The area over which cumulative impacts to hydrology and water quality is considered is the District's service area, and more specifically, Calabazas Creek and Saratoga Creek. These creeks are where runoff that is not captured from the site would be collected. Substantial growth is anticipated within the service area in the next few decades; as parts of the watersheds are

already urbanized, growth is expected to be a mix of development and redevelopment. New development and redevelopment projects would result in some increases in impervious surfaces, and thus could generate increased runoff from the affected Project sites. Future development in the service area would prepare and implement WQMPs specifying BMPs that would minimize runoff from those sites and reduce contamination of runoff with pollutants. Therefore, related projects are not expected to cause substantial increases in runoff and are not expected to require construction of substantial new or expanded municipal storm drain systems.

Future development disturbing one or more acres of soil would be required to prepare and implement SWPPPs identifying BMPs to be used for the construction phases of the Project to minimize runoff, erosion, and storm water pollution. Therefore, related projects are not expected to cause substantial increases in stormwater pollution. Future site development impacts as a result of the Project, in conjunction with the effects of past projects, other current projects, and probable future projects, would be less than significant.

14.5 References

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15 Land Use and Planning

15.1 Introduction

This section describes effects on land use conditions in the Project area. The current condition and quality of land uses was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- County of Santa Clara General Plan. December 20, 1994.
- City of Saratoga General Plan – Land Use Element. June 6, 2007.
- Draft Environmental Impact Report for The Mountain Winery Conditional Use Permit and Architectural and Site Approval. October 1999.

15.2 Environmental Setting

This section presents information on the existing conditions of the Project site and existing conditions related to surrounding land uses within the Project area.

Existing Project Site Land Uses

The Mountain Winery is located in the western portion of Santa Clara County, as shown in Figure 3-1. The portion of the Mountain Winery included in the Project (Project site) is located at 14831 Pierce Road on three contiguous parcels: APN 503-46-005, 503-46-006, and 503-46-007, as shown in Figure 3-2 and Figure 3-3. Figure 3-2 illustrates the Project site boundaries and Figure 3-3 illustrates the existing applicable parcel and jurisdictional boundaries.

The current land use of the 503-46-006 parcel, is the existing Mountain Winery complex, which is composed of a concert venue, a restaurant, and a seminar, banquet, and special event facility. There are vineyards on portions of the 503-46-006 parcel that are not considered to be agricultural lands by the Santa Clara County Important Farmland Map (refer to Section 6, Agricultural and Forestry Resources, for further discussion regarding agricultural resources).

Parcel 503-46-007 currently consists of undeveloped hillside land with rural roadways and no existing buildings. The 503-46-005 parcel is developed with the Mountain Winery Driveway and the remnants of an old quarry.

According to the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000, open space is defined as any parcel or area of land or water which is essentially unimproved and

devoted to an open-space use, and are designated on a local, regional, or state open-space plan as any of the following[1]:

- (1) Open space for the preservation of natural resources, including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- (2) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers, and streams that are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- (3) Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- (4) Open space for public health and safety, including, but not limited to, areas that require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.
- (5) Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.
- (6) Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.997 of the Public Resources Code.

While the 503-46-005 and 503-46-007 parcels are generally undeveloped, they are privately owned parcels that are not open to the public and they do not meet the above listed criteria. As such, none of the Project site is considered to be open space under the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000.

Existing General Plan Land Use Designations

The 503-46-006 and 503-46-007 parcels are located in unincorporated Santa Clara County and the 503-46-006 and 503-46-007 parcels are designated in the Santa Clara County General Plan

[1] Government Code Section 65560. "Local open-space plan" means the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563. (Government Code Section 65560(g).)

(County General Plan) as Hillside (HS). The Hillside designation is considered by the County General Plan to be a resource conservation area. This land use designation allows agriculture and grazing; mineral extraction; parks and low-density recreational uses and facilities; land in its natural state; wildlife refuges; very low density residential development; and commercial industrial or institutional uses, which by their nature require remote, rural settings, or which support the recreational, or productive use, study or appreciation of the natural environment.

The 503-46-005 parcel is located within the City of Saratoga and is currently designated as Residential Hillside Conservation by the City of Saratoga General Plan (General Plan). This designation allows for single-family residential dwelling units, and has a maximum density of 0.5 DU/net acre (du/ac) or 1.55 people/acre. Maximum intensity of building and impervious surface coverage allowed is 15,000 square feet, or 25 percent of site area, whichever is less.

Existing Zoning

As noted above, the 503-46-006 and 503-46-007 parcels are located in unincorporated Santa Clara County. Parcel 503-46-007 and the northern half of parcel 503-46-006 are zoned Hillside-d1 District (HS-d1) and the southern half of parcel 503-46-006 is zoned Hillside-d1-Scenic Roads (HS-d1-sr) under Article 2 of the County Municipal Code.

The HS-d1 combining district is intended to conserve the scenic attributes of those hillside lands most immediately visible from the valley floor and allows all the uses listed under HS, including residential. This district is intended to minimize the visual impacts of structures and grading on the natural topography and landscape, using a combination of supplemental development standards, design guidelines, design review, and use of process incentives for smaller and less visible projects.

Parcel 503-46-005 is located within the City of Saratoga and is zoned Hillside Residential (HR) under Article 15-13 of the City Municipal Code. The HR zoning district is intended to maintain, to the maximum degree feasible, the natural environment and existing rural character of the land. Allowed uses include single-family dwellings, accessory structures, and parks. Conditional uses include public utility and public service pumping stations, power stations, drainage ways and structures, storage tanks, and transmission lines.

Surrounding Land Uses

Land uses surrounding the west, north, and south of the Project site include predominantly undeveloped hillside parcels. Mount Eden Vineyards is located to the north of the Project site off Mt. Eden Road. Low density single-family residential neighborhoods are located to the east of the Project site, east of Pierce Road. A former quarry, which is no longer operational, is located on the eastern edge of the Project site within parcel 503-46-005, downslope from the Precise Plan area and connecting to Vintage Lane. Figure 3-5 shows the Project site and surrounding land uses.

Existing and Projected Population

Santa Clara County

Santa Clara County has a current population of approximately 1,976,645 persons as shown in Table 15-1 (Department of Finance [DOF], 2019a). Table 15-2 notes the projected population for the County through 2040. As identified in Table 15-2, the population in Santa Clara County is forecasted to increase by 613,624, or 34 percent, between 2010 and 2040, resulting in a projected Santa Clara County population of 2,403,765 in 2040.

City of Saratoga

As shown in Table 15-1, as of January 2019, the City of Saratoga had an estimated population of 31,407 persons, representing approximately 2 percent of the Santa Clara County's total population (DOF, 2019a). This represents an approximate 2 percent increase in the City's population from 2014, when the City's Housing Element was last updated and adopted by the City Council. As identified in Table 15-2, the population in Saratoga is forecast to increase to 32,700 by 2040. This would represent a 9 percent increase of the City's population between 2010 and 2040. There are estimated to be approximately 6,744 job opportunities in the City.[2]

Table 15-1: Existing Population for Santa Clara County and Saratoga

Location	2019
Santa Clara County	1,976,645
Saratoga	31,407

Source: Department of Finance, Table 2: E-5, 1/1/2019a

Table 15-2: Population Projections for Santa Clara County and Saratoga: 2010-2040

Location	2010	2040	Change (2010-2040)	Percent Change
Santa Clara County	1,790,141	2,403,765	613,624	34%
Saratoga	29,926	32,700	2,774	9%

Source: Department of Finance, Table 2: E-5, 1/1/2019a; City of Saratoga, Housing Element 2015-2023

[2] United States Census. OnTheMap – Work Area Profile Report. Available at: https://onthemap.ces.census.gov/. Accessed on September 17, 2019.

Existing and Projected Housing

Santa Clara County

As shown in Table 15-3, Santa Clara County has an estimated 671,439 housing units with an average of 3.0 persons per household (DOF, 2019c). The Association of Bay Area Governments (ABAG) estimates that the number of households in Santa Clara County will increase to 860,810 by 2040 as shown in Table 15-4.[3]

According to the California DOF, the vacancy rate is a measure of the availability of housing in a community. It also demonstrates how well the types of units available meet the market demand. A low vacancy rate suggests that households may have difficulty finding housing within their price range; a high supply of vacant units may indicate either the existence of a high number of desired units, or an oversupply of units. The vacancy rate for housing in Santa Clara County is estimated to be 4.5 percent (DOF, 2019c).

City of Saratoga

According to the DOF, as of 2019, the City of Saratoga has an estimated 11,284 housing units with an average of 2.87 persons per household (see Table 15-3). The vacancy rate for housing in the City was estimated to be 3.5 percent (DOF, 2019c). ABAG estimates that the number of households in Saratoga will increase to 10,965 by 2040.

Table 15-3: Housing Units for Santa Clara County and Saratoga

Location	2019	Persons per Household	Vacancy Rate
Santa Clara County	671,439	3.0	4.5%
Saratoga	11,284	2.87	3.5%

Source: Department of Finance, Table 2: E-5, 1/1/2019a

Table 15-4: Household Projections for Santa Clara County and Saratoga

Location	2010	2040
Santa Clara County	565,863	860,810
Saratoga	10,450	10,965

Source: ABAG Projections 2040

[3] 860,810 households account for unincorporated Santa Clara County and all cities within Santa Clara County.

ABAG determines the regional housing needs allocation (RHNA) by income category for each community in the region based on employment activities, community patterns, types and tenure of housing needs, and others. The City of Saratoga's allocation are shown in Table 15-5. The City is required to ensure that sufficient sites are planned and zoned for housing and that such sites are available to accommodate the planned housing. The City is also required to implement proactive programs that facilitate and encourage the production of housing commensurate with its housing needs, as established by the RHNA. The extremely low income and very low-income needs account for approximately 35 percent of the City's total RHNA.

Table 15-5: City of Saratoga Regional Housing Needs Allocation (2014-2022)

Income Levels	Units
Extremely Low (0-30% AMI)	74
Very Low* (31-50% AMI)	73
Low (51-80% AMI)	95
Moderate (81-120% AMI)	104
Above Moderate (>120% AMI)	93
TOTAL	**439**

Source: City of Saratoga, Housing Element 2015-2023

15.3 Applicable Regulations, Plans, and Standards

Federal

None Applicable.

State

California Housing Element Law

Government Code Sections 65580–65589.8 include provisions related to the requirements for housing elements of local government general plans. Among these requirements, some of the necessary elements include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. Additionally, to assure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goals, the statute calls for local jurisdictions to plan for, and allow the construction of, a share of the region's projected housing needs. The share is known as the Regional Housing Needs Allocation (RHNA). The RHNA for the Bay Area is based on a Regional Housing Needs Plan (RHNP) developed by the

local council of government. The Association of Bay Area Governments (ABAG) is the lead agency for developing the RHNP for the nine-county area that includes Santa Clara County and the City of Saratoga. The City's RHNA for 2014 through 2022 includes 439 units.

Regional and Local

Association of Bay Area Governments

ABAG is the official comprehensive regional planning agency for the San Francisco Bay area, which is composed of nine counties, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. ABAG produces growth forecasts on four-year cycles so that other regional agencies, including the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD), can use the forecast to make funding and regulatory decisions. ABAG projections are also the basis for the Regional Transportation Plan and the regional Ozone Attainment Plan. The general plans, zoning regulations, and growth management programs of local jurisdictions inform the ABAG projections. The ABAG projections are also developed to reflect the impact of "smart growth" policies and incentives that could be used to shift development patterns from historical trends toward a better jobs-housing balance, increased preservation of open space, and greater development and redevelopment in urban core and transit-accessible areas throughout the ABAG region.

In July 2017, ABAG and the MTC adopted Plan Bay Area 2040 and its associated Environmental Impact Report (EIR). The second such regional housing and transportation plan adopted by MTC and ABAG, Plan Bay Area 2040 is a long-range blueprint to guide transportation investments and land-use decisions through 2040, while meeting the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the state's 18 metropolitan areas to develop a Sustainable Communities Strategy (SCS) to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks.

The Action Plan portion of Plan Bay Area 2040 also focuses on economic development, particularly improving transportation access to jobs, increasing middle-wage job creation and maintaining the region's infrastructure. Another focus of the Action Plan is resilience in terms of enhancing climate protection and adaptation efforts, strengthening open space protections, creating healthy and safe communities, and protecting communities against natural hazards.

Local Agency Formation Commission (LAFCo) of Santa Clara County

The Local Agency Formation Commission (LAFCO) of Santa Clara County has adopted policies to ensure that growth and development throughout the County has orderly boundaries and is anti-sprawl. Policies promote the preservation of agricultural lands and open space, efficient delivery of services, facilitation of regional opportunities for fiscal sustainability, and accountability and transparency within local governments. Policies are divided into different subject areas, and those most relevant to the Project are (1) Sphere of Influence Policies, (2) Urban Service Area

Policies, (3) Policies relative to Annexations/Reorganizations for Cities and Special Districts, and (4) Island Annexation Policies. An analysis of the Project's consistency with the applicable LAFCo policies is included below.

Sphere of Influence Policies

- SOI Policy 1: LAFCo will require consistency with city / county general plans and SOIs of affected local agencies when adopting or amending a SOI. Joint City/County Specific Plans and factors such as density policies, development standards, geology, and future use will be considered by the Commission when establishing Spheres of Influence.
    - *SOI Policy 1 Project Consistency:* This Draft EIR considers the City and County General Plan policies throughout the analysis. In a letter from LAFCo dated, August 7, 2019, LAFCo identified several County policies that the Project could potentially be inconsistent with. Table 15-6 analyzes the Project's consistency with each of these County General Plan policies. Upon annexation the County policies would no longer be applicable to the Project site. An analysis of the Project's consistency with County policies has been included here for context.

Table 15-6: County of Santa Clara General Plan Consistency

Policy	Project Consistency
Policy R-LU 199: New land uses within the West Valley hillsides areas should be limited to non-urban uses that are compatible with the preservation of the natural appearance of the hillsides	The Mountain Winery is an existing use and all new land uses (limited to those described in the Draft EIR) would occur within the Precise Plan boundaries, which is currently developed with the Mountain Winery complex. Therefore, the Project would not convert any non-urban uses to urban uses outside of the Precise Plan boundaries. The Precise Plan sets forth development standards related to current and future development within the Precise Plan area. The Plan would ensure that any future development blend in with existing landscapes and hillsides and not result in impacts to community viewsheds. The Precise Plan establishes the maximum area to be covered by enclosed structures (footprint of buildings) on lands as no more than 20% of the Precise Plan area, or 14 acres, whichever is less. The Precise Plan also establishes that the maximum building height allowed as 35 feet, with up to 10 feet of additional height allowed for architectural features that do not contain floor area.
Policy R-LU 200: Urban development and extension of urban services should be limited to those areas most suited for urban development. Further expansion of the urban area into the West Valley hillsides should be discouraged	The Mountain Winery is an existing use and all new land uses (limited to those described in the Draft EIR) would occur within the Precise Plan boundaries, which is currently developed with the Mountain Winery complex. The Project entails annexation into the Cupertino Sanitary District (CSD) to allow for the potential to connect to the CSD system in the future. Section 17, Public Services and Utilities of this Draft EIR identifies the responsible agencies that would provide

Table 15-6: County of Santa Clara General Plan Consistency	
Policy	**Project Consistency**
	public services and utilities to the Project area. The Mountain Winery is an existing use with existing service providers. As discussed in Section 17, Public Services and Utilities of this Draft EIR, the Project would continue to be served adequately by these service providers. In addition, the CSD has confirmed that pending LAFCo's approval of annexation of the Project site to the CSD, the District has adequate infrastructure and sufficient capacity to serve the Project site (Cupertino Sanitary District, 2019). Future infrastructure associated with a potential future connection of the Mountain Winery to the CSD system would only be limited to the "Sanitary Sewer Connection area" as shown in Figure 3-2. Pursuant to the Precise Plan, any future infrastructure associated with connection to the CSD would be limited to the minimum size feasible to serve the Mountain Winery, and therefore the potential future connection to the CSD would be sized to serve the Mountain Winery facility exclusively.
Policy R-LU 202: Delineate and adopt long term growth boundaries indicating lands to which they are willing to provide urban services within approximately the next 20-30 years in order to: a. Preserve the predominantly natural character and natural resources of hillsides by preventing urban development from encroaching into them b. Reinforce fundamental policies concerning the appropriate location of urban development c. Protect public health and safety by preventing urban development in hazardous areas.	The Mountain Winery is located on three contiguous parcels: APN 503-46-005, 503-46-006, and 503-46-007. Parcel 503-46-005 is located inside the City USA and within the City SOI. Parcel 503-46-006 is located outside the City USA and a portion of the 503-46-006 parcel is within the City SOI. Parcel 503-46-007 is outside of both the City USA and SOI. The 503-46-006 and 503-46-007 parcels are designated in the County General Plan as Hillside (HS). The Project would include a General Plan amendment that would re-designate the Project site. The 506-46-006 parcel would be designated as a new Saratoga General Plan designation of Regional Commercial (RC). The 503-46-007 parcel would be designated as Hillside Open Space (OS-H). This OS-H designation is intended to support and enhance a rural character, promote the wise use of natural resources, and avoid natural hazards. This designation mirrors the existing County land use designation and allows environmentally sensitive low-density residential use (up to one residential dwelling unit per 160 acres based on the slope at this site). The County and City land use designations for the 503-46-007 parcel would allow for the same number of residential units (i.e. one residential unit within the approximately 165-acre parcel). Given that no new uses would be allowed on the 506-46-007 parcel by the Project, there would be no effects as a result of the designation change and, accordingly, this parcel is not analyzed in further detail in this EIR. Further, the Mountain Winery is an existing

Table 15-6: County of Santa Clara General Plan Consistency	
Policy	**Project Consistency**
	use and all new land uses would occur within the Precise Plan boundaries, which is currently developed with the Mountain Winery complex.
Policy C-GD 3: Urban service areas should generally include only those areas suited for urban development. Development of such areas should be: a. Reasonably serviceable with public facilities and services; b. Relatively free from risks associated with natural hazards; c. Without substantial adverse environmental impact; d. Not likely to create severe off-site impacts on surrounding areas; and e. Without cumulative adverse impacts on the county's water supply watersheds or any other natural resource.	The Mountain Winery is an existing use and under the proposed General Plan designation and Precise Plan all new land uses would occur within the Precise Plan boundaries, which is currently developed with the Mountain Winery complex. This Draft EIR discusses the Project's potential to impact present and planned land uses within this Section. The Draft EIR analyzes the Project's impact to hazards within Section 13, Hazards and Hazardous Materials and public facilities and services within and Section 17, Public Services and Utilities of this Draft EIR. The Project site is currently served by public service providers, and no new public services would be required to accommodate full buildout of the Project. However, the Project includes the annexation of the Project site into the CSD and the inclusion of the Project site within the CSD SOI. This would allow for the future connection to the CSD, within the Sanitary Sewer Connection area mapped on Figure 3-2. An existing connection to the CSD is located at the entrance to the Project site, and the CSD indicates that it would have capacity to serve the Project site. As such, the Project site is reasonably serviceable with public services. As previously noted, the Project site is currently developed with the existing Mountain Winery facility. While the Project site is located in a seismically active region, full buildout of the Project would not result in any substantial risks associated with natural hazards. Section 13, Hazards and Hazardous Materials further details why the project would be relatively free from risks associated with natural hazards. As detailed throughout this EIR, the Project would not result in adverse on-site or off-site environmental impacts or adverse cumulative impacts.

- SOI Policy 2: Pursuant to Government Code Section 56425, LAFCo will consider and make a written finding regarding the following, in adopting or amending a SOI for a local agency:
    a. The present and planned land uses in the area, including agricultural and open space lands
    b. The present and probable need for public facilities and services in the area

c. The present capacity of public facilities and adequacy of public services, which the agency provides or is authorized to provide;

d. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

- *SOI Policy 2 Project Consistency:* This Draft EIR discusses the Project's impact to present and planned land uses within this Section. The Draft EIR analyzes the Project's impact to agricultural lands within Section 6, Agricultural and Forest Resources, and its impact to public facilities and services within Section 17, Public Services and Utilities of this Draft EIR.

- SOI Policy 3: LAFCo will consider fiscal impacts of proposed SOI amendments upon the County, affected cities, special districts and school districts. Where such amendments may have negative fiscal impacts upon the County or other local agencies, LAFCo may require mitigations thereof from the city / district proposing the amendment.
  - *SOI Policy 3 Project Consistency:* A fiscal report for the Project is being prepared by David Taussig and Associates on behalf of the City of Saratoga. This report is separate from this Draft EIR, and will be available to Santa Clara County LAFCo as part of the application for an SOI amendment.

- SOI Policy 4: LAFCo will consider city annexation proposals outside the Urban Service Areas, but within the Sphere of Influence, only if such annexations will promote LAFCO's mandate to preserve open space areas, including agricultural open space and greenbelts.
  - *SOI Policy 4 Project Consistency:* The Project would include an application to expand the City's SOI to include parcel 503-46-007 into the City's SOI and to expand the City's USA to include parcels 503-46-006 and 503-46-007. The Project would also include a General Plan amendment to re-designate parcel 503-46-006 from the County's Hillside (HS) General Plan designation to Regional Commercial (RC), and parcel 503-46-007 to Hillside Open Space (OS-H). This OS-H designation is intended to support and enhance a rural character, promote the wise use of natural resources, and avoid natural hazards. Similar to the current County HS land use designation, this OS-H designation allows environmentally sensitive low-density residential use (up to one residential dwelling unit per 160 acres based on the slope at this site). No new land uses beyond what the County currently allows would be permitted on parcel 503-46-007 and existing uses would be the same. Given that no new uses would be allowed on the 506-46-007 parcel by the Project, there would be no effects as a result of the designation change. Accordingly, this parcel is not analyzed in further detail in the EIR.
  - In addition, the Precise Plan area is not devoted to open space uses. The Mountain Winery is an existing use and all new land uses (limited to those described in the Draft EIR) would occur within the Precise Plan boundaries, which is currently

developed with the Mountain Winery complex. The Precise Plan area is not located on any open space lands and is not located within a greenbelt. The Precise Plan establishes the maximum area to be covered by enclosed structures (footprint of buildings) on lands as no more than 20% of the Precise Plan area, or 14 acres, whichever is less.

- SOI Policy 5: Spheres of Influence for cities and special districts may overlap when both agencies expect to provide different service to the area.
    - *SOI Policy 5 Project Consistency:* The Project entails annexation into the Cupertino Sanitary District to allow for the potential to connect to the Cupertino Sanitary District system in the future. Section 17, Public Services and Utilities of this Draft EIR identifies the responsible agencies that would provide public services and utilities to the Project area. The Mountain Winery is an existing use with existing service providers. As discussed in Section 17, Public Services and Utilities of this Draft EIR, the Project would continue to be served adequately by these service providers. Thus, there would be no overlap of service providers. Because the Project site is currently outside of the Cupertino Sanitary District's SOI and sanitary sewer service is currently served by an onsite sewage collection system, annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District would not overlap with any existing sanitation district.
- SOI Policy 6: Spheres of Influence for special districts which provide urban services will generally be tied to city growth plans.
    - *SOI Policy 6 Project Consistency:* The Project site is currently outside of the Cupertino Sanitary District's SOI. The new uses allowed by the Project would include lodging (up to 300 hotel rooms and ancillary uses), a new water tank, and the proposed annexation into the Cupertino Sanitary District of parcels 503-46-005 and 503-46-006. The lodging uses would create new employment opportunities and for purposes of analysis, this EIR assumes the new lodging uses could create up to 75 new jobs. ABAG predicts that job opportunities in the City of Saratoga will grow from 8,750 in 2010 to 9,085 by 2040 (an increase of 335 jobs). As of 2017, there are 6,744 job opportunities in the City. While the Project was not contemplated by the General Plan, the addition of 75 new jobs from lodging uses would be within the ABAG growth projections for the City of approximately 9,085 jobs by 2040 and would not exceed the ABAG growth projections for the City. In addition, employees could be commuting from nearby cities, not necessitating the need for new homes. Therefore, population growth from the Project would be consistent with ABAG's projections for the City and with the City's General Plan.

      The impacts associated with the new infrastructure to connect parcels 503-46-005 and 503-46-006 to the Cupertino Sanitary District is analyzed as part of the Project

throughout this Draft EIR. The new uses allowed by the Project would include lodging uses, which could create new jobs that would be an indirect impact on city growth. In addition, the Cupertino Sanitary District has confirmed that pending LAFCo's approval of annexation of Mountain Winery to the Cupertino Sanitary District, the District has adequate infrastructure and sufficient capacity to serve the Project site (Cupertino Sanitary District, 2019).

- SOI Policy 7: LAFCo will discourage duplications in service provision in reviewing new or amended SOI proposals. Where a special district is coterminous with, or lies substantially within, the boundary or SOI of a city which is capable of providing the service, the special district may be given a zero sphere of influence which encompasses no territory.
    - *SOI Policy 7 Project Consistency:* The Project site is currently outside of the Cupertino Sanitary District's SOI and is not within the SOI for another sewer service provider. The Project entails annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District to allow for the potential to connect to the Cupertino Sanitary District system in the future. Section 17, Public Services and Utilities of this Draft EIR identifies the responsible agencies that would provide public services and utilities to the Project area. The Mountain Winery is an existing use with existing service providers. As discussed in Section 17, Public Services and Utilities of this Draft EIR, the Project would continue to be served adequately by these service providers and there would not be duplication in service provisions.

Urban Service Area Policies

- USA Policy 1: LAFCo will require application of an appropriate general plan designation to territory proposed for inclusion in an Urban Service Area.
    - *USA Policy 1 Project Consistency:* The Project would consist of adjustments to the City USA and SOI boundaries to include APNs 503-46-006 and 503-46-007. The Project would require an amendment to the City of Saratoga General Plan to establish a new land use designation that would apply to the 503-46-006 parcel and would also apply an existing City land use designation of Hillside Open Space (OS-H) to the 503-46-007 parcel. The new land use designation for the 503-46-006 parcel would be Regional Commercial (RC). Details of this new land use designation is provided in this Section, in Section 3 (Project Description), and throughout the Draft EIR.
- USA Policy 2: LAFCo encourages contractual agreements and/or plans between the cities and the County which define:
    a. Growth at the urban fringe; and
    b. Potential new growth areas.

- *USA Policy 2 Project Consistency:* The Project site is contiguous to the City of Saratoga and is currently developed with urbanized uses that are served adequately by existing public services. The County General Plan includes policies that support proposals to annex lands or expand a city's urban service area boundaries only if the area proposed for urban development is contiguous to existing urbanized areas.

- USA Policy 3: LAFCo will consider factors included in Government Code section 56668 as well as factors such as the following to determine the local and regional impacts of a proposed Urban Service Area amendment:

  a. The ratio of lands planned for residential use to lands planned for employment-producing use

  b. The existence of adequate regional and local transportation capabilities to support the planned city growth;

  c. Ability of the city to provide urban services to the growth areas without detracting from current service levels;

  d. The ability of school districts to provide school facilities;

  e. Whether the conversion of agricultural and other open space lands is premature, or if there are other areas into which to channel growth;

  f. The role of special districts in providing services;

  g. Environmental considerations which may apply;

  h. The impacts of proposed city expansion upon the County as a provider of services;

  i. Fiscal impacts on other agencies;

  j. Regional housing needs;

  k. Availability of adequate water supply; and

  l. Consistency with city or county general and specific plans.

  - *USA Policy 3 Project Consistency:* The Draft EIR discusses the Project's impact to present and planned land uses within this Section. The Draft EIR analyzes the Project's impacts to transportation within Section 19, Transportation. Impacts to schools, public services and utilities are analyzed within Section 17, Public Services and Utilities of this Draft EIR. The Draft EIR analyzes the Project's impacts to agricultural lands within Section 6, Agricultural and Forest Resources. Consistency with city and county general plans are discussed within this Section of the Draft EIR.

- USA Policy 4: LAFCo will consider the applicable service reviews and discourage urban service area amendments that undermine adopted service review determinations or recommendations.
    - *USA Policy 4 Project Consistency:* The Project site is contiguous to the City of Saratoga and is currently developed with urbanized uses that are served adequately by existing public services. Section 17, Public Services and Utilities of this Draft EIR provides a discussion of how the Project would continue to be served adequately by these service providers. In addition, the Cupertino Sanitary District has confirmed that pending LAFCo's approval of annexation of Mountain Winery to the Cupertino Sanitary District, the District has adequate infrastructure and sufficient capacity to serve the Project site (Cupertino Sanitary District, 2019). Future infrastructure associated with a potential future connection of the Mountain Winery to the Cupertino Sanitary District system would be limited to the "Sanitary Sewer Connection area" as shown in Figure 3-2. The County General Plan includes policies that support proposals to annex lands or expand a city's urban service area boundaries only if the area proposed for urban development is contiguous to existing urbanized areas.
- USA Policy 5: When a city with a substantial supply of vacant land within its Urban Service Area applies for an Urban Service Area expansion, LAFCo will require an explanation of why the expansion is necessary, why infill development is not undertaken first, and how an orderly, efficient growth pattern, consistent with LAFCo mandates, will be maintained.
    - *USA Policy 5 Project Consistency:* The predominant land use in the City is residential, most of which is low density, single-family residential uses on individual lots. There is a small amount of commercially designated land in the City located in the downtown "Saratoga Village" area and smaller commercial areas located along Saratoga-Sunnyvale Road. With the exception of the hillside areas and Williamson Act properties, the City is almost entirely built-out.[4] The City does not have a substantial supply of vacant land within the USA. The Project would limit development of new uses to the Precise Plan area, which is currently developed with the existing Mountain Winery facility. The proposed lodging facility is intended to serve visitors to the Mountain Winery and the surrounding hills. This is a demand that an infill lodging facility would not meet.
- USA Policy 6: The Commission will discourage Urban Service Area expansions which include agricultural or other open space land unless the city has accomplished one of the following:
    a. Demonstrated to LAFCo that effective measures have been adopted for protecting the open space or agricultural status of the land. Such measures may include, but

[4] City of Saratoga General Plan – Land Use Element, page 8.

not limited to, the establishment of agricultural preserves pursuant to the California Land Conservation Act, the adoption of city/County use agreements or applicable specific plans, the implementation of clustering or transfer-of-development-rights policies; evidence of public acquisition; or

b. Demonstrated to LAFCo that conversion of such lands to other than open space uses is necessary to promote the planned, orderly, efficient development of the city.

- *USA Policy 6 Project Consistency:* See response under SOI Policy 4. In addition, as identified in Section 6, Agricultural and Forest Resources, none of the parcels within the Project site are under a Williamson Act contract and the Project site does not contain Important Farmlands. Therefore, the Project would not affect the agricultural significance of the Project site or effect the economic viability of the land as agricultural land.

- USA Policy 7: The Commission will consider whether an Urban Service Area amendment leading to the conversion of agricultural or other open space land, will adversely affect the agricultural or open space resources of the County. Factors to be studied include, but are not limited to:

  a. The agricultural significance of the amendment area relative to other agricultural lands in the region (soil, climate, water-related problems, parcel size, current land use, crop value, Williamson Act contracts, etc.)

  b. The economic viability of use of the land for agriculture;

  c. Whether public facilities, such as roads, would be extended through or adjacent to other agricultural lands in order to provide services to anticipated development in the amendment area or whether the public facilities would be sized or situated to impact other agricultural lands in the area

  d. Whether the amendment area is adjacent to or surrounded by existing urban or residential development.

  - *USA Policy 7 Project Consistency:* See response under SOI Policy 4. As identified in Section 6, Agricultural and Forest Resources, none of the parcels within the Project site are under a Williamson Act contract and the Project site does not contain Important Farmlands. Therefore, the Project would not affect the agricultural significance of the Project site or effect the economic viability of the land as agricultural land. The Project site is currently surrounded by urban and residential developments and is served by existing roads. No new public roads, beyond any private roadways required to accommodate internal site circulation, would be constructed as a result of the Project.

- USA Policy 8: If an Urban Service Area proposal includes the conversion of open space lands or agricultural lands, LAFCo strongly encourages the city to develop effective mitigation measures to address the loss of the agricultural and open space lands. LAFCo will require an explanation of why the inclusion of agricultural and open space lands is necessary and how the loss of such lands will be mitigated.

  Mitigation measures include, but are not limited to: the acquisition and dedication of farmland, development rights, open space and conservation easements to permanently protect adjacent and other agricultural lands within the county, participation in other development programs such as transfer or purchase of development rights, payments to recognized government and non-profit organizations for such purposes, and establishment of buffers to shield agricultural operations from the effects of development.

  - *USA Policy 8 Project Consistency:* As discussed above under USA Policy 6 and SOI Policy 4, the Project would not convert any open space to non-open space uses or agricultural lands to non-agricultural uses.

- USA Policy 9: Where appropriate, LAFCo will consider adopted policies advocating maintenance of greenbelts or other open space around cities in reviewing Urban Service Area amendments.

  - *USA Policy 9 Project Consistency:* As discussed above, the Project would not convert any open space to non-open space uses. As noted in response to SOI Policy 4, stated objectives of the Project include focusing development to minimize environmental and/or natural resource impacts. The 503-46-007 parcel would not allow any new land uses beyond those currently allowed by the County, and all new Project development would be limited to the Precise Plan area.

- USA Policy 10: LAFCo will require evidence that an adequate water supply is available to the amendment areas and that water proposed to be provided to new areas does not include supplies needed for unserved properties already within the city, the city's Urban Service Area or other properties already charged for city water services. In determining water availability, LAFCo will evaluate, review and consider:

  a. The city's plan for water service to the area and statement of existing water supply in terms of number of service units available; service units currently allocated; number of service units within city (and current USA) boundaries that are anticipating future service and service units needed for amendment area.

  b. Whether the city is able to provide adequate water supply to the amendment area in the next 5 years, including drought years, while reserving capacity for areas within the city and Urban Service Area that have not yet developed.

c. Whether the city is capable of providing adequate services when needed to areas already in the city, in the city's Urban Service Area or to other properties entitled to service.

d. If capacity is not reserved for unserved property within the city and its Urban Service Area boundary, the current estimate of potential unserved properties and related water supply needs

e. Whether additional infrastructure and or new water supplies are necessary to accommodate future development or increases in service demand. If so, whether plans, permits and financing plans are in place to ensure that infrastructure and supply are available when necessary including compliance with required administrative and legislated processes, such as CEQA review, CEQA mitigation monitoring plans, or State Water Resources Board allocation permits. If permits are not current or in process, or allocations approved, whether approval is expected.

f. Whether facilities or services comply with environmental and safety standards so as to permit acquisition, treatment, and distribution of necessary water.

- *USA Policy 10 Project Consistency:* The Draft EIR analyses the Project's impact to water supply within Section 17, Public Services and Utilities. The Mountain Winery is an existing use with existing service providers. As discussed in Section 17, Public Services and Utilities of this Draft EIR, the Project would continue to be served adequately by these service providers.

- USA Policy 11: LAFCo will discourage proposals that undermine regional housing needs plans, reduce affordable housing stock, or propose additional urbanization without attention to affordable housing needs. LAFCo will consider:

  a. Whether the proposal creates conditions that promote local and regional policies and programs intended to remove or minimize impediments to fair housing including city/ county general plan housing elements, Analysis of Impediments to Fair Housing or Consolidated Plans for Housing and Community Development and ABAG's regional housing needs assessment and related policies.

  b. Whether the proposal introduces urban uses into rural areas thus increasing the value of currently affordable rural area housing and reducing regional affordable housing supply.

  c. Whether the proposal directs growth away from agricultural / open space lands towards infill areas and encourages development of vacant land adjacent to existing urban areas thus decreasing infrastructure costs and potentially housing construction costs.

d. Whether funding of infrastructure to support development in the amendment area imposes an unfair burden on residents or customers within the existing boundaries thus impacting housing construction costs in the area.

- *USA Policy 11 Project Consistency:* The new uses allowed by the Project would include lodging (up to 300 lodging units and ancillary uses), a new water tank, and the proposed connection into the Cupertino Sanitary District. The impacts associated with the lodging uses are analyzed as part of the Project throughout this Draft EIR. This Section 15 of the Draft EIR analyzes impacts on population and housing resulting from implementation of the Project. The Project site does not contain any existing residential uses, and the nearest residential uses are located across Pierce road within the City of Saratoga. Given that the Project does not propose new housing, the Project site is already developed with the Mountain Winery facility, and there are already established residential communities nearby the Project site, the Project would not introduce urban uses to rural areas. Further, the Project would limit development to the previously disturbed Precise Plan area.

  Currently, the Cupertino Sanitary District levies three fees for connection to the system. The first is based on frontage fee, which recovers the cost of connecting to Cupertino Sanitary District owned collection lines. The second is based on area fee, which is the treatment plant capacity fee that is a "buy-in" to the regional treatment plant (of which the Cupertino Sanitary District has a dedicated share). The third method is change-in-use fee (Cupertino Sanitary District, 2018). The landowner would be responsible for paying all applicable fees associated with any future connection to the Cupertino Sanitary District.

Annexation/Reorganizations Policies

- Annexation/Reorganization Policy 1: LAFCo will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCo will reconsider allowance of exceptions if it appears a pattern of such requests is developing.
  - *Annexation/Reorganization Policy 1 Project Consistency:* See response under SOI Policy 4.
- Annexation/Reorganization Policy 2: Where development outside Urban Service Areas will necessitate annexations to special districts, LAFCo will consider General Plans, joint city/county plans, and land use studies, such as the South County Plan and Preservation 2020, in reviewing proposals.

- *Annexation/Reorganization Policy 2 Project Consistency:* See response to SOI Policy 5 and SOI Policy 6.

- Annexation/Reorganization Policy 3: Proponents must clearly demonstrate that the city or special district is capable of meeting the need for services.

  - *Annexation/Reorganization Policy 3 Project Consistency:* The Project entails annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District to allow for the potential to connect to the Cupertino Sanitary District sanitary sewer system in the future. The Cupertino Sanitary District has confirmed that pending LAFCo's approval of annexation of parcels 503-46-005 and 503-46-006 to the Cupertino Sanitary District, the District has adequate infrastructure and sufficient capacity to serve the Project site (Cupertino Sanitary District, 2019).

    In addition, Section 17, Public Services and Utilities of this Draft EIR identifies the responsible agencies that would provide public services and utilities to the Project area. The Mountain Winery is an existing use with existing service providers. As discussed in Section 17, Public Services and Utilities of this Draft EIR, the Project would continue to be served adequately by these service providers. Annexation/Reorganization

- Annexation/Reorganization Policy 4: Boundaries of proposals must be definite and certain, and split lines of assessment must be avoided wherever possible.

  - *Annexation/Reorganization Policy 4 Project Consistency:* The boundaries of the proposed SOI and USA adjustments, and of the proposed annexation, are definite and certain, without split lines of assessment. Chapter 3, Project Description of the Draft EIR provides a project overview of the existing and proposed boundary lines of the City USA and SOI in relation to the Project site.

- Annexation/Reorganization Policy 5: The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.

  - *Annexation/Reorganization Policy 5 Project Consistency:* The Project will not create or result in areas that are difficult to serve. See response under Annexation/Reorganization Policy 3.

- Annexation/Reorganization Policy 6: Pre-zoning is a requirement for city annexation. Where territory is pre-zoned agricultural, but has an urban use designation on the city's general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCo to:

  a. Steer growth away from agricultural areas; and

  b. Determine that annexation and development of land for non-agricultural purposes is not premature.

- *Annexation/Reorganization Policy 6 Project Consistency:* As part of the Project, the City would create a new zoning district, as described above, that would require a Precise Plan be approved by the City to establish more specific land use regulations and design standards within the Precise Plan area. Pre-zoning of the project site is consistent with State law requiring cities to pre-zone land proposed for annexation, as the Santa Clara LAFCo must determine that annexation is consistent with the planned use of the property based on the City's General Plan and pre-zoning designation. Further, as noted in response to SOI Policy 4, stated objectives of the Project include focusing development to minimize environmental and/or natural resource impacts.

- Annexation/Reorganization Policy 7: No subsequent change may be made to the general plan or the zoning of the annexed territory that is not in conformance to the pre-zoning designations for a period of two years after the completion of the annexation unless the city council makes a finding at a public hearing that a substantial change has occurred in the circumstances that necessitate the change.
  - *Annexation/Reorganization Policy 7 Project Consistency:* This policy will apply to the Project site following annexation. In addition, as part of the Project, the City and the landowner will enter into a development agreement. This limits the City's ability to change land uses from those that will be adopted at the time of the annexation.

- Annexation/Reorganization Policy 8: For annexations for residential development of five acres or more, a copy of the application shall be sent to the appropriate school district(s) for the purpose of ascertaining the impact the proposal may have on the district's ability to provide educational services.
  - *Annexation/Reorganization Policy 8 Project Consistency:* The Project does not propose any residential development within the Precise Plan area. The R-OS land use designation that would be applied to the 506-46-007 parcel would allow for one residential dwelling unit within the approximately 165-acre parcel, which is the same amount of residential use currently allowed for this parcel by the existing County General Plan. Therefore, the Project would not result in additional residential development in excess of what is already allowed under the County's General Plan land use designation. Impacts of future development on the Project site, including impacts on school districts, is analyzed in Section 17, Public Service and Utilities.

- Annexation/Reorganization Policy 9: All applications for annexations where pre-zoning indicates that land development could cause the number of vehicle trips per day to exceed 2,000, shall be sent by the LAFCO Executive Officer to the Congestion

Management Agency with the Valley Transportation Authority for comment as to impact on regional transportation facilities and services.

- *Annexation/Reorganization Policy 9 Project Consistency:* This Draft EIR discusses the Project's impact to present and planned land uses within this Section. The Draft EIR analyzes the Project's impact to transportation in Section 19, Transportation and Circulation. As shown in Section 19, Transportation and Circulation, the Project would generate 1,431 net new trips and would not exceed 2,000 vehicle trips per day. Thus, consultation with the Valley Transportation Authority for comment on regional transportation facilities and service would not be required.

- Annexation/Reorganization Policy 10: Where service providers other than the reorganizing agencies may be substantively impacted by a proposed reorganization, LAFCo shall request comments on the proposal from the affected service providers. Comments received will be a factor considered in reviewing the proposal.

  - *Annexation/Reorganization Policy 10 Project Consistency:* The City of Saratoga prepared a Notice of Preparation (NOP) for this Draft EIR, which was published on July 8, 2019 and circulated for a 30-day period. The NOP was circulated to the public and responsible agencies to inform members of the public and public agencies about the Project, to notify them of the City's intent to prepare a Program EIR for the Project, and to solicit input regarding the analysis in this EIR. The NOP provided a general description of the Project and identified possible environmental impacts that could result from implementation of the Project. Comments in response to the NOP were received from the affected service providers: County of Santa Clara – Parks and Recreation Department, County of Santa Clara – Office of the Sheriff, and the Cupertino Sanitary District. A summary of the comments received are provided in Section 2, Introduction of this Draft EIR. This Draft EIR addresses the issues that were raised by the public and responsible agencies in response to the NOP.

- Annexation/Reorganization Policy 11: Concurrent detachment of territory from special districts which will no longer provide service is a required condition of city annexation.

  - *Annexation/Reorganization Policy 11 Project Consistency:* The Project entails annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District to allow for the potential to connect to the Cupertino Sanitary District system in the future, which would provide sanitary sewer services in place of the current onsite sewage collection system, septic treatment, and percolation disposal field. Section 17, Public Services and Utilities of this Draft EIR identifies the responsible agencies that would provide public services and utilities to the Project area. The Mountain Winery is an existing use with existing service providers. As discussed in Section 17, Public Services and Utilities of this Draft EIR,

the Project would continue to be served adequately by these existing Mountain Winery service providers. No detachment of territory from special districts would be necessary as a result of implementation of the Project.

- Annexation/Reorganization Policy 12: LAFCo will consider the applicable service reviews and discourage changes in organization that undermine adopted service review determinations or recommendations.
    - *Annexation/Reorganization Policy 12 Project Consistency:* The Project site is contiguous to the City of Saratoga and is currently developed with urbanized uses that are served adequately by existing public services. The County General Plan includes policies that support proposals to annex lands or expand a city's urban service area boundaries only if the area proposed for urban development is contiguous to existing urbanized areas. As discussed in Section 17, Public Services and Utilities of this Draft EIR, the Project would continue to be served adequately by these service providers. Currently, the Mountain Winery is served by an onsite sewage collection system, septic treatment, and percolation disposal field. The Santa Clara County Environmental Health Department considers the existing system to be a temporary system until the system can be upgraded to a size large enough to permanently serve the Mountain Winery. The Project entails annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District to allow for potential to connect to the Cupertino Sanitary District system in the future, which would help to permanently serve the Mountain Winery. In addition, the Cupertino Sanitary District has confirmed that pending LAFCo's approval of annexation of parcels 503-46-005 and 503-46-006 to the Cupertino Sanitary District, the District has adequate infrastructure and sufficient capacity to serve the Project site (Cupertino Sanitary District, 2019). The SOI and USA boundary changes proposed by the Project would not undermine adopted service review determinations. The Project site is currently served by public services, as described in Section 3, and would continue to be served by the same service providers. As detailed in Section 17 Public Services and Utilities, these existing service providers would have adequate capacity to serve the proposed Project.

County of Santa Clara General Plan

Growth and Development

The Santa Clara County General Plan Growth and Development Element (GD) discusses the future urban expansion strategy to ensure orderly expansion while preventing urban development outside urban service areas. This element proposes a three-part strategy for managing urban growth: (1) protect promote compact urban development patterns, (2) achieve balanced urban growth and development, and (3) improve coordinated, countywide planning. Each strategy is

supported by sub-strategies, policies, and implementation actions. Policies and implementation recommendations most directly related to land use and planning are included below.

- Policy C-GD 1: Most of the future urban growth of Santa Clara County should be accommodated within the existing urban areas, through infill development, rather than through expansion of the urbanized area into hillsides and resource areas.
- Policy C-GD 2: Urban development shall occur only within the cities' urban service areas (USAs) and under city jurisdiction. The County shall not allow urban development on unincorporated lands outside cities' urban service areas.
- Policy C-GD 3: Urban service areas should generally include only those areas suited for urban development. Development of such areas should be:
    a. reasonably serviceable with public facilities and services;
    b. relatively free from risks associated with natural hazards;
    c. without substantial adverse environmental impact;
    d. not likely to create severe off-site impacts on surrounding areas; and
    e. without cumulative adverse impacts on the county's water supply watersheds or any other natural resource.
- Policy C-GD 4: Development activity should minimize degradation of the natural environment and avoid diminishment of heritage resources.
- Policy C-GD 5: Lands generally unsuited for urban development may be allowed to annex to cities or be included in urban service areas only if the land is preserved as a non-urban, open space use.
- Policy C-GD 6: Hazard and resource areas with the following characteristics shall be considered unsuited for urban development:
    a. flood potential, including areas designated as floodways, tidal zones, coastal high hazard areas and federal flood insurance rate zones by the National Flood Insurance Program;
    b. seismic and geologic hazards (see Safety chapter for complete description of types of seismic and geologic hazards);
    c. sanitary landfill sites;
    d. areas of soil creep, saturated soils, and areas where the water table is 3 feet or less below the surface;
    e. prime agricultural soils;
    f. bay wetlands;
    g. water supply watersheds;

h. riparian corridors; and

i. areas generally above 15% slope.

- Policy C-GD 7: Urban expansion should be planned on a staged, orderly basis, consistent with applicable plans (e.g. city, County, countywide plans) and the availability of needed urban services and facilities. The discouragement of expansion of cities' Urban Service Areas should be recommended to the LAFCo.
- Policy C-GD 8: Proposals to annex lands or expand a city's urban service area boundaries shall be approved only if:

  a. the city, special districts and affected school districts have the ability to provide all needed public services and facilities to the area within five years and without lessening existing levels of service;

  b. the existing supply of land within the city's USA accommodates no more than five years of planned growth;

  c. the area proposed for urban development is contiguous to existing urbanized areas.

- Policy C-GD 9: Proposals to annex lands or expand the USA of a city for the purpose of adding lands planned for employment should be approved only if:

  a. lands planned for employment overall do not exceed the capacity of the city's planned housing supply; or

  b. the city's housing element of its general plan can document that the housing needs of all segments of the community population are being met as stipulated by state law.

- Policy C-GD 10: Expansions of urban service areas to increase employment-related land uses should not be approved for cities where the existing or planned employment exceeds the capacity of the existing or planned housing supply unless modifications to the city's general plan and/or zoning are made to offset any increase in the imbalance of land uses.
- Policy C-GD 11: Unincorporated lands intended for urbanization should be annexed to cities at a time consistent with cities' development schedules.

The Project site is contiguous to the City of Saratoga and is currently developed with urbanized uses that are served adequately by existing public services. The Project would allow development of a new lodging facility and a new water tank only within the Precise Plan area (existing development footprint), which is already developed with the Mountain Winery complex. The Project would also allow for the potential future connection of parcels 503-46-005 and 503-46-006 to the Cupertino Sanitary District, within the Sanitary Sewer Connection area, allowing for adequate sewer service for future development (refer to Figure 3-2).

City of Saratoga General Plan

The City of Saratoga General Plan (General Plan) is the comprehensive planning document governing development within the City, and contains goals, policies, and programs describing the community's vision for economic viability, livable neighborhoods, and environmental protection.

The General Plan, as amended, establishes policies for the orderly growth and development of the City of Saratoga. Among other purposes, the General Plan identifies policies necessary to protect and enhance those features and services which contribute to the quality of life of the community in which it serves.

A general plan functions as a guide for the type of community that is desired for the future and provides the means to achieve it. The City of Saratoga General Plan contains the following elements: Circulation and Scenic Highway; Land Use; Noise; Open Space and Conservation; Safety and Housing. These are further defined below.

Circulation and Scenic Highway. The Circulation and Scenic Highway Element provides the framework for decisions concerning the City's multimodal transportation system, which includes roadway, transit, bicycle, pedestrian, and rail modes of travel. The Circulation and Scenic Highway Element addresses all modes of travel and includes goals, policies, and implementation programs to guide the development and maintenance of the transportation system. Scenic highway designations and corridor preservation issues are also addressed in the Circulation and Scenic Highway Element.

Land Use. The Land Use Element provides for a development and resource conservation pattern that preserves and protects the low-density residential land use pattern throughout Saratoga and the lands throughout the City's Planning Area, while promoting opportunities for economic development, high-quality local job growth, and fiscal sustainability.

Noise. The Noise Element is one of the seven mandatory elements of the General Plan. The overall purpose of the Noise Element is to address major noise sources and to promote safe and comfortable noise levels throughout Saratoga. The Noise Element contains goals, policies, and actions that seek to reduce community exposure to excessive noise levels through the establishment of noise level standards for a variety of land uses.

Open Space and Conservation. The Open Space and Conservation Element provides the framework to protect, maintain, and enhance Saratoga's natural resources. The Open Space and Conservation Element balances the overall vision of the General Plan for preserving Saratoga's high living standards, agricultural heritage, and natural resources while simultaneously providing for economic development and balanced growth.

Safety. The Safety Element provides the framework to reduce risks associated with a range of environmental and human-caused hazards that may pose a risk to life and property in Saratoga. Inclusion of the Safety Element in the General Plan is required by State law.

Housing. Development of housing in the City of Saratoga is guided by the goals, policies, and actions contained in the Housing Element. Government Code Section 65400(a)(1) requires the City's planning agency (i.e., the Community Development Department) to make recommendations to the City Council that identify reasonable and practical means for implementation of the General Plan. The Community Development Department is also required to provide an annual report to the City Council, the State Office of Planning and Research (State Clearinghouse), and the State Department of Housing and Community Development that includes the status of the General Plan, the City's progress in the implementation of the General Plan, and the City's progress in meeting its allocation of regional housing needs and removing governmental constraints to the maintenance, improvement, and development of housing.

The City of Saratoga updated and adopted its Housing Element on November 19, 2014. Saratoga's Housing Element, which focuses on the regional housing needs for the period between 2014 and 2022, includes all the mandatory sections as identified by California law, including an inventory of land parcels that could accommodate its RHNA as set by ABAG. The element outlines housing production objectives, describes strategies to achieve those objectives, examines the local need for special needs populations, identifies adequate sites for housing production serving various income levels, analyzes constraints to new development, and evaluates the Housing Element's consistency with other General Plan elements.

General Plan Policies for land use and population that are relevant to the Project are addressed in this section. The Project would be consistent with all of these policies.

Land Use Element

Goal LU 2: Encourage the economic viability of Saratoga's existing commercial and office areas and their accessibility by residents, taking into account the impact on surrounding residential areas.

- Policy LU 2.1: Non-residential development shall be confined to sites presently designated on the General Plan Map for non-residential uses. Existing non-residential zoning shall not be expanded, nor new non-residential zoning districts added.
- Policy LU 2.2: Non-residential uses shall be buffered from other uses by methods such as setbacks, landscaping, berms, and sound walls as determined through the Design Review process.
- Policy LU 2.5: The City shall monitor Zoning Ordinance standards to ensure that nonresidential parking standards are adequate to minimize spill-over of parking into adjacent neighborhoods.

Goal LU 3: Promote the long-term fiscal soundness of the City of Saratoga through careful analysis of land use decisions and fiscal practices.

- Policy LU 3.1: The City shall consider the economic impact of all land use decisions on the City budget through the preparation of fiscal impact analyses for major development proposals.
- Policy LU 3.2: The City shall adopt regulations authorizing exactions in the form of improvements or fees required from developers to compensate the City for their fair share of direct and indirect economic effects that arise from proposed development and to insure implementation of the General Plan.

Goal LU 5: Relate development proposals to existing and planned street capacities to avoid excessive noise, traffic, and other public safety hazards so as to protect neighborhoods. If it is determined that existing streets need to be improved to accommodate a project, such improvements shall be in place or bonded for prior to issuance of building permits.

- Policy LU 5.1: Prior to approval, the decision-making body shall consider the cumulative traffic impacts of single-family residential projects of 4 or more lots, multi-family residential projects of eight or more units, and commercial projects designed for an occupancy load of more than 30 persons. This may be accomplished through the completion of traffic impact analyses prepared by qualified traffic engineers or transportation planners.
- Policy LU 5.2: Development proposals shall be evaluated against City standards and guidelines to assure that the related traffic, noise, light, appearance, and intensity of the proposed use have limited adverse impact on the area and can be fully mitigated.
- Policy LU 5.3: The capacity of existing streets shall be recognized prior to tentative building site or subdivision approval of any project. New development shall be designed to minimize disruption to the area caused by an increase in through or heavy traffic.
- Policy LU 5.4: Through the development review process, ensure that adjoining neighborhoods are protected from noise, light, glare and other impacts resulting from new or expanded non-residential developments.

Goal LU 6: Protect natural resources and amenities through appropriate land use and related programs.

- Policy LU 6.1: Incorporate specific standards and requirements into the Zoning Ordinance to preserve and protect sensitive watershed areas on hillsides within the community.
- Policy LU 6.4: The General Plan shall continue to enforce and implement existing tree protection policies, especially in regard to native trees.
- Policy LU 6.5: Encourage the use of renewable resources and energy conservation.

Goal LU 9: Preserve the rural nature of the hills by limiting incompatible development.

- Policy LU 9.1: Limit Expansion of Urban Development in the hillside areas.
- Policy LU 9.2: Limit the amount of grading within hillside areas to the minimum amount needed for dwellings and access.

Goal LU 10: Minimize the visual impacts of hillside development, especially on ridgetops.

- Policy LU 10.1: Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts.

Goal LU 11: Foster closer interjurisdictional cooperation and coordination concerning land use and development issues.

- Policy LU 11.1: Adhere to Joint Hillside Land Use Objectives that will assure basic consistency of hillside land use policies among the West Valley jurisdictions. The West Valley Cities and the County should work together to achieve the shared goal of preserving the natural beauty of the West Valley Hillsides.
- Policy LU 11.2: Continue to work within the adopted Joint Planning Objectives and Land Use principles for West Valley Hillsides Areas to reinforce existing policies.

Goal LU 13: The City shall use the design review process to assure that new construction and major additions thereto are compatible with the site and the adjacent surroundings.

- Policy LU 13.1: Utilize the design review process and the California Environmental Quality Act in the review of proposed residential and non-residential projects to promote high quality design, to ensure compliance with applicable regulations, to ensure compatibility with surrounding properties and use, and to minimize environmental impacts. Special attention shall be given to ensuring compatibility between residential and non-residential uses (e.g., land use buffering).
- Policy LU 13.2: When considering development proposals, including new construction, remodeling and/or additions to existing buildings, the city shall adhere to applicable adopted design guidelines, such as, but not limited to, the Residential Design Handbook, the Village Plan Design Guidelines and the Saratoga-Sunnyvale Road Gateway Guidelines, as may be adopted and revised by City Council from time to time.

Goal LU 14: Seek to achieve appropriate and contiguous City boundaries to provide for the efficient delivery of public services and to create a greater sense of community.

- Policy LU 14.1: Land shall not be annexed to Saratoga unless it is contiguous to the existing city limits, within the Sphere of Influence, and it is determined by the city that public services can be provided without unreasonable cost to the City and dilution of services to existing residents.
- Policy LU 14.2: The City shall evaluate its designated unincorporated Urban Service Areas to determine if the areas are compatible with the County's Local Agency Formation Commission Policies and are appropriate for annexation and urban development.
- Policy LU 14.3: The City shall periodically review annexation policies and procedures to ensure compliance with most current land use changes.

Goal LU 16: Review and amend (as needed) the Zoning Ordinance to provide consistency with the General Plan updates, new state legislation and court decisions.

- Policy LU 16.1: Consider Zoning Ordinance amendments that implement the use and development of goals, policies, and plan objectives identified in the adopted 2006 Land Use Element and Land Use Map of the General Plan.

City of Saratoga Zoning Ordinance

Chapter 15 of the Saratoga Municipal Code is the City's Zoning Ordinance. The Zoning Ordinance carries out the policies of the City's General Plan by classifying and regulating the uses of land and structures within the Project site, consistent with the General Plan. The Zoning Ordinance is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City.

Santa Clara Valley Habitat Conservation Plan

The Santa Clara Valley Habitat Plan (SCVHP) is both a habitat conservation plan and natural community conservation plan, or HCP/NCCP. The SCVHP is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. In 2013, the SCVHP was adopted by all local participating agencies and permits were issued from the US Fish and Wildlife Service and California Department of Fish and Wildlife. The SCVHP was developed through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Water District, and the Valley Transportation Authority (collectively termed the 'Local Partners'), the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

The SCVHP provides a framework for the Local Partners and landowners to complete projects while protecting at-risk species and their essential habitats, some of which occur only in Santa Clara County. The SCVHP addresses listed species and species that are likely to become listed during the plan's 50-year permit term. The eighteen covered species include nine plants and nine animals. The animal species covered include, but are not limited to, the California tiger salamander, California red-legged frog, western pond turtle, and western burrowing owl. In general, the SCVHP is a fee-based program aimed at providing for the regional conservation of these species.

15.4 Environmental Impacts and Mitigation Measures

Significance Criteria

The following significance criteria for land use and planning were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria:

LU-1 Physically divide an established community.

LU-2 Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

LU-3 Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

LU-4 Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Impacts of the Project

Impact LU-1: Would the project physically divide an established community? **(No Impact)**

Projects that are typically considered to have the potential to divide an established community include the construction of new freeways, highways, or roads, or other uses that physically separate an existing or established neighborhood. As described below, the Project would not create a physical barrier or other physical division within an established community.

The new uses allowed by the Project would include lodging (up to 300 lodging units and ancillary uses), a new water tank, and the annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District. Currently, the Project site is surrounded by hillsides and low-density residential neighborhoods. Implementation of the Project would not propose features such as a highway or new roads that would preclude or impede movement through the Project site, such that a permanent disruption in the physical arrangement of the surrounding community or isolation of that community would occur.

The Mountain Winery is an existing use and all new uses (limited to those described above) would occur within the Precise Plan area, which has been previously developed with the Mountain Winery complex. Thus, implementation of the Project would not physically divide an established community and no impact would occur.

Impact LU-2: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? **(Less Than Significant)**

City of Saratoga General Plan Amendment

As discussed in Section 3, Project Description, the Project site includes parcels 503-46-006 and 503-46-007 and a portion of parcel 503-46-005. The parcels located within the County of Santa Clara's jurisdiction do not currently have land use designations under the General Plan or zoning designations under the City Zoning Ordinance and Zoning Map. The 503-46-006 and 503-46-007 parcels are located in unincorporated Santa Clara County and the 503-46-006 and 503-46-007 parcels are designated in the County General Plan as Hillside (HS).

As shown in Figure 3-3, a portion of the Project site is located within parcel 503-46-005, which is currently designated as Residential Hillside Conservation in the City of Saratoga General Plan. As shown in Figure 3-4, the 503-46-005 parcel would remain designated as Residential Hillside Conservation. Future infrastructure associated with a potential future connection of the Mountain Winery to the Cupertino Sanitary District system would be allowed to occur within this area, referred to as the "Sanitary Sewer Connection area".

As part of the Project, an amendment to the General Plan would be required to establish a new land use designation that would apply to the 503-46-006 and 503-46-007 parcels. An amendment to the City Zoning Ordinance to pre-zone the Project site would also be required to be consistent with the General Plan amendment.

As shown in Figure 3-3 and Figure 3-4, the Project would include a General Plan amendment that would re-designate the 503-46-006 parcel, which encompasses the Precise Plan area, from Hillside (HS) to Regional Commercial (RC). This land use designation would allow a broad range of visitor serving commercial uses with a regional orientation. The RC designation would allow indoor and outdoor recreation, dining, entertainment, meetings and special events, retreats, lodging, wineries, spas, agriculture, and other similar commercial activities and compatible uses. Parcels under the RC designation would be required to be a minimum of 150 acres in size. The Mountain Winery would be the only site within the City that falls under this designation.

As shown in Figure 3-3 and Figure 3-4, the Project would include a General Plan amendment that would re-designate the 503-46-007 parcel from Hillside (HS) to Hillside Open Space (OS-H). Both the existing County land use designation (HS) and the proposed City land use designation (OS-H) would allow for the same land uses and densities. Therefore, the proposed change from the County land use designation of HS to the City land use designation of OS-H would not result in any changes to the allowed uses on the 503-46-007 parcel. Given that no new uses would be allowed on the 506-46-007 parcel by the Project, there would be no effects as a result of the designation change. Accordingly, this parcel is not analyzed in further detail in the EIR.

Zone Change

As shown in Figure 3-3 and Figure 3-4, the northern half of parcel 503-46-006 would be re-zoned from Hillside-d1 District (HS-d1) to Regional Commercial (RC) and the southern half of parcel 503-46-006 would be rezoned from Hillside-d1-Scenic Roads (HS-d1-sr) to RC. Parcel 503-46-007 would be re-zoned from HS-d1 to the existing zoning district Residential Open Space (R-OS). The RC zoning would require the City to approve a Precise Plan as a means to establish more specific land use regulations and design standards. Building coverage would be limited to 20 percent of the lot area, and the maximum building height allowed would be up to 35 feet. Up to 10 feet of additional height would be allowed for architectural features that do not contain floor area. The new zoning district would allow uses permitted under the Mountain Winery's existing County Use Permit (approved in 2000, modified in 2018) to continue, while also allowing for new uses (subject to a maximum permissible density and intensity of use established by the Precise Plan).

The 503-46-005 parcel would retain the existing City zoning district of Hillside Residential (HR), which allows for utility lines to be constructed.

County of Santa Clara General Plan

As discussed above, the Project would require an amendment to the General Plan that would re-designate parcels 503-46-006 and 503-46-007 from the current HS designation. The HS designation allows agriculture and grazing; mineral extraction; parks and low-density recreational uses and facilities; land in its natural state; wildlife refuges; very low-density residential development; and commercial industrial or institutional uses, which by their nature require remote, rural settings, or which support the recreational, or productive use, study or appreciation of the natural environment. Following LAFCo approval of the USA and SOI amendments, the City would annex the Project site within the municipal boundaries of the City. Although the County General Plan policies would no longer govern the Project site, Table 15-6 analyzes the Project's consistency with the County General Plan policies and based on this analysis has concluded that no inconsistency would result from Project implementation, even if the policies would be applicable to the Project.

Local Agency Formation Commission (LAFCo) of Santa Clara County

Implementation of the Project would require annexation approval through LAFCo to include the Project site within the municipal boundaries of the City of Saratoga. The Project site would also require LAFCo's approval of annexation of parcels 503-46-005 and 503-46-006 to the Cupertino Sanitary District to allow for potential future sanitary sewer service to be provided to the Mountain Winery. As discussed above, the Project would be consistent with LAFCo policies on Sphere of Influence, Urban Service Area, and Annexation or Reorganizations for Cities and Special Districts. Thus, impacts would be less than significant.

Impact LU-3: Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **(Less Than Significant)**

The new uses allowed by the Project would include lodging (up to 300 hotel rooms and ancillary uses), a new water tank, and the annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District. The lodging uses could potentially attract new temporary visitors to the Mountain Winery for wine tasting and concerts; however, it is also possible that visitors who were already planning to visit the existing Mountain Winery for wine tasting and concerts would patronize the newly allowed lodging[5]. The lodging uses would create new employment opportunities and for purposes of analysis, this EIR assumes the new lodging uses could create

[5] While the proposed lodging is expected to provide additional jobs and some related trips to the Mountain Winery, the hotel itself is not expected to be the principal catalyst for new guest trips. Rather, 80 percent of vehicle trips associated with the new lodging use are anticipated to have been already coming to the area and would have stayed at an alternative hotel if lodging in this location was not constructed. The remaining 20 percent of trips are assumed to be new trips to the roadway network that would be induced by the Project.

up to 75 new jobs.[6] ABAG predicts that job opportunities in Saratoga will grow from 8,750 in 2010 to 9,085 by 2040. As of 2017, there are 6,744 job opportunities in the City. While the Project was not contemplated by the General Plan, the addition of 75 new jobs from lodging uses would be within the ABAG growth projections for the City of approximately 9,085 jobs by 2040 and would not exceed the ABAG growth projections for the City. In addition, employees could be existing residents of the area, not necessitating the need for new homes. Therefore, population growth from the Project would be consistent with ABAG's projections for the City and with the City's General Plan. Impacts would be less than significant.

Impact LU-4: Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? **(No Impact)**

The new uses allowed by the Project would include lodging (up to 300 hotel rooms and ancillary uses), a new water tank, and the annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District. Currently, the Project site is surrounded by hillsides and low-density residential neighborhoods. The nearest residence is located along Pierce Road, approximately 1,000 feet east of the Precise Plan area. The Project would not entail off-site construction or acquisition of any land and full buildout of the Project would not entail demolition of existing structures. Therefore, the project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and there would be no impact.

Cumulative Impact Analysis

Cumulative impacts would occur if the Project, together with other cumulative projects would physically divide an existing community; conflict with an applicable land use plan, policy, or regulation; induce substantial unplanned population growth; or displace substantial numbers of existing people or housing. The cumulative setting analyzed in this EIR is described in Section 4, Introduction to Environmental Analysis.

As described above, the Project, with implementation of the General Plan amendment and zone change, would be consistent with the General Plan. The proposed Precise Plan is designed to be consistent with the General Plan Goals and Policies related to land use and would allow uses permitted under the existing County Use Permit (approved in 2000, modified in 2018) to continue, while also allowing for new uses. If the Precise Plan is adopted, it would be consistent with the zoning it proposes, as well as the General Plan.

In addition to land use impacts, the population and housing growth from the Project would not be substantial as discussed above. As previously discussed, the lodging uses would create new employment opportunities and could create up to 75 new jobs. This would be less than a 1

[6] For this analysis, 75 employees were assumed to be on site.

percent increase of new jobs for the City. The 75 new jobs would be consistent with the ABAG growth projections for the City of approximately 9,085 jobs by 2040.

As discussed above, the Project would allow new lodging uses on the Project site but would not entail off-site construction or acquisition of any land. All Project activities would occur with the Precise Plan boundaries. As such, the Project would not displace any people or housing.

The Project would not combine with any past, present, or reasonably foreseeable future projects to likely cause a significant adverse cumulative land use impact based on a conflict with a plan or policy. Thus, no significant cumulative impacts associated with existing plans or policies, are anticipated. Furthermore, the Project would not cumulatively contribute to significant adverse cumulative impacts to population, housing, or employment. Impacts would be less than significant.

15.5 References

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City of Saratoga. 2007. *General Plan*. Prepared by Ungo-McCormick Consulting

Cupertino Sanitary District. 2018. Connection and Capacity Fees Study. November 2018. Available at: https://j.b5z.net/i/u/10207194/f/Home/CUSD_FEES_STRUCTURE_STUDY_11-7-2018_-_Online_Version__2_.pdf

Cupertino Sanitary District. 2019. Resolution 1314: A Resolution of the Board of Directors of the Cupertino Sanitary District Approving Annexation to the District of Land Identified as APN 503-46-006 and 503-46-007 and Conditionally Allowing Connection of Said Property Pending Completion of Annexation Proceedings.

16 Noise and Vibration

16.1 Introduction

This section describes effects on noise and vibration conditions in the Project area. The current condition and quality of noise and vibration was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- Kimley-Horn, *Acoustical Assessment, 2019* (see Appendix D)

16.2 Acoustic Fundamentals

16.2.1 Sound and Environmental Noise

Acoustics is the science of sound. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium (e.g. air) to human (or animal) ear. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is defined as loud, unexpected, or annoying sound. The fundamental acoustics model consists of a noise source, receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Acoustics deal primarily with the propagation and control of sound. A typical noise environment consists of ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this ambient noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to continuous noise from traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micropascals (µPa) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness. Table 16-1 provides typical noise levels.

Table 16-1: Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	– 110 –	Rock Band
Jet fly-over at 1,000 feet		
	– 100 –	
Gas lawnmower at 3 feet		
	– 90 –	
Diesel truck at 50 feet at 50 miles per hour		Food blender at 3 feet
	– 80 –	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawnmower, 100 feet	– 70 –	Vacuum cleaner at 10 feet
Commercial area		Normal Speech at 3 feet
Heavy traffic at 300 feet	– 60 –	
		Large business office
Quiet urban daytime	– 50 –	Dishwasher in next room
Quiet urban nighttime	– 40 –	Theater, large conference room (background)
Quiet suburban nighttime		
	– 30 –	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	– 20 –	
		Broadcast/recording studio
	– 10 –	
Lowest threshold of human hearing	– 0 –	Lowest threshold of human hearing

Source: California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

Noise Descriptors

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The equivalent noise level (L_{eq}) is the average noise level averaged over the measurement period, while the day-night noise level (L_{dn}) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Most commonly, environmental sounds are described in terms of L_{eq} that has the same acoustical energy as the summation of all the time-varying events. Each is applicable to this analysis and defined in Table 16-2.

Table 16-2**: Definitions of Acoustical Terms**

Term	Definitions
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in µPa (or 20 micronewtons per square meter), where 1 pascals is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g. 20 µPa). Sound pressure level is the quantity that is directly measured by a sound level meter.

Table 16-2: **Definitions of Acoustical Terms**

Term	Definitions
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in dB as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level (L_{max}) Minimum Noise Level (L_{min})	The maximum and minimum dBA during the measurement period.
Exceeded Noise Levels (L_{01}, L_{10}, L_{50}, L_{90})	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (L_{dn})	A 24-hour average L_{eq} with a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn}.
Community Noise Equivalent Level (CNEL)	A 24-hour average L_{eq} with a 5 dBA weighting during the hours of 7:00 a.m. to 10:00 a.m. and a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

The A-weighted decibel (dBA) sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be used. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source.

A-Weighted Decibels

The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by dBA values. There is

a strong correlation between dBA and the way the human ear perceives sound. For this reason, the dBA has become the standard tool of environmental noise assessment. All noise levels reported in this document are in terms of dBA, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions. Under the dB scale, three sources of equal loudness together would produce an increase of 5 dBA.

Sound Propagation and Attenuation

Sound spreads (propagates uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. For line sources, an overall attenuation rate of 3 dB per doubling of distance is assumed.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels

are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance. Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. A noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance (Federal Interagency Committee on Noise, 1992).

16.2.2 Groundborne Vibration

Sources of groundborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g. factory machinery) or

transient (e.g. explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 16-3 displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Table 16-3: Human Reaction and Damage to Buildings from Vibration

Peak Particle Velocity (in/sec)	Approximate Vibration Velocity Level (VdB)	Human Reaction	Effect on Buildings
0.006-0.019	64-74	Range of threshold of perception	Vibrations unlikely to cause damage of any type
0.08	87	Vibrations readily perceptible	Recommended upper level to which ruins and ancient monuments should be subjected
0.1	92	Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities	Virtually no risk of architectural damage to normal buildings
0.2	94	Vibrations may begin to annoy people in buildings	Threshold at which there is a risk of architectural damage to normal dwellings
0.4-0.6	98-104	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Architectural damage and possibly minor structural damage

Source: California Department of Transportation, *Transportation and Construction-Induced Vibration Guidance Manual*, 2004.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities such as earth-moving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

16.3 Applicable Regulations, Plans, and Standards

16.3.1 Federal

None applicable.

16.3.2 State

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of "normally acceptable", "conditionally acceptable", "normally unacceptable", and "clearly unacceptable" noise levels for various land use types. Single-family homes are "normally acceptable" in exterior noise environments up to 60 CNEL and "conditionally acceptable" up to 70 CNEL. Multiple-family residential uses are "normally acceptable" up to 65 CNEL and "conditionally acceptable" up to 70 CNEL. Schools, libraries, and churches are "normally acceptable" up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Title 24 – Building Code

The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

16.3.3 Regional and Local

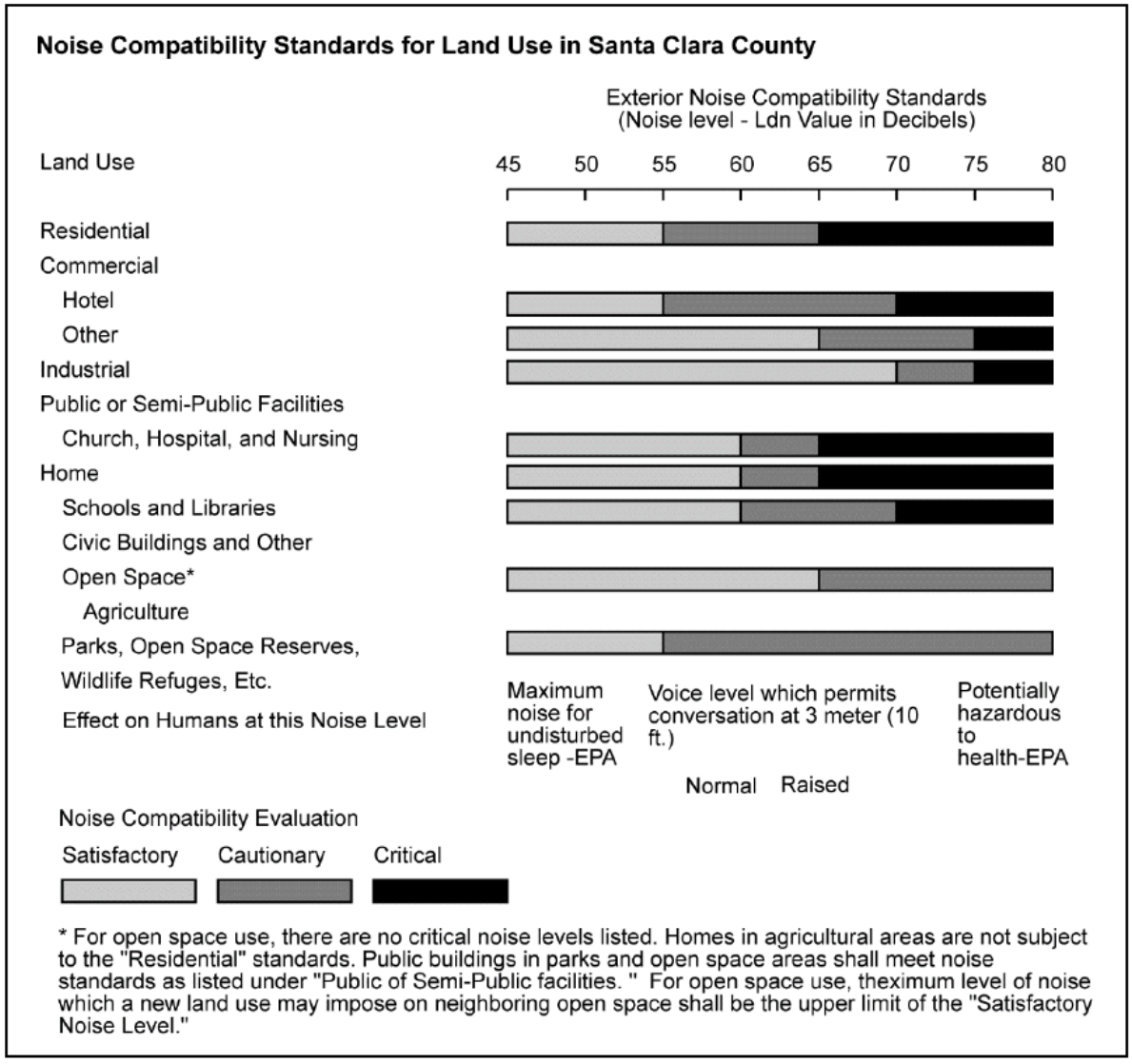
Santa Clara County General Plan

Safety Element

The County General Plan Safety Element (HS) discusses topics related to countywide public health and safety within the natural and built environments. This element includes six sections: (1) Hazardous Materials, (2) Emergency Preparedness, (3) Noise, (4) Natural Hazards, (5) Aviation Safety, and (6) Wastewater Disposal. Policies and implementation recommendations are included within each chapter to ensure the intensity of land use is aligned with estimated levels of risk, availability of services, and facilities to ensure safety. Policies and implementation recommendations most directly related to Noise and vibration are included below.

- Policy C-HS 24: Environments for all residents of Santa Clara County free from noises that jeopardize their health and well-being should be provided through measures which promote noise and land use compatibility.
- Policy C-HS 25: Noise impacts from public and private projects should be mitigated.
- Policy C-HS 26: New development in areas of noise impact (areas subject to sound levels of 55 DNL or greater) should be approved, denied, or conditioned so as to achieve a satisfactory noise level for those who will use or occupy the facility (as defined in "Figure 16-1: Noise Compatibility Standards for Land Use" and "Table 16-4: Maximum Interior Noise Levels For Intermittent Noise").

Figure 16-1: Noise Compatibility Standards for Land Use in Santa Clara County



Source: Santa Clara County General Plan, 1994.

Table 16-4: Recommended Maximum Interior Noise Levels for Intermittent Noise		
Use		**dBA**
Residential		45
Commercial	Hotel-Motel Executive Offices, Conference Rooms Staff Offices Restaurant, Markets, Retail Stores Sales, Secretarial Sports Arena, Bowling Alley, etc.	45 55 60 60 65 75
Industrial	Offices (same as above) Laboratory Machine shop, Assembly and others Mineral Extraction	
Public or Semi-Public Facility	Concert Hall & Legitimate Theater Auditorium, Movie Theater & Church Hospital, Nursing Home & Firehouse (sleeping quarters) School Classroom Library Other Public Buildings	30 45 45 50 50 55
Source: Santa Clara County General Plan, 1994.		

City of Saratoga General Plan

Noise Element

The Saratoga General Plan identifies goals, policies, and implementations in the Noise Element. The Noise Element provides a basis for comprehensive local programs to regulate environmental noise and protect citizens from excessive exposure. Table 16-5 highlights five land-use categories and the outdoor noise compatibility guidelines.

Table 16-5: Land-Use Compatibility Guidelines			
Land-Use Category	**Outdoor Day-Night Average Sound Level (DNL), in dB**		
	Normally Acceptable[1]	**Conditionally Acceptable[2]**	**Normally Unacceptable[3]**
Residential Single-Family	Up to 60	>60 to 70	>70
Residential Multi-Family	Up to 65	>65 to 70	>70
Open Space/Parks	Up to 60	>60 to 70	>70
Commercial/Office	Up to 65	>65 to 75	>75
Public and quasi-Public Facilities	Up to 60	>60 to 65	>65

Source: City of Saratoga General Plan, 2014.

Table Notes:

Sound levels above are as measured at the exterior of the proposed location of the new development (e.g., residential unit, commercial building, etc.) rather than at the property boundary of the source or the property to be developed. Refer to Table LU-1 (Land-Use Element) for detailed descriptions of land-use categories and land-uses for which these guidelines apply. These guidelines are derived from the California Department of Health Services, Guidelines for the Preparation and Content of the Noise Element of the General Plan, 2003. The State Guidelines have been modified to reflect standards for the City of Saratoga.

[1] Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction. There are no special noise insulation requirements.

[2] Conditionally Acceptable – New construction should be undertaken only after a detailed analysis of the noise reduction requirement is conducted and needed noise insulation features included in the design.

[3] Normally Unacceptable – New construction should be discouraged and may be denied as inconsistent with the General Plan and City Code. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
[4] Outdoor open space noise standards do not apply to private balconies/patios.

Goal NOI 1: Maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise.

- Policy NOI 1.1 The City shall maintain an up-to-date Noise Element in accordance with State regulations.
- Policy NOI 1.2: The City shall use the planning and code enforcement processes to discourage activities, practices, or land uses that create or result in excessive noise exposure.
- Policy NOI 1.3: The City shall require that all City-owned and operated equipment and equipment operated under contract with the City meet City noise standards.
- Policy NOI 1.4: The City shall encourage public awareness and education of noise issues and acoustical standards as key ingredients in controlling unwanted noise and its effects on the quality of life in Saratoga.

Goal NOI 2: Promote land-use compatibility by addressing noise exposure from existing noise sources.

- Policy NOI 2.4: New office/commercial development shall be designed and constructed to reduce daytime interior noise levels in accordance with State CALGreen standards prescribing an interior noise level standard of Leq(h) 50 dB as the maximum allowable hourly average noise level during any hour of operation.

Goal NOI 3: Promote land-use compatibility by addressing noise exposure form new noise sources.

- Policy NOI 3.1: Changes in use and development shall be reviewed for noise impacts to neighboring land uses
- Policy NOI 3.2: New development shall be required to utilize appropriate measures to reduce noise impacts to the adopted noise standards; and acoustical analysis may be required by the approving authority.

Land Use Element

The City General Plan Land Use Element (LU) serves as the central framework for the entire General Plan and as a guide to planners, members of the public, and decision makers as to the desired pattern of development for the city. This element establishes the General Plan land use designations for the city and details allowable uses within each. Furthermore, policies and implementation measures are outlined to allow the City to achieve the vision adopted for the planning horizon. Policies and implementation measures most directly related to noise and vibration are included below.

Goal LU 5: Relate development proposals to existing and planned street capacities to avoid excessive noise, traffic, and other public safety hazards so as to protect neighborhoods. If it is determined that existing streets need to be improved to accommodate a project, such improvements shall be in place or bonded for prior to issuance of building permits.

- Policy LU 5.2: Development proposals shall be evaluated against City standards and guidelines to assure that the related traffic, noise, light, appearance, and intensity of the proposed use have limited adverse impact on the area and can be fully mitigated.
- Policy LU 5.4: Through the development review process, ensure that adjoining neighborhoods are protected from noise, light, glare and other impacts resulting from new or expanded non-residential developments.

City of Saratoga Municipal Code

Standards established under the Saratoga Municipal Code (SMC) are used to analyze noise impacts originating from the Project. The City's Noise Control Ordinance (Article 7-30) purpose it to maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise generated by equipment and/or amplified sound that is subject to regulation and control by the City; maintain and preserve the quiet residential atmosphere of the City; implement the goals and policies contained in the Noise Element of the City's General Plan by addressing noise transfer between properties; promote land use compatibility by addressing noise exposure from existing and new noise sources; and prohibit noise which disturbs the peace and quiet of a neighborhood or causes discomfort or annoyance to persons of normal sensitivities. The City's Municipal Code noise standards are shown in Table 16-6.

Table 16-6: Maximum Permissible Outdoor Noise Levels Generated (dBA)

Land Use	Daytime (7:00 a.m. to 7:00 p.m.)		Evening (7:00 p.m. to 10:00 p.m.)		Nighttime (10:00 p.m. to 7:00 a.m.)	
	Average L_{eq}	Maximum L_{max}	Average L_{eq}	Maximum L_{max}	Average L_{eq}	Maximum L_{max}
Residential (Single and Multi-Family)	55	65	45	55	40	50
Open Space/Parks	60	70	50	55	45	50
Commercial/Office	65	75	60	70	55	60
Public and Quasi-Public Facilities	60	70	55	60	45	50

Source: City of Saratoga Municipal Code Noise Standards (7-30.040)

Section 7-30.060 (a) of the SMC limits construction to between the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturdays. Construction is not allowed on Sundays or weekday holidays unless it is a residential construction that does not require a City permit or which does not exceed 50 percent of the existing main or accessory structure. This construction is able to occur between 9:00 a.m. and 5:00 p.m. on Sundays and weekday holidays.

Significance Criteria

Appendix G of the California Environmental Quality Act (CEQA) Guidelines contains analysis guidelines related to noise impacts. These guidelines have been used by the City to develop

thresholds of significance for this analysis. A project would create a significant environmental impact if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Generate excessive groundborne vibration or groundborne noise levels; and
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

Methodology

Construction noise estimates are based upon noise levels from the Federal Highway Administration (FHWA) Roadway Construction Noise Model (FHWA-HEP-05-054) as well as the distance to nearby receptors. Reference noise levels from FHWA are used to estimate noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Construction noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

This analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. Predicted construction noise levels were based on typical noise levels generated by construction equipment. The traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108).

Groundborne vibration levels associated with construction-related activities for the Project were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from Federal Transit Administration (FTA) published data for construction equipment. Potential groundborne vibration impacts related to structural damage and human annoyance were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

16.4 Existing Conditions

16.4.1 Existing Noise Sources

The City of Saratoga is impacted by various noise sources. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities. Other sources of noise are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

Noise Measurements

To determine ambient noise levels in the project Area, four 10-minute noise measurements were taken using a 3M SoundPro DL-1 Type I integrating sound level meter between 11:13 a.m. and 12:32 p.m. on July 25, 2019; refer to Appendix D for existing noise measurement data and Table 16-7. Noise Measurement 1 was taken to represent the ambient noise level on Highway 9 southwest of the Project site near existing wineries; Noise Measurement 2 was taken to represent the ambient noise level south of the Project site near the entrance of the Mountain Winery adjacent to existing single-family homes; Noise Measurement 3 and 4 were taken to represent the ambient noise level east of the site in the existing single-family neighborhoods. The primary noise sources during all four measurements were traffic on Highway 9 or other roadways and landscape equipment in the residential neighborhoods. Table 16-7 provides the ambient noise levels measured at these locations.

Table 16-7: Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	Time
1	Highway 9 turnout	62.2	42.3	73.4	11:13 a.m.
2	Vintage Lane and Pierce Road	55.3	33.2	70.2	11: 34 a.m.
3	Heber Way and Teerlink Way	52.0	38.8	63.7	12:14 p.m.
4	Albar Court and Damon Lane	39.4	29.9	52.8	12:32 p.m.

Source: Noise Measurements taken by Kimley-Horn on July 25, 2019.

Existing Mobile Noise

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the project Traffic Impact Analysis (Kimley-Horn 2019). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in proximity to the Project site are included in Table 16-8.

Table 16-8: Existing Traffic Noise

Roadway Segment	ADT	dBA Ldn[1]
Sunnyvale-Saratoga Road		
North of Pierce Road	23,050	65.1
Pierce Road		
Project Driveway to Sunnyvale-Saratoga Road	800	47.0
Project Driveway to Highway 9	670	46.2
Highway 9		
West of Toll Gate Road	2,790	53.8
East of Toll Gate Road	3,540	53.4

South of Los-Gatos Saratoga Road	13,750	59.5
Los Gatos-Saratoga Road		
South of Highway 9	8,670	60.7
ADT = average daily trips; dBA = A-weighted decibels; Ldn = day-night noise level		
[1] Traffic noise levels are at 100 feet from the roadway centerline.		
Source: Based on traffic data provided by Kimley-Horn, 2019. Refer to Appendix D for traffic noise modeling assumptions and results.		

The Project site is primarily surrounded by rural landscape. Residential uses exist west and to the south of the Project site. The existing mobile noise sources in the Project area are generated along Highway 9 and Pierce Road which are south and east of the Project site.

Existing Stationary Noise

The primary sources of stationary noise in the project vicinity are those associated with the operations of nearby residential uses to the south and east of the site. The noise associated with these sources may represent a single-event noise occurrence, short-term noise, or long-term/continuous noise.

16.4.2 Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance. As shown in Table 16-9 sensitive receptors near the Project site include single-family residences approximately 200 feet from the Sanitary Sewer Connection construction area and approximately 1,000 feet from the Precise Plan area. The distances shown in Table 16-9, include distances from the nearest point of the Precise Plan area and Sanitary Sewer Connection area to the nearest sensitive receptor. Project-related noise, including the noise generation assumed for the Precise Plan area and the Sanitary Sewer Connection area, is further discussed below in Section 16.5.3, *Impacts of the Project*. A majority of the single-family residences surrounding the Project site are located more than 1,500 feet from the Precise Plan area. Surrounding land uses are shown in Figure 3-5.

Table 16-9: Sensitive Receptors

Receptor Description	Distance and Direction from the Precise Plan Area	From Sanitary Sewer Connection Area
Single-family residential	1,000 feet east	200 feet east
Single-family residential	1,100 feet southeast	1,150 feet southeast
Single-family residential	1,500 feet east	1,450 feet east
Single-family residential	1,600 feet west	2,760 feet west
Single-family residential	2,000 feet north	4,800 feet northwest
Winery and Event Center	2,400 feet southwest	3,500 feet southwest
St. Nicholas Orthodox Church	1.2 miles east	1.1 miles east
Saratoga Elementary School	1.4 miles east	1.3 miles east
The Home of Christ Church in Saratoga	1.4 miles southeast	1.3 miles southeast
Saratoga Quarry Park	0.6 miles southeast	0.6 miles southeast
Wildwood Park	1.25 miles east	1.1 miles east

16.5 Environmental Impacts and Mitigation Measures

16.5.1 Significance Criteria

Appendix G of the California Environmental Quality Act (CEQA) Guidelines contains analysis guidelines related to noise impacts. These guidelines have been used by the City to develop thresholds of significance for this analysis. A project would create a significant environmental impact if it would:

NOI-1 Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

NOI-2 Generate excessive groundborne vibration or groundborne noise levels; and

NOI-3 For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

16.5.2 Methodology

Construction noise estimates are based upon noise levels from the Federal Highway Administration (FHWA) Roadway Construction Noise Model (FHWA-HEP-05-054) as well as the distance to nearby receptors. Reference noise levels from FHWA are used to estimate noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Construction noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

This analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. Predicted construction noise levels were based on typical noise levels generated by construction equipment. The traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108).

Groundborne vibration levels associated with construction-related activities for the Project were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from Federal Transit Administration (FTA) published data for construction equipment. Potential groundborne vibration impacts related to structural damage and human annoyance were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

16.5.3 Impacts of the Project

Impact NOI-1: Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **(Less than Significant with Mitigation)**

Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g. land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods surrounding the construction site. The nearest construction would be for the Sanitary Sewer Connection. This construction would occur approximately 200 feet from existing single-family residences to the east across Pierce Road. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. The construction of the lodging and ancillary uses would occur at least 1,000 feet from the nearest sensitive receptors. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. During construction, exterior noise levels could affect the residential neighborhoods near the construction site.

Grading and excavation phases of project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. It should be noted that only a limited amount of equipment can operate near a given location at a particular time. Equipment typically used during this stage includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of noise would be shorter-duration incidents, such as dropping large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute. According to the Project Applicant, no pile-driving would be required during construction.

Construction activities associated with future development under the Precise Plan would include demolition, site preparation, grading, construction, paving, and architectural coating. Such activities would require graders, scrapers, and tractors during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Typical noise levels associated with individual construction equipment are listed in Table 16-10.

Table 16-10: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 100 feet from Source[1]	Typical Noise Level (dBA) at 200 feet from Source[1]	Typical Noise Level (dBA) at 500 feet from Source[1]
Air Compressor	80.0	74.0	68.0	60.0
Backhoe	80.0	74.0	68.0	60.0
Compactor	82.0	76.0	70.0	62.0
Concrete Mixer	85.0	79.0	73.0	65.0
Concrete Pump	82.0	76.0	70.0	62.0
Concrete Vibrator	76.0	70.0	64.0	56.0
Crane, Derrick	88.0	82.0	76.0	68.0
Crane, Mobile	83.0	77.0	71.0	63.0
Dozer	85.0	79.0	73.0	65.0
Generator	82.0	76.0	70.0	62.0
Grader	85.0	79.0	73.0	65.0
Impact Wrench	85.0	79.0	73.0	65.0
Jack Hammer	88.0	82.0	76.0	68.0
Loader	80.0	74.0	68.0	60.0
Paver	85.0	79.0	73.0	65.0
Pneumatic Tool	85.0	79.0	73.0	65.0
Pump	77.0	71.0	65.0	57.0
Roller	85.0	79.0	73.0	65.0
Saw	83.0	77.0	64.0	56.0
Scraper	85.0	79.0	73.0	65.0
Shovel	82.0	76.0	70.0	62.0
Truck	84.0	78.0	72.0	64.0

Note:
[1] Calculated using the inverse square law formula for sound attenuation: $dBA_2 = dBA_1 + 20Log(d_1/d_2)$
Where: dBA_2 = estimated noise level at receptor; dBA_1 = reference noise level; d_1 = reference distance; d_2 = receptor location distance

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

As shown in Table 16-10, noise levels at the sensitive receptor are below 100 dBA at 50 feet. The nearest sensitive receptor to the Project site is located approximately 200 feet southeast of the Sanitary Sewer Connection area and approximately 1,000 feet east of the Precise Plan area where heavy equipment would potentially be used. The highest anticipated construction noise level of 76.0 dBA is expected to occur during the grading phase. Additionally, the majority of construction would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. The Project construction would comply with Section 7-30.060 which limits construction hours to between the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays. Construction is prohibited on Sundays and weekday holidays.

As referenced above, sensitive receptors near the Project site include: residences approximately 200 feet southeast of the Sanitary Sewer Connection area and approximately 1,000 feet east of the Precise Plan area (See Table 16-9). These distances are to the sensitive receptor property line. These sensitive uses may be exposed to elevated noise levels during project construction. Construction activities would be limited to daytime hours when people are less sensitive to noise disturbances compared to nighttime hours and would conform to the time-of-day restrictions of

the City's Municipal Code. Mitigation Measure NOI-1 would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. NOI-1 is required to ensure that construction noise levels do not exceed the City's standards and that time-of-day restrictions are adhered to. With Implementation of NOI-1, construction noise impacts to nearby receptors would be less than significant.

Construction Traffic Noise

Construction noise may be generated by large trucks moving materials to and from the Project site. Large trucks would be necessary to deliver building materials as well as remove dump materials. Excavation and cut and fill would be required. Although earthwork volumes have not yet been determined, it is assumed that construction associated with full buildout of the Project would balance earthwork on-site. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this project, as analyzed in Mountain Winery Annexation Air Quality Assessment, the Project would generate the highest number of daily trips during the building construction phase. The model estimates that the Project would generate up to 290 worker trips and 113 vendor trips per day. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and vehicle mix do not also change) would result in a noise level increase of 3 dBA. Pierce Road between Project Driveway to Highway 9 has an average daily trip volume of 670 vehicles (Table 16-11). Therefore, 403 project construction trips (290 worker trips plus 113 vendor trips) would not double the existing traffic volume per day. Construction related traffic noise would not be noticeable and would not create a significant noise impact.

California establishes noise limits for vehicles licensed to operate on public roads using a pass-by test procedure. Pass-by noise refers to the noise level produced by an individual vehicle as it travels past a fixed location. The pass-by procedure measures the total noise emissions of a moving vehicle with a microphone. When the vehicle reaches the microphone, the vehicle is at full throttle acceleration at an engine speed calculated for its displacement.

For heavy trucks, the State pass-by standard is consistent with the federal limit of 80 dB. The State pass-by standard for light trucks and passenger cars (less than 4.5 tons gross vehicle rating) is also 80 dB at 15 meters from the centerline. According to the FHWA, dump trucks typically generate noise levels of 77 dBA and flatbed trucks typically generate noise levels of 74 dBA, at a distance of 50 feet from the truck (FHWA, Roadway Construction Noise Model, 2006).

Operations

The current Mountain Winery operations include noise generating activities such as concerts/events with crowd noise and picnicking and tailgating as well as noise generated by existing parking lot activity. Implementation of the Project would create new sources of noise in the project vicinity. The major noise sources associated with the Project that would potentially impact existing and future nearby residences include the following, discussed in further detail below:

- Mechanical equipment (i.e., trash compactors, air conditioners, etc.);
- Delivery trucks on the Project site, and approaching and leaving the loading areas;
- Activities at the loading areas (i.e., maneuvering and idling trucks, loading/unloading, and equipment noise);
- Additional parking area activity (i.e., car door slamming, car radios, engine start-up, and car pass-by);
- Landscape maintenance activities; and
- Off-site traffic noise.

As discussed above, the closest sensitive receptors are single-family residences located 200 feet from the Sanitary Sewer Connection area, southeast across Pierce Road. The nearest sensitive receptors to the Precise Plan area are located approximately 1,000 feet east. The City of Saratoga stationary source exterior noise standard for residential areas is 55 dBA L_{eq} and 65 dBA L_{max} during the daytime (Table 16-6). The land use compatibility standard for residential areas is also 60 dBA DNL (L_{dn}) for normally acceptable conditions.

Current Mountain Winery Activities

Crowd Noise

Crowd noise is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. Crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking. This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members. Therefore, crowd noise would be 62 dBA at one meter from the source. Noise has a decay rate due to distance attenuation, which is calculated based on the Inverse Square Law. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source. As a result, crowd noise would be 56.0 dBA at 6.56 feet and 52.3 dBA at 10 feet. Therefore, crowd noise at the closest existing sensitive receptors (located 1,000 feet away) would not exceed the City's 60 dBA standard. The Project would result in no new impacts to crowd noise.

Concert

The concert series began at Mountain Winery in 1958. The concert bowl accommodates approximately 2,500 people. The previously approved Mountain Winery CUP and Architectural and Site Approval DEIR (1999) evaluated the noise from concert events and found the existing events periodically exceed the Santa Clara County and City noise standards and that impacts were potentially significant. However, the Mountain Winery CUP and Architectural and Site Approval DEIR required mitigation 9a and 3-9b. These mitigation measures require noise monitoring during annual concerts and provide concert "hotline" for noise complaints. Mitigation Measure 3-9b requires acoustical studies to be completed for any modification or expansion of the concert bowl. As the Project would not expand or reconfigure the concert bowl, this measure is irrelevant. The project would not impact or increase the existing noise levels from concert events. Mountain Winery is required to comply with the existing mitigation measures in the CUP and Architectural and Site Approval DEIR as part of the Precise Plan standards. However, no new mitigation measures are required. The Project would result in no new impacts to concert noise.

Stationary Noise Sources

Implementation of the Project would create new or intensified sources of noise in the project vicinity from lodging uses, mechanical equipment, truck loading areas, parking lot noise, and landscape maintenance.

Lodging Areas

Noise that is typical of lodging areas includes group conversations, pet noise, vehicle noise (see discussion below) and general maintenance activities. Noise from stationary sources would primarily occur during the "daytime" activity hours of 7:00 a.m. to 10:00 p.m. Furthermore, the lodging facility would be required to comply with the noise standards set forth in the City's General Plan and Municipal Code.

Mechanical Equipment

Regarding mechanical equipment, the Project would generate stationary-source noise associated with heating, ventilation, and air conditioning (HVAC) units. HVAC units typically generate noise levels of approximately 50 to 60 dBA at 50 feet. The nearest existing sensitive receptor's property lines are located approximately 0.2 miles (1,000 feet) from the closest point of the Precise Plan area. Conservatively, at 1,000 feet, mechanical equipment noise levels would be reduced to 34 dBA based on distance attenuation alone. This noise level is below the City's 60 dBA exterior standard and would not be perceptible considering the existing ambient levels are between 39 dBA and 52 dBA in this area (Table 16-7). Additionally, per section 7-30.070 of the City's Municipal Code all exhaust fans and mechanical equipment must be enclosed for the purpose of soundproofing. Operation of mechanical equipment would not increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the Project would result in a less than significant impact related to stationary noise levels.

Loading Area Noise

Operations of proposed lodging facility would potentially require deliveries of vans and light trucks and not heavy-duty trucks. The primary noise associated with deliveries is the arrival and departure of trucks. Normal deliveries typically occur during daytime hours. During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting' braking activities; backing up toward the docks/loading areas; dropping down the dock ramps; and maneuvering away from the docks. The project is not anticipated to require a significant number of truck deliveries. The majority of deliveries for the commercial uses would consist of vendor deliveries in vans and would be somewhat infrequent and irregular. The closest that the proposed lodging facility could be located to sensitive receptors would be approximately 0.2 miles (1,000 feet) away. While there would be temporary noise increases during truck maneuvering and engine idling, these impacts would of short duration and infrequent. Typically, heavy truck operations generate a noise level of 68 dBA at a distance of 30 feet. At 1,000 feet, noise levels would attenuate to 37.5 dBA, which is below the City's 60 dBA standard. Noise levels would be further attenuated by intervening terrain and structures. As noise levels associated with trucks and loading/unloading activities would be below City standards and ambient levels, impacts would be less than significant.

Parking Areas

The Project would not significantly increase existing crowd noise. Crowd noise would be 56.0 dBA at 6.56 feet and 52.3 dBA at 10 feet. Therefore, crowd noise at the closest existing sensitive receptors (located 1,000 feet away) would not exceed the City's 60 dBA standard. A less than significant impact would occur in this regard.

Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. Also, noise would primarily remain on the Project site and would be intermittent (during peak-events). However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Parking lot noise can also be considered a "stationary" noise source.

The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 60 to 63 dBA at 50 feet and may be an annoyance to noise-sensitive receptors. Conversations in parking areas may also be an annoyance to sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech. The nearest sensitive receptors would be approximately 0.2 miles (1,000 feet) east of the surface parking area. The existing parking lots would generally be maintained in their current configuration. However, the Project may include some minimal ground disturbance within the Precise Plan area to accommodate new parking spaces, should the lodging uses proposed require additional on-site parking. Therefore, parking lot noise would not result in substantially greater noise levels than currently exist in the vicinity and would not exceed the City's 65 dBA standard. Noise impacts would less than significant.

Landscape Maintenance Activities

Development and operation of the Project includes new landscaping that would require periodic maintenance. Noise generated by a gasoline-powered lawnmower is estimated to be approximately 70 dBA at a distance of 5 feet. Landscape Maintenance activities would be 24 dBA at the closest sensitive receptor approximately 1,000 feet away. Maintenance activities would operate during daytime hours for brief periods of time as allowed by the City Municipal Code and would not permanently increase ambient noise levels in the project vicinity and would be consistent with activities that currently occur at the surrounding uses. Therefore, with adherence to the City's Municipal Code, impacts associated with landscape maintenance would be less than significant.

Traffic Noise

Implementation of the Project would generate increased traffic volumes along study roadway segments. The Project is expected to generate 1,431 average daily trips, which would result in noise increases on Project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable (Caltrans, 2013). Generally, traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant.

As shown in Table 16-11 the existing traffic-generated noise level on Project area roadways is between 53.4 dBA Ldn and 65.1 dBA Ldn at 100 feet from the centerline. As previously described, Ldn is 24-hour average noise level with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Traffic noise levels for roadways primarily affected by the Project were calculated using the FHWA's Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise modeling was conducted for conditions with and without the Project, based on traffic volumes (Kimley-Horn, 2019). As noted in Table 16-11, the Project would have an increase of 3.4 dBA on Pierce Road between the Project Driveway and Highway 9. However, the resulting 49.6 dBA noise level is under the City's normally acceptable 60 dBA threshold for residential uses. Therefore, the Project would not have a significant impact on existing traffic noise levels.

Table 16-11: Existing and Project Traffic Noise

Roadway Segment	Existing Conditions (Existing Development)		With Project		Project Change from Existing Conditions	Significant Impact?
	ADT	dBA Ldn[1]	ADT	dBA Ldn[1]		
Sunnyvale-Saratoga Road						
North of Pierce Road	23,050	65.1	23,270	65.1	0.0	No
Pierce Road						
Project Driveway to Sunnyvale-Saratoga Road	800	47.0	1,020	48.0	1.1	No
Project Driveway to Highway 9	670	46.2	1,460	49.6	3.4	No[2]
Highway 9						

Table 16-11: Existing and Project Traffic Noise

Roadway Segment	Existing Conditions (Existing Development)		With Project		Project Change from Existing Conditions	Significant Impact?
	ADT	dBA Ldn[1]	ADT	dBA Ldn[1]		
West of Toll Gate Road	2,790	53.8	3,580	54.9	1.1	No
East of Toll Gate Road	3,540	53.4	4,330	54.3	0.9	No
South of Los-Gatos Saratoga Road	13,750	59.5	9,180	59.8	0.2	No
Los Gatos-Saratoga Road						
South of Highway 9	8,670	60.7	14,030	60.8	0.1	No

ADT = average daily trips; dBA = A-weighted decibels; Ldn = day-night noise level

[1] Traffic noise levels are at 100 feet from the roadway centerline.
[2] This level is above the perceptible noise level change of 3.0 dBA. However, at 50.0 dBA the noise level is under the City's noise threshold for residential uses.

Source: Based on traffic data provided by Kimley-Horn, 2019. Refer to Appendix D for traffic noise modeling results.

Table 16-12 shows the background conditions or opening year traffic. Per the TIA, Opening Year includes two approved/pending projects that were added to the existing 2019 volumes. The two background developments are located near Highway 9 in Saratoga Village.

As shown in the table, opening year roadway noise levels with the Project would range from 48.4 to 65.7 dBA. The highest increase in noise levels would occur along Pierce Road between the Project driveway and Highway 9. Noise levels along Pierce Road would increase by 3.4 dBA with the Project. This level is above the perceptible noise level change of 3.0 dBA. However, at 50.0 dBA the noise level is under the City's noise threshold for residential uses. Therefore, impacts are less than significant.

Table 16-12: Opening Year and Opening Year Plus Project Traffic Noise

Roadway Segment	Opening Year		With Project		Project Change from Existing Conditions	Significant Impact?
	ADT	dBA Ldn[1]	ADT	dBA Ldn[1]		
Sunnyvale-Saratoga Road						
North of Pierce Road	23,160	65.12	23,380	65.2	0.0	No
Pierce Road						
Project Driveway to Sunnyvale-Saratoga Road	800	46.98	1,020	48.0	1.1	No
Project Driveway to Highway 9	670	46.21	1,460	49.6	3.38	No
Highway 9						
West of Toll Gate Road	2,790	53.80	3,580	54.9	1.1	No
East of Toll Gate Road	3,540	53.44	4,330	54.3	0.9	No
South of Los-Gatos Saratoga Road	8,910	59.63	9,420	59.9	0.2	No
Los Gatos-Saratoga Road						
South of Highway 9	13,890	60.77	14,170	60.9	0.1	No

Table 16-12: Opening Year and Opening Year Plus Project Traffic Noise

Roadway Segment	Opening Year		With Project		Project Change from Existing Conditions	Significant Impact?
	ADT	dBA Ldn[1]	ADT	dBA Ldn[1]		
ADT = average daily trips; dBA = A-weighted decibels; Ldn= day-night noise levels						
1. Traffic noise levels are at 100 feet from the roadway centerline.						
Source: Based on traffic data provided by Kimley-Horn, 2019. Refer to Appendix D for traffic noise modeling results.						

Project traffic would traverse and disperse over Project area roadways, where existing ambient noise levels already exist. Future development associated with the Project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise near existing and proposed land uses. This level is above the perceptible noise level change of 3.0 dBA. However, the noise resulting from the increase in traffic would not exceed the City's normally acceptable 60 dBA threshold for the nearest sensitive receptors. Therefore, impacts would be less than significant.

Summary

Overall, implementation of MM NOI-1 and adherence to Municipal Code requirements, noise impacts associated with traffic, mechanical equipment, deliveries, loading/unloading activities, and parking lot noise would be reduced to a less than significant level.

MM NOI – 1 : Construction BMPs

Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Saratoga Director of Public Works or City Engineer that all applicable construction plans and specification include the following measures:

- Construction activities shall be restricted to day time hours of between 7:00 a.m. and 7:00 p.m. on weekdays.
- Prior to the start of construction activities, the construction contractor shall:
  - Maintain and tune all proposed equipment in accordance with the manufacturer's recommendations to minimize noise emission.
  - Inspect all proposed equipment and should fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds that are no less effective than as originally equipped by the manufacturer.
  - Post a sign, clearly visible at the site, with a contact name and telephone number of the City of Saratoga's authorized representative to respond in the event of a noise complaint.
  - Place stationary construction equipment and material delivery in loading and unloading areas as far as practicable from the residences.
  - Limit unnecessary engine idling to the extent feasible.
  - Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.

- Use low-noise emission equipment.
- Limit use of public address systems.
- Minimize grade surface irregularities on construction sites.

Impact NOI – 2: Would the Project generate excessive groundborne vibration or groundborne noise levels? (**Less than Significant)**

Construction

Increases in groundborne vibration levels attributable to the Project would be primarily associated with construction-related activities. Construction on the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The FTA has published standard vibration velocities for construction equipment operations. In general, depending on the building category of the nearest buildings adjacent to the potential pile driving area, the potential construction vibration damage criteria vary. For example, for a building constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.50 inch per second (in/sec) peak particle velocity (PPV) is considered safe and would not result in any construction vibration damage. In general, the FTA architectural damage criterion for continuous vibrations (i.e. 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience cosmetic damage (e.g. plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on soil composition and underground geological layer between vibration source and receiver.

Table 16-13 lists vibration levels at 25 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in Table 16-3, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity. The nearest sensitive receptors are the single-family residences across Pierce Road approximately 200 feet from the active construction zone for the Sanitary Sewer Connection.

However, construction for the lodging and ancillary uses would be at least 1,000 feet from the nearest sensitive receptors.

Table 16-13: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity at 25 Feet (in/sec)	Peak Particle Velocity at 200 Feet (in/sec) [1]
Large Bulldozer	0.089	0.004
Loaded Trucks	0.076	0.003
Rock Breaker	0.059	0.003
Jackhammer	0.035	0.002
Small Bulldozer/Tractors	0.003	0.000

Notes:
1. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$, where: PPV_{equip} = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPV_{ref} = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018; D = the distance from the equipment to the receiver.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

As shown in Table 16-13, the highest vibration levels are achieved with the large bulldozer operations. This construction activity is expected to take place during grading. Project construction would be more than 200 feet from the closest structure. Therefore, construction equipment vibration velocities would not exceed the FTA's 0.20 PPV threshold. In general, other construction activities would occur throughout the Project site and would not be concentrated at the point closest to the nearest residential structure. Therefore, vibration impacts associated with the Project would be less than significant.

Operations

The Project would not generate groundborne vibration that could be felt at surrounding uses. Project operations would not involve railroads or substantial heavy truck operations. As a result, impacts from vibration associated with project operation would be less than significant.

Impact – NOI 3: For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels? **(No Impact)**

The nearest airports to the Project site are the Norman Y. Mineta San Jose International Airport located approximately 10 miles northeast of the Project and Palo Alto Airport located approximately 13 miles north of the site. The Project is not within 2.0 miles of a public airport or within an airport influence zone. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

16.5.4 Cumulative Impact Analysis

Noise by definition is a localized phenomenon, and drastically reduces as distance from the noise source increases. Cumulative noise impacts involve development of the Project in combination with ambient growth and other related development projects. As noise levels decrease as

distance from the source increases, only projects in the nearby area could combine with the Project to potentially result in cumulative noise impacts.

Cumulative Construction Noise

The Project's construction activities, when properly mitigated, would not result in a substantial temporary increase in ambient noise levels. The City permits construction activities between the hours of 7:30 a.m. and 6:00 p.m. during the week, and between 9:00 a.m. and 5:00 p.m. on Saturdays. Construction is not allowed on Sundays or weekday holidays. There would be periodic, temporary, noise impacts that would cease upon completion of construction activities. The Project would contribute to other proximate construction noise impacts if construction activities were conducted concurrently. However, based on the noise analysis above, the Project's construction-related noise impacts would be less than significant following compliance with local regulations and mitigation measures outlined in this study.

Construction activities at other planned and approved projects would be required to take place during daytime hours, and the City and project applicants would be required to evaluate construction noise impacts and implement mitigation, if necessary, to minimize noise impacts. Each project would be required to comply with the applicable City of Saratoga Municipal Code limitations on allowable hours of construction. Therefore, Project construction would not contribute to cumulative impacts and impacts in this regard are not cumulatively considerable.

Cumulative Operational Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the Project and other foreseeable projects. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the Project and other projects in the vicinity. However, noise from generators and other stationary sources could also generate cumulative noise levels.

Stationary Noise

As discussed above, impacts from the Project's operations would be less than significant. Due to site distance, intervening land uses, and the fact that noise dissipates as it travels away from its source, noise impacts from on-site activities and other stationary sources would be limited to the Project site and vicinity. No known past, present, or reasonably foreseeable projects would compound or increase the operational noise levels generated by the Project. Thus, cumulative operational noise impacts from related projects, in conjunction with project-specific noise impacts, would not be cumulatively significant.

Traffic Noise

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. Cumulative increases in traffic noise levels were estimated by comparing the Existing Plus Project and Cumulative scenarios to existing conditions. The traffic analysis considers cumulative traffic

from future growth assumed in the traffic model, as well as cumulative projects identified by the City.

The following criteria is used to evaluate the combined effect of the cumulative noise increase.

- Combined Effect. The cumulative with Project noise level ("Cumulative With Project") would cause a significant cumulative impact if a 3.0 dB increase over "Existing" conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use. Although there may be a significant noise increase due to the project in combination with other related projects (combined effects), it must also be demonstrated that the project has an incremental effect. In other words, a significant portion of the noise increase must be due to the project.

The following criteria have been used to evaluate the incremental effect of the cumulative noise increase.

- Incremental Effects. The "Cumulative With Project" causes a 1.0 dBA increase in noise over the "Cumulative Without Project" noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the Project and growth due to occur in the general area would contribute to cumulative noise impacts. Table 16-14, identifies the traffic noise effects along roadway segments in the vicinity of the Project site for "Existing," "Cumulative Without Project," and "Cumulative With Project," conditions, including incremental and net cumulative impacts.

Table 16-14: Cumulative Plus Project Conditions Predicted Traffic Noise Levels

Roadway Segment	Existing[1]	Cumulative Without Project[1]	Cumulative With Project[1]	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
				dBA Difference: Existing and Cumulative With Project	dBA Difference: Cumulative Without and With Project	
Sunnyvale-Saratoga Road						
North of Pierce Road	65.1	65.8	65.9	0.8	0.0	No
Pierce Road						
Project Driveway to Sunnyvale-Saratoga Road	47.0	47.7	48.6	1.6	0.9	No
Project Driveway to Highway 9	46.2	47.2	50.1	3.9	2.9	No
Highway 9						
West of Toll Gate Road	53.8	56.0	56.7	2.9	0.7	No
East of Toll Gate Road	53.4	55.5	56.1	2.6	0.6	No
South of Los-Gatos Saratoga Road	59.5	61.6	61.7	2.2	0.2	No

Table 16-14: Cumulative Plus Project Conditions Predicted Traffic Noise Levels

Roadway Segment	Existing[1]	Cumulative Without Project[1]	Cumulative With Project[1]	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
				dBA Difference: Existing and Cumulative With Project	dBA Difference: Cumulative Without and With Project	
Los Gatos-Saratoga Road						
South of Highway 9	60.7	61.7	61.7	1.0	0.1	No

ADT = average daily trips; dBA = A-weighted decibels; Ldn= day-night noise levels

1. Traffic noise levels are at 100 feet from the roadway centerline.

Source: Based on traffic data provided by Kimley-Horn, 2019. Refer to Appendix D for traffic noise modeling assumptions and results.

First, it must be determined whether the "Future With Project" increase above existing conditions (Combined Effects) is exceeded. As indicated in the table, the Project has one street segment (Pierce Road between Project Driveway to Highway 9) that exceeds the combined effects criterion. Next, under the Incremental Effects criteria, cumulative noise impacts are defined by determining if the forecast ambient ("Future Without Project") noise level is increased by 1 dB or more.

The Project's contribution to traffic noise is evaluated in Table 16-14. As shown in the table, one segment of Pierce Road exceeds the combined effects and incremental effects criterion. As discussed above, the Project would increase local noise levels by a maximum of 3.9 dBA Ldn. The increase is greater than 3 dBA; however, the resulting noise level would be 50.5 dBA which is less than the City's noise threshold for residential uses. Therefore, the Project's cumulative noise contribution would be less than significant. Based on the significance criteria set forth in this Draft EIR, no roadway segments would result in mobile noise significant impacts because they would not exceed the City's threshold for noise at nearby sensitive receptors. The Project would not result in long-term mobile noise impacts based on project-generated traffic as well as cumulative and incremental noise levels. Therefore, the Project, in combination with cumulative background traffic noise levels, would result in a less than significant cumulative impact. The Project's contribution to noise levels would not be cumulatively considerable.

16.6 References

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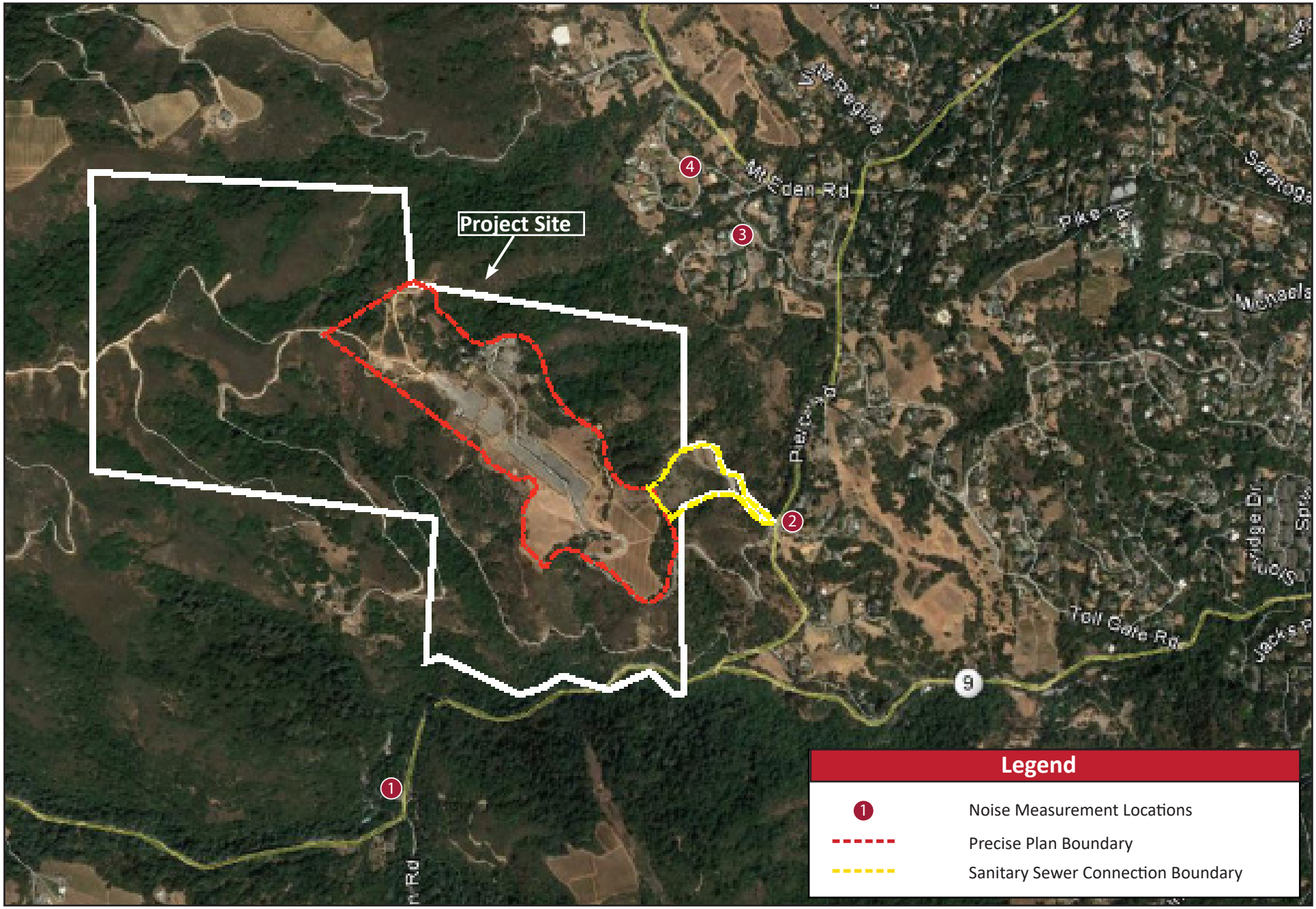
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Kimley-Horn & Associates. (August, 2019). *Traffic Impact Study for the Mountain Winery Annexation Project*.

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Source: Google Earth, 2019

Figure 16-1: Noise Measurement Locations

Mountain Winery Annexation Project
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

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17 Public Services and Utilities

17.1 Introduction

This section describes effects on public services and utilities conditions in the Project area. The current condition and quality of public services and utilities was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- County of Santa Clara, Draft Environmental Impact Report for The Mountain Winery Conditional Use Permit and Architectural and Site Approval. October 1999.
- County of Santa Clara, Final Draft Environmental Impact Report for The Mountain Winery Conditional Use Permit and Architectural and Site Approval. February 2000.
- Cupertino Sanitary District. 2019. A Resolution of the Board of Directors of the Cupertino Sanitary District Approving Annexation to the District of Land Identified as APN 503-46-006 and 503-46-007 and Conditionally Allowing Connection of Said Property Pending Completion of Annexation Proceedings.
- San Jose Water Company 2010 Urban Water Management Plan. 2010
- Communication with Sheriff's Office, dated July 8, 2019.

17.2 Environmental Setting

This section presents information on public services and utilities serving the Project site.

17.2.1 Public Services

Fire Protection

Fire Protection Services are provided by Saratoga Fire Protection District (District). The District is located 14380 Saratoga Avenue at the intersection of Saratoga Avenue and Saratoga/Los Gatos Road. The District provides fire protection and emergency medical response services to approximately 12 square miles encompassing one-half of the City and sections of the unincorporated areas of Santa Clara County to the south. In July 2008, the District began a new contract for fire prevention services with Santa Clara County Fire Department (also known as Central Fire). Under the contract, all District safety employees became Santa Clara County personnel. Currently, the only District employee is a part-time business manager. The District owns the fire station at 14380 Saratoga Avenue and that station is operated by Central Fire.

The Santa Clara County Fire Department offers fire resources and services that are divided into seven major sections: Fire Suppression/Rescue, Fire Investigation, Emergency Medical Services,

Special Operations Task Force, Fire Prevention, Hazmat, and Wildland Urban Interface, described further below:

- The Santa Clara County Fire Department provides first response Advanced Life Support (ALS) Paramedic level services to Unincorporated Santa Clara County, Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga. An Emergency Medical Services (EMS) Coordinator and a Firefighter Engineer Paramedic who report to the Battalion Chief of Operations facilitates the delivery of high quality, effective patient care. The District operates 19 fully equipped ALS fire apparatus daily all staffed with a minimum of one Paramedic and two Emergency Medical Technicians (EMT). The Department maintains a Santa Clara County EMS Multi-Casualty Incident (MCI) supply trailer for large-scale emergency medical incidents and is a participant in Master Mutual Aid in the event of major disasters.
- Investigation of fires provides information on the cause of local fire problems, which provides information to the local news media regarding fire safety education. With the assistance of local police agencies, the Investigation Unit track down many arson investigations, as they account for about 25% of fires.
- The Fire Suppression Department is configured into three districts. First-call equipment is deployed to deliver initial fire attack and EMS services within 7 minutes. A standard first-alarm assignment for structure fires consists of two engine companies, a ladder truck company, a rescue or hazardous materials company and a Battalion Chief, for a total of 15 people. On working fires, the response is increased to three engines companies, one ladder truck company, a Hazmat and Breathing Support company, one rescue company, two Battalion Chiefs, a Safety Officer, and a Duty Investigator, totaling 25 persons. The Department has four first-call ladder trucks and one rescue vehicle, which employ specialized equipment designed to carry out rescues such as traffic collisions and industrial accidents.

  A second-alarm would add another two engine companies, one truck company, one rescue company, and an additional Chief Officer; total staffing for two alarms is then forty (40) persons. Wildland-urban interface companies are trained and equipped to provide structure protection and limited initial attack on wildland incidents.

  A brush alarm for vegetation fires in wildland/urban interface areas consists of two engine companies, a Type 3 engine and a Battalion Chief, totaling 9 persons.

  Daily emergency response staffing consists of 70 career fire personnel on a 24-hour shift assignment, operating 19 pieces of first-line apparatus, plus three (3) Battalion Chief command vehicles, operating from 15 fire stations. In daily operations during declared "Fire Season," patrols function in tandem with ladder trucks during daytime hours. This means that during the summer months, when the probability of a brush fire is high, the truck and patrol vehicle go out on calls as a pair. This guarantees continuous coverage of the entire area served, should another response be required during an alarm.

The Department has a goal to arrive at the scene of emergencies within five minutes of receipt of alarm, at least 90 percent of the time.

- The Santa Clara County Fire Department Special Operations Task Force (SOTF) exists to improve emergency responses that are outside the scope of typical emergency calls through advanced training, teaching, and emergency responses in the district and adjoining agencies. Personnel assigned to Truck 85, Rescue 83, Engine 72 and Haz-Mat 72 are assigned to the Santa Clara County Fire Department SOTF. This makes up approximately 15 personnel + 1 Battalion Chief / per shift, with 3 shifts assigned to the program.

The Mountain Winery relies on a private fire alarm system, consisting of heat and smoke detectors, manual pull stations, and medical emergency push buttons that is monitored by the Saratoga Fire District's remote central location. As additional facilities are added at the Mountain Winery, the facilities are required to be connected to the existing alarm system and are required to have commercially-rated sprinkler systems, as required by the California Fire Code.

The Mountain Winery also has an emergency-only helicopter landing pad onsite that was required by the Saratoga Fire District. The landing pad is not currently a Federal Aviation Administration (FAA) approved landing site and is used only during fire-fighting or medical emergency situations.

The main route of travel for emergency vehicles to the Project site is the Mountain Winery Driveway with secondary emergency access provided via the EVA Road, as shown in Figure 3-2. This EVA road is maintained by the landowner and is inspected annually for adequacy by the Santa Clara County Fire Department.

Because the Project site is located within the California Department of Forestry and Fire Protection's (CALFIRE) State Response Area, equipment would be sent by that agency to the area during a wildland fire. CALFIRE is responsible for fighting only wildland fires and is staffed only during the summer. CALFIRE may respond to structural fires in order to protect the watershed area, but they have no formal responsibility for structural protection. The Project site is currently within the Very High Fire Hazard Severity Zone. Further discussion is provided in Section 21, Wildfire.

Police Protection

Police protection to the Mountain Winery is provided by the Santa Clara County Sheriff's Office West Valley Patrol Division. The West Valley Patrol Division is located at 1601 South De Anza Boulevard, Suite 148 in the City of Cupertino, which the closest Sheriff station to the Project site. This station is located approximately 3 miles north of the Project site. The West Valley Division serves the western unincorporated areas of Santa Clara County from Summit Road to Moffett Field as well as the cities of Saratoga, Cupertino, and Los Altos Hills. There are 77 sworn positions and 8 professional support staff assigned to the West Valley Division. The West Valley Division provides law enforcement responsibilities to include Patrol, Traffic, Detectives, School Resource Officers, and Special Enforcement details.

The Santa Clara County Sheriffs Office completed a five-year review of all calls-for service to determine a potential cost factor associated to police services to the City. The review of calls identified a total of 86 events associated to the Project site and 11 crime reports authored. Total time allocated to investigating and authoring crime reports for the Project site was approximately 50 hours for the five-year period. Time allocated in the investigation of calls to the Project site, which did not result in the need to author a crime report, was approximately 64 hours. In total, the Sheriffs Office allocated approximately 114 hours to the Mountain Winery in police services from January 2014 to January 2019. The costs for these services were paid by the County.

The Sheriff's office has a goal or response time for Priority 1 calls (life-or-death emergency situations, typically involving lights and sirens) of 9 minutes, followed by 14 minutes for Priority 2 calls (crimes against a person not considered life-threatening) and 25 minutes for Priority 3 calls (non-emergencies).

The Mountain Winery also provides its own onsite security services through staff members and private security services who are trained in security practices. In the event of an emergency incident, the Project site is served by the County Sheriff's Department.

Schools

The City is served by two different school districts: Saratoga Union School District (SUSD) and Los Gatos-Saratoga Joint Union High School (LGSUHSD).

Saratoga Union School District

The SUSD encompasses approximately 8 square miles of territory, including about two-thirds of the City and small portions of the cities of Monte Sereno and Los Gatos, as well as a portion of unincorporated Santa Clara County. The SUSD operates four elementary schools: Argonaut Elementary School (serves grades K-5), Foothill Elementary School (serves grades K-5 and preschool for children with special needs), Saratoga Elementary School (serves grades K-5), and Redwood Middle School (serves grades 6-8). Foothill Elementary School and Saratoga Elementary school are each located approximately 1.3 miles northeast and southeast of the Project site, respectively.

Los Gatos-Saratoga Joint Union High School District

The Los Gatos-Saratoga Joint Union High School District (LGSUHSD) operates two high schools: Los Gatos High School and Saratoga High School. The LGSUHSD serves students in grades 9 to 12. Saratoga High School is located within the City boundaries and approximately 1.6 miles northeast of the Project site.

Parks

According to the Open Space and Conservation Element of the City General Plan (City General Plan), the City controls approximately 87 acres of parkland, of which 63 acres have been improved for park purposes. In addition to City parks, other existing open space resources within the City include: private and community open space, flood easements, and school sites. As

discussed in Section 18, Recreation, the nearest neighborhood park, Wildwood Park, is located at 20764 4th Street in Saratoga, and is approximately 1.1 miles east of the Project site.

Also discussed in Section 18, Recreation, in addition to City parks, there are several regional parks that, while not owned by the City, are located partially or wholly within its Sphere of Influence and/or immediately adjacent to its boundaries, and thus provide an additional source of parklands for the community.

Other Public Facilities

Libraries

The Santa Clara County Library District (SCCLD) governs and administers eight community libraries, bookmobiles, the Home Service Library, and the 24-7 online library for all library users. As one of the SCCLD's member cities, Saratoga has a community library located at 13650 Saratoga Avenue.

17.2.2 Utilities

Wastewater and Sewage Treatment

The Mountain Winery is served by an onsite sewage collection system, septic treatment, and percolation disposal field. The Santa Clara County Environmental Health Department considers the existing sewage collection system to be a temporary system. The Mountain Winery currently meters its waste flows to its onsite percolation disposal field from its onsite sewage collection system per the request of Santa Clara County Environmental Health Department. Readings are taken two times a day (Hirschman, 2019). On average, the Mountain Winery generates an annual total of 1,761,970 gallons of sewage. As of August 2019, the Mountain Winery has an average sewer generation of approximately 3,915 gallons per day.[1] During the months of June to September, there is a peak generation of approximately 224,377 gallons per month because the Mountain Winery hosts seasonal concerts during these months. During the months of October to May, there is a minimum generation of approximately 10,620 gallons per month.

The Cupertino Sanitary District sanitary sewer collection system serves approximately half of the City. The remaining half is served by West Valley Sanitation District. An existing manhole connection point (#6665-17) to Cupertino Sanitary District is located at the intersection of Pierce Road and Vintage Lane, which is adjacent to the Mountain Winery main access road (Cupertino Sanitary District, 2019a). An 8-inch diameter sewer line maintained by the Cupertino Sanitary District terminates at this intersection, which is near the Cupertino Sanitary District's service area boundary line.

[1] Current wastewater demand from existing on-site operations was provided by Mountain Winery property owners per email dated August 21, 2019.

Stormwater

As discussed in Section 14, Hydrology and Water Quality, the Project site is bisected by an east-west to northwest-southeast trending ridge. This ridge generally forms a drainage divide. Drainage from the northeast of the divide moves through intermittent tributaries to Calabazas Creek. On the south, runoff from the hillside areas ultimately is captured by Saratoga Creek. There are no perennial streams on the Project site. There are some intermittent drainages that are dry most of the year, but they capture site runoff during the rainy season. These intermittent drainages ultimately carry water to Calabazas Creek. Due to the hilly topography and high elevation of the Project site, flooding is not a hazard, and there are no 100-year flood zones delineated at the Project site.

Water Supply

The Project site has an existing 18-foot tall steel water tank with an approximate 60-foot diameter and 360,000-gallon capacity. The water tank is located on the 503-46-006 parcel, within the Precise Plan area, approximately two miles west of downtown Saratoga and approximately one-mile northwest of the intersection of Pierce Road and SR-9.

The Project site receives water solely from the San Jose Water Company. Approximately 40 percent of the San Jose Water Company's water supply comes from Santa Clara Groundwater Subbasin groundwater resources. The remaining 60 percent of the San Jose Water Company supply is provided by surface water resources. The current water tank onsite is currently served by a main and water pump from San Jose Water Company.[2] The water is used for irrigation and fire suppression. The domestic water supply system at the Mountain Winery is considered a "State small water system" under the Santa Clara County Environmental Health Department and California Department of Health Services (DOHS) criteria. On July 1, 1993, DOHS assumed regulatory responsibility for small public water systems. However, based on correspondence from DOHS to the Mountain Winery dated June 17, 1993, it was determined that the Mountain Winery's water system did not fall under the regulatory jurisdiction of DOHS for various reasons, and the system remained under the jurisdiction of the County Environmental Health Department (EHD). Inspections of the system are performed on a regular basis by the County EHD. No onsite treatment of the water is required. If water quality problems are detected during inspections, a chlorine disinfection treatment is generally used. After implementation of the Project, the County Environmental Health Department would continue to be responsible for inspections. [3]

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[2] The Mountain Winery site receives water from a ¾-inch San Jose Water Company main located in Pierce Road just north of Saratoga Heights Drive. The water is pumped to the top of the site in a two-stage process (by two booster pumps) to the main storage tanks located near the building complex. The pumping and distribution system consist of one 700-gallon tank near Pierce Road, a second 1,050-gallon tank halfway up the hill, and two 19,000-gallon redwood storage tanks at the top of the site (within the building complex).

[3] County of Santa Clara, 1999. *The Mountain Winery CUP and ASA Draft EIR*, page 3.6-5.

The current water demand from the existing on-site operations is approximately 7,140 gpd on average, over the annual period.[4] Water received from the San Jose Water Company is pumped to the storage tanks on site. During the months of June to September there is a peak water demand of approximately 18,150 gpd because the Mountain Winery hosts seasonal concerts between these months. During the months of November to January, which generally represents the lowest water demand season, the average water demand is approximately 970 gpd.

In addition to the water usage described above, approximately 2,240 gallons of water is used during the months of July to November for landscaping. This equates to an average of approximately 15 gpd during the months of July to November. The current domestic water system meets these needs.

Solid Waste

Solid waste services are provided to the Project site by West Valley Solid Waste Management Authority, which contracts with West Valley Collection and Recycling to collect and haul solid waste and recycling. Solid waste and recycling are hauled off site by West Valley Collection and Recycling to Guadalupe Rubbish Disposal Company landfill, located at 15999 Guadalupe Mines Road in the City of San Jose (Recycle Stuff, 2019).

On average, an annual total of approximately 1,600 cubic yards of solid waste is hauled from the Mountain Winery to the Guadalupe Rubbish Disposal Company landfill by West Valley Collection and Recycling. During the concert season, there is a peak waste generation of approximately 260 cubic yards per month of solid waste hauled off-site.[5]

Gas and Electric

Pacific Gas and Electric Company (PG&E) provides electric services to the Project site. There is no natural gas service used on the Project site. The electricity service enters the Project site near the main access entrance, and power lines traverse up the northeast-facing slope above the former quarry area to the Mountain Winery building complex and parking lot area.

The Project site is served by two existing 1,000-gallon capacity underground propane tanks. On average, the existing Mountain Winery uses approximately 8,870 gallons of propane per year, which averages to approximately 740 gallons of propane per month.

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[4] Current water demand from existing on-site operations was provided by Mountain Winery property owners per email dated August 21, 2019.

[5] Current solid waste generation from existing on-site operations was provided by Mountain Winery property owners per email dated August 21, 2019. The quantities provided were based on the size of the dumpster removed by the hauler, not necessarily the actual waste amounts. The dumpsters are reportedly never completely full when hauled off (e.g. slower seasons have little material) but are still hauled off because of a scheduled picked up. Thus, the quantities recorded are an overstated amount. The property owners have no other records of actual waste.

Telecommunications

AT&T, Comcast, ViaSat, and Sonic currently provide telecommunication, cable television, and Internet services to the Project site.

17.3 Applicable Regulations, Plans, and Standards

17.3.1 Federal

There are no applicable federal regulations related to public services. Below are the applicable federal regulations related to utilities.

Water

Federal Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. The SDWA applies to every public water system in the United States. The SDWA authorizes the U.S. Environmental Protection Agency (US EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The US EPA, states, and water systems work together to make sure that these standards are met.

Originally, the SDWA focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996 amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap.

Wastewater

Clean Water Act

The Federal Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the U.S. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The Project is within the jurisdiction of the San Francisco RWQCB.

The requirements of the CWA are discussed in detail in Section 14, Hydrology and Water Quality.

Solid Waste

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) was enacted in 1976 to address the huge volumes of municipal and industrial solid waste generated nationwide. After several amendments, the Act as it stands today governs the management of solid and hazardous waste and underground storage tanks (USTs). The RCRA is an amendment to the Solid Waste Disposal Act of 1965. The RCRA has been amended several times, most significantly by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The RCRA is a combination of the first solid waste statutes and all subsequent amendments. The RCRA authorizes the Environmental Protection Agency (EPA) to regulate waste management activities. The RCRA authorizes states to develop and enforce their own waste management programs, in lieu of the Federal program, if a state's waste management program is substantially equivalent to, consistent with, and no less stringent than the Federal program.

17.3.2 State

Fire Protection

California Occupational Safety and Health Administration

In accordance with California Code of Regulations Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment" the California Occupational Safety and Health Administration (Cal/OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all fire-fighting and emergency medical equipment.

Emergency Response/Evacuation Plans

The State passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Fire Protection

The California Fire Code contains regulations relating to construction and maintenance of buildings and the use of premises. Topics addressed in the Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions to protect and assist first responders, industrial processes, and many other general and specialized fire safety requirements for new and existing buildings and premises.

The International Fire Code (IFC) with the State of California Amendments contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the IFC include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The IFC contains specialized technical regulations related to fire and life safety.

International/California Building Code

On January 1, 2017, the State of California adopted the 2016 California Building Code, which affects the design and construction of new and existing buildings. The 2016 California Building Code is based on the 2015 International Building Code. Various California agencies add their own amendments to the 2015 International Building Code.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code. This includes regulations for building standards (as also set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

Multi-Jurisdictional Local Government Hazard Mitigation Plan for The San Francisco Bay Area

The Association of Bay Area Governments (ABAG) prepared and adopted a Multi-Jurisdictional Local Hazard Mitigation Plan in 2011. The purpose of the Plan is to serve as a catalyst for a dialogue on public policies needed to mitigate the natural hazards that affect the San Francisco Bay Area. The overall strategy of the Plan is to utilize a multi-jurisdictional effort to maintain and enhance the disaster resistance of the region, and to fulfill the requirements of the Disaster Mitigation Act of 2000 for all local governments to develop and adopt this type of plan.

Police Services

All law enforcement agencies within California are organized and operate in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for police officers.

Parks

Quimby Act

The Quimby Act of 1975, (California Government Code § 66477), commonly called the "Quimby Act", allows a city or county to pass an ordinance that requires, as a condition of approval of a subdivision, either the dedication of land, the payment of a fee in lieu of dedication, or a combination of both for park and recreational purposes. A detailed analysis of the Project's potential impacts on parks is included in Section 18, Recreation.

Water

Senate Bill 610

Senate Bill (SB) 610 amended the Public Resources and Water Codes as they pertain to consultation with water supply agencies and water supply assessments. SB 610 requires that Water Supply Assessments be prepared for projects that are subject to the California Environmental Quality Act (CEQA) and propose to construct 500 or more residential units or the equivalent. As noted in Section 14, Hydrology and Water Quality, the Project would not meet the established criteria to qualify as a 'project' pursuant to SB610. As such, no further analysis is included related to SB 610.

Senate Bill 221

Whereas SB 610 requires a written assessment of water supply availability, SB 221 requires lead agencies to obtain an affirmative written verification of sufficient water supply prior to approval of certain specified subdivision projects. For this purpose, water suppliers may rely on an Urban Water Management Plan (UWMP) (if the proposed project is accounted for within the UWMP), a WSA prepared for the project, or other acceptable information that constitutes "substantial evidence." "Sufficient water supply" is defined in SB 221 as the total water supplies available during normal, single-dry and multiple-dry water years within the 20-year (or greater) projection period that are available to meet the projected demand associated with a proposed project, in addition to existing and planned future uses.

California Model Water Efficient Landscape Ordinance

The Water Conservation in Landscaping Act was enacted in 2006, requiring the California Department of Water Resources (DWR) to update the Model Water Efficient Landscape Ordinance (MWELO).[6] In 2009, the Office of Administrative Law (OAL) approved the updated MWELO, which required a retail water supplier or a county to adopt the provisions of the MWELO by January 1, 2010, or enact its own provisions equal to or more restrictive than the MWELO provisions.[7]

In response to the Governor's executive order dated April 1, 2015 (EO B-29-15), DWR updated the MWELO and the California Water Commission approved the adoption and incorporation of the updated State standards for MWELO on July 15, 2015.[8] The changes included a reduction to 55 percent for the maximum amount of water that may be applied to a landscape for residential projects, which effectively reduces the landscape area that can be planted with high water use plants. The MWELO applies to all types of new construction with a landscape area greater than 500 square feet (the prior MWELO applied to landscapes greater than 2,500 sf).[9] For residential

[6] Gov. Code §§ 65591-65599

[7] California Code of Regulations (CCR), Tit. 23, Div. 2, Ch. 27, Sec. 492.4. The MWELO provides the local agency discretion to calculate the landscape water budget assuming a portion of landscape demand is met by precipitation, which would further reduce the outdoor water budget.

[8] These updated changes have been incorporated into California Code of Regulations (CCR), Tit. 23, Div. 2, Ch. 27, Sec. 490-495.

[9] CCR Tit. 23, Div. 2, Ch. 27, Sec. 490.1.

projects, the coverage of high water use plants is reduced due to the new 55 percent water maximum and turf is limited.

It is difficult to predict the ultimate impact of the MWELO requirements on future water demand. While the requirement is for development of a landscape design plan that uses plants and features that are estimated to use no more than 55 percent of ETo (evapotranspiration), which is the MWELO's residential landscaping requirement, some provision must be made for the inherent tendency to over-water even with irrigation controllers installed, piecemeal changes in landscape design, and reductions in irrigation efficiency through product use.

The Water Conservation Act of 2009

California legislation enacted in 2009 as Senate Bill (SB) 7 of the 7th Special Legislative Session (SB X7-7) instituted a new set of urban water conservation requirements known as "20 percent by 2020." These requirements stipulate that urban water agencies reduce per capita water use within their service areas by 20 percent relative to their use over the previous 10 to 15 years. Cal Water plans to comply with the SB X7-7 requirements through a combination of ongoing water conservation measures and additional recycled water development.

Porter-Cologne Water Quality Control Act

California's Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) grants the State Water Resources Control Board (SWRCB) and the RWQCBs power to protect surface water and groundwater quality and is the primary vehicle for implementing California's responsibilities under the Federal Clean Water Act. The SWRCB is divided into nine regions, each overseen by a RWQCB. The SWRCB is responsible for protecting California's surface waters and groundwater supplies.

Each RWQCB must formulate and adopt a Water Quality Control Plan (Basin Plan) for its region. The Basin Plan must conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State Water Policy. The Basin Plan establishes beneficial uses for surface and groundwater in the region and sets forth narrative and numeric water quality standards to protect those beneficial uses. Basin plans are updated every three years and provide the basis of determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. The Porter-Cologne Act also states that an RWQCB may include water discharge prohibitions applicable to particular conditions, areas, or types of waste within its regional plan. The Porter-Cologne Act is also responsible for implementing Clean Water Act Sections 401 and 402 and 303(d) to SWRCB and RWQCBs.

Wastewater

San Francisco Regional Water Quality Control Board

As discussed in Section 14, Hydrology and Water Quality, the San Francisco RWQCB is the local division of the SWRCB that has oversight authority over the Project. SWRCB is a State department that provides a definitive program of actions designed to preserve and enhance water quality

and to protect beneficial uses of water in California. NPDES permits allow the RWQCB to collect information on where the wastewater is disposed, what type of wastewater is being disposed, and what entity is disposing of the wastewater. The RWQCB is also charged with conducting inspections of permitted discharges and monitoring permit compliance.

General Waste Discharge Requirement (Order No. 2006-0003)

On May 2, 2006 the SWRCB adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than 1 mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows (SSOs) by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system, to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan (SSMP). The General Waste Discharge Requirement also requires that storm sewer overflows be reported to the SWRCB using an online reporting system. The SWRCB has delegated authority to nine Regional Water Quality Control Boards to enforce these requirements within their region. The Project site is within the jurisdiction of the San Francisco Bay RWQCB.

Solid Waste

California Integrated Waste Management Act

California's Integrated Waste Management Act of 1989 (AB 939) requires that cities and counties divert 50 percent of all solid waste from landfills as of January 1, 2000, through source reduction, recycling, and composting. AB 939 also establishes a goal for all California counties to provide at least 15 years of ongoing landfill capacity.

In 2007, SB 1016 amended AB 939 to establish a per capita disposal measurement system. The per capita disposal measurement system is based on a jurisdiction's reported total disposal of solid waste divided by a jurisdiction's population. CalRecycle sets a target per capita disposal rate for each jurisdiction. Each jurisdiction must submit an annual report to CalRecycle with an update of its progress in implementing diversion programs and its current per capita disposal rate.

CALGreen Building Code

The California Green Building Standards Code (CALGreen) came into effect for all projects beginning after January 1, 2011. Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction and demolition debris must be recycled or salvaged. The Code requires the applicant to have a waste management plan for on-site sorting of construction debris.

17.3.3 Regional and Local

Local Agency Formation Commission (LAFCo) of Santa Clara County

The Local Agency Formation Commission (LAFCo) of Santa Clara County has adopted policies to ensure that growth and development throughout the County has orderly boundaries and is anti-sprawl. Policies promote the preservation of agricultural lands and open space, efficient delivery of services, facilitation of regional opportunities for fiscal sustainability, and accountability and transparency within local governments. Policies are divided into different subject areas, and those most relevant to the Project are (1) Sphere of Influence (SOI) Policies, (2) Urban Service Area (USA) Policies, (3) Policies relative to Annexations/Reorganizations for Cities and Special Districts, and (4) Island Annexation Policies. An analysis of the Project's consistency with these policies is included in Section 15 Land Use and Planning.

Santa Clara County General Plan

Growth and Development Element

The County General Plan Growth and Development Element (GD) discusses the future urban expansion strategy to ensure orderly expansion while preventing urban development outside urban service areas. This element proposes a three-part strategy for managing urban growth: (1) protect promote compact urban development patterns, (2) achieve balanced urban growth and development, and (3) improve coordinated, countywide planning. Each strategy is supported by sub-strategies, policies, and implementation actions. Policies and implementation recommendations most directly related to public services and utilities are included below.

- Policy C-GD 3: Urban service areas should generally include only those areas suited for urban development. Development of such areas should be:
    a. reasonably serviceable with public facilities and services;
    b. relatively free from risks associated with natural hazards;
    c. without substantial adverse environmental impact;
    d. not likely to create severe off-site impacts on surrounding areas; and
    e. without cumulative adverse impacts on the county's water supply watersheds or any
    f. other natural resource.

- Policy C-GD 8: Proposals to annex lands or expand a city's urban service area boundaries shall be approved only if:
    a. the city, special districts and affected school districts have the ability to provide all needed public services and facilities to the area within five years and without lessening existing levels of service;
    b. the existing supply of land within the city's USA accommodates no more than five years of planned growth;
    c. the area proposed for urban development is contiguous to existing urbanized areas.

- Policy C-GD 45: Elements of a countywide plan intended to guide future growth should integrate the established system of growth management and staged, orderly urban expansion adopted by the cities, LAFCO, and the County. Those elements should include:
    a. urban area and rural area development patterns;
    b. urban housing supply and affordability;
    c. open space and natural resource preservation;
    d. coordination of land use planning, urban design, and transportation system capacity, especially transit services;
    e. impacts of future levels of growth and development upon infrastructure capacity and levels of public services, particularly those types of facilities which are at or nearing peak capacity, such as sewage treatment plants, water supply, landfills, etc.;
    f. local government finance and the need for local revenue sharing; and
    g. economic and employment development.

City of Saratoga General Plan

Land Use Element

The City General Plan Land Use Element (LU) policies and implementation measures most directly related to public services and utilities are included below.

Goal LU 14: Seek to achieve appropriate and contiguous City boundaries to provide for the efficient delivery of public services and to create a greater sense of community.

- Policy LU 14.1: Land shall not be annexed to Saratoga unless it is contiguous to the existing city limits, within the Sphere of Influence, and it is determined by the city that public services can be provided without unreasonable cost to the City and dilution of services to existing residents.
- Policy LU 14.2: The City shall evaluate its designated unincorporated Urban Service Areas to determine if the areas are compatible with the County's Local Agency Formation Commission Policies and are appropriate for annexation and urban development.
- Policy LU 14.3: The City shall periodically review annexation policies and procedures to ensure compliance with most current land use changes.

Open Space and Conservation Element

The City General Plan Open Space and Conservation Element (OSC) discusses management, protection, and preservation of public and private open space, sensitive biological resources, flood hazards, agricultural lands, hillsides, and others. A primary goal of this element is to balance the needs of open space areas with those of continuous development pressures. Policies and implementation measures are outlined to preserve the remaining open space and natural resources to determine the character and quality of life within the Saratoga community. Policies

and implementation measures most directly related to public services and utilities are included below.

Goal OSC 3: To provide and maintain parks and a variety of passive and active recreational sites which are located, designed, and improved to serve the needs of the residents, the community, and the neighborhoods of Saratoga.

- Policy OSC 3.1: Ensure that existing and future parks and dedicated open spaces remain part of the public domain in perpetuity.
- Policy OSC 3.3: Promote retention and dedication of land which provides room for a variety of passive and active recreational pursuits and offers important opportunities for the fulfillment of human and psychological needs, including:
    1. Areas of outstanding scenic value.
    2. Areas of historic and cultural value.
    3. Accessible areas particularly suited for parks and recreation purposes such as hiking, horseback riding, biking, swimming, tennis, ball fields and more.
    4. Areas providing access to and links between major recreation, cultural and open space reservations, including trails, utility easements, banks of rivers and streams and scenic highway corridors.
    5. Areas with inherent qualities that humans find visually pleasing, beautiful, relaxing, simulating or enjoyable.

Goal OSC 4: Strive to achieve a ratio of 5 acres of park and open space area per 1,000 residents.

- Policy OSC 4.1: Promote dedication of land for parks and recreational open space.

Goal OSC 6: Preserve the hillside lands in their natural condition and inherent natural beauty.

- Policy OSC 6.2: Public use and enjoyment of the unincorporated hillside areas for recreational purposes shall be encouraged through direct or indirect public land acquisition, encouraging both private and public recreational uses. Appropriate regulation of privately held lands to obtain maximum use of open space resources, such as the establishment of trail and open space easements, should be consistent with conservation of the natural environment.

City of Saratoga Municipal Code §14-25.080

Consistent with and as permitted by the Quimby Act, the City has adopted Park and Recreation Dedication and Fees (City of Saratoga Municipal Code, §14-25.080). The section requires that "as a condition of each final map approval, and to be detailed in the conditions of [a] tentative map, every subdivider or owner shall be required to, and shall dedicate a portion of land or pay a fee in lieu thereof, or a combination of both at the option of the City, for the purpose of providing park or recreational facilities reasonably related to serving the development and in accord with the standards and provisions as hereafter set forth…"

17.4 Environmental Impacts and Mitigation Measures

17.4.1 Significance Criteria

The following significance criteria for public services and utilities were derived from the Environmental Checklist in the State CEQA Guidelines Appendix G.

PSU-1 Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time, or other performance objectives for any other the following public services:

- Fire protection;
- Police protection;
- Schools;
- Parks and Recreation facilities; or
- Libraries.

PSU-2 Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage facilities or dry utilities, the construction or relocation of which could cause significant environmental effects.

PSU-3 Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

PSU-4 Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

PSU-5 Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

PSU-6 Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

17.4.2 Impacts of the Project

Impact PSU-1: Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time, or other performance objectives for any other the following public services:

Fire Protection Services **(Less than Significant)**

The Project site is currently served by Saratoga Fire Protection District. The current uses on the Project site, i.e. the Mountain Winery, maintains an emergency response plan. The current main access road, which connects to Pierce Road, provides the primary fire and emergency access. Secondary access road(s) may also be used for fire fighting and/ or emergency purposes, at the direction of fire officials. Emergency evacuations may be achieved using the helipad at the northern most point of the parking area as well. This existing helicopter land pad was previously required by and tested by the Saratoga Fire District. The landing pad is not currently a Federal Aviation Administration (FAA) approved landing site and, therefore, is for use only during fire-fighting or medical emergency situations.

As discussed in Section 15, Land Use and Planning, the Project would not result in a direct growth to population, and any potential indirect population growth from the 75 new employees would not be substantial. However, new lodging uses (up to 300 lodging units and ancillary uses) allowed by the Project could potentially increase the number of people visiting the Project site and an associated increase in the number of calls for fire protection and emergency medical services. The very low density residential uses that would be allowed on the 503-46-007 parcel, outside of the Precise Plan area, would be the same use and density as is currently allowed by the County General Plan and would therefore not create an increase in the number of people visiting the Project site beyond levels that are currently planned for.

Any future development allowed by the project would be required to meet all applicable building and fire codes. The Saratoga Fire Protection District has a goal to arrive at the scene of emergencies within five minutes of receipt of alarm, at least 90 percent of the time.

The Saratoga Fire Protection District has confirmed that subsequent to annexation of the Mountain Winery into the City, proposed construction projects by the Mountain Winery would continue to be reviewed by the Saratoga Fire Protection District (Santa Clara County Fire Department, 2019). In addition, as both Saratoga Fire District and Santa Clara County Central Fire Protection District are funded via property taxes from parcels within the exterior boundaries of the fire districts, there would be no fire service impact to the City of Saratoga budget. Thus, the increase in demand on fire protection services associated with full buildout of the Project would not affect the Saratoga Fire Protection District's ability to maintain acceptable service ratios or response times and would not result in the need for new or expanded fire protection facilities.

Further, the Project would allow for future development of a second water tank on the Project site with a maximum 360,000- gallon capacity, to be placed near the existing water tank. Currently, the Saratoga Fire Protection District has adequate water supply for fire suppression needs and requires that all new buildings have internal fire protection access.[10] The existing water tank and the allowed new water tank could help support future water demands and future fire suppression needs. Additionally, the Project would be required to comply with MM WIL-1, which would require Saratoga Fire Protection District review and approval of development site plans associated with full buildout of the project to ensure adequate emergency protection. Therefore, it is not anticipated that new or expanded fire protection facilities would be necessary. As a result, impacts would be less-than-significant and implementation of MM WIL-1 would further reduce impacts.

Police Protection **(Less than Significant)**

The Project site is currently served by Santa Clara County Sheriff's Office. New lodging uses (up to 300 lodging units and ancillary uses) allowed by the Project could potentially increase the number of people visiting the Project site and therefore increase the number of calls for service by emergency service providers. As discussed in Section 15, Land Use and Planning, the Project would not result in a direct growth to population, and any potential indirect population growth from the 75 new lodging employees would not be substantial. The Project may result in an increase in visitors that would require responses from emergency service providers. However, it is anticipated that many visitors of the lodging facility and ancillary uses would already be visiting the Mountain Winery for wine tasting and concerts. Thus, the additional demand on police protection services is anticipated to be marginal and would not affect the Sheriff's Office ability to maintain acceptable service ratios or response times and would not result in the need for new or expanded police facilities.

In total, the Sheriff's Office allocated approximately 114 hours to the Mountain Winery in police services from January 2014 to January 2019, which averages to approximately 23 per year (County of Santa Clara Sheriff Office, 2019). Given the current allocation of service hours for police services in the City, the Santa Clara County Sheriff's Office has confirmed that the existing facilities, equipment, and staffing levels would be adequate to accommodate any additional demand associated with full buildout of the Project. The Sheriff's Office has confirmed their ability to manage the current contractual service hours in order to allocate resources to the Mountain Winery. (County of Santa Clara Sheriff Office, 2019). Therefore, it is not anticipated that new or expanded police protection facilities would be necessary. As a result, impacts would be less-than-significant.

Schools **(Less than Significant)**

The City is served by two different school districts: SUSD and LGSUHSD. As discussed above, the Project would not result in substantial population growth. Because the Project would not result

[10] 317 9-1 8A-1 8G-18DR (Mt. Winery) Architecture and Site Approval, Design Review and Grading Approval for Five (5) New Buildings and a Garden Terrace Area (October 2018 County Staff Report), page 4.

in substantial population growth, the Project is not expected to generate many additional students. Additionally, any future development allowed by the Project would comply with any funding requirements of SB 50. Thus, it is not anticipated that new or expand school facilities would be necessary. As a result, impacts would be less-than-significant.

Parks **(Less than Significant)**

As discussed in Section 18, Recreation, the lodging uses could generate the addition of new guests to the existing Mountain Winery facilities and could result in those guests using recreational facilities near the Project site. However, the potential increase in the usage of recreational facilities near the Project site would not result in the need for new or expansion of such facilities. As a result, impacts would be less-than-significant.

Other Public Facilities **(Less than Significant)**

The Saratoga Library is the only library located in the City. Additional libraries exist within public schools located in the City, but these libraries are intended to serve only the students. This library is part of the Santa Clara County Library System and therefore, the Saratoga library can access any other library within the Santa Clara County Library System for materials when needed.

As noted above, the Project would not result in substantial population growth. The lodging uses could bring new guests to the Mountain Winery and could result in guests using City library facilities. However, the potential increase in the usage of library facilities would not result in the need for new or expansion of such facilities. As a result, impacts would be less than significant.

Impact PSU-2: Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage facilities or dry utilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant)**

Development of a new lodging facility, annexation of parcels 503-46-005 and 503-46-006 into the Cupertino Sanitary District, and a new water tank allowed by the Project would increase the demand for water, electrical power, or telecommunications and increase the input of wastewater and storm water into the local treatment system. Because the Mountain Winery is an existing use, development of the lodging uses would connect to the existing services. With full buildout of the Project, demand for telecommunication and electrical services would increase; however, new physical connections would not be required to accommodate the additional demand.

Implementation of the Project entails annexation into the Cupertino Sanitary District, which would allow for the future connection to the Cupertino Sanitary District. The physical impacts associated with new infrastructure to connect parcels 503-46-005 and 503-46-006 to the Cupertino Sanitary District is analyzed as part of the Project throughout this EIR (specifically, see Section 8, 9, 13, 14, and 21). Further, at the July 17, 2019 Cupertino Sanitary District Board of Directors meeting, the Cupertino Sanitary District Board of Directors approved the annexation of the Mountain Winery into their service area, pending approval of the Project, via Board Resolution number 1314 (Cupertino Sanitary District, 2019b). The Cupertino Sanitary District's Board of Directors determined that the Cupertino Sanitary District has capacity to serve the

Project site (Cupertino Sanitary District, 2019b). Thus, no additional infrastructure, beyond the on-site connection line, would be required to serve the Project.

Implementation of the Project would also allow for construction of a second water tank that would be able to serve as an additional water supply for the Project site, providing additional water storage for non-potable water uses such as landscaping and fire suppression. Similarly, physical impacts associated with this new water tank are analyzed as part of the Project throughout this EIR (refer to Sections 5-21). Thus, impacts would be less than significant.

Impact PSU-3: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant)**

As shown in Section 17.2, Environmental Setting, the Project site currently receives water solely from the San Jose Water Company. Approximately 40 percent of the San Jose Water Company's water supply comes from Santa Clara Groundwater Subbasin groundwater resources. The remaining 60 percent of the San Jose Water Company supply is provided by surface water resources. Surface water imported from the Sacramento-San Joaquin Delta and purchased from the Santa Clara Valley Water District accounts for approximately 50 percent of the San Jose Water Company's supply. Treated surface water, collected in the Santa Cruz Mountains, accounts for the remaining 10 percent of the San Jose Water Company's supply.

The San Jose Water Company is forecasted to have a total water supply of 149,744 acre-feet per year (AFY) in 2020, and a projected supply of 159,479 AFY in 2035 (SJWC, 2010). On the same planning year horizons, the San Jose Water Company projected a total water demand of 144,764 AFY in 2020 and a projected demand of 153,697 AFY in 2035, respectively. This forecast equates to a water surplus for the San Jose Water Company of 4,980 AFY in 2020 and 5,782 AFY in 2035(SJWC, 2010). These forecasts remain constant for single and multiple dry years (SJWC, 2010).

The current water demand from the existing on-site operations is approximately 7,140 gpd on average. The current domestic water system meets these needs.

As discussed above, future development of new lodging uses (up to 300 lodging units and ancillary uses) could bring new guests to the Mountain Winery and would increase the existing water demand. Full buildout of the Project would allow guests to lodge on-site and have the potential to increase the amount of water usage on-site from showers, toilets, etc.

Using an assumption rate of 250 gpd of potable water per lodging unit, full buildout of the Project would generate an increase of potable water demand of approximately 75,000 gpd, or 84 AFY, in addition to existing uses. It is assumed that the existing Mountain Winery water demands would remain unchanged at an average of 7,140 gpd. The total demand of the Project site with full

buildout would be approximately 82,140 gpd[11]. The Project would utilize an additional 0.05 percent of San Jose Water Company's projected water supply[12]. As noted above, the San Jose Water Company is projected to have a water supply surplus of 4,980 AFY in 2020 and 5,782 AFY in 2035. Therefore, the San Jose Water Company would have sufficient water supplies to meet the demand of the Project. In addition, there is an existing 360,000-gallon water tank onsite currently used for irrigation and fire suppression. Implementation of the Project would allow a new 360,000-gallon capacity water tank that would be able to serve as an additional water storage for the Project site to use for irrigation and future fire suppression needs.

Impact PSU-4: Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant)**

Currently, the Mountain Winery has an average sewage generation of approximately 3,915 gallons per day. During the months of June to September, there is a peak generation of approximately 224,377 gallons per month because the Mountain Winery hosts seasonal concerts during these months. During the months of October to May, there is a minimum generation of approximately 10,620 gallons per month.

The Project entails annexation into the Cupertino Sanitary District to allow for the potential to connect to the Cupertino Sanitary District system in the future. This future connection area, referred to as the "Sanitary Sewer Connection area" is shown in Figure 3-2. Annexation to the Cupertino Sanitary District system would allow for future potential sanitary sewer service to the be provided to the Mountain Winery.

As discussed in Section 17.2, Environmental Setting, the Mountain Winery is served by an onsite sewage collection system, septic treatment, and percolation disposal field. The closest public sanitary sewer collection system to the Project site is an existing manhole connection point (#6665-17), located at the intersection of Pierce Road and Vintage Lane, which is adjacent to the Mountain Winery main access road (Cupertino Sanitary District, 2019a). An 8-inch diameter sewer line maintained by the Cupertino Sanitary District terminates at this intersection, which is near the District's service area boundary line. Future connection to the 8-inch sewer line would not require new pumps and would be gravity fed. The Cupertino Sanitary District has confirmed that pending LAFCO's approval of annexation of parcels 503-46-005 and 503-46-006 to the Cupertino Sanitary District, the District has adequate infrastructure and sufficient capacity to serve the Project site (Cupertino Sanitary District, 2019b). Pending LAFCO's approval of annexation to the Cupertino Sanitary District, the Mountain Winery property owners would be responsible for financing connection to the Cupertino Sanitary District and pay appropriate fees either as a lump sum or installments for the connection to the Cupertino Sanitary District. These fees would be collected by the Cupertino Sanitary District at the time of connection, as provided

[11] Total current demand of project site + full buildout = (250 gpd x (300 lodging units) + 7,140 gpd = 82,140 gpd
[12] 84 AFY/159,479 AFY = 0.05%

by the rules, regulations or ordinances of the Cupertino Sanitary District. As a result, impacts associated with connection to the Cupertino Sanitary District would be less than significant.

Impact PSU-5: Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant)**

As discussed in the Environmental Setting at Section 17.2, solid waste services are provided to the Project site by West Valley Solid Waste Management Authority. Solid waste and recycling are hauled off site to Guadalupe Rubbish Disposal Company landfill. On average, an annual total of approximately 1,500 cubic yards of solid waste from Mountain Winery is hauled off site to the Guadalupe Rubbish Disposal Company landfill by West Valley Collection and Recycling. During the months of June to September, there is a peak capacity of approximately 260 cubic yards of solid waste hauled off site because the Mountain Winery hosts seasonal concerts between these months

As of 2011, Guadalupe Rubbish Disposal Company landfill was at 39 percent of its permitted capacity. Guadalupe Rubbish Disposal Company accepts construction/demolition, mixed municipal, industrial, and green materials waste. The landfill currently handles 1,300 tons of waste per day with a maximum capacity of 28,600,000 tons. According to CalRecycle, as of 2011 the remaining capacity of Guadalupe Rubbish Disposal Company was estimated to be 11,055,000 cubic yards with a projected closing date of January 1, 2048 (CalRecycle, 2011). The Project would increase solid waste generation on the Project site and decrease the available capacity of the Guadalupe Rubbish Disposal Company landfill over time.

Operation of full buildout of the Project is estimated to generate approximately 540 tons per year of new solid waste. [13] Accordingly, each year the Project would contribute a negligible amount of solid waste to the landfill and this impact would be less than significant.

Impact PSU-6: Comply with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant)**

As discussed above under Impact PSU-5, Guadalupe Rubbish Disposal Company landfill has sufficient capacity to serve the Project.

The Guadalupe Rubbish Disposal Company landfill has capacity in excess of the required 15-year threshold established by the California Department of Resources Recycling and Recovery (CalRecycle). Based on the remaining capacity of the transfer station and landfill, and the long-term planning programs required to meet CalRecycle requirements, there would be adequate waste disposal capacity within the permitted City's landfill system to meet the needs of the Project. Solid waste services would be provided to the project without significantly impacting

[13] Assumes 1.8 tons solid waste per year/lodging unit.

existing and planned development within the City and county. As a result, impacts associated with solid waste compliance would be less than significant.

17.4.3 Cumulative Impact Analysis

Impact PSU-7: Would implementation of the project, in combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to public services and utilities? **(Less than Significant)**

The area over which cumulative impacts to public services and utilities is considered is the public service providers' service areas. Substantial growth is anticipated within the service areas in the next few decades as population growth increases in the region. New development and redevelopment projects would result in increased demand on public services and utilities in the service areas. Future development in the service areas would be subject to separate environmental analyses. Where past projects, other current projects, and probable future projects would have identified impact on public services and utilities, individual project would be required to mitigate their impacts, to the extent feasible, through the CEQA process.

However, as identified in this Section, the Project would not cause adverse effects on public services or utilities. Therefore, when considered in conjunction with the effects of past projects, other current projects, and probable future projects, the project would not contribute considerably to a cumulative impact public services and utilities.

Wastewater and Sewage

The Project, together with the cumulative projects discussed in Section 4, Introduction to Environmental Analysis, would result in increased wastewater flows and demands to the Cupertino Sanitary District system. Wastewater and non-potable water facilities that are necessary to serve new development through build-out of the City are provided by the Cupertino Sanitary District. Currently five (three residential projects and two mixed-use projects) of the seven total projects proposed within the City would result in increased wastewater flows and demands. However, these future residential and mixed-use projects would be subject to separate environmental analyses. In addition, the Project, together with the three residential projects and two mixed-use projects, would be required to pay all applicable Cupertino Sanitary District fees. As a result, the Project would not result in a cumulatively considerable contribution to this potential cumulative impact.

Stormwater

As discussed above, the Project site is bisected by an east-west to northwest-southeast trending ridge. This ridge generally forms a drainage divide. The drainages from the divide ultimately carry water through tributaries to Calabazas Creek. Due to the hilly topography and high elevation of Project site, flooding in not a hazard and there are no 100-year flood zone delineated at the Project site. As discussed in Section 14, Hydrology and Water Quality, new development and redevelopment projects would result in some increase in impervious surfaces and thus could generate increased runoff from the affected project sites. Future development in the service area

would prepare and implement WQMPs specifying BMPs that would minimize runoff from those sites and reduce contamination of runoff with pollutants. Therefore, related projects are not expected to cause substantial increases in runoff and are not expected to require construction of substantial new or expanded municipal storm drain systems. Thus, the cumulative impact with respect to the City's stormwater system would be less than significant.

Water Supply

The San Jose Water Company utilizes ABAG projections in determining population projections for the San Jose Water Company service area. The San Jose Water Company UWMP serves as a long-range water supply planning tool to assure long-term reliability on the water supplies to its customers. Water supply, water usage, recycled water, conservation programs, water shortage planning and water supply reliability is analyzed over a 25-year planning horizon for the San Jose Water Company service area. Based on the findings of the 2010 San Jose Water Company UWMP, the San Jose Water Company long-term water supplies are forecast to exceed long-term demand. San Jose Water Company plans to add additional sources of water supply in the form of new, higher capacity, replacement groundwater wells in order to meet the demands of planned developments within the San Jose Water Company service area. Currently, the cumulative projects discussed in Section 4, Introduction to Environmental Analysis, could result in an increased water demand to the San Jose Water Company supply, since these projects would likely require new water main connections. These future development projects would result in approximately 200 residential units and ABAG estimates that the number of households in Saratoga will increase to 10,970 residential units by 2035. Because the SJWC utilizes ABAG projections in determining future water supply and demand for its service area, it can be assumed these future development projects were accounted for in the 2010 UWMP.

Future residential and mixed-use projects would be subject to separate environmental analyses. Therefore, given the existing available water supply, city surplus, and water supply needs of the Project, together with the cumulative projects, the Project would not result in the need for new or expanded water entitlements or off-site distribution facilities that could result in significant environmental impacts. The Project's incremental effect would not be cumulatively considerable with respect to water supply and therefore impacts would be less than significant.

Solid Waste

As discussed above in Impact PSU-6, the Guadalupe Rubbish Disposal Company landfill has capacity in excess of the 15-year threshold established by CalRecycle. Currently, the cumulative projects discussed in Section 4, Introduction to Environmental Analysis, could result in an increased contribution of solid waste to the Guadalupe Rubbish Disposal Company landfill, since these future development projects would include new residential and commercial uses that generate solid waste. However, these future residential and mixed-use projects would be subject to separate environmental analyses. In addition, all handling and disposal of solid waste and recyclable materials associated with cumulative development would occur in compliance with applicable State and local regulations. Thus, the Project, would not result in a cumulatively

considerable impact on the Guadalupe Rubbish Disposal Company landfill. The cumulative impact with respect to solid waste would be less than significant.

17.5 References

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18 Recreation

18.1 Introduction

This section describes effects on recreational conditions in the Project area. The current condition and quality of recreational facilities was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- County of Santa Clara General Plan – Recreation Element. December 20, 1994.
- County of Santa Clara Countywide Trails Master Plan Update. November 14, 1995.
- City of Saratoga General Plan – Open Space and Conservation Element. June 6, 2007.
- City of Saratoga Municipal Code – Park Dedication (Quimby Act). July 18, 2019.

18.2 Environmental Setting

This section presents information on recreation conditions within the Project area.

18.2.1 Existing Parks and Recreation Facilities

County of Santa Clara

The County of Santa Clara has a regional parks system that includes 28 regional parks encompassing over 52,000 acres. The County provides a sustainable system of diverse regional parks, trails and natural areas that connects people with the natural environment, supports healthy lifestyles, offering visitor experiences that renew the human spirit, while balancing recreation opportunities with the protection of natural, cultural, historic, and scenic resources. The nearest regional parks, Stevens Creek County Park, located at 11401 Stevens Canyon Road, is approximately 1.7 miles north of the Project site and Sanborn County Park, located at 16055 Sanborn Road, is approximately 1.8 miles south of the Project site. County of Santa Clara Countywide Trails Master Plan

The County of Santa Clara Parks and Recreation Department is responsible for planning and implementing the *Santa Clara County Countywide Trails Master Plan Update,* an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995. The County Parks Department desires to develop a 10-foot wide trail, the Juan Bautista deAnza National Historic Trail, within a 25-foot wide trail easement on the Mountain Winery property. The precise trail alignment has not been identified, but the floating trail easement is for the alignment and construction of a non-exclusive, public, pedestrian and equestrian trail that will connect Stevens Creek and Sanborn county parks. The property contained within the easement is significantly larger than the envisioned trail to allow reasonable flexibility in mutually determining a suitable location and alignment. According to the June 2000 "Floating Trail Easement Map", the trail easement does cross the northwest portion of the Precise Plan area.

City of Saratoga

According to the 2007 General Plan Open Space and Conservation Element, the City controls approximately 87 acres of parkland, of which 63 acres have been improved for park purposes. City parks are generally well-distributed throughout the community. In addition to City parks, other existing open space resources within the City include: private and community open space, flood easements, and school sites. The nearest neighborhood park, Wildwood Park, located at 20764 4th Street in Saratoga, is approximately 1.1 miles east of the Project site.

In addition to City parks, there are several regional parks that, while not owned by the City, are located partially or wholly within its Sphere of Influence and/or immediately adjacent to its boundaries, and thus provide an additional source of parklands for the community. These parks include Villa Montalvo, Stevens Creek Park, Sanborn Skyline County Park and Fremont Older.

18.3 Applicable Regulations, Plans, and Standards

18.3.1 Federal

None applicable.

18.3.2 State

Quimby Act

The Quimby Act of 1975, (California Government Code § 66477), commonly called the "Quimby Act", allows a city or county to pass an ordinance that requires, as a condition of approval of a subdivision, either the dedication of land, the payment of a fee in lieu of dedication, or a combination of both for park and recreational purposes. It allows a city or county to require a maximum parkland dedication standard of 3 acres of parkland per 1,000 residents for new subdivision development unless the jurisdiction can demonstrate that the amount of existing neighborhood and community parkland exceeds that limit. In accordance with Section 66477, a jurisdiction may establish a parkland dedication standard based on its existing parkland ratio, provided required dedications do not exceed 5 acres per 1,000 persons.

18.3.3 Regional and Local

Santa Clara County General Plan

Parks and Recreation Element

The County General Plan Parks and Recreation Element (PR) discusses three types of areas and facilities with the potential to contribute to meeting future recreation demand and maintaining the County's natural resources and beauty: (1) Regional Parks and Public Open Space Lands, (2) Trails, and (3) Scenic Highways. Strategies most directly related to recreation included below.

Regional Parks and Public Open Space Lands

- Strategy #1: Develop parks and public open space lands
- Strategy #2: Improve accessibility

- Strategy #3: Balance recreation and environmental objectives
- Strategy #4: Facilitate interjurisdictional coordination
- Strategy #5: Encourage private sector involvement

Trails and Pathways

- Strategy #1: Plan for trails
- Strategy #2: Implement the planned trail network
- Strategy #3: Facilitate interjurisdictional coordination
- Strategy #4: Balance recreation, environmental, and landowner concerns

Scenic Highways

- Strategy #1: Designate scenic highways
- Strategy #2: Protect scenic highway corridors
- Strategy #3: Develop complimentary recreational facilities

City of Saratoga General Plan

Open Space and Conservation Element

The City General Plan Open Space and Conservation Element (OSC) discusses management, protection, and preservation of public and private open space, sensitive biological resources, flood hazards, agricultural lands, hillsides, and others. A primary goal of this element is to balance the needs of open space areas with those of continuous development pressures. Policies and implementation measures are outlined to preserve the remaining open space and natural resources to determine the character and quality of life within the Saratoga community. Policies and implementation measures most directly related to recreation are included below.

Goal OSC 3: To provide and maintain parks and a variety of passive and active recreational sites which are located, designed, and improved to serve the needs of the residents, the community, and the neighborhoods of Saratoga.

- Policy OSC 3.1: Ensure that existing and future parks and dedicated open spaces remain part of the public domain in perpetuity.
- Policy OSC 3.3: Promote retention and dedication of land which provides room for a variety of passive and active recreational pursuits and offers important opportunities for the fulfillment of human and psychological needs, including:
    a. Areas of outstanding scenic value.
    b. Areas of historic and cultural value.
    c. Accessible areas particularly suited for parks and recreation purposes such as hiking, horseback riding, biking, swimming, tennis, ball fields and more.
    d. Areas providing access to and links between major recreation, cultural and open space reservations, including trails, utility easements, banks of rivers and streams and scenic highway corridors.

e. Areas with inherent qualities that humans find visually pleasing, beautiful, relaxing, simulating or enjoyable.

Goal OSC 4: Strive to achieve a ratio of 5 acres of park and open space area per 1,000 residents.

- Policy 4.1: Promote dedication of land for parks and recreational open space.

Goal OSC 6: Preserve the hillside lands in their natural condition and inherent natural beauty.

- Policy OSC 6.2: Public use and enjoyment of the unincorporated hillside areas for recreational purposes shall be encouraged through direct or indirect public land acquisition, encouraging both private and public recreational uses. Appropriate regulation of privately held lands to obtain maximum use of open space resources, such as the establishment of trail and open space easements, should be consistent with conservation of the natural environment.

City of Saratoga Municipal Code, *§14-25.080*

Consistent with and as permitted by the Quimby Act, the City has adopted Park and Recreation Dedication and Fees (*City of Saratoga Municipal Code, §14-25.080).* The section requires that "as a condition of each final map approval, and to be detailed in the conditions of [a] tentative map, every subdivider or owner shall be required to, and shall dedicate a portion of land or pay a fee in lieu thereof, or a combination of both at the option of the City, for the purpose of providing park or recreational facilities reasonably related to serving the development and in accord with the standards and provisions as hereafter set forth…"

18.4 Environmental Impacts and Mitigation Measures

18.4.1 Significance Criteria

The following significance criteria for recreation was derived from the Environmental Checklist in the State CEQA Guidelines Appendix G. An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria.

REC – 1: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

REC – 2: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

18.4.2 Impacts of the Project

Impact REC-1: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **(Less than Significant)**

AND

Impact REC-2: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? **(Less than Significant)**

The following discussion applies to Impacts REC-1 and REC-2. The new uses allowed by the Project would include lodging and ancillary uses (up to 300 lodging units), a new water tank, and the proposed connection into the Cupertino Sanitary District. The lodging and ancillary uses would create new employment opportunities, which could induce population growth within the City, but would not be considered substantial population growth.Refer to Section 15, Land Use and Planning, for detailed analysis. Given that population growth as a result of the Project would not be substantial, induced growth associated with implementation of the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities nor would it require construction/expansion of recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

In addition to new employment opportunities, the lodging and ancillary uses could bring new guests to the Mountain Winery and could result in some of those guests using the recreational facilities near the Project site; however, it is anticipated that visitors of the lodging facility and ancillary uses would mostly utilize existing, on-site, Mountain Winery activities such as the wine tasting venue and concerts. As a result of full buildout of the Project, the visitors to the Mountain Winery would be able to lodge on-site rather than at off-site lodging facilities. Therefore, it is anticipated that implementation of the Project would result in more visitors to stay on the Project site, utilizing onsite recreational amenities and therefore, the potential increase in the usage of recreational facilities near the Precise Plan area would not result in either a direct or substantial physical deterioration of those facilities. The nearest neighborhood park, Wildwood Park, located at 20764 4th Street in Saratoga, is approximately 1.1 miles east of the Project site. The nearest regional park, Stevens Creek County Park, located at 11401 Stevens Canyon Road, is approximately 1.7 miles north of the Project site. These two recreational facilities, combined, offer numerous recreational amenities, including an 86-acre reservoir at Stevens Creek County Park, which would likely be able to accommodate any potential population growth as a result of employment from the Project.

A portion of the Juan Bautista de Anza National Historic Trail Floating Trail Easement crosses over the northwest portion of Precise Plan area; see Figure 4-1. Since the Easement is Floating, its location is not exact, and the final Trail could be developed anywhere within the greater Easement boundary. However, it is not likely for the final location of the Trail to cross over the Precise Plan area because in an agreement between the County and the Owner of the Mountain Winery from November 2000, it was established that the Trail Easement alignment on the Easement Property should (1) best minimize any foreseeable impact to or from any presently permitted uses and/or future contemplated uses or improvements on the Mountain Winery Property; (2) minimize the environmental impacts of the Trail construction and public use; (3) and constitute a link to a region-wide trail and foster the public's recreational enjoyment. If the

trail were to be placed over the Precise Plan area, it would be within immediate proximity to developed land uses on the Mountain Winery property. Locating the trail further west from the Precise Plan area would better achieve the goal in the November 2000 agreement to foster the public's recreational enjoyment. Further, locating the trail Easement outside the Precise Plan area would better meet the goal to minimize foreseeable impacts to and from future contemplated uses. By following the conditions set forth in the November 2000 agreement between the County and the Owner of the Mountain Winery, adverse impacts to the trail from development on the Mountain Winery property would not occur.

Given that the Project would not substantially increase the use of existing recreational facilities, substantial physical deterioration of these facilities would not occur or be accelerated. As a result, impacts to existing neighborhood and regional parks would be less than significant.

18.4.3 Cumulative Impact Analysis

The Project would not adversely impact recreational facilities within the Project area as described in Impacts R-1 and R-2 above. However, as with all residents of and visitors to the City, future employees of development allowed by the Project would have access to all public recreational facilities in Saratoga. Similarly, residents of and visitors to surrounding communities can use public recreational facilities in Saratoga, and residents of Saratoga have access to public recreational uses in other jurisdictions. The population and housing growth from the Project would not be substantial as discussed in Section 15, Land Use and Planning. The lodging uses would create new employment opportunities and could create up to 75 new jobs. This would be less than a 1 percent increase of new jobs for the City. These new employees, as well as guests of the lodging facility, could increase the use of parks in the area.

Currently, there are seven projects proposed within the City of Saratoga: three residential projects, two mixed use projects, and two trail projects. The two proposed projects within one mile of the Precise Plan are the Saratoga to the Sea Trail Project (connecting Saratoga Quarry Park to Sanborn County Park) and the Juan Bautista deAnza National Historic Trail (connecting Stevens Creek and Sanborn county parks). The next nearest proposed projects include a mixed use project located at 20640 3rd Street (1.70 miles east of the Project site) and another mixed use project located at 14630 Big Basin Way (1.50 miles east of the Project site). Three residential projects have also been considered in this cumulative analysis. However, those projects are planned to be located greater than 3 miles from the Project site.

The two trail projects would not have an adverse impact to recreational facilities. Rather those two projects would increase the number of recreational facilities within the City, contributing to a beneficial recreational impact. The two mixed use projects and three residential projects could potentially have an adverse impact on recreational facilities in combination with the Project. However, as required by the Quimby Act, the City has adopted Park and Recreation Dedication and Fees (*City of Saratoga Municipal Code §14-25.080*). This section requires that "as a condition of each final map approval, and to be detailed in the conditions of [a] tentative map, every subdivider or owner shall be required to, and shall dedicate a portion of land or pay a fee in lieu thereof, or a combination of both at the option of the City, for the purpose of providing park or

recreational facilities reasonably related to serving the development and in accord with the standards and provisions as hereafter set forth…" All past projects, other current projects, and probable future projects are required to comply with these regulations. Compliance with these regulations would ensure that cumulative impacts to recreational facilities would not occur. Therefore, the Project would not result in or contribute to a cumulatively considerable impact to recreational facilities.

18.5 References

Santa Clara County Parks and Recreation Department. (November, 1995). *Santa Clara County Countywide Trails Master Plan Update.* Los Gatos, CA.

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19 Transportation and Circulation

19.1 Introduction

This section describes environmental effects on transportation and circulation that would be caused by implementation of the Project. Information used to prepare this section came from the following resources:

- City of Saratoga General Plan – Transportation and Scenic Highway Element. November 17, 2010.
- Kimley-Horn, *Transportation Impact Analysis for Mountain Winery*, 2019

19.2 Environmental Setting

This section presents information on transportation and circulation conditions in the Project area.

19.2.1 Existing Roadway Network

Regional access to the Project site is provided from Interstate 280 (I-280) and State Route 85 (SR-85). Local access from these highways to the Project site is along Saratoga-Sunnyvale Road and Big Basin Way (Route 9). Major roadways in the vicinity of the Project site are Pierce Road and Highway 9. An overview of the existing street and highway system is provided below.

State Highways

Interstate-280

Interstate 280 (I-280) is a north-south oriented freeway from San Francisco to Interstate 680 in San Jose. The posted speed limit is 65 miles per hour.

State Route 85

State Route 85 (SR-85) is a north-south oriented freeway from Mountain View to Interstate 101 in south San Jose. The posted speed limit is 65 miles per hour.

City Streets

Saratoga-Sunnyvale Road

Saratoga-Sunnyvale Road is a north-south oriented, four-lane divided arterial that connects I-280 in Cupertino and Big Basin Way (Route 9) in Saratoga. The posted speed limit is 40 miles per hour and signals are located at the intersections of Saratoga-Sunnyvale Road at Prospect Road, Pierce Road, Cox Avenue, and Big Basin Way. On street parking is not allowed on either side of this road.

Pierce Road

Pierce Road is an east-west, two-lane collector extending between Saratoga-Sunnyvale Road and Big Basin Way (which becomes Congress Springs Road and State Route 9 (SR-9) east of the

Saratoga Village). This road provides direct access to the site at the intersection of Vintage Lane. The speed limit varies along Pierce Road from 30 miles per hour near Saratoga-Sunnyvale Road to 14 miles per hour around curves. The speed limit near the Project site is 25 miles per hour. On street parking is not allowed on either side of the road.

Congress Springs Road

Congress Springs Road (Route 9) is an east-west, two-lane minor arterial that extends from Skyline Boulevard (Route 35) to Toll Gate Road. The posted speed limit is 30 miles per hour; however, the speed limit varies depending on the geometry of the roadway. On street parking is not allowed on either side of the road.

Big Basin Way

Big Basin Way (Route 9) is an east-west, two-lane minor arterial that extends from Toll Gate Road to Saratoga-Sunnyvale Road. The posted speed limit is 25 miles per hour; however, the speed limit varies depending on the geometry of the roadway. On street parking is allowed in the Saratoga Village.

Saratoga Avenue

Saratoga Avenue is a northeast-southwest minor arterial that provides access from SR-85 to Big Basin Way and the Saratoga Village. The posted speed limit is 35 miles per hour. There are signalized intersections on Saratoga Avenue (between SR-85 and the Saratoga Village) at Fruitvale Avenue, Kerwin Ranch Court, and Saratoga-Sunnyvale Road. On street parking is allowed in some sections on both sides of the road.

Mount Eden Road

Mt Eden Road is a northwest-southeast, two-lane collector that provides access from Pierce Road to Stevens Canyon Road. The posted speed limit is 25 miles per hour and on street parking is not allowed on either side of the road.

Toll Gate Road is a northwest-southeast, two-lane rural road which provides access from Route 9 to Saratoga Heights Drive and Canyon View Drive. The posted speed limit is 25 miles per hour and on street parking is not allowed on either side of the road.

19.2.2 Driveway Access

There are currently two access locations for the Mountain Winery, as shown in Figure 3-2 and described below:

- Mountain Winery Driveway – This driveway is located at the western leg of the Pierce Road intersection with Vintage Lane/Mountain Winery Driveway. This driveway is the primary entrance to and exit from the Mountain Winery and provides access to the parking lot.

- Emergency Vehicle Access (EVA) Road – This gravel and partially-paved road is located just north of Highway 9 and is an emergency vehicle access (EVA) road that leads to the west side of Mountain Winery. The EVA road is used for secondary fire access to the Project site and for emergency evacuations.

19.2.3 Pedestrian Facilities

The closest sidewalks to the Project site are located in downtown Saratoga along both sides of Route 9 (Big Basin Way) approximately 2.6 miles from the Project site. Sidewalks also exist on both sides of Saratoga-Sunnyvale Road, Saratoga Avenue, and Los Gatos-Saratoga Road.

There is currently no pedestrian access to the Project site. No sidewalk currently exists along the Project site frontage along Pierce Road. Along Route 9, sidewalks only exists near downtown Saratoga along both sides of Big Basin Way. Sidewalks also exist on both sides of Saratoga-Sunnyvale Road, Saratoga Avenue, and Los Gatos-Saratoga Road.Sidewalks

19.2.4 Bicycle Facilities

Bicycle facilities are divided into three classes. Class I bike paths are physically separated from motor vehicle lanes and offer two-way bicycle travel. Class II bike lanes on roadways are marked by signage and pavement striping. Class III bike routes share the travel lane with motor vehicles and only have signs to guide bicyclists on recommended routes.

Bicyclists currently share the road with vehicles on Pierce Road and Highway 9; however, bicyclists were not observed using the Mountain Winery Driveway. No Class I facilities exist near the Project site. Class II bike lanes exist along both sides of Saratoga Avenue and Los Gatos-Saratoga Road. Class III bicycle facilities currently exist along Big Basin Way. During field observations, bicyclists were observed sharing the road with vehicles on Pierce Road.[1]

19.2.5 Transit Facilities

Santa Clara Valley Transportation Authority (VTA) provides bus transit service to the City of Saratoga, however no bus lines directly service the Project site. The nearest bus stops are located approximately 3.5 miles from the Project site near the intersection of Saratoga-Sunnyvale Road and Saratoga Avenue. No sidewalk exists between the existing VTA bus stops and the Project site and visitors or employees are not expected to take the bus to access the Project site.

19.3 Traffic Analysis Methodology

19.3.1 Study Intersections

The study intersections identified below were selected based on the proposed trip generation and estimated trip distribution. The Project trip distribution was developed based on observed

[1] Kimley-Horn. 2019. Transportation Impact Analysis for the Mountain Winery Annexation.

travel patterns, prior analyses performed for the Mountain Winery property[2], and knowledge of the Project study area.

As shown in Table 19-1, the following intersections were analyzed as part of the traffic analysis:

Table 19-1: Study Intersections

#	Intersection	Jurisdiction
1	Saratoga-Sunnyvale Rd & Route 9 (Big Basin Way)/Saratoga Ave	Caltrans/VTA
2	Saratoga-Sunnyvale Rd & Pierce Rd	City of Saratoga
3	Pierce Rd & Mt Eden Rd/Eden Ct	City of Saratoga
4	Pierce Rd & Saratoga Heights Dr	City of Saratoga
5	Pierce Rd & Vintage Ln/Winery Access Rd	City of Saratoga
6	Pierce Rd & Route 9 (Congress Springs Rd)	Caltrans
7	Toll Gate Rd & Route 9	Caltrans

Source: Kimley-Horn, Transportation Impact Analysis, August 2019.

Project Study Conditions

This traffic analysis evaluates project impacts under the following traffic conditions:

1. Existing (2019) Conditions: These are the Existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from current AM and PM peak hour traffic counts.
2. Existing (2019) + Project Conditions: Projected peak hour traffic volumes are estimated by adding the traffic generated by the project to the Existing 2019 traffic volumes.
3. Background Conditions: These are derived by adding future year traffic forecasts estimated for developments anticipated to occur at the time the Project is constructed to the Existing (2019) conditions. The future traffic forecasts were determined by adding and distributing traffic generated from pending/approved developments provided by the City of Saratoga.
4. Background + Project Conditions: Projected peak hour traffic volumes are estimated by adding the traffic generated by the project to background traffic volumes.
5. Cumulative (2040) Conditions: "Cumulative Conditions" are represented by year 2040 traffic volumes on the roadway network. These forecasts were determined using the 2040 VTA travel demand forecasts.

[2] *Mountain Winery Project Transportation Impact Analysis*. Multitrans and The County of Santa Clara. May 4, 1999.

6. Cumulative (2040) + Project Conditions: This condition represents the cumulative condition plus the traffic generated by the Project.

Level of Service

Traffic conditions are measured by average daily traffic (ADT), peak hour traffic volumes, LOS, average delay, and volume to capacity (V/C) ratio. Average daily traffic is the total number of cars passing over a segment of the roadway, in both directions, on an average day. Peak hour volumes are the total number of cars passing over a roadway segment during the peak hour in the morning (AM) or afternoon/evening (PM). Based on traffic counts, the weekday AM peak occurs between 7:00 am and 9:00 am. The weekday PM peak occurs between 2:00 pm and 6:00 pm.

Signalized Intersections

Signalized intersections were analyzed based on the *Highway Capacity Manual* (HCM) 2010 method using Synchro Version 9 software. The 2010 HCM method evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Control delay is the amount of delay that is attributed to the particular traffic control device at the intersection, and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay.

The Saratoga General Plan identifies the LOS standard for signalized intersections as LOS D or better. Caltrans endeavors to maintain a target LOS at signalized intersections at the transition between LOS C and D.

Table 19-2 summarizes the relationship between the control delay and LOS for signalized intersections.

Table 19-2: Intersection Level of Service Definitions

Level of Service	Description	Signalized (Average control delay per vehicle sec/veh.)
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream	delay ≤ 10
B+	Stable traffic. Traffic flows smoothly with few delays.	10.0 < delay ≤ 12.0
B		12.0 < delay ≤ 18.0
B-		18.0 < delay ≤ 20.0
C+	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	20.0 < delay ≤ 23.0
C		23.0 < delay ≤ 32.0
C-		32.0 < delay ≤ 35.0
D+	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	35.0 < delay ≤ 39.0
D		39.0 < delay ≤ 51.0
D-		51.0 < delay ≤ 55.0
E+	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	55.0 < delay ≤ 60.0
E		60.0 < delay ≤ 75.0
E-		75.0 < delay ≤ 80.0
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	delay > 80

Source: VTA Congestion Management Program, Traffic Level of Service Analysis Guidelines, June 2003

Unsignalized Intersections

LOS at unsignalized intersections is based on the 2010 Highway Capacity Manual (2010 HCM) method using Synchro Version 9 software. This method is applicable for both two-way and all-way stop-controlled intersections. For two-way stop-controlled intersections, delay is calculated for each stop-controlled movement and for the uncontrolled left turns, if any, from the main street. For two-way stop controlled intersections, the overall average delay and LOS are reported, as are the delay and LOS for the worst intersection movement. For all-way stop controlled intersections, the overall intersection average delay and LOS are reported.

Based on the City of Saratoga General Plan, the LOS standard for unsignalized intersections is LOS D or better. Caltrans endeavors to maintain a target LOS at signalized intersections at the transition between C and D. Table 19-3 summarizes the relationship between the control delay and LOS for signalized and unsignalized intersections.

Table 19-3: Unsignalized Intersection Level of Service Definitions		
Level of Service	**Description**	**Signalized (Average control delay per vehicle sec/veh.)**
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream	delay ≤ 10
B	Stable traffic. Traffic flows smoothly with few delays.	> 10 - 15
C	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	> 15 - 25
D	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	> 25 - 35
E	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	> 35 - 50
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	delay > 50

Source: Transportation Research Board, Highway Capacity Manual 2000, National Research Council, 2000

Caltrans Criteria

The following signalized and unsignalized intersections are operated by Caltrans:

- Pierce Road & Route 9 (Congress Springs)
- Toll Gate Road & Route 9
- Sunnyvale-Saratoga & Route 9 (Big Basin Way)/Saratoga Avenue

Caltrans has identified a level of service objective of C/D (i.e., on the "cusp" between levels of service C and D) as the acceptable service level for signalized intersections. Intersection impacts are defined to occur when the addition of Project traffic

1. Causes operations to deteriorate from an acceptable level (LOS C) to an unacceptable level (LOS D or worse).
2. Causes the existing measure of effectiveness (average delay) to deteriorate at a State operated intersection operating at worse than LOS C.

Under some circumstances, Caltrans will work with local agencies to determine an acceptable LOS standard on a case-by-base basis when the study roadway facility is constrained, and the LOS C objective is infeasible.

Santa Clara Valley Transportation Authority (VTA) Congestion Management Plan Criteria

The following signalized intersection is identified in the 2015 VTA Congestion Management Plan (CMP):

- Sunnyvale-Saratoga & Route 9 (Big Basin Way)/Saratoga Avenue

This intersection is operated by Caltrans; however, the VTA CMP guidelines are used to determine intersection LOS standards.

The VTA Congestion Management Plan (2017) states that LOS E is the minimum LOS except for intersections grandfathered in at LOS F. This intersection was not grandfathered in at LOS F; therefore, the LOS standard is LOS E.

19.4 Existing Traffic Conditions

19.4.1 Existing Traffic Volumes

Weekday intersection turning movement volumes for the existing study intersections were collected on June 6, 2019.

These counts included vehicles, bicycles, and pedestrians. Volumes for intersections were collected during the AM and PM peak periods of 7:00-9:00 AM and 4:00-6:00 PM, respectively. All traffic counts were collected when local schools were in session and the weather was fair.

Peak-hour volumes at each intersection's respective peak were conservatively used in this analysis, therefore, some volume imbalances were observed between the study intersections. Existing lane geometry and traffic control are illustrated in Figure 3 of Appendix E while peak hour turning movement volumes are shown in Figure 4 of Appendix E.

Field observations were conducted on the count data collection days to observe queues and existing conditions. Data and field visits indicate that peak traffic flow occurs for extended periods of time (typically from 7:00-9:00 AM and 4:00-7:00 PM). The highest one-hour morning (AM) and one-hour afternoon/evening (PM) peaks were selected for analysis, consistent with County, City, and State guidelines.

For purposes of this analysis, it is important to note that during field observations, some vehicles moving through Intersection 1 were observed performing the eastbound right turn movement. This intersection is striped as a through lane only; however, there is no signage to prevent right turn movements. To be conservative, the existing eastbound right turn movements were included in this analysis.

U-turns are analyzed (and illustrated in all figures) as left-turns since HCM methodologies do not support analysis of U-turns. Intersection volume data sheets for all traffic, pedestrian, and bicyde counts are provided in the Appendix E.

As shown in Table 19-4, all study intersections operate at acceptable levels of service under the Existing Conditions during the weekday AM and PM peak hours.

Table 19-4: Existing, Existing + Background, and Cumulative Conditions Intersection Level of Service

					Existing						Background						Cumulative (Year 2040)					
					AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
	Intersection	Agency	Control Type	LOS Criteria	Movement	Delay (sec)	LOS	Movement	Delay (sec)	LOS	Movement	Delay (sec)	LOS	Movement	Delay (sec)	LOS	Movement	Delay (sec)	LOS	Movement	Delay (sec)	LOS
1	Sunnyvale-Saratoga Ave & Big Basin Way/Saratoga Ave	Caltrans/VTA	Signal	E	-	38.2	D+	-	33.3	C-	-	38.0	D+	-	34.0	C-	-	53.0	D-	-	48.2	D
2	Sunnyvale-Saratoga Ave & Pierce Rd	Saratoga	Signal	D	-	13.7	B	-	13.0	B	-	13.9	B	-	13.1	B	-	14.7	B	-	15.2	B
3	Pierce Rd & Mt Eden Rd/Mt Eden Ct	Saratoga	SSSC	D	-	4.3	A	-	3.7	A	-	4.3	A	-	3.7	A	-	4.5	B	-	3.8	A
	Worst Approach				WB	9.8	A	EB	9.6	A	*EB*	*9.8*	*A*	*EB*	*9.6*	*A*	*EB*	*10.2*	*B*	*EB*	*9.9*	*A*
4	Pierce Rd & Saratoga Heights Dr	Saratoga	SSSC	D	-	4.0	A	-	2.9	A	-	4.0	A	-	2.9	A	-	4.0	A	-	2.9	A
	Worst Approach				WB	8.8	A	WB	8.6	A	*WB*	*8.8*	*A*	*WB*	*8.6*	*A*	*WB*	*9.0*	*A*	*WB*	*8.6*	*A*
5	Pierce Rd & Winery Access/Vintage Ln	Saratoga	SSSC	D	-	1.4	A	-	3.2	A	-	1.4	A	-	3.2	A	-	1.4	A	-	3.2	A
	Worst Approach				WB	8.8	A	EB	8.9	A	*WB*	*8.8*	*A*	*EB*	*8.9*	*A*	*WB*	*8.9*	*A*	*EB*	*9.0*	*A*
6	Pierce Rd & Route 9 (Congress Springs)	Caltrans	SSSC	C/D	-	2.3	B	-	2.4	A	-	2.3	B	-	2.4	A	-	2.3	B	-	2.0	B
	Worst Approach				SB	10.1	B	SB	9.7	A	*SB*	*10.1*	*B*	*SB*	*9.7*	*A*	*SB*	*11.8*	*B*	*SB*	*10.9*	*B*
7	Route 9 (Congress Springs) & Toll Gate Rd	Caltrans	SSSC	C/D	-	1.8	B	-	1.5	B	-	1.8	B	-	1.5	B	-	1.6	B	-	1.4	B
	Worst Approach				SB	10.5	B	SB	10.9	B	*SB*	*10.5*	*B*	*SB*	*10.9*	*B*	*SB*	*12.5*	*B*	*SB*	*13.4*	*B*

Notes:
1. Analysis performed using HCM 2000 Edition methodologies with TRAFFIX Software
2. Delay indicated in seconds/vehicle.
3. Signal = Signal Control; AWSC = All-Way Stop Control; SSSC = Side-Street Stop Control
4. City of Saratoga LOS standard is D, VTA CMP LOS standard is E, Caltrans LOS standard is C/D
5. Intersections that operate below maintaining agency's LOS standard are highlighted and shown in bold.
Source: Kimley-Horn & Associates, Inc. 2019

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19.5 Applicable Regulations, Plans, and Standards

19.5.1 Federal

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination toward people with disabilities and guarantees that they have equal opportunities as the rest of society to become employed, purchase goods and services, and participate in government programs and services. The ADA includes requirements pertaining to transportation infrastructure. The Department of Justice's revised regulations for Titles II and III of the ADA, known as the 2010 ADA Standards for Accessible Designs, set minimum requirements for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. These standards apply to accessible walking routes, curb ramps, and other facilities.

Surface Transportation Assistance Act Routes (STAA – Federal Designation)

The Surface Transportation Assistance Act (STAA) of 1982 allows large trucks, referred to as STAA trucks that comply with maximum length and width requirements, to operate on routes that are part of the National Network. The National Network includes the Interstate System and other designated highways that were a part of the Federal-Aid Primary System on June 1, 1991; states are encouraged, however, to allow access for STAA trucks on all highways.

19.5.2 State

California Department of Transportation

The California Department of Transportation (Caltrans) owns and operates the State highway system, which includes the freeways and State routes within California. The Caltrans Guide for the Preparation of Traffic Impact Studies (December 2002) provides guidance on the evaluation of traffic impacts to State highway facilities. The document outlines when a traffic impact study is needed and what should be included in the scope of the study. The Guide states the following: "Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities, however, Caltrans acknowledges that this may not be always feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS."

California Complete Streets Act of 2008

This act requires that the circulation elements of local general plans accommodate a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways in a manner that is suitable to the rural, suburban, or urban context of the jurisdiction. Users are defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and riders of public transportation.

California Transportation Development Act

The Mills-Alquist-Deddeh Act (SB 325) (also known as the Transportation Development Act [TDA]) was enacted in 1971 to improve public transportation services and encourage regional transportation coordination. This law provides funding to be allocated to transit- and non-transit-related purposes that comply with regional transportation plans. The TDA provides two funding sources: 1) the Local Transportation Fund (LTF), which is derived from a ¼ cent of the general sales tax collected statewide, and 2) the State Transit Assistance fund (STA), which is derived from the statewide sales tax on diesel fuel.

California Environmental Quality

The Steinberg Act (SB 743) (also known as the Environmental Act) was enacted in 2013 to shift the focus of transportation analysis from driver delay to reducing greenhouse gas emissions, creating multimodal networks, and promoting mixed land uses. SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide alternative level of service metrics for transportation impact evaluations. The alternative criteria must encourage greenhouse gas emissions reductions, support the development of multimodal transportation networks, and promote a diversity of land uses. In August 2014, OPR released a preliminary discussion draft of changes to the CEQA Guidelines for review and comment, and the office is currently developing a revised draft for further review and comment. Under the new guidelines, measurements of transportation impacts may include vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated.

19.5.3 Regional

Metropolitan Transportation Commission

The Metropolitan Transportation Commission (MTC) is the Bay Area's regional transportation planning agency and federally designated Metropolitan Planning Organization (MPO). MTC is responsible for preparing the Regional Transportation Plan (RTP), a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities. The RTP is a 20-year plan that is updated every three years to reflect new planning priorities and changing projections of future growth and travel demand. The long-range plan must be based on a realistic forecast of future revenues, and the transportation projects taken as a whole must help improve regional air quality. The MTC also screens requests from local agencies for State and federal grants for transportation projects to determine compatibility with the RTP.

Plan Bay Area 2040 (Regional Transportation Plan)

Plan Bay Area 2040 is a State-mandated, integrated long-range transportation and land use plan. As required by Senate Bill (SB) 375, all metropolitan regions in California must complete a Sustainable Communities Strategy (SCS) as part of a RTP. In the Bay Area, the MTC and the Association of Bay Area Governments (ABAG) are jointly responsible for developing and adopting a SCS that integrates transportation, land use and housing to meet greenhouse gas reduction targets set by the California Air Resources Board (CARB).

19.5.4 Local

City of Saratoga Municipal Code

The City Muncipal Code (16-20.090-503.2.1) states, "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulder."

City of Saratoga General Plan

According to the City of Saratoga Circulation and Scenic Highway Element of the General Plan, the City of Saratoga has established LOS D as the minimum acceptable LOS for overall intersection operations during weekday AM and PM peak hours.

The City of Saratoga General Plan Circulation and Scenic Highway Element (CI) discusses all travel modes and transportation systems including roadways, bikeways, sidewalks, transit facilities and services, and rail lines. Additionally, the element addresses Scenic Highway designations and corridor preservation issues. Policies and implementation measures are outlined to promote a balanced, multi-modal transportation system in Saratoga and meet other adopted goals. Goals and Policies most directly related to Transportation and Circulation (CI) are included below.

Goal CI 1a: Provide a balanced, multi-modal transportation system in Saratoga to maintain mobility for all segments of the community and to maintain the City's small town character.

Goal CI.1b: Encourage healthy, active living, reduce traffic congestions and fossil fuel use, and improve the safety and quality of life of residents of the City of Saratoga by providing safe, convenieient, and comfortable routes for walking, bicycling, and public transportation.

- Policy CI 1.1 The City shall encourage and participate in the implementation of a variety of modes of transport to serve Saratoga.
- Policy CI 1.2 Encourage development of cooperation strategies to support local and regional transportation solution and improvements.
- Policy CI 1.3 Provide safe, convenient and comfortable routes for walking, bicycling and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of the streets, including children, older adults, and people of disabilities.

Goal CI.2a: Facilitate the safe movement of vehicular traffic within and through the City, taking into consideration the environmental, historical, and residential integrity of the City to maximize benefits and minimize adverse impacts and costs.

- Policy CI 2.5 Ensure that new development or redevelopment projects provide adequate property dedication to accommodate future roadway and multi-modal access improvements at key intersections and other potential conflict areas.

- Policy CI 2.11 Protect the integrity of and improve existing hillside streets by planning future development according to existing street function.
- Policy CI 2.13 Require development projects to mitigate and reduce their respective traffic and parking impacts by implementing practical and feasible street improvements to improve multi-modal access.

Goal CI.6b: Strive for aesthetically pleasing views from all roads in Saratoga and the Sphere of Influence.

- CI-Policy-6.9 Approve designs for new hillside streets that maximize the use of natural terrain for roadbed construction and minimize "cuts and fills."

Goal CI.7a: Provide adequate parking for non-residential uses to minimize intrusion into adjacent neighborhoods.

Goal CI.7b: Provide on-street parking spaces in commercial areas that provide direct access to abutting properties while requiring off-street public and private parking lots to serve the majority of the demand.

19.6 Environmental Impacts

19.6.1 Significance Criteria

The following significance criteria for transportation and circulation were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria.

TR-1 Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

TR-2 Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

TR-3 Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

TR-4 Result in inadequate emergency access?

19.6.2 Impacts of the Proposed Project

Project Methodology and Assumptions

Trip Generation Estimates

Trip generation was developed for this Project using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2017). A trip is defined in Trip Generation as a single or one-directional vehicle movement with either the origin or destination at the Project site. In

other words, a trip can be either "to" or "from" the site. In addition, a single customer visit to a site is counted as two trips (i.e., one to and one from the site). For this Project, the lodging facility will be analyzed using the Resort Hotel (Land Use 330) Land Use.

For purposes of determining the worst-case impacts of traffic on the surrounding street network, Project trips are typically estimated between the hours of 7:00-9:00 AM and 4:00-6:00 PM on a weekday.

It should also be noted that for this study, special events were not analyzed because it is anticipated that all special events that currently happen on the site would not change with the proposed lodging use, as no expansion to the concert seating, venue or programs is proposed. Therefore, this analysis focuses on the proposed changes in land uses.

For the proposed lodging use allowed under the guidance of the Precise Plan, ITE Land Use Code 330 (Resort Hotel) was used which captures trips generated by both visitors and employees. This ITE land use surveyed sites that are similar to a general hotel; however, a resort hotel provides a wide variety of recreational facilities/programs or amenities more closely aligned with the intent of a future lodging use on the Project site. Internal capture reductions are typically considered for developments with complementary land uses to account for trips made within the development. On the Mountain Winery property, lodging (hotel) visitors may go wine tasting, attend a concert, attend a wedding, or attend a corporate event. It was assumed that the Resort Hotel land use already accounts for internal trip reduction, therefore no additional reductions were applied. Pass-by trip reductions are typically considered to account for trips that are already on the roadway network directly adjacent to the proposed development and will likely stop as they pass by the site. To be conservative, no pass-by trip reductions were assumed in this analysis.

As shown in Table 19-5, the Project would generate 1,431 net new trips, with 85 net new trips occurring during the AM peak hour and 43 net new trips occurring during PM peak hour.

Table 19-5: Project Trip Generation

Trip Generation Rates	ITE Land Use Code	Size		Daily Trips	Weekday AM			Weekday PM		
					Total Peak Hour	In	Out	Total Peak Hour	In	Out
Resort Hotel	330	--	Rooms	4.77	0.28	72%	28%	0.34	43%	57%
Project Conditions										
Resort Hotel	330	300	Rooms	1,431	85	61	24	101	43	58
Net New Project Trips				**1,431**	**85**	**61**	**24**	**101**	**43**	**58**

Note:
1. Trip generation rates published by Institute of Transportation Engineers (ITE), "Trip Generation," 10th Edition, 2017.
2. ITE Resort Hotel (LU 330) Equations:
AM: 0.38(x) - 28.58
PM: 0.52(x) - 55.42
Daily: No data provided. AM and PM peak hour trips for a Hotel (LU 310) is approximately 13% of the daily trips. Assumed the same rate for Resort Hotel (LU 330)
Source: Kimley-Horn & Associates, 2019

Trip Distribution and Assignment

The trip distribution was developed based on the MULTITRANS Mountain Winery Project TIA (May 4, 1999) and knowledge of the study area.

Project trips are expected to utilize regional roadways, major arterials, and local collector roads to access the Project site. Trip distributions were estimated based on existing traffic patterns, the previously completed TIA, and knowledge of the study area.

Figure 5 in Appendix E illustrates the assumed distribution in relation to the Project site and study intersections. Figure 6 in Appendix E, shows the net Project trip assignment for AM and PM peak hour periods that would occur at study intersections during Existing Plus Project and Background Plus Project Conditions.

All Project trips performing a right turn at Intersection 1 are expected to use the bypass just west of the intersection.

Vehicle Miles Traveled

With the passage of SB 743, vehicle miles traveled (VMT) has become an important indicator for determining if a new development would result in a "significant transportation impact". While jurisdictions (lead agencies) have until July 1, 2020 to adopt thresholds of significance and fully implement the requirements of SB 743, the EIR provides a VMT analysis for informational purposes.

Existing events hosted at the Mountain Winery include concerts, weddings, business meetings, deck functions, social events, and other special evets. While the concert season is considered as April 1 through October 31 of each calendar year, other events are hosted throughout the year.

Based on this, it is reasonable to assume that while the Proejct would add some additional employment trips related to employees that work directly at the facility, the facility itself is expected to mostly serve existing patrons of the Mountain Winery. However, the ancillary amenities associated with the lodging uses could attract new patrons who would not have otherwise traveled to the Mountain Winery. Therefore, this analysis estimates that 80 percent of patrons would have been traveling to the Mountain Winery already and that 20 percent of patrons would be new, induced visitors that would add new trips to the regional roadway network. Appendix E further details the methodology of the VMT analysis.

Impact TR-1: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (**Less than Significant**).

The following traffic scenarios are addressed under Impact TR-1:

- Existing Plus Project
- Background Without and With Project
- Cumulative (2040) Without and With Project

Existing Plus Project Scenario

The existing Plus Project scenario isolates the potential impacts of the Project from other existing projects and circulation system improvements and assumes full development of the Project with full absorption of Project traffic on the existing circulation system. Table 19-6 indicates that all traffic study area intersections would operate at acceptable levels of service.

Traffic operations were evaluated at the study intersections under Existing plus Project conditions. Figure 7 and 8 in the Appendix E show the Existing Plus Project lane geometry and traffic control and peak hour traffic volumes.

No study intersections would degrade from acceptable LOS without the Project, to unacceptable LOS with the addition of the Project under Existing plus Project conditions.

It should be noted that for some intersections, the reported delay improved with the addition of the project trips. The reason for this occurrence is because the trips were predominately added to the through lane movements, which had a lower movement delay than the average intersection delay, and thereby decreases the overall average delay.

Table 19-6: Existing Plus Project Conditions Intersection Level of Service

				Existing Conditions						Existing + Project Conditions					
				AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
	Intersection	Agency	Control Type	Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS
1	Sunnyvale-Saratoga Ave & Big Basin Way/Saratoga Ave	Caltrans/ VTA	Signal	-	38.2	D+	-	33.3	C-	-	38.6	D+	-	34.5	C-
2	Sunnyvale-Saratoga Ave & Pierce Rd	Saratoga	Signal	-	13.7	B	-	13.0	B	-	13.9	B	-	13.8	B
3	Pierce Rd & Mt Eden Rd/Mt Eden Ct	Saratoga	SSSC	-	4.3	A	-	3.7	A	-	4.0	B	-	3.4	A
	Worst Approach			WB	9.8	A	EB	9.6	A	EB	10.0	B	EB	9.8	A
4	Pierce Rd & Saratoga Heights Dr	Saratoga	SSSC	-	4.0	A	-	2.9	A	-	3.4	A	-	2.4	A
	Worst Approach			WB	8.8	A	WB	8.6	A	WB	8.9	A	WB	8.7	A
5	Pierce Rd & Winery Access/Vintage Ln	Saratoga	SSSC	-	1.4	A	-	3.2	A	-	5.0	A	-	6.1	A
	Worst Approach			WB	8.8	A	EB	8.9	A	WB	9.3	A	WB	9.6	A
6	Pierce Rd & Route 9 (Congress Springs)	Caltrans	SSSC	-	2.3	B	-	2.4	A	-	2.7	B	-	3.6	B
	Worst Approach			SB	10.1	B	SB	9.7	A	SB	11.3	B	SB	11.0	B

Table 19-6: Existing Plus Project Conditions Intersection Level of Service

	Intersection	Agency	Control Type	Existing Conditions						Existing + Project Conditions					
				AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
				Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS
7	Route 9 (Congress Springs) & Toll Gate Rd	Caltrans	SSSC	-	1.8	B	-	1.5	B	-	1.6	B	-	1.4	B
	Worst Approach			SB	10.5	B	SB	10.9	B	SB	11.2	B	SB	11.7	B

Notes:
1. Analsis performed using HCM 2000 Edition methodologies with TRAFFIX Software
2. Delay indicated in seconds/vehicle.
3. Signal = Signal Control; AWSC = All-Way Stop Control; SSSC = Side-Street Stop Control
4. City of Saratoga LOS standard is D, VTA CMP LOS standard is E, Caltrans LOS standard is C/D
5. Intersections that operate below maintaining agency's LOS standard are highlighted and shown in bold.

Source: Kimley-Horn & Associates, Inc. 2019

Background Without and With Project Scenario

Background Conditions were determined in consultation with City of Saratoga staff. The background condition evaluates traffic volumes, transportation network improvements, and operations that would occur with the consideration of previously approved projects on the Project site. The following development conditions are evaluated in this chapter:

- Background Conditions
- Background Plus Project Conditions

As documented in the FY 2018/2019 Operating and Capital Budget (May 2018), there are no planned road network capacity improvements in the Project study area, nor are there any intersections expected to be constructed prior to Background Conditions or the Project opening.[3] Therefore, Existing (2019) Conditions geometries and intersection control are assumed for Background Conditions. In addition, no Background signalization improvements are assumed for any of the study intersections.

Background Developments Traffic Volume

To determine Background volume forecasts, the following approved/pending projects were added to Existing (2019) volumes:

- Sebastian's Mixed-Use Project at 14360 Big Basin Way
  - 1,718 square foot (SF) restaurant, 1,204 SF of office space, and 1,330 SF wine tasting room
- Sam Cloud Annex at 20640 Third Street
  - 569 SF of office space, 871 SF wine bar, 921 SF restaurant, and two residential units

These background developments are both located near Route 9 in the Saratoga Village. Background trips were distributed along Intersections 1 and 2.

It should be noted that for some intersections, the reported delay improved with the addition of the Project trips. The reason for this occurrence is because the trips were predominately added to the through lane movements, which had a lower movement delay than the average intersection delay, and thereby decreases the overall average delay.

As shown in Table 19-7 all study intersections operate at an acceptable LOS during Background Conditions and Background Plus Project Conditions. Thus, impacts are anticipated to be less than significant with Background Plus Project Conditions.

[3] Fehr and Peers, 2019. RE: Mountain Winery TIA – Additional Questions. Personal Email Communication with Franziska Church, City of Saratoga Traffic Engineer.

Table 19-7: Background Plus Project Conditions Intersection Level of Service

				Background Conditions						Background + Project Conditions					
				AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
	Intersection	Agency	Control Type	Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS
1	Sunnyvale-Saratoga Ave & Big Basin Way/Saratoga Ave	Caltrans/VTA	Signal	-	38.0	D+	-	34.0	C-	-	38.5	D+	-	35.1	D+
2	Sunnyvale-Saratoga Ave & Pierce Rd	Saratoga	Signal	-	13.9	B	-	13.1	B	-	14.1	B	-	13.8	B
3	Pierce Rd & Mt Eden Rd/Mt Eden Ct	Saratoga	SSSC	-	4.3	A	-	3.7	A	-	4.0	B	-	3.4	A
	Worst Approach			EB	9.8	A	EB	9.6	A	EB	10.0	B	EB	9.8	A
4	Pierce Rd & Saratoga Heights Dr	Saratoga	SSSC	-	4.0	A	-	2.9	A	-	3.4	A	-	2.4	A
	Worst Approach			WB	8.8	A	WB	8.6	A	WB	8.9	A	WB	8.7	A
5	Pierce Rd & Winery Access/Vintage Ln	Saratoga	SSSC	-	1.4	A	-	3.2	A	-	5.0	A	-	6.2	A
	Worst Approach			WB	8.8	A	EB	8.9	A	WB	9.3	A	WB	9.7	A
6	Pierce Rd & Route 9 (Congress Springs)	Caltrans	SSSC	-	2.3	B	-	2.4	A	-	2.7	B	-	3.6	B
	Worst Approach			SB	10.1	B	SB	9.7	A	SB	11.3	B	SB	11.0	B
7	Route 9 (Congress Springs) & Toll Gate Rd	Caltrans	SSSC	-	1.8	B	-	1.5	B	-	1.6	B	-	1.4	B
	Worst Approach			SB	10.5	B	SB	10.9	B	SB	11.2	B	SB	11.7	B

Notes:
1. Analysis performed using HCM 2000 Edition methodologies with TRAFFIX Software
2. Delay indicated in seconds/vehicle.
3. Signal = Signal Control; AWSC = All-Way Stop Control; SSSC = Side-Street Stop Control
4. City of Saratoga LOS standard is D, VTA CMP LOS standard is E, Caltrans LOS standard is C/D
5. Intersections that operate below maintaining agency's LOS standard are highlighted and shown in bold.

Source: Kimley-Horn & Associates, Inc. 2019

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Parking

On-site parking was evaluated based on the Project description and City of Saratoga Municipal Code Section 15-35.030 (dated March 14, 2019).

The Project would not construct any additional parking. Vehicular parking at the Mountain Winery is currently allocated as follows:

- 933 Total Spaces (Employee, Visitor, Etc.)
  - 908 Standard Parking Spaces
  - 20 ADA Spaces
  - 5 Commercial/Bus Spaces

To determine the worst-case scenario for required parking, the MULTITRANS TIA (May 1994) was utilized because the size of the events at the Mountain Winery site are not changing. It was determined that the concert requires the most amount of parking at the Project site with a maximum of 2,500 attendees and 50 employees (number of employees range from 25 to 50). In addition, the wine tasting room was added for visitors who visit the site and do not attend the concert. This scenario was analyzed as the existing condition.

Due to the nature of the Project site, parking is shared among the various land uses on the Project site. It was assumed that both a concert event and any other event would not occur at the same time. Table 19-8 summarizes the parking requirements for the existing uses and proposed Project based on the City of Saratoga Municipal Code from Section 15-35.030

Table 19-8: Municipal Code Parking Requirements

Land Use Description	Rate	No. of Units	Spaces Required
Existing Conditions			
Auditorium	1 space for each 4 seats	2,500 seats	625
Staff for Concert Event	One space for each two employees	50 employees	25
Wine Tasting	One space for each 75 SF of floor area	830 SF	12
		Total Spaces	662
Project Conditions			
Hotel	One space for each guestroom or for each two beds, whichever is greater	300 rooms	300
		Total Spaces Required	**962**
		Total Existing Spaces	**933**
		(Parking Deficency)	**(29)**

As summarized in Table 19-8 , the Project is required to provide 300 vehicle parking spaces and zero bicycle parking spaces. The current site contains 933 total spaces and the existing and approved land uses require 662 parking spaces. This results in a deficiency of 29 parking spaces on the Project site. Parking would be expanded within the Precise Plan area to the extent necessary to meet the City's parking standards within the already disturbed areas of Precise Plan area.[4] Therefore, the Winery would accommodate proposed lodging use parking along with the existing uses.

Currently, the Project site provides 20 ADA spaces. According to the 2010 ADA Standards for Accessible Design, a site with 933 total spaces requires 2 percent of the parking be designated as ADA parking. Therefore, 19 spaces would be required on the Project site and the existing 20 ADA spaces would comply with ADA standards.

Impact TR-2: Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (**Less than Significant)**?

State CEQA Guidelines §15064.3 codifies the change from Level of Service to VMT as a metric for transportation impact analysis. Per §15064.3, vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Pursuant to Senate Bill (SB) 743, VMT analysis shall be the primary method for determining CEQA impacts after the statewide implementation date of July 1, 2020. Jurisdictions are not required to adopt thresholds of significance for VMT until July 1, 2020. The City of Saratoga has not yet adopted thresholds of significance for VMT. Concerning implementation of VMT, the recently amended State CEQA Guidelines mandate that the new methodology will apply prospectively only and will not affect projects that have already commenced environmental review (State CEQA Guidelines Sections 15064.3(c); 15007).

Given that the City has not adopted thresholds of significance for VMT, the Project would not conflict or be inconsistent with any applicable thresholds related to VMT. As such, the Project would not conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

However, a VMT analysis was performed for the Project for additional context (See Appendix E). With the passage of SB 743, VMT has become an important indicator for determining if a new development would result in a "significant transportation impact". Although the City of Saratoga has not adopted thresholds of significance, VMT was incorporated into this analysis documenting the Project's potential effects on the City's roadway network for informational purposes.

The total VMT estimated to be attributable to the new uses allowed by the Project (and not the existing Mountain Winery) is approximately 6,910 miles. This total VMT estimate is based on the assumption that 80 percent of patrons would have been traveling to the Mountain Winery

[4] The Precise Plan outlines permitted uses within the Precise Plan area, including new parking for the proposed lodging. The Precise Plan also outlines limitations for parking and traffic controls. Further, Development Standard 10 requires that adequate on-site parking be provided for any new uses.

already and that 20 percent of patrons would be new, induced visitors that would add new trips to the regional roadway network.

Implementation of MM GHG-1, as appropriate, would help to reduce VMT through requiring electric vehicle charging stations and a Commute Trip Reduction/Transportation Demand Management plan. This would reduce GHG emissions and result in more efficient vehicle usage (i.e., reduce VMT). Refer to Appendix E for more discussion on the methodology and assumptions used for VMT analysis.

Impact TR-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (**Less than significant**).

For the purposes of this impact evaluation, an impact would be significant if the Project site access design does not provide adequate sight distance and does not conform to City street design standards.

No obstacles to site distance are expected to result from future implementation and/or subsequent development of the Project. The Project does not include the addition of any roadways, modifications to any access existing roads or changes to any of the existing roadway geometry. Nor, based on the Precise Plan, would the Project result in any increases in hazards due to either an existing or proposed geometric design feature. As a result, this impact is considered less than significant, and no mitigation is required.

Impact TR-4: Result in inadequate emergency access? (**Less than significant with Mitigation**).

For the purposes of this impact evaluation, an impact would be significant if the Project design impedes emergency access to the site. Several factors determine whether a project has sufficient access for emergency vehicles, including:

1. Number of access points (both public and emergency access only)
2. Width of access points
3. Width of internal roadways

The Mountain Winery includes two vehicle access points. The Mountain Winery Driveway is the main entrance to the Mountain Winery, located at the western leg of Pierce Road intersection with Vintage Lane/Mountain Winery Driveway. This driveway, which ranges in width from approximately 15 feet to 30 feet, provides access to the parking lot and is used by visitors and emergency services providers. The second access route is the existing EVA Road, located just north of Highway 9 and is a partially-paved gravel access road that leads to the west side of Mountain Winery, which serves as secondary emergency access. The existing Mountain Winery Driveway and EVA Road are maintained by the landowner and inspected annually by the Saratoga Fire Protection District for adequacy. These roads have been approved as adequate to serve the existing uses on the Project site, which include concerts with up to 2,500 patrons. The Project would not alter these existing roads, and these roads would continue to be inspected annually to ensure adequate emergency access.

If one of these driveways were blocked or obstructed, emergency vehicles would have an alternative route to access the site. Before building permits are issued in the City, the Saratoga Fire Protection District reviews development plans for adequate emergency access for emergency vehicles. As a result, no impediments related to emergency vehicle access are anticipated and this impact is considered less than significant.

As discussed in Section 21, Wildfire, the Mountain Winery maintains an Emergency Action Guide (EAG), which was reviewed and approved by the Saratoga Fire Protection District. In the event of an emergency evacuation of the Mountain Winery, the Saratoga Fire Protection District has determined that the appropriate response is for the Mountain Winery patrons and staff to shelter in place until there could be safe passage out, as decided by emergency service providers, in terms of (1) time to get out of harm's way, (2) avoiding delays to other evacuees, and (3) ensuring that emergency crews and equipment can get to, access and respond to the fire. The EAG requires that no cars shall leave the parking lots until emergency vehicles and personnel are able to direct them to the main Mountain Winery Driveway or secondary EVA Road (as shown on Figure 3-2). The emergency personnel would direct evacuations with consideration of real-time conditions to manage evacuation traffic flows from the Project site and along regional roadways.

Primary access to all major roads would be maintained during construction and operations associated with full buildout of the Project. The Mountain Winery can currently accommodate approximately 2,500 people at one time during a concert. Only the lodging facility visitors would be present overnight. Even while Mountain Winery patrons and hotel guests are on-site at the same time, the existing EOP and Mountain Winery EAG strategies would ensure appropriate emergency response.

In order to ensure adequate emergency access and evacuation, all future development associated with the Project would be required to comply with MM WIL-1, which requires the Saratoga Fire Protection District[5] to review and approve any future development applications. Project compliance with the above-mentioned plans and MM WIL-1 would ensure that all development associated with full buildout of the Project has adequate emergency access.

19.6.3 Cumulative Impacts Analysis

The State CEQA Guidelines Section 15130 requires that a project's cumulative impacts be discussed when "…the incremental effect is cumulatively considerable…". According to the State CEQA Guidelines Section 15065(a)(3), "the term 'cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects". Specifically, the State CEQA Guidelines Section 15355 defines cumulative impacts as

[5] Fire Protection Services are provided by Saratoga Fire Protection District. As of July 2008, the District began a new contract for fire prevention services with Santa Clara County Fire Department (also known as Central Fire). Under the contract, all District safety employees became Santa Clara County personnel.

"…two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts".

Traffic operations were evaluated under the following cumulative conditions:

- Cumulative (2040) Conditions
- Cumulative (2040) Plus Project Conditions

As documented in FY 2018/2019 Operating and Capital Budget (May 2018), there are no funded vehicular capacity improvements planned in the Project study area nor are there any new intersections expected to be constructed by Cumulative year 2040. It is anticipated that basic signal timing improvements (cycle lengths, offset, and splits) would be implemented by 2040 to accommodate traffic volume growth. Existing (2019) Conditions geometries and intersection control are assumed for Cumulative (2040) conditions. It is assumed that signal timing changes would be implemented prior 2040 to service traffic pattern changes and increases. No physical capacity improvements, new signalization, or phasing changes from Existing and Background Conditions are assumed.

Cumulative Volumes

Cumulative volume growth in the study area was determined based on an evaluation of the County's pending, approved, and future projects list, which was provided by City of Saratoga Staff. The VTA 2040 travel demand model forecasts were also utilized to estimate future volume growth in the study area.

The current VTA 2040 travel demand model is in the process of being updated; however, the City of Saratoga provided annual volume growth rates for the following roadways:

- 2.5% growth per year on Highway 9 due to growth in regional traffic
- 0.8% growth per year on all other roadways within the City of Saratoga

Per VTA TIA (October 2014) Long-Term guidelines, the growth rates above were applied to the Background Conditions (Existing plus approved/pending projects). Approved/pending projects that were added to existing volumes include the following:

- Sebastian's Mixed-Use Project at 14630 Big Basin Way
- Sam Cloud Annex at 20640 Third Street

The Project would not cause any significant impacts on either the Project site or the surrounding existing roadway network. As shown in Table 19-9 all study intersection operate at an acceptable LOS for Cumulative (2040) Conditions.

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Table 19-9: Cumulative Plus Project Conditions Intersection Level of Service

	Intersection	Agency	Control Type	Cumulative Conditions						Cumulative + Project Conditions					
				AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
				Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS	Movement	Delay	LOS
1	Sunnyvale-Saratoga Ave & Big Basin Way/Saratoga Ave	Caltrans/VTA	Signal	-	53.0	D-	-	48.2	D	-	54.7	D-	-	51.2	D-
2	Sunnyvale-Saratoga Ave & Pierce Rd	Saratoga	Signal	-	14.7	B	-	15.2	B	-	14.9	B	-	16.0	B
3	Pierce Rd & Mt Eden Rd/Mt Eden Ct	Saratoga	SSSC	-	4.5	B	-	3.8	A	-	4.2	B	-	3.6	B
	Worst Approach			EB	10.2	B	EB	9.9	A	EB	10.4	B	EB	10.1	B
4	Pierce Rd & Saratoga Heights Dr	Saratoga	SSSC	-	4.0	A	-	2.9	A	-	3.5	A	-	2.5	A
	Worst Approach			WB	9.0	A	WB	8.6	A	WB	9.0	A	WB	8.7	A
5	Pierce Rd & Winery Access/Vintage Ln	Saratoga	SSSC	-	1.4	A	-	3.2	A	-	4.8	A	-	6.0	A
	Worst Approach			WB	8.9	A	EB	9.0	A	WB	9.4	A	WB	9.8	A
6	Pierce Rd & Route 9 (Congress Springs)	Caltrans	SSSC	-	2.3	B	-	2.0	B	-	2.8	B	-	3.4	B
	Worst Approach			SB	11.8	B	SB	10.9	B	SB	14.1	B	SB	13.2	B
7	Route 9 (Congress Springs) & Toll Gate Rd	Caltrans	SSSC	-	1.6	B	-	1.4	B	-	1.5	B	-	1.3	B
	Worst Approach			SB	12.5	B	SB	13.4	B	SB	13.5	B	SB	14.7	B

Notes:
1. Analysis performed using HCM 2000 Edition methodologies with TRAFFIX Software
2. Delay indicated in seconds/vehicle.
3. Signal = Signal Control; AWSC = All-Way Stop Control; SSSC = Side-Street Stop Control
4. City of Saratoga LOS standard is D, VTA CMP LOS standard is E, Caltrans LOS standard is C/D
5. Intersections that operate below maintaining agency's LOS standard are highlighted and shown in bold.
Source: Kimley-Horn & Associates, Inc. 2019

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19.7 References

Caltrans (California Department of Transportation). 2002. Guide for the Preparation of Traffic Impact Studies.

City of Saratoga. General Plan Circulation and Scenic Highway Element Update. 2010.

Fehr and Peers, 2019. RE: Mountain Winery TIA – Additional Questions. Personal Email Communication with Franziska Church, City of Saratoga Traffic Engineer

Kimley-Horn. 2019. Transportation Impact Analysis for the Mountain Winery Annexation.

Metropolitan Transportation Commission and Association of Bay Area Governments. Plan Bay Area 2040. 2017.

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20 Tribal Cultural Resources

20.1 Introduction

This section describes effects on tribal cultural resource conditions in the Project area. The current condition and quality of cultural resources was used as the baseline against which to compare potential impacts of the Project. This section of the EIR is closely related to Section 9, Cultural Resources. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Cultural Resources Section is provided. Technical on-site information used to prepare this section came from the following resource:

- California Historical Resources Information System. *Record search results for the proposed Mountain Winery Project.* June 18, 2019.
- Archives and Architecture. *Historic Project Assessment for the Proposed Modification to ASA Submittal Project*. July 21, 2017 (Revised April 23, 2018).
- Dill Design Group. *Historic Resource Assessment and Secretary of the Interior's Standards Review for the Historic Paul Masson Mountain Winery Building*. June 10, 2003.

20.2 Environmental Setting

20.2.1 Records Search

Previous Cultural Resources Studies

As noted in Section 9 Cultural Resources, a records search for the Project site was completed at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University, on June 18, 2019 (NWIC search #18-2389). The purpose of the records search was to determine the extent of previous surveys within a 0.5-mile (800-meter) radius of the Project location, and whether previously documented pre-contact or historic archaeological sites, architectural resources, or traditional cultural properties exist within this area. A search radius of 0.5 miles is a standard search radius for in order to inform a sufficient review of cultural resource types in the vicinity of the Project site to formulate a cohesive historic background and help determine study of what types of resources may be present within the Project site. As discussed in Section 9, Cultural Resources, one previously recorded historic resource, the winery complex, is located within the Project area.

Summary of Previous Investigations

According to the records on file at NWIC, there has been one archaeological study that covers 100 percent of the Project area (Holman 1979, S-4587), and one cultural study that covers less than 5 percent of the Project area (Cohen and Crawford 2011, S-38710). Based on these records, no previously recorded archaeological resources were found onsite.

Previously Identified Cultural Resources

The records search results indicate that there are no Native American resources within or adjacent to the Project area that are referenced in the ethnographic literature.

An evaluation of the environmental setting and features associated with known sites indicate that Native American resources in this portion of Santa Clara County have been found in areas with oak, buckeye, laurel, and hazelnut trees, as well as areas near plant and animal resources. Typically, these sites are also found near watercourses and bodies of water. The Project area encompasses a hilly forested area and portions of multiple watercourses are located near the Project site. Given the similarity of one or more of these environmental factors, the records search indicated a moderate potential for unrecorded Native American resources in the Project area.

20.2.2 Native American Contacts

On July 8, 2019, the City transmitted letters to the recommended tribal organizations and individuals identified by the Native American Heritage Commission (NAHC), requesting information or comments regarding Native American cultural resources in the vicinity of the Project area. No tribes requested consultation with the City regarding the Project.

20.3 Applicable Regulations, Plans, and Standards

20.3.1 State

Senate Bill 18

Senate Bill (SB) 18 (California Government Code Section 65352.3) requires local governments to consult with Native American tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. As noted in Section 9, Cultural Resources, the SB 18 consultation and noticing requirements apply to the adoption and amendment of general plans and specific plans. The consultation process requires (1) that local governments send the State NAHC information on a proposed project and request contact information for local Native American tribes; (2) that local governments then send information on the project to the tribes that the NAHC has identified and notify them of the opportunity to consult; (3) that the tribes have 90 days to respond on whether they want to consult or not, and (4) that consultation begins if requested by a tribe and there is no statutory limit on the duration of the consultation. If issues arise and consensus on mitigation cannot be reached, SB 18 allows a finding to be made that the suggested mitigation is infeasible.

Assembly Bill 52

On September 25, 2014, Governor Brown signed Assembly Bill (AB) 52, which creates a new category of environmental resources that must be considered under CEQA: “tribal cultural resources.” AB 52 is applicable to projects for which a Notice of Preparation is filed on or after July 2015.

AB 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. Tribal cultural resources are defined as either (1) "sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the state register; or (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the state register.

Recognizing that tribes may have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. Consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe.

The parties must consult in good faith, and consultation is deemed concluded when either the parties agree on measures to mitigate or avoid a significant effect on a tribal cultural resource (if such a significant effect exists) or when a party concludes that mutual agreement cannot be reached.

Public Resources Code Sections 5097.5

California Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

20.3.2 Local

County of Santa Clara General Plan

The County General Plan includes policies that may relate to tribal cultural resources in the City. Project-relevant General Plan Policies for tribal cultural resources are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

Goal 5.1: Protection and preservation of heritage resources both natural (e.g. heritage trees; and paleontological resources) and cultural (e.g. historic sites and structures, and archeological sites). Cultural heritage resources reflecting the contributions to society of all cultures acknowledged, preserved and commemorated.

City of Saratoga General Plan

Land Use Element

The City General Plan Land Use Element (LU) serves as the central framework for the entire General Plan and as a guide to planners, members of the public, and decision makers as to the desired pattern of development for the city. This element establishes the General Plan land use designations for the city and details allowable uses within each. Furthermore, policies and implementation measures are outlined to allow the City to achieve the vision adopted for the planning horizon. Policies and implementation measures most directly related tribal cultural resources are included below.

Goal LU 12: Recognize the heritage of the City by seeking to protect historic and cultural resources, where feasible.

- Policy LU 12.9: Conduct reconnaissance level analyses of new development projects to ensure that no significant archeological, prehistoric, paleontological Native American resources would be disturbed. If such resources are found, appropriate steps shall be taken, consistent with CEQA requirements to protect these resources.

20.4 Environmental Impacts and Mitigation Measures

20.4.1 Significance Criteria

The following significance criteria for tribal cultural resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G. .

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria:

TCR-1 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources. Code Section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

20.4.2 Environmental Impacts and Mitigation Measures

Impact TCR-1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is :

i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources. Code Section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. **(Less Than Significant with Mitigation)**:

As identified in the records search conducted by NWIC, no Native American resources were identified within or adjacent to the Project area. Although no Native American resources were identified in the records search, the NWIC did indicate a moderate potential for unrecorded Native American resources in the Project area because the Project area encompasses environmental factors that could potentially contain Native American resources.

Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC Section 21074. In compliance with PRC Section 21080.3.1(b), the City has provided formal notification to California Native American tribal representatives that have previously requested notification from the City regarding projects within the geographic area traditionally and culturally affiliated with the tribe.

The City contacted the following tribal representatives:

- Costanoan Rumsen Carmel Tribe, Tony Cerda
- Amah Mutsun Tribal Band, Valentin Lopez
- Amah Mutsun Tribal Band of Mission San Juan Bautista, Irenne Zwierlein
- Indian Canyon Mutsun Band of Costanoan, Ann Marie Sayers
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, Charlene Nijmeh
- North Valley Yokuts Tribe, Katherine Erolinda Perez
- The Ohlone Indian Tribe, Andrew Galvan

As discussed previously in this Section, as of publication of this Draft EIR, no tribes requested AB 52 consultation with the City.

With implementation of MMs CR-1a, CR-1b, CR-1c, and CR-2 as discussed in Section 9 Cultural Resources, impacts associated with tribal cultural resources would be less than significant.

20.4.3 Cumulative Impact Analysis

With respect to tribal cultural resources, the Project would not impact any known tribal cultural resources.

Although the Project – in conjunction with the effects of past projects, other current projects, and probable future projects – may result in the disturbance of tribal cultural resources throughout the Project area, standard conditions of approval and mitigation measures required for each project would reduce the impacts to less-than-significant levels. Despite the site-specific nature of the resources, mitigation required for the identification and protection of unknown or undocumented resources would reduce the potential for cumulative impacts. On a cumulative level, data recovered from a site, combined with data from other sites in the region, would allow for the examination and evaluation of the diversity of human activities in the region. Future projects near the Project site include the Saratoga to the Sea Trail Project (connecting Saratoga Quarry Park to Sanborn County Park) and the Juan Bautista de Anza National Historic Trail. These projects could potentially impact tribal cultural resources during ground disturbing activities associated with the development of the proposed trails. However, these trail projects would be subject to separate environmental analyses. Thus, cumulative development is not expected to result in significant impacts to tribal cultural resources, provided site-specific surveys and test and evaluation excavations are conducted to determine whether the resources are unique cultural resources, and appropriate mitigation measures are implemented prior to grading. Implementation of the appropriate mitigation measures would reduce cumulative impacts to less-than-significant levels. As a result, development of the Project would not contribute to a significant cumulative impact on tribal cultural resources.

20.5 References

NWIC. June 18, 2019. *CHRIS Record search for the proposed Mountain Winery Project*.

Archives and Architecture. July 21, 2017 (Revised April 23, 2019). *Historic Project Assessment for the Proposed Modification to ASA Submittal Project*.

Dill Design Group. June 10, 2003. *Historic Resource Assessment and Secretary of the Interior's Standards Review for the Historic Paul Masson Mountain Winery Building*.

21 Wildfire

21.1 Introduction

This section describes effects on wildfire conditions in the Project area. The current condition of wildfire potential was used as the baseline against which to compare potential impacts of the Project. Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Draft EIR is provided. Technical on-site information used to prepare this section came from the following resources:

- City of Saratoga General Plan Safety Element
- The Mountain Winery Emergency Action Guide. 1999.
- CAL FIRE Santa Clara County Very High Fire Hazard Severity Zone Map. November 7, 2007.
- City of Saratoga Emergency Operation Plan. 2013.

21.2 Environmental Setting

21.2.1 Natural Setting

The Project site is located on the edge of the Santa Cruz Mountains, a temperate rainforest. The area surrounding the Project site consists of hillside open space with scattered residential uses and roadways. The regional landscaping consists of native and non-native vegetation in chaparral and woodland habitats. Native vegetation includes: redwood, coast live oak, and Pacific madrone. Some of the non-native vegetation includes: cypress, cedars of Lebanon, and palms.

21.2.2 Existing Conditions

Wildland Fire Hazards

Wildfires are large-scale brush and grass fires in undeveloped areas. Wildfires are often caused by human activities, such as equipment use and smoking, and can result in loss of valuable wildlife habitat, soil erosion, and damage to life and property. The level of wildland fire risk is determined by a number of factors, including:

- Frequency of critical fire weather;
- Percentage of slope;
- Existing fuel (vegetation, ground cover, building materials);
- Adequacy of access to fire suppression services; and
- Water supply and water pressure.

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped the relative wildfire risk in areas of large population by intersecting residential housing density with proximate fire threat according to three risk levels, namely Moderate, High, and Very High. As shown in Figure 13-1 the Project site falls within the Very-high Fire Hazard Severity Zone.

Emergency Response Plan

The Project site is located within the direct vicinity of an emergency response plan; City of Saratoga Emergency Operations Plan (EOP). The plan describes the fundamental systems, strategies, policies, assumptions, responsibilities and operational priorities that the City of Saratoga will utilize to guide and support emergency management efforts. Essential elements of the plan include:

- A description of the emergency services that are provided by governmental agencies and how resources are mobilized;
- An outline of the methods for carrying out emergency operations and the process for rendering mutual aid;
- An overview of the system for providing public information; and
- Emphasis on the need for continuity planning to ensure uninterrupted government operations.

The Mountain Winery maintains an Emergency Action Guide (EAG), which was reviewed and approved by the Saratoga Fire Protection District.

21.3 Applicable Regulations, Plans, and Standards

21.3.1 Federal

Federal Emergency Management Act (FEMA)

In March 2003, FEMA became part of the U.S. Department of Homeland Security. FEMA's continuing mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

Disaster Mitigation Act of 2000

This Act (42 United States Code [U.S.C.] Section 5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 U.S.C. Section 5121-5207). Among other things, this legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and is aimed primarily at the control and streamlining of the administration of federal disaster relief and programs to promote mitigation activities. Some of the major provisions of this Act include:

i) Funding pre-disaster mitigation activities;

ii) Developing experimental multi-hazard maps to better understand risk;

iii) Establishing state and local government infrastructure mitigation planning requirements;

iv) Defining how states can assume more responsibility in managing the hazard mitigation grant program; and

v) Adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in Section 322 of this Act establish performance-based standards for mitigation plans and require states to have a public assistance program (Advance Infrastructure Mitigation [AIM]) to develop county government plans. The consequence for counties that fail to develop an infrastructure mitigation plan is the chance of a reduced federal share of damage assistance from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding 10-year period by the same type of event.

21.3.2 State

California Public Resources Code (PRC) 4290 and 4291

These regulations, which implement minimum fire safety standards related to defensible space, apply to the perimeters and access to all commercial, industrial, and residential building construction with a State Responsibility Area[1] (SRA) (approved after January 1, 1991), and within lands classified and designated as very high FHSZ (after July 1, 2021). The person(s) who control, lease, maintain, operate, or own said building in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable materials is required to preserve a defensible space of 100 feet from the perimeter of the building. The regulations shall include the following:

1. Road standards for fire equipment access.
2. Standards for signs identifying streets, roads, and buildings.
3. Minimum private water supply reserves for emergency fire use.
4. Fuel breaks and greenbelts.

These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

2016 California Code of Regulations (CCR), Title 14 SRA Fire Safe Regulations

These regulations establish minimum wildfire protection standards in conjunction with building, construction and development in a SRA. The future design and construction of structures, subdivisions and developments in a SRA shall provide for basic emergency access and perimeter wildfire protection measures. These measures shall provide for emergency access; signing and

[1] Cal Fire has a legal responsibility to provide fire protection on all SRAs.

building numbering; private water supply reserves for emergency fire use; and vegetation modification.

All on-site fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, or as required by fire department access road standards, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches in compliance with Section 503.2.1 of the Fire Code as amended.

The fire code official has the authority to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. California Code of Regulations Section 1270.07 provides an exception to this authority. The purpose of the exception is described as "necessary to permit parties to proceed with their project when equal protection can be provided but the action would not otherwise be allowable under the regulations" and "there will be situations where fuel conditions, building materials or practices, topography or other factors combine to form a set fire safe conditions which could not have been anticipated in these rules." Title 14 Section 1270.07 further states that "upon request by the applicant, exceptions to standards within this subchapter or local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR Section 1270.05, where the exceptions provide the same overall practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR Section 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR Section 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office."

Title 14 defines "exception" and "same practical effect" as:

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites, that provide mitigation of the problem.

Same Practical Effect: As used in this subchapter means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for firefighter safety, including:

a. access for emergency wildland fire equipment,

b. safe civilian evacuation,

c. signing that avoids delays in emergency equipment response,

d. available and accessible water to effectively attack wildfire or defend a structure from wildfire, and

e. fuel modification sufficient for civilian and firefighter safety.

California Government Code 66474.02

This regulation states that before a county can approve a tentative map, or a parcel map for which a tentative map was not required, for an area (development) located in a SRA or a Very High FHSZ, the following findings must be made:

1. A finding supported by substantial evidence in the record that the subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the PRC or consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.

2. A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:

    A. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

    B. The Department of Forestry and Fire Protection by contract entered pursuant to Section 4133, 4142, or 4144 of the PRC.

Upon approving a tentative map, or a parcel map for which a tentative map was not required, for an area (development) located in a SRA or Very High FHSZ, the county shall transmit a copy of the findings and accompanying maps to the State Board of Forestry and Fire Protection.

2016 California Fire Code, Chapter 49 Requirements for Wildland Urban Interface (WUI) Fire Areas

This code provides minimum standards to increase the ability of a building or structure to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in fire losses through the use of performance and prescriptive requirements. Buildings and structures located on unincorporated land designated as a SRA Moderate, High, and Very High FHSZ and land designated as Very High FHSZ by a city or other local agency shall maintain the required hazardous vegetation and fuel management standards.

2016 California Fire Code

CCR Title 24, Part 9 (2016 California Fire Code) contains regulations relating to construction and maintenance of buildings, the use of premises, and the management of WUI areas, among other issues. The California Fire Code is updated every three years by the California Building Standards Commission and was last updated in 2016 (adopted January 1, 2017). The Fire Code sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices such as fire extinguishers and smoke alarms, high-rise building standards, and fire suppression training. It contains regulations relating to construction, maintenance, and use of

buildings. Topics addressed in the code also include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. Development under the Project would be subject to applicable regulations of the California Fire Code.

Title 8 California Code of Regulations Sections 1270 and 6773

In accordance with CCR, Title 8 Section 1270 "Fire Prevention" and Section 6773 "Fire Protection and Fire Equipment," the California Occupational Safety and Health Administration (Cal-OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

2016 California Building Standards Code

California building standards are published in the CCR, Title 24, also known as the California Building Standards Code (CBSC). The CBSC, which applies to all applications for building permits, consists of 12 parts that contain administrative regulations for the California Building Standards Commission and for all state agencies that implement or enforce building standards. Local agencies must ensure the development complies with the guidelines contained in the CBSC. Cities and counties can adopt additional building standards beyond the CBSC including the CBSC Part 2, named the California Building Code which is based upon the 2016 International Building Code, and Part 11, named the California Green Building Standards Code, also called the CalGreen Code.

California Health and Safety Code

State fire regulations are set forth in California Health and Safety Code Section 13000 et seq., and include provisions concerning building standards, fire protection and notification systems, fire protection devices, and fire suppression training, as also set forth in the 2016 CBSC and related updated codes.

Emergency Mutual Aid Agreements (EMAA)

The EMAA system is a collaborative effort between city and county emergency managers in the Office of Emergency Services (OES) in the coastal, southern, and inland regions of the state. EMAA provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center (REOC), local Emergency Operations Centers (EOCs), the Disaster Field Office (DFO), and community service centers. The purpose of EMAA is to support disaster operations in affected jurisdictions by providing professional emergency management personnel. In accordance with the EMAA, local and state emergency managers have responded in support of each other under a variety of plans and procedures.

California Governor's Office of Emergency Management Agency (Cal-EMA)

In 2009, the State of California passed legislation creating the Cal-EMA and authorizing it to prepare a Standardized Emergency Management System (SEMS) program (Title 19 CCR Section 2400 *et seq.*), which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Cal-EMA serves as the lead state agency for emergency management in the state. Cal-EMA coordinates the state response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. Local jurisdictions first use their own resources and, as these are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the state through the statewide mutual aid system. In California, the SEMS provides the mechanism by which local government requests assistance. Cal-EMA serves as the lead agency for mobilizing the state's resources and obtaining federal resources; it also maintains oversight of the state's mutual aid system.

AB 2911

Existing law requires a local agency to designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the Director of Forestry and Fire Protection and exempts a local agency, as defined, from that requirement if ordinances of the local agency, adopted on or before December 31, 1992, impose standards that are equivalent to, or more restrictive than, specified state standards. Existing law authorizes a local agency, at its discretion, to exclude from specified requirements governing fire risk reduction an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a specified finding supported by substantial evidence that those requirements are not necessary for effective fire protection within the area (California Legislative Information, 2018).

21.3.3 Regional and Local

Santa Clara County General Plan

Safety Element

The County General Plan Safety Element (HS) discusses topics related to countywide public health and safety within the natural and built environments. This element includes six sections: (1) Hazardous Materials, (2) Emergency Preparedness, (3) Noise, (4) Natural Hazards, (5) Aviation Safety, and (6) Wastewater Disposal. Policies and implementation recommendations are included within each chapter to ensure the intensity of land use is aligned with estimated levels of risk, availability of services, and facilities to ensure safety. Policies and implementation recommendations most directly related to wildfire are included below.

- Policy R-HS 5**:** Strategies for reducing the threat of natural hazards to life and property within rural unincorporated areas shall be to:

    1. Inventory hazards and monitor changing conditions.
    2. Maintain low resident population densities within high hazard areas.
    3. Design, locate and regulate development to avoid or withstand hazards.
    4. Reduce the magnitude of the hazard, if possible.
    5. Provide public information regarding natural hazards.

South County Joint Area Plan

The County General Plan adopts the South County Joint Area Plan (SC) jointly with two other jurisdictions. The South County Joint Area Plan aims to achieve harmony and cooperation between all three participating jurisdictions, and to ensure consistency between adopted policies. The Plan applies to all incorporated and unincorporated areas south of the Morgan Hill – San Jose boundary agreement line. Policies and implementation recommendations most directly related to wildfire are included below.

- Policy SC 15.4: Development in fire hazard areas should be minimized. When development is permitted, it should be planned and constructed so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire. Actions which increase fire risk, such as increasing public access roads in fire hazard areas, should be avoided because of the great environmental damage and economic loss associated with a large wildfire.
- Policy SC 15.7: The current policy restricting development in areas of poor accessibility should continue. Development should not be allowed in areas where access is provided by a single road that could be damaged by faulting or landslides, or where access could be cut off by wildfires, trapping residents or workers. Development may be allowed in areas where a second improved access road has been provided for emergency escape. Also, alternative north-south access roads should be developed through the South County for use in the event that the South Valley Freeway is damaged in a major earthquake.

City of Saratoga General Plan

Safety Element (SAF)

The City General Plan Safety Element (SAF) discusses natural and human activity related hazards within Saratoga. Topics of discussion include geologic, seismic, flood, and fire hazards, in addition to hazardous materials and waste, and incidents that call for emergency preparedness. Policies

and implementation measures are included to take precautions against hazards and serve as a complement to the City's Emergency Operations Plan. Policies and implementation measures most directly related to wildfire are included below.

Goal SAF 4: Reduce the danger of property damage and loss of life due to urban and wild fires.

- Policy SAF 4.2: The City shall coordinate with the Santa Clara County Fire Safe Council on preventing and reducing future losses from wildfires.
- Policy SAF 4.5: The City shall continue to enforce existing regulations pertaining to hazardous fire areas (wildland-urban interface, fire retardant construction and landscaping (fuel modification).

Goal SAF 5: Develop and maintain an emergency preparedness plan which will provide effective response in the event of a natural or manmade disaster.

- Policy SAF 5.1: The City shall review and update on a regular basis its plan for emergency response and preparedness. This plan shall use local resources and manpower to provide maximum benefit and protection for the City's residents.
- Policy SAF 5.2: The City shall coordinate its Emergency Operations Plan with local jurisdictions and regional agencies to anticipate cumulative impacts during times of disaster.

City of Saratoga Municipal Code

Chapter 16 – Building Regulations

Article 16-20 – Fire Code, discusses the City's adoption of the 2016 California Fire Code and International Fire Code to preclude impacts from fire hazards.

Article 16-20.150 – Amendments to Chapter 49 of the Fire Code; requirements for wildland-urban interface fire areas requires land designated as Very-high Fire Hazard Severity Zone to maintain the required hazardous vegetation and fuel management within this Article.

Section 4907.2 was amended to require defensible space to be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270. Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 - 51189 and any local ordinance of the authority having jurisdiction.

Saratoga Municipal Code Section 4909.1 requires buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area to provide fire protection water supplies in accordance with Chapter 5 and Section 4910.2 of the Fire Code.

Saratoga Emergency Operations Plan Purpose and Organization

The purpose of Saratoga's Emergency Operations Plan is to create a framework for Saratoga response personnel who will make the continual planning process both very clear and relatively easy while identifying the hazards that exist in Saratoga. The Emergency Operations Plan also enhances the development of Local Hazard Mitigation Planning on an ongoing basis and addresses the needs of all people located in Saratoga.

21.4 Environmental Impacts and Mitigation Measures

21.4.1 Significance Criteria

The following significance criteria for wildfire were derived from the Environmental Checklist in CEQA Guidelines Appendix G.

An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

WIL-1 Substantially impair an adopted emergency response plan or emergency evacuation plan?

WIL-2 Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

WIL-3 Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

WIL-4 Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project would be required to comply with any General Plan goals, policies, or designations that are designed to reduce wildfire impacts. Conflicts with such laws, ordinances, regulations, and standards can constitute evidence of a significant wildfire impact. Lastly, a significant wildfire impact could occur if the Project's incremental wildfire impact could be cumulatively considerable.

21.4.2 Impacts of the Project

Impact WIL-1: Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? **(Less Than Significant with Mitigation)**

No revisions to the adopted EOP would be required as a result of the Project and the addition of approximately 300+ guests a night in the lodging facilitywould not impair the EOP. While there can be 2,500 people at one time during a concert at Mountain Winery, they are on site for a short

period of time. The new overnight guests would be on-site for a longer period of time than the current Mountain Winery patrons, but there would be fewer guests overnight than there would be concert guests. Even while Mountain Winery patrons and lodging guests are on-site at the same time, the existing EOP and Mountain Winery EAG strategies would ensure appropriate emergency response plans and the adopted plans would not be impaired as a result of the Project.

As previously noted, the Mountain Winery maintains an EAG, which was reviewed and approved by the Saratoga Fire Protection District. The EAG provides a list of the performing arts events, office and emergency phone numbers, maps, assignment of duties, general emergency instructions, emergency evacuation procedures, earthquake procedures, actions for riots or public disturbances and bomb threats, and actions to be taken in the event of a power failure. In the event of an emergency evacuation of the Mountain Winery, the Saratoga Fire Protection District has determined that the appropriate response is for the Mountain Winery patrons and staff to shelter in place until there could be safe passage out, as decided by emergency service providers, in terms of (1) time to get out of harm's way, (2) avoiding delays to other evacuees, and (3) ensuring that emergency crews and equipment can get to and respond to the fire. The Mountain Winery parking lots have been designated as the emergency assembly areas for all patrons and staff. Everyone would be requested to assemble immediately in this area to keep clear of the emergency firefighting equipment and personnel. According to the EAG, all patrons would be directed to the Plaza area or if the fire is located in the Plaza, all patrons would be directed to exit to the left of the Concert bowl to the parking lots. Then patrons would be directed to remain in the parking lots for further instruction from the emergency service providers. The EAG requires that no cars shall leave the parking lots until emergency vehicles and personnel are able to direct them to the main Mountain Winery Driveway or secondary EVA Road (as shown on Fiugre 3-2). The emergency personnel would direct evacuations based on real-time, current situational conditions to manage evacuation traffic flows from the Project site and along regional roadways.

Primary access to all major roads would be maintained during construction and operations associated with full buildout of the Project. In order to ensure adequate emergency access and evacuation, all future development associated with the Project would be required to comply with MM WIL-1. Project compliance with the above-mentioned plans and MM WIL-1 would ensure the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and this impact would be less than significant.

MM WIL-1: Saratoga Fire Protection District Review and Approval

The Saratoga Fire Protection District[2] would review the plans of any future development applications associated with buildout of the Project to ensure adequate emergency access and evacuation. The Fire Protection District, in their discretion, may determine that improvements to the Project site are necessary to ensure adequate emergency access and evacuation. Such improvements may include improvements to the existing Mountain Winery Driveway or the existing EVA Road , as shown on Figure 3-2. Additionally, the Saratoga Fire Protection District shall review future development applications associated with buildout of the Project to ensure that there is sufficient water available for fire suppression. The Fire Protection District, in their discretion, may determine that improvements to the Project site are necessary to ensure adequate water supply for fire suppression; such improvements may include providing additional water storage onsite.

Impact WIL-2: Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? **(Less Than Significant)**

Fire hazard at the Project site and the surrounding hillsides is generally considered high to extreme in summer months. The Project site is situated such that the control of a fire originating in the vicinity could present abnormally difficult fire-fighting actions because of the steep slopes, fire-loading vegetation, dry weather, high wind, or any combination of these conditions. The City General Plan also designates the Mountain Winery and surrounding lands in the western hillsides as areas subject to extreme fire hazards. According to CalFire Fire Hazard Severity Zone Map for the County of Santa Clara, the Project site is in a Very High Fire Hazard Severity Zone within a State Responsibility Area (California Department of Forestry and Fire Protection, 2008).

The City has adopted special fire protection measures and planning requirements (Saratoga Municipal Code *Article 16-20 – Fire Code)* Very-High Fire Hazard Severity Zones within the City, in accordance with recommendations from CAL FIRE. This includes requirements that must be met before development occurs and ongoing property maintenance requirements, such as reducing flammable vegetation and maintaining defensible space. In Saratoga, there are two programs that help protect the City from wildfire by reducing potential fuel, like weeds and brush. These programs are the Weed Abatement Program managed by the City with support from the County of Santa Clara and the Brush Abatement Program (Wildland Urban Interface Preparedness Inspection) managed by the Santa Clara County Fire Department.

[2] Fire Protection Services are provided by Saratoga Fire Protection District. As of July 2008, the District began a new contract for fire prevention services with Santa Clara County Fire Department (also known as Central Fire). Under the contract, all District safety employees became Santa Clara County personnel.

- Weed Abatement Program: All properties in the City of Saratoga are subject to Weed Abatement requirements.
- Brush Abatement Program (Wildland Urban Interface Preparedness Inspection): All properties in the Wildland Urban Interface (WUI) area of the City are subject to Brush Abatement requirements.

Properties throughout the City are inspected annually for compliance with both the Weed Abatement Program and Brush Abatement Program. Properties that fail to meet program requirements may be subject to fees, including the actual cost of removing flammable vegetation, and City Code violations.

Topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread upslope and terrain that forms a funneling effect on the landscape can result in especially intense fire behavior. Conversely, flat terrain tends to have little effect on fire spread, resulting in fires that are driven by vegetation and/or wind.

The Project's surrounding topography is varied with prominent knolls near and on-site and steeper hillsides in the Santa Cruz Mountain range surround the Project site. On-site elevations range from approximately 1,320 feet above mean sea level to approximately 1,500 feet above mean sea level. While the Precise Plan area is relatively flat, slopes surrounding the Project site are moderate. Large areas of highly vegetated areas surround the Project site. Densely vegetated areas commonly occur throughout the property's slopes.

According to the City of Saratoga General Plan Safety Element, the City does not have any unique concerns regarding the hazard of wind. The City recognizes the importance of planting and preserving tree resources as an invaluable asset to the community in terms of maintaining climatic balance and decreasing the effects of wind velocity. In the Santa Cruz Mountain Range, prevailing wind is an on-shore flow from the Pacific Ocean. Prevailing winds from the Pacific Ocean typically cannot make it to the Project location because the inland location of the Project site allows the Santa Cruz Mountains to pose as a significant barrier.

Any future development allowed by the Project would be compliant with the Weed Abatement Program managed by the City of Saratoga with support from the County of Santa Clara and the Brush Abatement Program (Wildland Urban Interface Preparedness Inspection) managed by the Santa Clara County Fire Department, which should preclude minimize potential impacts from wildfires. Additionally, future development on the Project site would be required to comply with the requirements in Saratoga Municipal Code Article 16-20 – Fire Code. Further, the Project site is occupied by the existing Mountain Winery complex, which has been in operation for decades. The Fire Marshal's Office has reviewed and conditioned the existing facilities to ensure adequate fire protection access and water supply, in conformance with all applicable regulations.

Given that the Project site is already developed, and the Project would only allow lodging and ancillary uses within the flat, developed Precise Plan area, the Project would not exacerbate wildfire risks. Therefore, it is not anticipated that the Project would, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire and this impact would be less than significant.

Impact WIL-3: Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? **(Less Than Significant)**

The new uses allowed by the Project would include lodging and ancillary uses (up to 300 lodging units), a new water tank, and the proposed connection into the Cupertino Sanitary District, the impacts of which are addressed throughout this Draft EIR. All future development would comply with the most current edition of the California Fire Code and International Fire Code. Defensible space would be maintained around all buildings and structures in SRA as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" (California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270). Additionally, buildings and structures within the Very High Fire Hazard Severity Zone of the Local Responsibility Area are required to maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the authority having jurisdiction.

The Project explicitly includes a new water tank and allows for the construction of a new sewer line. Construction of which, might result in environmental impacts associated with excavation and installation of pipelines. However, because the water tank and sewer line are part of the project (and not unanticipated features), impacts associated with their construction are covered in this Draft EIR (refer to each respective section).

Compliance with the regulations noted above would ensure that the new uses allowed by the Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment and this impact would be less than significant.

Impact WIL-4: Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? **(Less Than Significant)**

On-site elevations range from approximately 1,300 feet above mean sea level to approximately 1,450 feet above mean sea level. Slopes on and surrounding the Project site are moderate. Large areas of highly vegetated areas surround the Project site. Slope is important relative to wildfire,

because steeper slopes typically facilitate more rapid-fire spread upslope. In the case of the Project site, the steeper slopes are primarily not within or immediately surrounding the Project site. Steep slopes are present in the greater landscape of the Santa Cruz Mountain Range surrounding the Project site.

The Precise Plan area is already developed and functions as a concert and event venue. Development associated with full buildout of the Project would be limited to the Precise Plan area. The proposed connection into the Cupertino Sanitary District would occur in the Sanitary Sewer connection area, as shown in Figure 3-2. However, the potential new gravity fed pipeline would not contribute to adverse impacts including downslope or downstream flooding or landslides. Due to the fact that future development as a result of the Project would be confined to the Precise Plan area, which is already largely developed, it can be concluded that the Precise Plan area is safe to build on and that the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

As discussed in Section 11, Geology and Soils, the Project site is located in an earthquake induced landslide zone as documented on the California Geologic Survey Landslide Inventory. A small portion of the Project site is located within Zone X, an area of minimum flood risk, or 0.2% chance annually and Groundwater and Groundwater Quality. A majority of the Project site is located in Zone D which is defined as an area where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. Due to the Project site's relatively moderate slope, landslides on-site are not expected on site. Additionally, due to the hilly topography and high elevation of the site, the potential for flooding is considered low for the Project site. However, future development as a result of the Project could have the potential to alter the existing drainage pattern of the site and rate and amount of surface runoff.

The Project site is bisected by an east-west to northwest-southeast trending ridge. This ridge generally forms a drainage divide. Drainage from the northeast of the divide moves through intermittent tributaries to Calabazas Creek. On the south, runoff from the hillside areas ultimately is captured by Saratoga Creek. Approximately 22 acres of the Winery complex area are paved for parking, roadways, contain buildings or other uses and, therefore, are impervious. All surface runoff from the parking lots is collected through catch basins and underground pipelines, which follow the natural contours down to swales in the adjacent hillsides. The Project site's existing drainage system has been designed to mitigate landslide impacts and the developed/proposed condition is not expected to substantially alter the drainage pattern from the current conditions. Therefore, the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes and this impact would be less than significant. For more information see Section 14 Hydrology and Water Quality.

21.4.3 Cumulative Impact Analysis

The Project – in conjunction with the effects of past projects, other current projects, and probable future projects – may result in increased risk from wildfires throughout the Project area. Compliance with existing regulations and General Plan policies would ensure that impacts related to wildland fire risks as a result of future development would have less than significant impacts. When evaluating cumulative wildfire impacts, a number of factors must be considered.

The Project would result in the development of a lodging facility (up to 300 lodging units and ancillary uses). This has the potential to bring an additional 375-675 people to the Project site, including the addition of 75 employees. Unlike the concert goers, the lodging guests would not stay at the site for a few hours, rather, they would be at the site overnight. This addition of overnight guests on the Project site would result in less than significant impacts to evacuation procedures in the event of a wildfire. During evacuation due to a wildfire, lodging guests would merge with the existing surrounding residents on local roads, in accordance with the Saratoga Fire Protection District instructions, per the EAG.

Cumulative traffic conditions were analyzed using the VTA model, which is further detailed in Section 19, Transportation and Circulation. It was determined that under cumulative conditions, the Project would not create significant delays on the regional roadway network. In the event of an emergency evacuation, assuming full lodging facility occupancy, both the Mountain Winery Driveway and EVA Road would be able to handle emergency traffic. Due to the mountainous road ways and increased traffic, it is assumed that a vehicle would travel approximately 5 miles per hour. If a car uses the Mountain Winery Driveway (approximately 1 mile), it would take approximately 12 minutes to reach Pierce Road. If a car uses the Pierce Road Access (approximately 2.5 miles), it would take approximately 30 minutes since this road is not as direct as the Mountain Winery Driveway.

Additionally, the Project would be required to comply with the guidelines set forth in the Mountain Winery Emergency Action Guide in the case of an evacuation emergency. Furthermore, the mitigation measures set forth in this chapter provide additional levels of review by the City of Saratoga Fire Protection Distrcit to ensure adequate site emergency access and wildfire evacuation.

The geographic context for the analysis of cumulative wildfire impacts includes the Project site and the natural landscape and topography of the area surrounding the Project site. The Project would not impair an emergency response or evacuation plan; would not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; would result in the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, the project would not have a cumulatively considerable contribution to a cumulative impact.

21.5 References

California Department of Forestry and Fire Protection. (October 2008). *Santa Clara County Very High Fire Hazard Severity Zone in LRA.*

California Geological Survey. (2019). *Earthquake Zones of Required Investigation Cupertino Quadrangle.* Sacramento, CA.

California Legislative Information. (September 2018). *Assembly Bill No. 2911 Chapter 641.* Retrieved from http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2911 Accessed August 13, 2019.

Federal Emergency Management Agency. (July 2019). *FEMA Flood Map Service Center.* Retrieved from https://msc.fema.gov/portal/search?AddressQuery=14831%20Pierce%20Rd%2C%20Saratoga%2C%20CA%2095070#searchresultsanchor Accessed August 14, 2019.

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22 Other CEQA Considerations

The California Environmental Quality Act (CEQA) Guidelines Section 15126 requires an Environmental Impact Report (EIR) to describe the broader effects of a project in relationship to the surrounding environment, in addition to detailed technical analysis of a project's impacts on the environment. The topics covered in this section address this requirement and discusses mandatory findings of significance regarding cumulative impacts pursuant to CEQA Guidelines Section 15065(a), significant and unavoidable project impacts, growth inducement associated with the Project pursuant to CEQA Guidelines Section 15126.2, and significant irreversible changes associated with the Project if approved and subsequently constructed. In addition, as described in Section 2, Introduction, a detailed analysis of the effects of the Project on the each of the environmental resource topics identified in Appendix G of the State CEQA Guidelines is provided in Sections 5 through 21 of this EIR. Appendices A through E provide the compendium of technical reports used to support preparation of Sections 5 through 21 of this EIR.

22.1 Mandatory Findings of Significance

CEQA Guidelines Section 15065(a) requires a finding of significance if a project has the potential to impact the quality of the environment, impact fish or wildlife species, impact historic resources, impact long-term environmental goals, create cumulatively considerable impacts, or create substantial adverse effects on human beings.

22.1.1 Quality of the Environment

CEQA Guidelines Section 15065(a)(1) requires a finding of significance if a project "has the potential to substantially degrade the quality of the environment." In practice, this is the same standard as a significant effect on the environment, which is defined in CEQA Guidelines Section 15382 as "a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

As described in Section 5 through Section 21, the Project would have no impact or a less than significant impact associated with aesthetics and visual resources; energy conservation; hazards and hazardous materials; land use and population; and recreation. Environmental impacts associated with air quality; biological resources; cultural resources; geology, soils, and minerals; greenhouse gas emissions; hydrology & water quality; noise and vibration; tribal cultural resources; public services and utilities; and wildfire are considered less than significant or less than significant with mitigation.

22.1.2 Impact on Species

CEQA Guidelines Section 15065(a)(1) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to (1) substantially reduce the habitat of a fish or wildlife species; (2) cause a fish or wildlife population to drop below self-sustaining levels; or (3) substantially reduce the number

or restrict the range of an endangered, rare, or threatened species. Section 8, Biological Resources, of this EIR fully addresses any impacts that might relate to the reduction of the fish or wildlife habitat, the reduction of fish or wildlife populations, and the reduction or restriction of the range of special-status species as a result of project implementation. The Project would have either a less than significant impact, or a less than significant impact with mitigation with respect to the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.

22.1.3 Impacts on Historical Resources

CEQA Guidelines Section 15065(a)(1) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to eliminate important examples of a major period of California history or prehistory. CEQA Guidelines Section 15065(a)(1) amplifies Public Resources Code Section 21001(c) by requiring preservation of major periods of California history for the benefit of future generations. It also reflects the provisions of Public Resource Code Section 21084.1 in requiring a finding of significance for substantial adverse changes to historical resources. CEQA Guidelines Section 15064.5 establishes standards for determining the significance of impacts to historical resources and archaeological sites that are an historical resource. Section 9, Cultural Resources, of this EIR fully addresses impacts related to California history and prehistory, historic resources, archaeological resources, and paleontological resources. The Project would have either a less than significant impact, or a less then significant impact with mitigation with respect to the potential to eliminate important examples of the major periods of California history or prehistory.

22.1.4 Long-Term Impacts

CEQA Guidelines Section 15065(a)(2) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. The Significant Environmental Effects analysis discussed below identifies all significant and unavoidable impacts that could occur, thereby creating a long-term impact on the environment. The Significant Irreversible Environmental Effects analysis described below, addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis. Lastly, the Growth Inducing Impacts analysis described below, identifies any long-term environmental impacts caused by the Project with respect to economic or population growth.

22.1.5 Impacts on Human Beings

CEQA Guidelines Section 15065(a)(4) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly. As described in Section 7, Air Quality; Section 9, Geology and Soils; Section

14, Hydrology and Water Quality; Section 17, Public Services and Utilities; Section 16, Noise and Vibration; Section 19, Transportation and Circulation, and Section 21, Wildfires, the Project would have a less than significant or a less than significant impact with mitigation associated with human beings such as air quality, seismic hazards (geology and soils), and wildfires.

22.2 Growth-Inducing Effects

Section 15126.2(d) of the State CEQA Guidelines provides the following guidance on growth-inducing impacts: a project is identified as growth inducing if it "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involves construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand.

Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The new uses allowed by the Project would include lodging (up to 300 lodging units and ancillary uses), a new water tank, and the proposed connection into the Cupertino Sanitary District. The proposed lodging facility's approximately 75 permanent employees would likely be accommodated within the existing regional labor pool. Similarly, short-term construction jobs would likely be filled by existing residents of the City of Saratoga and the region. Therefore, the Project would not result in a substantial increase in housing demand in the City or region.

22.3 Significant Irreversible Environmental Changes

Section 15126.2(c) of the State CEQA Guidelines requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed Project. Examples include: primary or secondary impacts of the project that would generally commit future generations to similar uses (e.g., highway improvements that would provide access to a previously inaccessible area); uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely); and/or irreversible damage that could result from any potential environmental accidents associated with the project.

22.3.1 Changes in Land Use Which Commit Future Generations

Implementation of the Project would change the current land use designation and zoning of the Project site and commit future generations to similar land uses. Depending on market demand, the commercial uses on the site could change or be replaced in the future. The residential uses allowed by the Project for the 503-46-007 parcel are the same as those currently allowed under the County General Plan. Therefore, the Project would not introduce new residential land uses to the Project site, and as noted in Section 3 Project Description, are therefore not addressed in this EIR.

22.3.2 Use of Nonrenewable Resources

Construction of the Project would consume natural resources (gasoline, sand and gravel, asphalt, oil, etc.) during construction activities. Assuming full buildout of the Project, during operation of allowed new uses, energy would be consumed for lighting, heating/cooling, and transportation. Neither the construction nor operation would consume nonrenewable resources in amounts substantially different from or greater than typical urban development or similar land uses. The Project would not affect agricultural resources or mineral resources or access to such resources. Therefore, the Project would not involve a large commitment of nonrenewable resources.

22.3.3 Irreversible Damage from Environmental Accidents

No explosives or other hazardous materials would be used within the Project area. Accidental spills of fuel, paints, or other construction-related materials might occur during construction associated with full buildout of the Project. However, these types of accidents would be limited because site development would be implemented and overseen by experienced construction workers. Such potential spills would not result in irreversible environmental changes. The Project may include storage of hazardous materials, such as cleaning products and other products, which would not be regarded as sufficient to create a significant hazard to the public. All hazardous materials would be subject to existing State and local storage, handling, and disposal regulations that limit the potential exposure to workers and the public.

22.4 Significant Effects that Cannot Be Avoided

Section 15162(b) of the CEQA Guidelines requires an EIR to discuss the significant environmental effects of a proposed project that cannot be avoided if the proposed project is implemented, including those which can be mitigated, but not reduced to a less-than-significant level. These impacts are referred to as “significant and unavoidable impacts” of the project. As analyzed herein this Draft EIR, all significant environmental effects of the proposed project would not result in “significant and unavoidable impacts” from implementation of the Project.

23 Alternatives

23.1 Introduction

The State CEQA Guidelines Section 15126.6 mandates that an EIR include a comparative evaluation of the proposed Project with a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the Project while simultaneously avoiding or substantially lessening any of the significant effects of the Project. Pursuant to Section 15126.6 (f)(1) of the State CEQA Guidelines, "[a]mong the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent)." Although these factors do not present a strict limit on the scope of reasonable alternatives to be considered, they help establish the context in which "the rule of reason" is measured against when determining an appropriate range of alternatives sufficient to establish and foster meaningful public participation and informed decision-making. (*See Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn. 1.)

23.2 Project Objectives

The Project Applicant has identified the following project objectives:

- Annex the Mountain Winery, including all ancillary features and supporting land uses, into the City of Saratoga
- Provide for the potential future connection of the Mountain Winery to the Cupertino Sanitary District
- Allow existing Mountain Winery operational activities to continue, with sensitivity to residential neighbors and environmental setting
- Allow a long-term financially viable project that provides for the creation of new lodging uses, up to 300 lodging units, and ancillary uses
- Allow for additional on-site water storage to ensure future adequate water supply
- Prepare a Precise Plan for the Mountain Winery complex as a means to establish more specific land use regulations and design standards for any future development
- Focus development to minimize environmental and/or natural resource impacts

23.3 CEQA Requirements for Alternatives

CEQA requires that an EIR "…describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but

would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." (CEQA Guidelines §15126.6(a))

To comply with this requirement, the City evaluated possible alternatives based on the following factors:

- Does the alternative accomplish most of the basic project objectives?
- Is the alternative potentially feasible (from economic, environmental, legal, social, technological standpoints)?
- Does the alternative avoid or substantially lessen any significant effects of the proposed project?
- Is the alternative reasonable and realistic?

23.4 Significant Impacts of the Project

Potentially significant impacts related to traffic, air quality, biology, cultural resources, geology, greenhouse gases, hydrology, noise, tribal cultural resources, and wildfire would occur as a result of implementation of the Project. However, as noted in Sections 5 through 21 of this EIR, all of the potentially significant impacts identified can be mitigated to a less-than-significant level through implementation of feasible mitigation measures.

23.5 Selection of Alternatives

An EIR must examine a range of alternatives that are "potentially feasible." (CEQA Guidelines Section 15126.6(a); *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 920.) Among the factors that may be considered include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or other regulatory limitations, jurisdictional boundaries, and a proponent's control over alternative sites in determining the range of alternatives to be evaluated in the EIR (CEQA Guidelines Section 15126.6(f)(1)). The potential feasibility of alternatives considers the following factors:

- **Economic Feasibility**. Would the additional cost of the alternative or lost profits that would result from the alternative make it impractical? Alternatives that are capable of eliminating or reducing significant environmental effects even though they may be more costly must be considered (CEQA Guidelines Section 15126.6(b)). However, if the additional costs of implementing an alternative or lost profitability associated with an alternative are sufficiently severe, then these factors may render the alternative economically infeasible.
- **Legal Feasibility**. Are there legal constraints to implementing the alternative? For example, constructing the proposed project on an alternative site may not be legally feasible if the applicant does not own the site or applicable land use regulations or

property restrictions prohibit the proposed project. For example, the proposed project may not be legally permissible in wilderness areas, wilderness study areas, restricted military bases, airports, and Indian reservations or on property that is not zoned to allow such a use. Any potential legal constraints affecting an alternative are identified based on a review of applicable local, State, and Federal laws, regulations, plans, and policies.

- **Social Feasibility**. Would the alternative cause significant damage to the socioeconomic structure of the community and be inconsistent with important community values and needs?
- **Technical Feasibility**. Is the alternative feasible from a technological perspective, considering available technology? Are there any construction, operation, or maintenance constraints that cannot be overcome?

In addition to studying a reasonable range of alternatives based on the criteria set forth above, CEQA requires the EIR to analyze a "no project" alternative. Consideration of the No Project Alternative is required by Section 15126.6(e) of the CEQA Guidelines. The analysis of the No Project Alternative must discuss the existing conditions at the time the Notice of Preparation was published (July 8, 2019), as well as: "what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services" (CEQA Guidelines Section 15126.6 (e)(2)). The requirements also specify that: "If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed." (CEQA Guidelines Section 15126.6 (e)(3)(B)).

23.6 Alternatives

Based on the purpose and requirements of the alternatives analysis as described above, and as prescribed in Section 15126.6 of the State CEQA Guidelines, the following alternatives were selected by the City for evaluation in the EIR:

- Alternative 1: No Project / No Development Alternative
- Alternative 2: Reduced Lodging Uses (up to 200 rooms) Alternative
- Alternative 3: Revised Annexation Boundaries Alternative

Table 23-1 presents a comparison of the alternative project impacts with those of the proposed Project.

Table 23-1: Comparison of Alternatives Project Impacts to the Project

Resource Topic	Proposed Project (Significance of Impact Before Mitigation / After Mitigation)	Alternative 1: No Project / No Development Alternative (Significance of Impact Before Mitigation / After Mitigation)	Alternative 2: Reduced Lodging Uses (up to 200 rooms) Alternative (Significance of Impact Before Mitigation / After Mitigation)	Alternative 3: Revised Annexation Boundaries Alternative (Significance of Impact Before Mitigation / After Mitigation)
Aesthetics	LTS / LTS	Reduced Impacts (N/N)	Similar Impacts (LTS/LTS)	Similar Impacts (LTS/LTS)
Agriculture and Forestry Resources	N/N	Similar Impacts (N/N)	Similar Impacts (N/N)	Similar Impacts (N/N)
Air Quality	S/ LTS	Reduced Impacts (N/N)	Reduced Impacts (S/LTS)	Similar Impacts (S/LTS)
Biological Resources	S / LTS	Reduced Impacts (N/N)	Similar Impacts (S/LTS)	Similar Impacts (S/LTS)
Cultural Resources	S / LTS	Reduced Impacts (N/N)	Similar Impacts (S/LTS)	Similar Impacts (S/LTS)
Energy Conservation	LTS / LTS	Reduced Impacts (N/N)	Reduced Impacts (LTSLTS)	Similar Impacts (LTS/LTS)
Geology, Soils, and Mineral Resources	S / LTS	Reduced Impacts (N/N)	Similar Impacts (S/LTS)	Similar Impacts (S/LTS)
Greenhouse Gas Emissions	S / LTS	Reduced Impacts (N/N)	Reduced Impacts (S/LTS)	Similar Impacts (S/LTS)
Hazards and Hazardous Materials	LTS / LTS	Reduced Impacts (N/N)	Similar Impacts (LTS/LTS)	Similar Impacts (LTS/LTS)
Hydrology and Water Quality	S / LTS	Reduced Impacts (N/N)	Similar Impacts (S/LTS)	Similar Impacts (S/LTS)
Land Use and Planning	LTS / LTS	Reduced Impacts (N/N)	Similar Impacts (LTS/LTS)	Reduced Impacts (LTS/LTS)
Noise and Vibration	S / LTS	Reduced Impacts (N/N)	Similar Impacts (S/LTS)	Similar Impacts (S/LTS)
Public Services and Utilities	LTS / LTS	Reduced Impacts (N/N)	Similar Impacts (LTS/LTS)	Similar Impacts (LTS/LTS)
Recreation	LTS / LTS	Reduced Impacts (N/N)	Reduced Impacts (LTS/LTS)	Reduced Impacts (LTS/LTS)

Table 23-1: Comparison of Alternatives Project Impacts to the Project

Resource Topic	Proposed Project (Significance of Impact Before Mitigation / After Mitigation)	Alternative 1: No Project / No Development Alternative (Significance of Impact Before Mitigation / After Mitigation)	Alternative 2: Reduced Lodging Uses (up to 200 rooms) Alternative (Significance of Impact Before Mitigation / After Mitigation)	Alternative 3: Revised Annexation Boundaries Alternative (Significance of Impact Before Mitigation / After Mitigation)
Transportation and Circulation	S / LTS	Reduced Impacts (N/N)	Reduced Impacts (S/LTS)	Similar Impacts (S/LTS)
Tribal Cultural Resources	S / LTS	Reduced Impacts (N/N)	Reduced Impacts (S/LTS)	Similar Impacts (S/LTS)
Wildfire	S / LTS	Reduced Impacts (N/N)	Reduced Impacts (S/LTS)	Similar Impacts (S/LTS)

Notes:
N= No impact
LTS = Less than significant impact
S= Significant impact
SU= Significant and unavoidable impact

23.6.1 Alternative 1: No Project / No Development Alternative

This alternative assumes that the existing conditions and uses on the Project site (as of October 2019) remain status quo and the five new buildings and outdoor terrace garden approved by the County under the existing CUP are a part of existing conditions.[1] Alternative 1 assumes that the adjustments to the City Urban Service Area (USA) and Sphere of Influence (SOI) boundaries to include APNs 503-46-006 and 503-46-007 are not are not sought from LAFCo. Under these circumstances, the 503-46-007 parcel and 503-46-006 parcel would remain within the boundaries of unincorporated Santa Clara County and the Mountain Winery would not be annexed into the City. This alternative assumes that the existing land use designations for parcels 503-46-006 and 503-46-007 remain as Hillside [HS], per the County General Plan, and parcel 503-46-005 remain as Residential Hillside Conservation, per the City General Plan. Existing zoning designations for parcel 503-46-007 and the northern half of parcel 503-46-006 would remain as Hillside-d1 District [HS-d1] and the southern half of parcel 503-46-006 would remain as Hillside-d1-Scenic Roads [HS-d1-sr]). This alternative would not require an amendment to the General Plan, a rezone, or any of the other actions associated with the Project.

Under the Alternative 1 scenario, no future connection of the Mountain Winery to the Cupertino Sanitary District would occur, as no annexation into the Cupertino Sanitary District would be

[1] Building permits have been issued for the five new buildings approved by the County for the Mountain Winery site in 2018; site preparation and some construction activities have commenced.

sought. This alternative assumes no future lodging uses would be allowed on the Project site. In addition, this alternative assumes no additional on-site water tank.

This alternative would fulfill the following Project objectives:

- Allow existing Mountain Winery operational activities to continue, with sensitivity to residential neighbors and environmental setting
- Focus development to minimize environmental and/or natural resource impacts

However, Alternative 1 would not meet most of the Project objectives. Notably, Alternative 1 would not meet the following Project objectives:

- Annex the Mountain Winery, including all ancillary features and supporting land uses, into the City of Saratoga
- Provide for the potential future connection of the Mountain Winery to the Cupertino Sanitary District
- Allow a long-term financially viable project that provides for the creation of new lodging uses, up to 300 lodging units, and ancillary uses
- Allow for additional on-site water storage to ensure future adequate water supply
- Prepare a Precise Plan for the Mountain Winery complex as a means to establish more specific land use regulations and design standards for any future development

Aesthetics

As discussed in Section 5, the Project would have less than significant impacts to aesthetic resources.

Under the Alternative 1 scenario, the existing land uses would continue, unchanged, and the aesthetic character of the site would not change. The Project site would remain as the existing Mountain Winery site. Because Alternative 1 would not involve any new development on the Project site, no new sources of lighting would be provided. None of the allowed uses associated with the Project such as lodging uses (up to 300 lodging units), a new water tank, and the connection into the Cupertino Sanitary District would occur under this alternative. Because no change would occur to the Project area, there would be no resulting aesthetic impact from Alternative 1.

Alternative 1 would have no impact to visual resources and would avoid the less than significant aesthetic impacts of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Agriculture and Forestry Resources

As discussed in Section 6, the Project would have no impact to agricultural lands.

Under the Alternative 1 scenario, the existing uses of the Mountain Winery would continue, unchanged. Because the existing Mountain Winery is not located on Important Farmlands and no development would occur under Alternative 1, there would be no conversion of agricultural lands. Similar to the Project, Alternative 1 would have no impact to agricultural lands.

Air Quality

As discussed in Section 7, the Project would have potentially significant air quality impacts that would be mitigated to a less than significant level.

Because there would be no development under this alternative, no construction-related emissions would occur. None of the newly allowed uses associated with the Project such as lodging uses (up to 300 lodging units), a new water tank, and the connection into the Cupertino Sanitary District would occur under this alternative. Alternative 1 would have no construction air quality impacts, and construction air quality impacts would be reduced compared to the Project.

Operation of the Project would generate area source and energy source emissions mainly as a result of vehicle trip generation and building operations. Alternative 1 would not include any new development and would not result in any operational emissions associated with vehicle trip generation and building operations not already existing at the Mountain Winery. Under the Alternative 1 scenario, the existing uses of the Mountain Winery would continue, unchanged. This alternative would not generate additional impacts to air quality than already existing uses. Alternative 1 would have no significant operational air quality impacts, and operational air quality impacts would therefore be reduced compared to the Project. Because existing uses at the Mountain Winery would continue unchanged, there would be no impacts to air quality under Alternative 1.

Alternative 1 would avoid the potentially significant air quality impacts of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Biological Resources

As discussed in Section 8, the Project would have potentially significant biological impacts that would be mitigated to a less than significant level.

Because no new development would occur under this alternative, no impacts to biological resources would result. Turf areas, trees, and other vegetation and water features on site that currently could be used for nesting by migratory birds protected under the Migratory Bird Treaty Act (MBTA) would remain unchanged because no existing vegetation would be removed. None of the mitigation measures identified for the Project would be required for Alternative 1. No biological impacts would occur under Alternative 1.

Alternative 1 would avoid the potentially significant biological impacts of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Cultural Resources

As discussed in Section 9, the Project would have potentially significant cultural impacts that would be mitigated to a less than significant level.

Because no new development would occur under this alternative, no impacts to cultural resources would result. None of the newly allowed uses associated with the Project such as lodging uses (up to 300 lodging units and ancillary uses), a new water tank, and the connection into the Cupertino Sanitary District would occur under this alternative. Because Alternative 1 would not involve new development of the Project site, no construction or grading activities would occur and the potential to discover and impact previously undisturbed cultural resources, including archaeological, paleontological, and tribal resources, would not occur. No cultural impacts would occur under Alternative 1.

Alternative 1 would avoid the potentially significant cultural impacts of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Energy Conservation

As discussed in Section 10, the Project would have less than significant energy impacts.

Under Alternative 1, there would be no construction activities or associated construction equipment operations. None of the newly allowed uses associated with the Project such as lodging uses (up to 300 lodging units), a new water tank, and the connection into the Cupertino Sanitary District would occur under this alternative. Therefore, there would be no short-term energy uses associated with construction activities or long-term energy consumption of electricity, propane, and water associated with operations of the land uses assumed as a part of the Project. Alternative 1 would not include any new development and would not result in any operational emissions associated with vehicle trip generation and building operations not already existing at the Mountain Winery. Under the Alternative 1 scenario, the existing uses of the Mountain Winery would continue, unchanged. This alternative would not generate additional energy impacts than already existing uses. Thus, there would be no impacts to energy under Alternative 1.

Alternative 1 would avoid the less than significant energy impacts of the Project and the overall degree of impact would be lessened with this alternative as compared to the Project.

Geology and Soils

As discussed in Section 11, the Project would have potentially significant geology and soils impacts that would be mitigated to a less than significant level.

Under the Alternative 1 scenario, the existing land uses of the Mountain Winery would remain unchanged. Because there would be no new development under this alternative, the potential to expose additional people or structures to potentially significant adverse effects of seismic ground shaking, ground failure, landslides, expansive soils, or other unstable geologic hazards would not occur.

Alternative 1 would avoid the potentially significant geology and soils impacts of the Project and the overall degree of impact would be lessened with this alternative as compared to the Project.

Greenhouse Gas Emissions

As discussed in Section 12, the Project would have potentially significant greenhouse gas impacts that would be mitigated to a less than significant level.

Because there would be no new development under this alternative, no construction-related emissions or associated construction equipment operations would occur. None of the newly allowed uses associated with the Project such as lodging uses (up to 300 lodging units), a new water tank, and the connection into the Cupertino Sanitary District would occur under this alternative. Additionally, there would be no long-term greenhouse gas emissions from vehicles or the consumption of electricity, propane, and water associated with operation of the land uses assumed as a part of the Project. Alternative 1 would not include any new development and would not result in any operational emissions associated with vehicle trip generation and building operations not already existing at the Mountain Winery. Under the Alternative 1 scenario, the existing uses of the Mountain Winery would continue, unchanged. This alternative would not generate additional greenhouse gas emissions than already existing uses. Thus, there would be no impacts to greenhouse gas emissions under Alternative 1.

Alternative 1 would avoid the potentially significant greenhouse gas impacts of the Project and the overall degree of impact would be lessened with this alternative as compared to the Project.

Hazards and Hazardous Materials

As discussed in Section 13, the Project would have less than significant impacts to hazards and hazardous materials.

Under the Alternative 1 scenario, the existing uses of the Mountain Winery would remain unchanged. Because Alternative 1 would not involve new development on the Project site, no hazards associated with the accidental disturbance of buried oil and natural gas pipelines would occur. None of the newly allowed uses associated with the Project such as lodging uses (up to 300 lodging units), a new water tank, and the connection into the Cupertino Sanitary District would occur under this alternative. Because no change would occur to the existing Mountain Winery, no hazards and hazardous materials impacts would occur.

Alternative 1 would avoid the hazards and hazardous materials impacts of the Project and the overall degree of impact would be lessened with this alternative as compared to the Project.

Hydrology and Water Quality

As discussed in Section 14, the Project would have potentially significant impacts to hydrology and water quality that would be reduced to less than significant with mitigation.

Alternative 1 assumes no new development would occur on the Project site. Under Alternative 1, none of the newly allowed uses associated with the Project such as lodging uses (up to 300

lodging units and ancillary uses), a new water tank, and the connection into the Cupertino Sanitary District would occur. Because there would be no excavation, grading or addition of impervious surfaces, the existing on-site drainage pattern and runoff quantities and quality would remain the same. As with the Project, this alternative would not deplete groundwater supplies. Under Alternative 1, no hydrology impacts would occur.

Alternative 1 would avoid the potentially significant hydrology impacts of the Project and the overall degree of impact would be lessened with this alternative as compared to the Project.

Land Use and Planning

As discussed in Section 15, the Project would have less than significant impacts to land use.

Under Alternative 1, the Project site would remain in its present condition and the existing uses of the Mountain Winery would remain unchanged. As with the Project, this alternative would not physically divide an established community through the introduction of either physical or community barriers. Under this alternative, the newly allowed lodging uses (up to 300 lodging units) associated with the Project would not be developed. Therefore, Alternative 1 would not introduce new sources of population. Alternative 1 would not create any new jobs; involve the development of additional housing; or cause increases in the resident population of the City.

This alternative assumes the Project site would not be annexed to the City. Given that this alternative would not entail annexation, certain Mountain Winery parcels would continue to be within the Santa Clara County SOI. Under Alternative 1, parcels 503-46-006 and 503-46-007 would continue to be located in unincorporated Santa Clara County and would not be annexed into the City. This alternative assumes that the existing land uses for parcels 503-46-006 and 503-46-007 would remain as Hillside [HS], and parcel 503-46-005 remain as Residential Hillside Conservation. Existing zoning designations for parcel 503-46-007 and the northern half of parcel 503-46-006 would remain as Hillside-d1 District [HS-d1] and the southern half of parcel 503-46-006 would remain as Hillside-d1-Scenic Roads [HS-d1-sr]). Under Alternative 1, existing uses would continue to be consistent with existing County zoning and there would be no land use impact.

Alternative 1 would avoid the less than significant land use impacts of the Project, and the overall degree of impact would be lessened with this alternative as compared to the Project.

Noise

As discussed in Section 16, the Project would have potentially significant impacts to noise that would be reduced to less than significant levels with mitigation.

With Alternative 1, there would be no construction activities or associated construction equipment operations or development. Therefore, there would be no construction noise impacts. Alternative 1 would not introduce new sensitive receptors and would therefore not result in temporary exposure of persons to or generation of noise levels in excess of standards. Likewise, there would be no development under this alternative and, therefore, no new

operational noise beyond the existing noise environment. Therefore, Alternative 1 would have no noise impacts.

Alternative 1 would avoid the noise impact of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Public Services and Utilities

As discussed in Section 17, the Project would have less than significant impacts to public services and utilities.

The public services evaluated in this EIR are fire protection, police protection, schools, libraries, and parks. Because Alternative 1 would not involve new development, there would be no new population on the site and no new associated public services required. No impacts to public services (or construction of related facilities) would occur. Under this alternative, there would be no increase in demand for recreational facilities or services because there would be no increase in the residential population.

This EIR evaluates potential impacts on the following: wastewater facilities, water supply, stormwater facilities, and solid waste. Because Alternative 1 would not involve the generation of any new residents or associated land uses, there would be no additional demands on these services and the existing infrastructure capacity would be sufficient. Since this alternative would not provide new facilities or infrastructure, there would be no physical impacts associated with the construction and operation of these facilities. Alternative 1 would result in no impacts to utilities and service systems.

Alternative 1 would avoid the less than significant impacts to public services and utilities of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Recreation

As discussed in Section 18, the Project would have less than significant impacts to recreation.

Because there would be no new development under this alternative, there would be no new population on the site and no need for recreational amenities. No physical impacts associated with construction of recreational and open space facilities would occur under this alternative.

Alternative 1 would avoid the less than significant recreation impact of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Transportation and Circulation

As discussed in Section 19, the Project would have potentially significant transportation impacts that would be mitigated to a less than significant level.

This alternative would maintain the site in its existing condition and would not generate any new vehicle trips. Alternative 1 would result in no impacts to transportation and circulation.

Alternative 1 would avoid the transportation impact of the proposed Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Tribal Cultural Resources

As discussed in Section 20, the Project would have potentially significant tribal cultural resource impacts that would be mitigated to a less than significant level.

Under Alternative 1, the Project site would remain in its current condition. No construction or grading activities would occur. Therefore, the potential to discover and impact previously undisturbed tribal cultural resources, including sites, features, place, cultural landscape would not occur. Alternative 1 would result in no impacts to tribal cultural resources.

Alternative 1 would avoid the less than significant tribal cultural resources impact of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

Wildfire

As discussed in Section 21, the Project would have potentially significant wildfire impacts that would be mitigated to a less than significant level.

Under the Alternative 1 scenario, the existing uses of the Mountain Winery would remain unchanged. Because Alternative 1 would not involve new development of the Project site, the Project would not expose people or structures to wildfire hazards. None of the newly allowed uses associated with the Project such as lodging uses (up to 300 lodging units and ancillary uses), a new water tank, and the connection into the Cupertino Sanitary District would occur under this alternative. Because no change would occur to the existing Mountain Winery, no impacts to wildfire would occur.

Alternative 1 would avoid the less than significant wildfire impact of the Project; therefore, the overall degree of impact would be lessened with this alternative as compared to the Project.

23.6.2 Alternative 2: Reduced Lodging Uses (up to 200 lodging units) Alternative

This Alternative assumes that the adjustments to the City USA and SOI boundaries to include APNs 503-46-006 and 503-46-007 to the City would be approved by LAFCo. Alternative 2 assumes the 503-46-007 and 503-46-006 parcels would be annexed into the City of Saratoga. This alternative assumes that the existing land use designations for parcels 503-46-006 and 503-46-007 would require an amendment to the General Plan and City Zoning Ordinance. Specifically, Alternative 2 assumes the City would establish a new land use designation that would apply to the 503-46-006 parcel. The new land use designation for the 503-46-006 parcel would be Regional Commercial (RC). The 503-46-006 parcel would be pre-zoned as RC. The 503-46-007 parcel would be designated as Hillside Open Space (OS-H) and pre-zoned consistent with the City's existing Residential Open Space (R-OS) zoning district.

The 503-46-005 parcel would retain the existing City land use designation of Residential Hillside Conservation and zoning district of Hillside Residential (HR).

Under the Alternative 2 scenario, annexation of the 503-46-005 and 503-46-006 parcels into the Cupertino Sanitary District would be approved and future infrastructure associated with a connection of the Mountain Winery to the Cupertino Sanitary District would occur within the same Sanitary Sewer Connection area as the Project. This alternative assumes future lodging uses would be allowed on the Project site. Future lodging uses up to a total hotel room count of up to 200 rooms would be allowed on the Project site. This alternative assumes an additional on-site water tank.

The focus of Alternative 2 is to analyze a scenario that would be reasonably feasible and meets most of the Project objectives, while also serving to minimize the building footprints associated with the lodging facilities. This alternative is also intended to reduce the intensity of lodging uses on the Project site, which would in turn result in a reduction of vehicle trips generated by the Project, which would account for a reduction in air quality, GHG, noise, and traffic impacts.

This alternative would fulfill the following Project objectives:

- Annex the Mountain Winery, including all ancillary features and supporting land uses, into the City of Saratoga
- Provide for the potential future connection of the Mountain Winery to the Cupertino Sanitary District
- Allow existing Mountain Winery operational activities to continue, with sensitivity to residential neighbors and environmental setting
- Allow for additional on-site water storage to ensure future adequate water supply
- Prepare a Precise Plan for the Mountain Winery complex as a means to establish more specific land use regulations and design standards for any future development
- Focus development to minimize environmental and/or natural resource impacts

However, Alternative 2 would not meet one Project objective to the same extent as the proposed Project:

- Allow a long-term financially viable project that provides for the creation of new lodging uses, up to 300 lodging units, and ancillary uses

Aesthetics

As discussed in Section 5, the Project would have less than significant impacts to aesthetic resources.

With Alternative 2, the visual appearance would change with the introduction of all improvements. Similar to the Project, this alternative would be required to comply with the Precise Plan Development Standards and not allow any building or structure to exceed 35 feet; in an effort to reduce impacts on scenic vistas.

As with the Project, Alternative 2 would be required to comply with the Precise Plan Development Standards in order to ensure any development within the Precise Plan area is consistent with the surrounding visual character. The Development Standards include provisions to ensure that any future development would blend in with the natural beauty and hillsides and not result in unreasonable impact to the visual character or quality of the site and its surroundings.

As with the Project, Alternative 2 would generate additional sources of light and glare via additional vehicle trips, lighting from commercial uses, security lighting, and street lights. Compared to the Project, this alternative would generate approximately 33 percent fewer lodging rooms. With this reduction in overall land use intensity, it is reasonable to predict that Alternative 2 would have a lesser degree of impact from additional sources of light and glare.

Alternative 2 would have 33 percent fewer lodging rooms and a different physical post-project appearance, however, aesthetic and visual impacts would be expected to be similar to the Project.

Agriculture and Forestry Resources

As discussed in Section 6, the Project would have no impact to agricultural and forestry resources.

Alternative 2 would result in up to 200 lodging rooms, a new water tank, and the proposed connection into the Cupertino Sanitary District and the same development area as the Project. Although the lodging would be reduced by 33 percent, this alternative would require similar site coverage and infrastructure improvements. Given that there are no agricultural lands within the Project site, Alternative 2 would not result in the conversion of agricultural lands. Similar to the Project, Alternative 2 would have no impact to agricultural lands.

Air Quality

As discussed in Section 7, the Project would have potentially significant air quality impacts that would be mitigated to a less than significant level.

Under Alternative 2, the number of lodging rooms would decrease by approximately 33 percent compared to the Project. The AM and PM peak hour trips associated with the Project site would decrease proportional to the reduced size of Alternative 2. Reducing trips would result in a reduction of mobile source emissions, which accounts for the majority of the air pollutant emissions associated with the Project. Reducing the amount of development would also result in fewer area source and energy source emissions, and this alternative would result in a reduction in generalized emissions due to the lower room count. Construction-related emissions associated with this alternative would be similar to those of the Project, which are anticipated not to exceed the Bay Area Air Quality Management District (BAAQMD) thresholds. Mitigation measures identified in Section 7 of this Draft EIR would reduce potential impacts associated construction emissions for both Alternative 2 and the Project to a less-than-significant level. Sources of odor would not be significant under either scenario.

Alternative 2 and the Project would both result in potentially significant air quality impacts that could be effectively mitigated; however, the overall degree of impact would be reduced with this alternative due to the reduction in mobile emission sources.

Biological Resources

As discussed in Section 8, the Project would have potentially significant biological impacts that would be mitigated to a less than significant level.

Implementation of Alternative 2 would also be expected to potentially disturb biological resources that have the potential to occur on the Precise Plan Area. Although Alternative 2 would have an approximately 33 percent reduction in lodging rooms, the overall project footprint would be similar to the Project. Mitigation measures identified in Section 8 of this Draft EIR would reduce potential biological resources impacts associated with both Alternative 2 and the Project to a less-than-significant level.

Alternative 2 and the Project would both result in potentially significant biological impacts that could be effectively mitigated.

Cultural Resources

As discussed in Section 9, the Project would have potentially significant cultural impacts that would be mitigated to a less than significant level.

Both Alternative 2 and the Project would include varying levels of ground disturbance within a similar development footprint, and therefore each has the potential to impact previously discovered and undiscovered cultural resources through site preparation (e.g., vegetation removal, grading and filling), development of utility infrastructure, or subsurface construction associated with any of the proposed elements. Mitigation measures identified in Section 9 of this Draft EIR would reduce potential cultural resources impacts associated with both Alternative 2 and the Project to a less-than-significant level.

Compared to the proposed Project, potential impacts and overall degree of impact would be similar with Alternative 2.

Energy Conservation

As discussed in Section 10, the Project would have less than significant energy impacts.

Under Alternative 2, lodging development would decrease by approximately 33 percent compared to the proposed Project. This decrease in density would result in decreased short-term energy uses associated with construction activities and decreased long-term energy consumption of electricity, propane, and water associated with operations of the land uses assumed under this alternative.

Both Alternative 2 and the Project would result in less than significant impacts. However, Alternative 2 would have a slightly lesser degree of impact due to the alternative's reduced density and energy consumption.

Geology and Soils

As discussed in Section 11, the Project would have potentially significant geology and soils impacts that would be mitigated to a less than significant level.

Alternative 2 would reduce the amount of lodging rooms on the Precise Plan Area by approximately 33 percent, which would slightly reduce the amount of people and buildings that would be exposed to potential adverse impacts from seismic events compared to the Project. As previously discussed in Section 11 of this Draft EIR, for all future development on the Precise Plan Area, prior to the issuance of grading permits, the applicant would be required to submit to the City of Saratoga Community Development Department, Building Division for review and approval, a site-specific, design-level geotechnical investigation prepared for the Project site by a registered geotechnical engineer. Alternative 2 would be required to comply with this mitigation measure to ensure impacts related to seismic ground shaking, liquefaction, landslides, expansive soil, and paleontological resource or site unique geologic feature would be less than significant.

Compared to the Project, the potential impacts of Alternative 2 are similar.

Greenhouse Gas Emissions

As discussed in Section 12, the Project would have potentially significant greenhouse gas impacts that would be mitigated to a less than significant level.

As noted in Section 12 of the Draft EIR, the City does not have a stand-alone Climate Action Plan, but the City municipal code includes policies and actions to reduce the generation of GHG emissions within the City. The reduction in project density that would occur under Alternative 2 would reduce the overall GHG construction emissions.[2]. Based on the assumption that 20 percent of lodging guests would be new visitors, Alternative 2 would result in an estimated 1,063 $MTCO_2e$, after implementation of MM GHG-1. The reduction in project density that would occur under Alternative 2 would reduce the overall GHG operational emissions below the operational emissions threshold of 1,100 $MTCO_2e$ and would not require mitigation, beyond TDM measures included as MM GHG-1, like the Project.

Both Alternative 2 and the Project would result in less than significant impacts. However, Alternative 2 would have a slightly lesser degree of impact due to the alternative's reduced GHG emissions.

Hazards and Hazardous Materials

As discussed in Section 13, the Project would have less than significant impacts to hazards and hazardous materials.

[2] Similar to the Project, Alternative 2 assumes that 80 percent of guests would have already been visiting the Mountain Winery and staying at local hotels. It is assumed that 20 percent of guests would be new visitors, adding new trips to the roadway network.

As previously stated, both Alternative 2 and the Project would be developed within the same Precise Plan Area and would be developed with the same land uses, although Alternative 2 would be developed with approximately 33 percent fewer lodging rooms. Therefore, implementation of both Alternative 2 and the Project would be subject to the same existing potential environmental hazards located on-site. Similar to the Project, this alternative would not impair or physically interfere with an adopted emergency response or evacuation plan and no revisions to the City's adopted Emergency Operations Plan (EOP) or the Mountain Winery Emergency Action Guide (EAG) would be required.

It is also anticipated that similar hazardous materials would be utilized during both construction and operation of both alternatives (e.g., household cleaners, paints, pesticides, petroleum, oil, lubricants, thinners, fertilizers, and solvents). Compared to the Project, the overall degree of impact to hazardous materials would be unchanged with this alternative.

In terms of risk of wildland fires, Alternative 2 would expose approximately 33 percent fewer overnight guests to risk of wildfire. However, the Precise Plan Area is within a Very High Fire Hazard Severity Zone within a State Responsibility Area. Therefore, with implementation of mitigation measures identified in Chapter 21, impacts of Alternative 2 and the Project associated with wildfire risk would be reduced to a less than-significant-level.

Compared to the Project, the overall degree of impact would be similar with this alternative.

Hydrology and Water Quality

As discussed in Section 14, the Project would have potentially significant hydrology and water quality impacts that would be mitigated to a less than significant level.

Alternative 2 would be developed with approximately 33 percent fewer lodging rooms than the Project and the amount of impervious surface would be expected to less. However, with both Alternative 2 and the Project, the applicant would be required to prepare a Stormwater Management Plan to ensure future development would not violate any water quality standards or waste discharge requirements or impede sustainable groundwater management of the basin. Additionally, like the Project, Alternative 2 would be required to prepare an Erosion and Sediment Control Plan to reduce potential impacts related to erosion, flooding, and stormwater drainage systems.

With implementation of the mitigation measures identified in Section 14, impacts associated with both Alternative 2 and the Project would be less than significant. Compared to the Project, drainage and hydrology impacts would be similar with Alternative 2.

Land Use and Planning

As discussed in Section 15, the Project would have less than significant impacts to land use and planning.

Like the Project, Alternative 2 would require an amendment to the City General Plan to establish a new land use designation that would apply to the Project site. An amendment to the City Zoning

Ordinance to pre-zone the Project site would also be required to be consistent with the General Plan amendment. The General Plan amendment would re-designate the 503-46-006 parcel from Hillside (HS) to Regional Commercial (RC) and would re-designate the 503-46-007 parcel from (HS) to Hillside Open Space (OS-H).

The 503-46-006 would be re-zoned to Regional Commercial (RC). Parcel 503-46-007 would be re-zoned from HS-d1 to the existing zoning district Residential Open Space (R-OS). The new RC zoning district would allow uses permitted under the Mountain Winery's existing County Use Permit to continue, while also allowing for new uses (subject to a maximum permissible density and intensity of use established by the Precise Plan). The 503-46-005 parcel would retain the existing City zoning district of Hillside Residential (HR), which allows for utility lines to be constructed.

Alternative 2 would reduce the overall lodging density by approximately 33 percent. The Project assumes that the 300-room lodging facility could create up to 75 new jobs. Therefore, Alternative 2 could create up to 50 new jobs, resulting in fewer potential impacts to population growth as compared to the Project. However, neither the Project or Alternative 2 would result in potentially significant impacts related to population growth.

Similar to the Project, this alternative would not physically divide an established community through the introduction of either physical or community barriers.

Compared to the Project, land use and planning impacts would be similar and would remain less than significant.

Noise and Vibration

As discussed in Section 16, the Project would have less than significant impacts to noise after the consideration of mitigation measures.

Alternative 2 would be expected to result in a shorter construction duration due to the reduction in the density of proposed development. However, construction-related activities and methods under this alternative would be similar to those of the project, thereby resulting in similar short-term impacts related to construction noise.

Like the Project, Alternative 2 would be near the same sensitive receptors and would need to ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. This would be achieved through the implementation of the same mitigation measure found in Draft EIR Section 16.

Major operational noise sources identified in Section 16 include: off-site traffic noise; concert noise; mechanical equipment; delivery trucks on the Project site and approaching and leaving the loading areas; activities at the loading areas; parking areas; and landscape maintenance activities. Alternative 2 would not result in an increase of these major operational noise sources.

Alternative 2 would construct approximately 33 percent fewer lodging rooms. The trip generation would be expected to be slightly lower than the Project as analyzed. For this reason, Alternative 2 would result in a decrease of trip generation that would result in a decreased operational noise impact.

Therefore, Alternative 2 would also result in a less than significant impact to noise. Compared to the Project, the overall degree of impact would be similar with this alternative.

Public Services and Utilities

As discussed in Section 17, the Project would have less than significant impacts to public services and utilities.

Alternative 2 would include approximately 33 percent fewer lodging rooms, as compared to the Project, thus decreasing the need for public services when compared to the Project. Similar to the Project, Alternative 2 would involve new development, and would therefore potentially increase the demand for fire protection, police protection, schools, libraries, and parks. However, similar to the Project, this alternative would not necessitate the construction of new facilities and would be required to comply with the City's General Plan policies aimed at maintaining service standards for police protection, schools, libraries, and parks.

As stated, Alternative 2 would include approximately 33 percent fewer lodging rooms, as compared to the Project. This would result in a decreased demand on the City's existing utilities and service systems infrastructure, as compared to the Project. Section 17 of the Draft EIR concludes that the San Jose Water Company would have sufficient water supplies to meet the demand of the Project. Therefore, with a 33 percent decrease in potable water demand, Alternative 2 would also have sufficient water supplies.

Like the Project, Alternative 2 would also result in less than significant impacts to public services and utilities. Compared to the Project, the overall degree of impact would be similar with this alternative.

Recreation

As discussed in Section 18, the Project would have less than significant impacts to recreation.

Alternative 2 would include approximately 33 percent fewer lodging rooms, as compared to the Project, thus potentially decreasing the number of employees needed. This would result in a decrease in the demand of local recreational facilities. No significant physical impacts associated with construction of recreational and open space facilities would occur under this alternative.

Like the Project, Alternative 2 would also result in less than significant impacts to recreation. However, the overall degree of impact would be lessened with this alternative as compared to the Project.

Transportation and Circulation

As discussed in Section 19, the Project would have potentially significant transportation impacts that would be mitigated to a less than significant level.

Under Alternative 2, construction-related transportation impacts would be slightly less than the Project, since the construction timeline would be shorter due to this alternative's reduced size. Implementation of Alternative 2 would result in a reduction in overall trips generated by operation of the proposed Project, as Alternative 2 would reduce the number of lodging rooms by approximately 33 percent.

Like the Project, Alternative 2 would also result in less than significant impacts to transportation and circulation. However, the overall degree of impact would be lessened with this alternative as compared to the Project.

Tribal Cultural Resources

As discussed in Section 20, the Project would have less than significant tribal cultural resources impacts.

Alternative 2 would include approximately 33 percent fewer lodging rooms and would have a proportionally smaller disturbance footprint. As such, under Alternative 2, the Project site would result in less ground disturbance than the Project due to the reduced amount of development and would therefore have a reduced potential to impact tribal cultural resources.

Alternative 2 would result in a less than significant tribal cultural resource impact, similar to the Project, but the overall degree of impact would be lessened with this alternative as compared to the Project.

Wildfire

As discussed in Section 21, the Project would have potentially significant wildfire impacts that would be mitigated to a less than significant level.

Alternative 2 would include approximately 33 percent fewer lodging rooms and would have a proportionally smaller disturbance footprint and would decrease the number of overnight guests. As such, under Alternative 2, the Project site would result in less building coverage than the Project due to the reduced amount of development and would therefore have a reduced potential to cause a substantial impact related to wildfires.

Alternative 2 would result in a less than significant wildfire impact, similar to the Project, but the overall degree of impact would be lessened with this alternative as compared to the Project.

23.6.3 Alternative 3: Revised Annexation Boundaries Alternative

This alternative assumes that the existing conditions and uses on the Project site (as of October 2019) and the five new buildings and outdoor terrace garden approved by the County in 2018

are a part of existing conditions. Alternative 3 would consist of adjustments to the City USA and SOI boundaries to include only the 503-46-006 parcel, and subsequent annexation of the 503-46-006 parcel into the City. The 503-46-007 parcel would remain in unincorporated Santa Clara County. This alternative also entails adoption of the Mountain Winery Precise Plan and a development agreement.

This alternative assumes changes to the existing land use designations and zoning for parcel 503-46-006 and associated amendments to the City's General Plan and Zoning Ordinance. Specifically, Alternative 3 assumes the City would establish a new General Plan land use designation, Regional Commercial (RC), that would apply only to the 503-46-006 parcel. New uses allowed under the RC designation would include lodging (up to 300 lodging units and ancillary uses) and an additional on-site water storage tank. Any development on lands designated as RC within the Project site would be limited to the Precise Plan area. Alternative 3 also assumes an amendment to the City's Zoning Ordinance to establish a new zoning district of Regional Commercial (RC) and that the 503-46-006 parcel would be pre-zoned as RC.

This Alternative assumes that the existing land use designation for parcel 503-46-007 would remain as Hillside [HS], per the County General Plan, and the existing zoning designation for parcel 503-46-007 would remain as Hillside-d1 District [HS-d1], per the County municipal code.

The 503-46-005 parcel would retain the existing City land use designation of Residential Hillside Conservation and zoning district of Hillside Residential (HR). This alternative also entail adoption of the Mountain Winery Precise Plan and a development agreement.

Additionally, Alternative 3 would entail annexation of parcels 503-46-005 and 503-46-006 parcel into the Cupertino Sanitary District to allow for the potential to connect these parcels to the Cupertino Sanitary District system in the future.

The focus of this Alternative 3 is to analyze a scenario that would be reasonably feasible and meets most of the Project objectives, while also serving to minimize the amount of undeveloped land to be annexed into the City. It would result in the same physical impacts to the environment as the proposed Project but is included at the request of LAFCo in LAFCo's letter commenting on the NOP.

This alternative would fulfill all the following Project objectives:

- Annex the Mountain Winery, including all ancillary features and supporting land uses, into the City of Saratoga
- Provide for the potential future connection of the Mountain Winery to the Cupertino Sanitary District
- Allow existing Mountain Winery operational activities to continue, with sensitivity to residential neighbors and environmental setting
- Allow a long-term financially viable project that provides for the creation of new lodging uses, up to 300 lodging units, and ancillary uses

- Allow for additional on-site water storage to ensure future adequate water supply
- Prepare a Precise Plan for the Mountain Winery complex as a means to establish more specific land use regulations and design standards for any future development
- Focus development to minimize environmental and/or natural resource impacts

Aesthetics

As discussed in Section 5, the Project would have less than significant impacts to aesthetic resources.

Under the Alternative 3 scenario, the existing land uses would continue and a new lodging facility (up to 300 lodging units and ancillary uses) would be allowed within the Precise Plan area. Similar to the Project, development allowed by Alternative 3 would be subject to the design guidelines and policies of the Precise Plan. Adherence to the Precise Plan policies would ensure that development allowed by Alternative 3 would not result in significant aesthetics impacts.

Similar to the Project, Alternative 3 would have less than significant impacts to visual resources.

Agriculture and Forestry Resources

As discussed in Section 6, the Project would have no impact to agricultural lands.

Under the Alternative 3 scenario, the existing uses of the Mountain Winery would continue, unchanged. Because the existing Mountain Winery is not located on Important Farmlands and no development would occur under Alternative 3, there would be no conversion of agricultural lands. Similar to the Project, Alternative 3 would have no impact to agricultural lands.

Air Quality

As discussed in Section 7, the Project would have potentially significant air quality impacts that would be mitigated to a less than significant level.

Similar to the Project, this Alternative would allow development of a new lodging facility (up to 300 lodging units and ancillary uses), a new water tank, and the potential future connection to the Cupertino Sanitary District. The main difference between the Project and Alternative 3 is that this Alternative would not include annexation of the 503-46-007 parcel within City limits. Under Alternative 3, the land use designation for the 503-46-007 parcel would remain as Hillside [HS], per the County General Plan, and the existing zoning designation for parcel 503-46-007 would remain as Hillside-d1 District [HS-d1]. The County designation of [HS] allows for low density residential use (up to one residential dwelling unit per 160 acres based on the slope at this site), which is the same as what the Project would allow. Therefore, Alternative 3 would have similar impacts to the Project.

Alternative 3 would result in a less than significant air quality impact, similar to the Project, and the overall degree of impact would be similar as compared to the Project.

Biological Resources

As discussed in Section 8, the Project would have potentially significant biological impacts that would be mitigated to a less than significant level.

Similar to the Project, this Alternative would allow development of a new lodging facility (up to 300 lodging units and ancillary uses), a new water tank, and the potential future connection to the Cupertino Sanitary District. The Precise Plan area would be the same under Alternative 3, and the same amount of development would be allowed. The main difference between the Project and Alternative 3 is with respect to the 503-46-007 parcel. Under Alternative 3, the 503-46-007 parcel would not be subject to any actions. However, the uses allowed by the Project for the 503-46-007 parcel are the same as those allowed under Alternative 3. Therefore, this Alternative would have similar impacts to biological resources as the Project. Similar to the Project, Alternative 3 would have the potential to impact species identified as a candidate, sensitive, or special status species, including white-tailed kite, olive-sided flycatcher, San Francisco dusky-footed woodrat, and California red-legged frog. With implementation of the same mitigations as the Project, Alternative 3 would have a less than significant impact on these species.

Alternative 3 would result in a less than significant biological impact, similar to the Project, and the overall degree of impact would be similar as compared to the Project.

Cultural Resources

As discussed in Section 9, the Project would have potentially significant cultural impacts that would be mitigated to a less than significant level.

Both Alternative 3 and the Project would include varying levels of ground disturbance within the Precise Plan area, and therefore each has the potential to impact previously discovered and undiscovered cultural resources through site preparation (e.g., vegetation removal, grading and filling), development of utility infrastructure, or subsurface construction associated with any of the proposed elements. Alternative 3 would have the disturbance footprint as the Project due to the Precise Plan being the same size. As such, Alternative 3 would have similar potential to impact cultural resources as the proposed Project and would have the potential to significantly impact cultural resources if not mitigated. Mitigation measures identified in Section 9 of this Draft EIR would reduce potential cultural resources impacts associated with both Alternative 3 and the Project to a less than significant level.

Alternative 3 would result in a less than significant cultural impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Energy Conservation

As discussed in Section 10, the Project would have less than significant energy impacts.

Under Alternative 3, the same amount of development would be allowed within the Precise Plan area, however the 503-46-007 parcel would not be subject to any actions. As such, Alternative 3 would have similar energy effects as the Project.

Alternative 3 would result in a less than significant energy impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Geology and Soils

As discussed in Section 11, the Project would have potentially significant geology and soils impacts that would be mitigated to a less than significant level.

Alternative 3 would allow for the same density of development as the Project, which would result in similar amount of people and buildings that would be exposed to potential impacts from seismic events compared to the Project. Implementation of feasible mitigation measures, discussed in Section 11, would reduce potential geological impacts to a less-than-significant level.

Alternative 3 would result in a less than significant geological impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Greenhouse Gas Emissions

As discussed in Section 12, the Project would have potentially significant greenhouse gas (GHG) impacts that would be mitigated to a less than significant level.

Under Alternative 3, the same amount of development would be allowed within the Precise Plan area, and the land use densities allowed within the 503-46-007 parcel would be similar to those allowed by the Project. As such, Alternative 3 would have similar GHG emissions as the Project. Similar to the Project, operations of Alternative 3 would result in greenhouse gas emissions in excess of BAAQMD's GHG threshold of 1,100 MTCO2e per year without mitigation. After the implementation of mitigation measures discussed in Section 12 of this Draft EIR, Alternative 3 and the Project would both be reduced to less than significant GHG emissions levels.

Alternative 3 would result in a less than significant GHG impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Hazards and Hazardous Materials

As discussed in Section 13, the Project would have less than significant impacts to hazards and hazardous materials.

Both Alternative 3 and the Project would be developed within a similar project footprint and would be developed with similar land uses. Therefore, implementation of both Alternative 3 and the Project would be subject to the same existing potential environmental hazards located on-site. Similar to the Project, this Alternative 3 would not impair or physically interfere with an adopted emergency response or evacuation plan and no revisions to the City's adopted Emergency Operations Plan (EOP) or the Mountain Winery Emergency Action Guide (EAG) would be required. However, both the Project and Alternative 3 would require that development plans for any future proposed structures are reviewed and approved by the Fire Department before any future lodging uses are constructed.

Alternative 3 would result in a less than significant hazards impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Hydrology and Water Quality

As discussed in Section 14, the Project would have potentially significant hydrology and water quality impacts that would be mitigated to a less than significant level.

As previously stated, both Alternative 3 and the Project would be developed within a similar project footprint and would be developed with similar land uses. Therefore, implementation of both Alternative 3 and the Project would be subject to the same existing hydrology located on-site and would have the same potential for hydrology and water quality impacts. Both the Project and Alternative 3 would be required to prepare an Erosion and Sediment Control Plan and a Stormwater Management Plan, which would ensure impacts of either are less than significant.

Alternative 3 would result in a less than significant hydrology and water quality impacts, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Land Use and Planning

As discussed in Section 15, the Project would have less than significant impacts to land use.

Similar to the Project, this Alternative would allow development of a new lodging facility (up to 300 lodging units and ancillary uses), a new water tank, and the potential future connection of the Mountain Winery to the Cupertino Sanitary District. The main difference between the Project and Alternative 3 is that this Alternative would not adjust the SOI/USA boundary to include the 503-46-007 parcel and would not include annexation of the 503-46-007 parcel into the City. Under Alternative 3, the land use designation for the 503-46-007 parcel would remain as Hillside [HS], per the County General Plan, and the existing zoning designation for parcel 503-46-007 would remain as Hillside-d1 District [HS-d1]. The County designation of [HS] allows for low density residential use (up to one residential dwelling unit per 160 acres based on the slope at this site), which is the same as what the Project would allow on the 503-46-007 parcel. Therefore, Alternative 3 would result in the same land uses being allowed as the Project. However, because Alternative 3 would not annex the 503-46-007 parcel, which is largely undeveloped, Alternative

3 would be more consistent with LAFCo goals to encourage orderly boundaries and curb urban sprawl.

Alternative 3 would result in a less than significant land use impact, similar to the proposed Project, but the overall degree of impact would be reduced with this alternative as compared to the Project.

Noise

As discussed in Section 16, the Project would have potentially significant noise impacts that would be mitigated to a less than significant level.

Both Alternative 3 and the Project would allow for a 300 room hotel within the Precise Plan area and would allow the same land uses and densities on the 503-46-007 parcel. Therefore, implementation of both Alternative 3 and the Project would be subject to the same existing noise environment and would have similar noise effects. Notably, the Project and Alternative 3 would both result in less than significant construction noise levels, after implementation of construction best management practices (BMPs).

Alternative 3 would result in a less than significant noise impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Public Services and Utilities

As discussed in Section 17, the Project would have less than significant impacts to public services and utilities.

The public services evaluated in this EIR are fire protection, police protection, and parks. Both Alternative 3 and the Project would be developed within a similar project footprint and would be developed with the same land uses and densities. The main difference between the Project and Alternative 3 is that this Alternative would not annex the 503-46-007 parcel; however, both the Project and Alternative 3 would have similar effects to public services and utilities. The Saratoga Fire Protection District currently provides fire services for the 503-46-007, 503-46-006, and 503-46-005 parcels and would could provide fire service to the 503-46-007, 503-46-006, and 503-46-005 parcels under Alternative 3 and the Project. The County Sherriff's Office provides police services to the Mountain Winery and would continue to do so under the Project scenario and Alternative 3.

This Draft EIR evaluates potential impacts on the following: wastewater facilities, water supply, stormwater facilities, and solid waste. Alternative 3 would result in additional demands on these services due to the new lodging uses allowed. However, the demand on these services would be similar to the demand from the Project, and like the Project, the existing infrastructure capacity would be sufficient to serve Alternative 3. Alternative 3 would result in less than significant impacts to utilities and service systems.

Alternative 3 would result in a less than significant public services and utilities impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Recreation

As discussed in Section 18, the Project would have less than significant recreation impacts.

Both Alternative 3 and the Project would allow lodging uses (up to 300 lodging units and ancillary uses) within the Precise Plan area and similar land uses on the 503-46-007 parcel. Therefore, this Alternative would have the same potential to conflict with the Juan Bautista de Anza National Historic Trail Floating Trail Easement within the Precise Plan area. However, this Alternative would not annex the 503-46-007 parcel and would therefore have a reduced potential to conflict with the Juan Bautista de Anza National Historic Trail Floating Trail Easement within the 503-46-007 parcel.

Alternative 3 would result in a less than significant recreation impact, similar to the proposed Project, but the overall degree of impact would be reduced with this alternative as compared to the Project.

Transportation and Circulation

As discussed in Section 19, the Project would have potentially significant transportation impacts that would be mitigated to a less than significant level.

Similar to the Project, this Alternative would allow development of a new lodging facility (up to 300 lodging units and ancillary uses), a new water tank, and the potential future connection to the Cupertino Sanitary District. The main difference between the Project and Alternative 3 is that this Alternative would not include annexation of the 503-46-007 parcel into the City. However, the County land use designation for the 503-46-007 parcel allows similar uses and densities as the Project. Given that the allowed uses and densities under Alternative 3 would be the same as the Project, the vehicle miles traveled, and level of service impacts would be the same as the Project. Both Alternative 3 and the Project would require implementation of MM WIL-1 to ensure adequate emergency access.

Alternative 3 would result in a less than significant transportation impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Tribal Cultural Resources

As discussed in Section 20, the Project would have potentially significant tribal cultural resource impacts that would be mitigated to a less than significant level.

Both Alternative 3 and the Project would allow lodging uses (up to 300 lodging units and ancillary uses) within the Precise Plan area and similar land uses on the 503-46-007 parcel. As such, Alternative 3 would have similar potential to inadvertently disturb tribal cultural resources as the

proposed Project. With implementation of MM CR-1a, MM CR-1b, and MM CR-1c Alternative 3 and the Project would both result in less than significant impacts to tribal cultural resources.

Alternative 3 would result in a less than significant tribal cultural resources impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

Wildfire

As discussed in Section 21, the Project would have potentially significant wildfire impacts that would be mitigated to a less than significant level.

Both Alternative 3 and the Project would allow lodging uses (up to 300 lodging units and ancillary uses) within the Precise Plan area and similar land uses on the 503-46-007 parcel.. As such, Alternative 3 would have similar potential to exacerbate wildfire risk as the Project. With implementation of MM WIL-1, Alternative 3 would have a less than significant wildfire impact.

Alternative 3 would result in a less than significant wildfire impact, similar to the proposed Project, and the overall degree of impact would be similar with this alternative as compared to the Project.

23.7 Potential to Eliminate Significant Environmental Effects

A key CEQA requirement for an alternative is that it must have the potential to "avoid or substantially lessen any of the significant effects of the project" (CEQA Guidelines Section 16126.6(a)). If an alternative is identified that clearly does not have the potential to provide an overall environmental advantage as compared to the Project, it is usually eliminated from further consideration. The environmental effects of the Project for significant and unavoidable impacts and significant impacts that can be mitigated are summarized in Section 1, Executive Summary. The alternatives considered above were determined to have the potential to avoid or substantially lessen significant effects of the project. The following section discusses alternatives that were preliminarily considered, but ultimately rejected from further consideration.

23.8 Alternatives Considered but Rejected

23.8.1 Alternative A: Alternate Site

An alternative was considered to utilize an alternate site for the Project, but has been rejected from consideration. The Mountain Winery complex is an existing use on the Project site. An alternate location for new lodging uses is not feasible, given that the lodging uses would support the existing Mountain Winery uses. Further, the City could not annex an alternate site, given that the Mountain Winery is an existing facility that is contiguous to the City boundaries.

23.8.2 Alternative B: Annexation without New Allowed Uses

This alternative assumed the entire 503-46-006 and 503-46-007 parcels would be annexed into the City, and the associated SOI and USA boundary adjustments would occur. Unlike the Project, this alternative assumed that no new uses, beyond those existing on-site, would be allowed. Therefore, no lodging uses, or new water tank would be allowed under this alternative and no annexation into the Cupertino Sanitary District would be included. This alternative was similar to the No Project Alternative in that no new development would occur, however the existing Mountain Winery facility would be annexed into the City. Because no new development would have been allowed, a Precise Plan would not have been prepared under this alternative.

This alternative failed to meet most of the Project objectives, because it would not allow for new lodging uses or the future connection to the Cupertino Sanitary District. Therefore, this preliminary alternative was rejected from further consideration.

23.8.3 Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires that the environmentally superior alternative be identified. If the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the development alternatives.

In comparison to the alternatives analyzed, the No Project Alternative would be the environmentally superior alternative because it would avoid or minimize all of the Project's potentially significant impacts, would require no mitigation, and would reduce all of the project's less than significant impacts. However, in accordance with CEQA Guidelines Section 15126(e)(2), Alternative 2 was identified as the environmentally superior alternative among the development alternatives.

As summarized in Table 23-1, Alternative 2 reduces several impacts due to the reduced development intensity associated with this alternative, including a reduction in vehicle trips generated by the Project, which accounts for a reduction in air quality, GHG, noise, and traffic impacts. While Alternative 3 meets the overall Project objectives, this alternative would not reduce as many impacts of the proposed Project as Alternative 2.

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24 EIR Preparers and Acronyms

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Acronyms

A

AB ##	Assembly Bill ##
ABAG	Association of Bay Area Governments
ADT	average daily trip
AFY	acre-feet / year
APCD	Air Pollution Control District
AWSC	all-way stop-controlled

B

BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
BTU	British thermal unit

C

CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CalGREEN	California Green Building Standards Code

CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
Cal EPA	California Environmental Protection Agency
CAPCOA	California Air Pollution Control Officer's Association
CARB	California Air Resource Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
City	City of Saratoga
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNDDB	California Natural Diversity Database
CPUC	California Public Utilities Commission
CH_4	Methane
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalents
CWA	Clean Water Act
CRHR	California Register of Historical Resources
CWA	Clean Water Act

D

dB	decibel
dBA	A-weighted decibel
DA	Development Agreement
DMG	California Division of Mines and Geology
DOC	California Department of Conservation
DOE	Department of Energy
DOF	Department of Finance
DOT	Department of Transportation
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
DWR	California Department of Water Resources

E

EIA	Energy Information Administration
EDR	Environmental Data Resources
EIR	Environmental Impact Report
EPCRA	Emergency Planning and Community Right-To-Know Act
ESA	Endangered Species Act

F

FCAA	Federal Clean Air Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FHWA	Federal Highway Administration

G

GHG	greenhouse gas(es)
GHAD	Geologic Hazard Abatement District
GIS	Geographic Information System(s)
gpd	gallons per day
GSA	Groundwater Sustainability Agency
GWh	gigawatt hours

H

HAP	Hazardous Air Pollutant
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HCPA	Habitat Conservation Plan Association
HDM	Highway Demand Manual
HET	high efficiency toilet
HMBP	Hazardous Materials Business Plan
HSWA	Hazardous and Solid Waste Act
HVAC	heating, ventilation, and air conditioning
HVL	Highly volatile liquid
HSC	California Health and Safety Code
Hz	Hertz

I

IBC	International Building Code
IC	Institutional controls
IFD	Infrastructure Financing District
IMP	Integrated Management Practices
IPCC	Intergovernmental Panel on Climate Change

K

KVP	Key Viewpoint
kWh	Kilowatt hour

L

LAFCO	Local Agency Formation Commission
LEV	Low Emission Vehicle
Ldn	Average Day-Night Noise Level
Leq	Equivalent Continuous Noise Level
LID	Low Impact Development
LOS	level of service
LTF	Local Transportation Fund
LUV	Local Use Vehicles

M

MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
mgy	million gallons per year
M_L	Richter Magnitude
MND	Mitigated Negative Declaration
MOU	Memorandum of Understanding
MRZ	Mineral Resource Zone
MSAT	Mobile source air toxic
MMT	million metric tons
MPG	miles per gallon
MPH	miles per hour
MPO	Metropolitan Planning Organization
MRP	Municipal Regional Permit
MSL	mean sea level
MSW	municipal solid waste
MT	metric tons
MTC	Metropolitan Transportation Commission
M_W	Moment Magnitude
MWh	Megawatt Hours

N

NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NB	Northbound
NCCP	Natural Communities Conservation Plan
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act

NHTSA	National Highway Traffic Safety Administration
NOP	Notice of Preparation
NO	Nitric oxide
NO_X	Oxides of Nitrogen
NO_2	Nitrogen dioxide
NPDES	National Pollutant Discharge and Elimination System
NPMS	National Pipeline Mapping System
NRCS	National Resource Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetland Inventory
NWIC	Northwest Information Center

O

OEHHA	State Office of Environmental Health Hazard Assessment
OHP	Office of Historic Preservation
OHWM	Ordinary High Water Mark
OPR	California Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
O_3	Ozone

P

Pb	Lead
PCB	polychlorinated biphenyls
PD	Planned Development
PG&E	Pacific Gas & Electric
PHMSA	Pipeline and Hazardous Materials Safety Administration
$PM_{2.5}$	Particulate Matter, less than 2.5 microns in diameter
PM_{10}	Particulate Matter, less than 10 microns in diameter
ppm	parts per million
PRC	Public Resources Code
PPV	peak particle velocity
PUC	California Public Utilities Commission

R

RCRA	Resource Conservation and Recovery Act
REAP	Rain Event Action Plan
REC	recognized environmental condition
RHNA	Regional Housing Needs Allocation
ROG	Reactive Organic Gas
RPS	Renewable Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board

S

SCCFD	Santa Clara County Fire Department
SCVHCP	Santa Clara Valley Habitat Conservation Plan
SCVWD	Santa Clara Valley Water District
SB	Southbound
SB ##	Senate Bill ##
SCAQMD	South Coast Air Quality Management District
SCS	Sustainable Communities Strategy
SDWA	Safe Drinking Water Act
SFBAAB	San Francisco Bay Area Air Basin
SGMA	Sustainable Groundwater Management Act of 2014
SIP	State Implementation Plan
SO_X	Oxides of Sulfur
SOI	Sphere of Influence
SPA	Special Planning Area
SPF	Semi-Public Facility
SR	State Route
SRWS	self-regenerating water softener
SSSC	side-street stop-controlled
STA	State Transit Assistance
STAA	Surface Transportation Assistance Act
SWRCB	State Water Resources Control Board
SWCV	solid waste collection vehicle
SWPPP	Stormwater Pollution Prevention Plan

T

TAC	Toxic Air Contaminant
TDA	Transportation Development Act
TDS	Total Dissolved Solids
TDT	Tri-Delta Transit
TMDL	Total Maximum Daily Load
tpy	tons per year
TSP	Total Suspected Particulate

U

UBC	Uniform Building Code
ULL	Urban Limit Line
USACE	United States Army Corp of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan

V

Vdb	vibration decibels
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
VTA	Santa Clara Valley Transportation Authority
v/c	volume-to-capacity ratio

W

WMP	Water Management Plan
WSA	Water Supply Assessment
WWTP	Wastewater Treatment Plant

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