

Appendix A – Written Comments and Transcript of Verbal Comments

Part Two:

- Agency and Organization Comments

Page intentionally left blank to facilitate double-sided printing.

Rawnsley, Emma

From: Cynthia Richardson <crichardson@saratoga.ca.us>
Sent: Wednesday, August 2, 2023 3:25 PM
To: Rawnsley, Emma
Subject: FW: CPRU File 22676 - DEIR for Saratoga Retirement Community Master Plan Update

This Message Is From an External Sender

This message came from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Report Suspicious

Cynthia Richardson | Project Planner

City of Saratoga | Community Development Department
13777 Fruitvale Avenue | Saratoga, CA 95070
crichardson@saratoga.ca.us | www.saratoga.ca.us
Office Hours Mondays and Thursdays

From: Matthew Sasaki <MSasaki@valleywater.org>
Sent: Wednesday, August 2, 2023 3:04 PM
To: Cynthia Richardson <crichardson@saratoga.ca.us>
Cc: Lisa Brancatelli <LBrancatelli@valleywater.org>
Subject: CPRU File 22676 - DEIR for Saratoga Retirement Community Master Plan Update

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Cynthia,

The Santa Clara Valley Water District (Valley Water) has reviewed the draft environmental impact report (EIR) for the Saratoga Retirement Community Master Plan Update, received on June 30, 2023.

Based on our review, we have the following comments:

- 1.1 1. References to "District" and "SCVWD" should be updated to "Valley Water" for consistency with our new name.
- 1.2 2. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0219H, effective on May 18, 2009, the project site is located in Zone X, an area with a 0.2% annual chance flood hazard. The description of the Flood Zone X on pages 3-179 and 3-180 should be updated to only include this definition and should reference the FEMA FIRM.
- 1.3 3. On page 3-183, in the Groundwater discussion, references to Valley Water's Groundwater Management Plan (GWMP) should be updated to reference the most recent GWMP, published in 2021. It should also note that the 2021 GWMP was submitted to the Department of Water Resources to fulfill the requirements of periodic evaluation of the Alternative Groundwater Sustainability Plan.

- 1.4 4. According to Valley Water's 2021 Groundwater Management Plan (GWMP) the general depth to groundwater within the project boundary is 30-50 feet. The project should incorporate measures for waterproofing the below grade parking garages if groundwater is encountered during construction.
- 1.5 5. According to Valley Water records, there are no active wells within the project boundary. While Valley Water has records for most wells located in the county, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.
- 1.6 6. Valley Water does not have any right of way or facilities within the project boundary; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the project.

Please let me know if you have any questions regarding these comments. This project has been assigned to Valley Water File 22676. Please reference this number on future correspondence regarding this project.

Thank you,

MATT SASAKI

Pronouns: he/him

Assistant Engineer II

Community Projects Review Unit

msasaki@valleywater.org

Tel. (408) 630-3776

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

Rawnsley, Emma

From: Cynthia Richardson <crichardson@saratoga.ca.us>
Sent: Thursday, August 24, 2023 10:51 AM
To: Rawnsley, Emma
Subject: FW: Saratoga Retirement Community – revision of summary
Attachments: Residents DEIR Response entire 20230821 v2.pdf

This Message Is From an External Sender

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Cynthia Richardson | Project Planner

City of Saratoga | Community Development Department
13777 Fruitvale Avenue | Saratoga, CA 95070
crichardson@saratoga.ca.us | www.saratoga.ca.us
Office Hours Mondays and Thursdays

From: Tsing Bardin <tsingtb@gmail.com>
Sent: Monday, August 21, 2023 6:39 PM
To: Cynthia Richardson <crichardson@saratoga.ca.us>
Subject: Saratoga Retirement Community – revision of summary

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Cynthia,

Since earlier, I sent you one version on August 21 7:39 am and then a corrected version on August 21 9:13 am. I do not want you to be confused, so I am sending this one with a v2 attached to it. If you got the earlier one sent on August 21 9:13 am with a subject: Saratoga Retirement Community—Some corrections. It is the same version as this one. Some of our team members even got confused, sorry, my fault.

I had the correct version in hard copy included in the box of letters that I delivered this morning.

Here is the one with the complete date and version v2. And is the same one as I sent earlier at 9:13 am August 21. Thanks for your understanding,

Tsing

Rawnsley, Emma

From: Cynthia Richardson <crichardson@saratoga.ca.us>
Sent: Thursday, August 24, 2023 10:47 AM
To: Rawnsley, Emma
Subject: FW: Saratoga Retirement Community --Some corrections
Attachments: Residents DEIR Response entire.pdf

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Office Hours Mondays and Thursdays

From: Tsing Bardin <tsingtb@gmail.com>
Sent: Monday, August 21, 2023 9:14 AM
To: Cynthia Richardson <crichardson@saratoga.ca.us>
Cc: Bob Berglund <rcbergie@aol.com>; Dick DuBridge <pddubridge@gmail.com>; Michael Griffin <jazzbuff@comcast.net>; Ravi Ravikumar <mail.raviravikumar@gmail.com>; Don Schmidek <dis6933@gmail.com>; Tony Vandersteen <anthonyvann@att.net>; Colin Whitby-Stevens <colin@pandcws.com>
Subject: Saratoga Retirement Community --Some corrections

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Hello Cynthia,
Please delete the earlier version of this email. We want to resubmit this version for the summary of the Residents' comments on the DEIR and on the Project.

All the individually signed letters, over 300 of them, not including the ones that were sent to you directly by email or USPS, are delivered to the City on August 21, 2023. These letters are all from the Residents at SRC, therefore the addresses only showed their unit or apartment number on campus.

Thank you for your attention,

Tsing Bardin, Bob Berglund, Dick DuBridge, Michael Griffin, Don Schmidek, Tony Vandersteen and Colin Whitby-Stevens on behalf of the 184 Preserve SRC Campus Interest Group residents.

> On Aug 21, 2023, at 7:39 AM, Tsing Bardin <Tsingtb@gmail.com> wrote:

>

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> Here is the summary of the Residents' comments on the DEIR and the Project. All the individually signed letters, over 300 of them, not including the ones that were sent to you directly by email or USPS, are delivered to the City on August 21, 2023. These letters are all from the Residents at SRC, therefore the addresses only showed their unit or apartment number on campus.

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> <Residents DEIR Response entire.pdf>



SRC RESIDENTS’ COMMENTS on Draft Environmental Impact Report and Project August 21, 2023

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2	Residents’ Response Summary Details	2 - 8
3	Residents’ Direct Responses to the DEIR and Project following page 8	

1.1 **Section 1 – SRC Residents’ Recommendation**

(Based on the residents’ comments included in this report)

Although our primary recommendation is “No Project” to the proposed expansion, we realize this isn’t a possible option because of the pressure on Saratoga to approve such proposals to meet the state’s housing requirement and the justification of “No Project” has to be based on Health and Safety.

1.2 However, we support the need to add housing units to our SRC campus and we thereby agree with either of the below alternatives:

- A modified Alternative 2 (Alternative 2 was recommended by the DEIR) – Building A and Meeting Room should both be eliminated from the alternative because of environmental concerns that are expressed in the resident’s feedback to the DEIR. Although Building C is still part of the alternative, it should be limited in height so it doesn’t interfere with the view either of or from the historical manor. And with conditions that Emergency evacuation route be built and have scheduled renovation for the Health Care Center.
- 1.3 • Alternative 1 (Alternative 1 is the recommended solution by the SRC residents) – This solution provides for a new Health Care Center to be built at the same location as the building C in alternative 2. It also provides for a 52-unit building (not the 35 stated in the DEIR) where the current Health Care Center is located. Alternative 1 is incorrectly described in the DEIR; please refer to the resident’s DEIR input correcting this description or details of the Residents’ alternative as documented on the PreserveSRCCampus.org website.

1.4 **Section 2 – Residents’ Response Summary Details**

This section includes details of various aspects of the SRC resident’s response, including omissions and errors in DEIR.

1. **Mischaracterization of resident population**
2. **Misrepresentation of the Residents’ Alternative Plan (Alternative 1)**
3. **Remove Financial Objective from Environmental Impact Report**
4. **Meeting Room Addition to Manor Building Needs More Study**
5. **Impact of Construction Noise on Residents**
6. **Loss of Green Space and Outdoor Recreation Facilities**
7. **Traffic and Emergency Evacuation**
8. **Impact of Health Center Renovations Omitted from DEIR**
9. **Air Pollution**
10. **Incorrect Assessment of Public Benefits**

1.5 Omissions and errors in DEIR,

1. Mischaracterization of resident population

The consultants fail to understand that the population of the Saratoga Retirement Community (SRC) is elderly, with an average age of 85. Many have physical disabilities affecting mobility, sight, and hearing, and others have cognitive disabilities affecting decision making, reaction times, and ability to adapt to change. Most are retired and spend a significant amount of their time in their homes or at other sites within the confines of the community. Some require assistance in daily living tasks and cannot leave the community easily. Around 50-60 residents are bedridden patients at the Health Center.

When the impact on human beings is taken into account in the DEIR, the people mentioned are the general population of the City of Saratoga, or even unidentified visitors to vista points miles away from SRC. In one case, priority is given to bats over people! When the impact on actual SRC residents is even mentioned, it is usually dismissed as negligible or not enough to warrant consideration. Substandard mitigation is considered good enough for the residents in the form of smaller or fewer recreation facilities or enough notice that noise or vibration beyond endurance is about to occur so they'd better be prepared.

Consultants need to investigate the true impact on the real-life human population of SRC, and mitigation must actually meet the needs of this population and no other. Anything less is an outrage.

1.6 **2. Misrepresentation of the Residents' Alternative Plan (Alternative 1)**

In DEIR Section 4.1 Alternative 1, the EIR consultants used the Ankrom Moisan architecture firm for the interior design of proposed Building D (Table 4.4-2). Although Ankrom Moisan was the designer for the Health Care Center in 1999, and they have the exact drawings of the footprints etc., yet their design used a completely different footprint from the one proposed in the Residents' Alternative Plan (the original footprint of the Health Center building, Table 4.4-1). This change was done without ever consulting or even notifying the residents, who would never have consented and very much object to the change. Instead, they chose to ask for clarification from the applicant, who is totally against the Residents' Alternative Plan.

Ankrom Moisan also misrepresented other features in Alternative 1, such as the size and shape of the proposed new Health Center, Building C (should be 40 beds rather than 52 beds), the number of parking spaces in the underground garage of Building D (only 50 spaces vs. 90 submitted under Alternative 1), and incorrect values in Table 4.4-2 for the excavate volume and maximum depth of excavation for the original design in Alternative 1 for Building D.

The final EIR must correct these major errors and unsanctioned changes to the Residents' Alternative Plan.

1.7 **3. Remove Financial Objective from Environmental Impact Report**

Although the objective to “generate an additional income stream” and “maintain a strong financial position” is a valid consideration for a development project, it is inappropriate to include it for assessment of environmental impact. The DEIR includes data regarding staffing costs and income generation for the various alternative plans but offers no indication of who came up with these numbers or how they were determined.

The statement that Residents’ Alternative 1 would not provide enough income and would require more staffing than other alternatives cannot be supported by the “data” included in the DEIR. In fact, SRC has a sustained performance over the last 10 years of positive operational performance, and there is no basis for a change in this performance while accumulating capital expenditures during the expansion.

Even if there was actual financial information available, it has nothing to do with the impact of any development on the natural, cultural, or human environment and should not be included in this study.

1.8 **4. Meeting Room Addition to Manor Building Needs More Study**

- On page 3-94, item 2, the DEIR states “The proposed construction of the Meeting Room Addition and its attachment to the west elevation of the Manor Building through a building hyphen would also remove and/or alter character-defining features represented in the west (secondary) elevation ... ” On page 3-101 the EIR further states “The proposed construction of the Meeting Room Addition as part of the Project could potentially result in the substantial adverse change in the Manor Building due to the potential for damage during construction.” The symmetry of the Manor Building is forever lost with the Meeting Room attached to the western wall of the Manor Building. The Meeting Room needs a specific evaluation under CUL-1.

1.9 • On page 3-235, the DEIR states “Project construction could generate vibration levels that exceed the applicable thresholds for potential building damage at the Manor Building and that substantially exceed the threshold for human annoyance at several nearby residential receptors, the impact would be **potentially significant.**” And on page 3-237, “ ...it is anticipated that some use of heavy equipment within the buffers would be required to achieve the necessary soil compaction required to support the proposed building foundations (particularly for the Meeting Room Addition) and, therefore, that vibration levels at the Manor Building could still exceed the threshold for building damage at certain times. Knowing that there is a real possibility of damaging the historical Manor Building, why risk it?

Mitigation suggested is that the contractor try to limit the use of smaller heavy equipment and notify nearby residents within 14 days when vibrations will be heavier. What? This neither reduces the impact of vibration on the Manor

1-9

Cont.

Building or provides relief to residents who would have to leave their homes for extended periods to avoid physical and mental damage. This is unacceptable.

1.10

- Residents living in apartments 1101,1202 and 1203 of the Manor Building will have the view from their apartment windows on the western manor wall almost entirely blocked by the new Meeting Room, during construction and forever afterward.

1.11

5. Impact of Construction Noise on Residents

The noise level is beyond the acceptable level, as noted in the DEIR report Table 4.5-6. Construction would generate noise levels of up to 95 decibels for the four west-facing units within the western wing of the Manor Building (apartments 1101,1202 and 1203). Noise at 95 decibels is like that of hallway fire alarms and exceeds the FTA recommended construction noise criteria of 80 decibels! Such loud noise for many hours during the day over many months can cause physical and mental health issues, especially for an already vulnerable elderly population.

Even noise at 80 decibels is excessive for the elderly population of SRC. This is the FTA standard for highway construction, not for construction in very close proximity to residences. Why is this standard used and not the standard for sensitive construction in hospital zones and near senior facilities?

This noise is expected to continue during the estimated 24 months of construction. Even if this estimate is accurate, and such estimates are historically not even close, the toll of that noise level for that length of time, particularly for construction of proposed Building A and the meeting room, is intolerable.

The mitigation suggested that the noise will occur only only during day time, so it will be quiet during after work hours. This report does not consider that senior residents are home most of the day and need naps. Why was no study done on the physical and mental health impact of noise on our specific population? Once again, the DEIR seems to dismiss the very real impact this project would have on very real people.

1.12

6. Loss of Green Space and Outdoor Recreation Facilities

- The Odd Fellows Historical Park is the only large green space on the SRC campus. A large number of SRC residents (average age 85) have mobility issues requiring canes, walkers, wheelchairs, or motorized assistance to get around. For them and others with physical disabilities, this park is the only accessible outdoor recreation available. Mitigation suggested by the DEIR states that there are other paths and trails within a short driving distance, and even one trail accessible from SRC by a 300-ft path up a steep incline, but these are in no way accessible to residents whose disabilities prevent them from driving or using unpaved trails. To suggest that residents travel to find

1.12
Cont.

open, green space when there is no real reason to build over the Historical Park is not a reasonable alternative.

In addition to SRC residents, many neighbors visit the Historical Park regularly to walk their dogs or bicycle in the safe, quiet area. Removing the park means that everyone in the area would have to travel elsewhere to find a similar quiet green space.

- The current 90-foot, regulation size bocce ball court and other outdoor recreation facilities such as a putting green would be removed if Building A is constructed. The DEIR states that *smaller* replacements would be built in a tiny area west of Building A, and these smaller facilities would be enough for SRC residents and not impact most Saratoga residents

At present, more than 60 residents regularly play bocce ball here. Bocce ball is also a popular spectator sport for many more residents, especially those with limited mobility, for whom it is easily accessible by the paved paths through the Historic Park.

The “replacement” bocce ball court would be only 60 feet in length, 2/3 of regulation size. Some of the SRC teams compete with outside teams on regulation 90-foot courts. Losing our 90-foot court means that those residents would have to find another court, who knows where, to practice for competition. The proposed 60-foot “replacement” is unacceptable and indicates another example of the devaluation of the impact of this project on residents.

1.13

- The Historical Park contains over 100 trees, of which 65 are protected mature trees. All of them would be razed to allow for construction of proposed Building A and Meeting Room. Although many replacement trees will be planted elsewhere on campus, replacement trees cannot be compared with the current majestic, towering trees. The City Arborist determined that many trees are under stress after recent years of draught, but they are not near the point where they need to be removed.

The environmental impact of the trees on air quality is hardly evaluated in the DEIR, and the environmental impact of their aesthetic value is also lacking.

1.14

7. Traffic and Emergency Evacuation

- The estimated construction traffic and its analyses based on Table 4. 6-8 show the traffic impact to the neighborhood is substantial. No analysis was done on impact during the peak hours of school traffic or traffic during SRC staff shift changes.

1.15

- The receiving dock and loading zone areas remain unchanged and are already chaotic. Additional traffic from the nearby proposed Building A garage entrance, increased number of maintenance and delivery trucks, and Pavilion Circle traffic from the existing apartments would make this area constantly

1.15
Cont.

congested. DEIR mitigation is to schedule delivery trucks to avoid double parking and blocking traffic, but it is impractical to expect that to work, and who would enforce the schedule anyway? The only answer is to block construction of Building A.

1.16

- Increased traffic during and after construction make it unsafe for SRC seniors to walk or drive at particular intersections and garage exits. Suggested DEIR mitigation is to install new stop signs, but no study included the particular requirements of seniors with slow reaction time, impaired mobility, or poor eye sight and hearing.

1.17

- Closing streets for many months at a time means residents along those streets cannot get in and out of their own driveways or even park near their homes. The DEIR must address a plan for this, understanding that the residents are seniors and may have disabilities or mobility issues.

1.18

- There is no solid plan for emergency evacuation involving the large number of ambulances needed to evacuate the 60 plus skilled nursing patients. The proposed evacuation entrance along Chester Ave. is only for large fire trucks; not for private vehicles. All 200 plus Independent Living residents and 200 or so employees are expected to evacuate in their own cars using the one-lane Odd Fellows Lane. A realistic, usable plan needed beyond the scheduling and notification of construction traffic. The DEIR must include a realistic review of emergency evacuations and ideas for implementing a usable plan.

1.19

8. Impact of Health Center Renovations Omitted from DEIR

Project objective 4 is to “Provide upgrades to the existing Health Center, which would include converting existing semiprivate rooms to private rooms with private baths.” All alternative plans include some sort of renovation for the current Health Center, but the DEIR includes no indication that any study of the impact of these upgrades was done.

There are no references to the demolition and construction work that would proceed in stages, nor any references to the impact on the 50 to 60 vulnerable senior patients housed in the Health Center during this 2-year construction period (MFS-3 Direct or indirect Adverse Effects on Human Beings).

Additionally, there are no references to the noise, vibrations, dirt and dust, or displacement of senior patients to make way for demolition and construction, while raising significant hazards to their health. What are the mental and physical health impacts during months of being shut in a room with limited air flow and natural light? (HAZ-1, HAZ-5, LUP-1, NOI-1, NOI-2, POP-2, UTI-1, UTI-3, WF-3 and MFS-3)

The only alternative that avoids this problem is the Residents’ Alternative 1. The DEIR needs substantial revisions to recognize this issue.

1.20 **9. Air Pollution**

The DEIR never addresses the cumulative air pollution effects on frail senior residents, who may have already asthma or breathing issues. Recently, during many months of balcony repair, many residents complained of breathing issues due to dust, diesel fumes, etc. All the administration did was to ask residents to purchase their own air purifiers. This project would be much longer and generate much more air pollution, and the EIR needs to address this particular population.

1.21 **10. Incorrect Assessment of Public Benefits**

- Alternative 2 offers no planned parking for the public when using the Meeting Room. Even at present, parking is difficult for the residents and visitors. The DEIR (2.3.3) states that parking will be available in the lower-level garage at Building B, but Building B and its underground garages are deleted in Alternative 2. Where are the additional parking spaces for the public use of the Meeting Room?

1.22 • The DEIR states (REC-2) that “a public trail connection along Odd Fellows Drive, connecting Fruitvale Avenue with the San Marcos Open Space, via Chester Avenue, Gypsy Hill Road, and Via De Marcos” must be created. This public trail is already documented and was approved by the City’s Pedestrian, Equestrian & Bicycle Trails (PEBTAC) Advisory committee in October 2020. The PRS proposal does not need to create this trail connection unless it is destroyed during construction. The above quotation shows that the EIR consultants did not look up the existing document and thereby drew false conclusions. The trails are already in existence without the proposal. It does not have any additional public benefit due to the Project. Please correct this statement.

1.23 **Section 3 – Residents’ Direct Responses to the DEIR**

The attached box includes over 300 individually signed SRC resident letter/email DEIR and Project responses. Although all of the responses are pertinent several of the more insightful ones are gathered and clipped together at the top of the stack.

Also, an estimate of over 100 letter/email responses by SRC residents were sent directly to Cynthia Richardson, City Project Planner.

The SRC residents have submitted a total of over 400 individually signed responses identifying problems with the flawed DEIR and with the Project itself.

Respectively submitted by

Tsing Bardin, Bob Berglund, Dick DuBridge, Michael Griffin, Don Schmidek, Tony Vandersteen and Colin Whitby-Strevens

On behalf of the 184 Preserve SRC Campus Interest Group members

City of Saratoga,
Cynthia Richardson, Project Planner,
13777 Fruitvale Avenue, Saratoga, CA 95070.

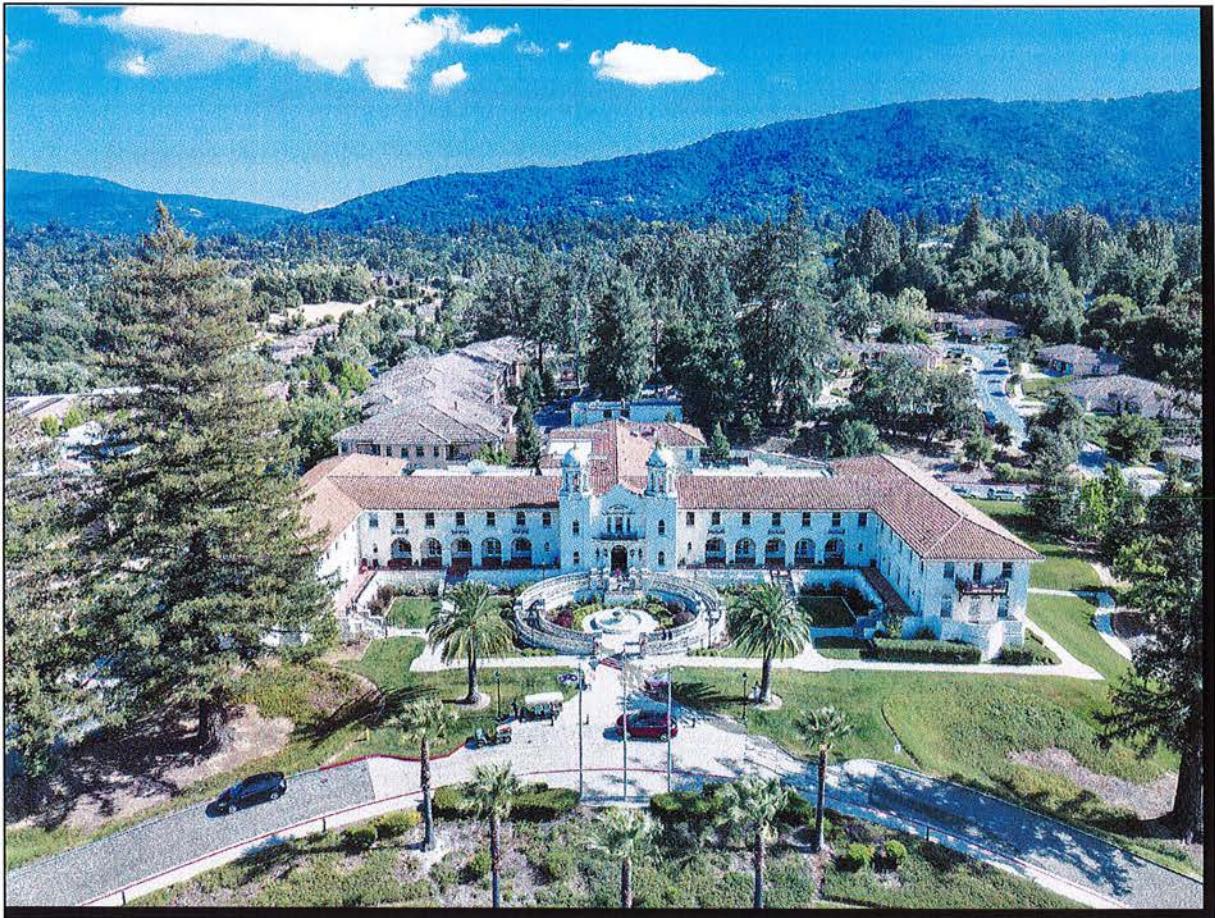
August 21, 2023

Dear Cynthia,

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4. Meeting Room Addition to Manor Building Needs More Study

- On page 3-94, item 2, the DEIR states “The proposed construction of the Meeting Room Addition and its attachment to the west elevation of the Manor Building through a building hyphen would also remove and/or alter character-defining features represented in the west (secondary) elevation ... ” On page 3-101 the EIR further states “The proposed construction of the Meeting Room Addition as part of the Project could potentially result in the substantial adverse change in the Manor Building due to the potential for damage during construction.” The symmetry of the Manor Building is forever lost with the Meeting Room attached to the western wall of the Manor Building. The Meeting Room needs a specific evaluation under CUL-1.
- On page 3-235, the DEIR states “Project construction could generate vibration levels that exceed the applicable thresholds for potential building damage at the Manor Building and that substantially exceed the threshold for human annoyance at several nearby residential receptors, the impact would be **potentially significant.**” And on page 3-237, “ ...it is anticipated that some use of heavy equipment within the buffers would be required to achieve the necessary soil compaction required to support the proposed building foundations (particularly for the Meeting Room Addition) and, therefore, that vibration levels at the Manor Building could still exceed the threshold for building damage at certain times. Knowing that there is a real possibility of damaging the historical Manor Building, why risk it?

Mitigation suggested is that the contractor try to limit the use of smaller heavy equipment and notify nearby residents within 14 days when vibrations will be heavier. What? This neither reduces the impact of vibration on the Manor

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Building or provides relief to residents who would have to leave their homes for extended periods to avoid physical and mental damage. This is unacceptable.

- Residents living in apartments 1101, 1202 and 1203 of the Manor Building will have the view from their apartment windows on the western manor wall almost entirely blocked by the new Meeting Room, during construction and forever afterward.

5. Impact of Construction Noise on Residents

The noise level is beyond the acceptable level, as noted in the DEIR report Table 4.5-6. Construction would generate noise levels of up to 95 decibels for the four west-facing units within the western wing of the Manor Building (apartments 1101, 1202 and 1203). Noise at 95 decibels is like that of hallway fire alarms and exceeds the FTA recommended construction noise criteria of 80 decibels! Such loud noise for many hours during the day over many months can cause physical and mental health issues, especially for an already vulnerable elderly population.

Even noise at 80 decibels is excessive for the elderly population of SRC. This is the FTA standard for highway construction, not for construction in very close proximity to residences. Why is this standard used and not the standard for sensitive construction in hospital zones and near senior facilities?

This noise is expected to continue during the estimated 24 months of construction. Even if this estimate is accurate, and such estimates are historically not even close, the toll of that noise level for that length of time, particularly for construction of proposed Building A and the meeting room, is intolerable.

The mitigation suggested that the noise will occur only only during day time, so it will be quiet during after work hours. This report does not consider that senior residents are home most of the day and need naps. Why was no study done on the physical and mental health impact of noise on our specific population? Once again, the DEIR seems to dismiss the very real impact this project would have on very real people.

6. Loss of Green Space and Outdoor Recreation Facilities

- The Odd Fellows Historical Park is the only large green space on the SRC campus. A large number of SRC residents (average age 85) have mobility issues requiring canes, walkers, wheelchairs, or motorized assistance to get around. For them and others with physical disabilities, this park is the only accessible outdoor recreation available. Mitigation suggested by the DEIR states that there are other paths and trails within a short driving distance, and even one trail accessible from SRC by a 300-ft path up a steep incline, but these are in no way accessible to residents whose disabilities prevent them from driving or using unpaved trails. To suggest that residents travel to find

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open, green space when there is no real reason to build over the Historical Park is not a reasonable alternative.

In addition to SRC residents, many neighbors visit the Historical Park regularly to walk their dogs or bicycle in the safe, quiet area. Removing the park means that everyone in the area would have to travel elsewhere to find a similar quiet green space.

- The current 90-foot, regulation size bocce ball court and other outdoor recreation facilities such as a putting green would be removed if Building A is constructed. The DEIR states that *smaller* replacements would be built in a tiny area west of Building A, and these smaller facilities would be enough for SRC residents and not impact most Saratoga residents

At present, more than 60 residents regularly play bocce ball here. Bocce ball is also a popular spectator sport for many more residents, especially those with limited mobility, for whom it is easily accessible by the paved paths through the Historic Park.

The “replacement” bocce ball court would be only 60 feet in length, 2/3 of regulation size. Some of the SRC teams compete with outside teams on regulation 90-foot courts. Losing our 90-foot court means that those residents would have to find another court, who knows where, to practice for competition. The proposed 60-foot “replacement” is unacceptable and indicates another example of the devaluation of the impact of this project on residents.

- The Historical Park contains over 100 trees, of which 65 are protected mature trees. All of them would be razed to allow for construction of proposed Building A and Meeting Room. Although many replacement trees will be planted elsewhere on campus, replacement trees cannot be compared with the current majestic, towering trees. The City Arborist determined that many trees are under stress after recent years of draught, but they are not near the point where they need to be removed.

The environmental impact of the trees on air quality is hardly evaluated in the DEIR, and the environmental impact of their aesthetic value is also lacking.

7. Traffic and Emergency Evacuation

- The estimated construction traffic and its analyses based on Table 4. 6-8 show the traffic impact to the neighborhood is substantial. No analysis was done on impact during the peak hours of school traffic or traffic during SRC staff shift changes.
- The receiving dock and loading zone areas remain unchanged and are already chaotic. Additional traffic from the nearby proposed Building A garage entrance, increased number of maintenance and delivery trucks, and Pavilion Circle traffic from the existing apartments would make this area constantly

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congested. DEIR mitigation is to schedule delivery trucks to avoid double parking and blocking traffic, but it is impractical to expect that to work, and who would enforce the schedule anyway? The only answer is to block construction of Building A.

- Increased traffic during and after construction make it unsafe for SRC seniors to walk or drive at particular intersections and garage exits. Suggested DEIR mitigation is to install new stop signs, but no study included the particular requirements of seniors with slow reaction time, impaired mobility, or poor eye sight and hearing.
- Closing streets for many months at a time means residents along those streets cannot get in and out of their own driveways or even park near their homes. The DEIR must address a plan for this, understanding that the residents are seniors and may have disabilities or mobility issues.
- There is no solid plan for emergency evacuation involving the large number of ambulances needed to evacuate the 60 plus skilled nursing patients. The proposed evacuation entrance along Chester Ave. is only for large fire trucks; not for private vehicles. All 200 plus Independent Living residents and 200 or so employees are expected to evacuate in their own cars using the one-lane Odd Fellows Lane. A realistic, usable plan needed beyond the scheduling and notification of construction traffic. The DEIR must include a realistic review of emergency evacuations and ideas for implementing a usable plan.

8. Impact of Health Center Renovations Omitted from DEIR

Project objective 4 is to “Provide upgrades to the existing Health Center, which would include converting existing semiprivate rooms to private rooms with private baths.” All alternative plans include some sort of renovation for the current Health Center, but the DEIR includes no indication that any study of the impact of these upgrades was done.

There are no references to the demolition and construction work that would proceed in stages, nor any references to the impact on the 50 to 60 vulnerable senior patients housed in the Health Center during this 2-year construction period (MFS-3 Direct or indirect Adverse Effects on Human Beings).

Additionally, there are no references to the noise, vibrations, dirt and dust, or displacement of senior patients to make way for demolition and construction, while raising significant hazards to their health. What are the mental and physical health impacts during months of being shut in a room with limited air flow and natural light? (HAZ-1, HAZ-5, LUP-1, NOI-1, NOI-2, POP-2, UTI-1, UTI-3, WF-3 and MFS-3)

The only alternative that avoids this problem is the Residents’ Alternative 1. The DEIR needs substantial revisions to recognize this issue.

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9. Air Pollution

The DEIR never addresses the cumulative air pollution effects on frail senior residents, who may have already asthma or breathing issues. Recently, during many months of balcony repair, many residents complained of breathing issues due to dust, diesel fumes, etc. All the administration did was to ask residents to purchase their own air purifiers. This project would be much longer and generate much more air pollution, and the EIR needs to address this particular population.

10. Incorrect Assessment of Public Benefits

- Alternative 2 offers no planned parking for the public when using the Meeting Room. Even at present, parking is difficult for the residents and visitors. The DEIR (2.3.3) states that parking will be available in the lower-level garage at Building B, but Building B and its underground garages are deleted in Alternative 2. Where are the additional parking spaces for the public use of the Meeting Room?
- The DEIR states (REC-2) that “a public trail connection along Odd Fellows Drive, connecting Fruitvale Avenue with the San Marcos Open Space, via Chester Avenue, Gypsy Hill Road, and Via De Marcos” must be created. This public trail is already documented and was approved by the City’s Pedestrian, Equestrian & Bicycle Trails (PEBTAC) Advisory committee in October 2020. The PRS proposal does not need to create this trail connection unless it is destroyed during construction. The above quotation shows that the EIR consultants did not look up the existing document and thereby drew false conclusions. The trails are already in existence without the proposal. It does not have any additional public benefit due to the Project. Please correct this statement.

Section 3 – Residents’ Direct Responses to the DEIR

The attached box includes over 300 individually signed SRC resident letter/email DEIR and Project responses. Although all of the responses are pertinent several of the more insightful ones are gathered and clipped together at the top of the stack.

Also, an estimate of over 100 letter/email responses by SRC residents were sent directly to Cynthia Richardson, City Project Planner.

The SRC residents have submitted a total of over 400 individually signed responses identifying problems with the flawed DEIR and with the Project itself.

Respectively submitted by

Tsing Bardin, Bob Berglund, Dick DuBridge, Michael Griffin, Don Schmidek, Tony Vandersteen and Colin Whitby-Stevens

On behalf of the 184 Preserve SRC Campus Interest Group members

Rawnsley, Emma

From: Cynthia Richardson <crichardson@saratoga.ca.us>
Sent: Thursday, August 24, 2023 10:27 AM
To: Rawnsley, Emma
Subject: FW: SCVAS comments on the Saratoga Retirement Community DEIR
Attachments: 20230821_ SCVAS COMMENTS_ Saratoga Retirement Community.pdf

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Report Suspicious

Cynthia Richardson | Project Planner

City of Saratoga | Community Development Department
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crichardson@saratoga.ca.us | www.saratoga.ca.us
Office Hours Mondays and Thursdays

From: Shani Kleinhaus <shani@scvas.org>
Sent: Monday, August 21, 2023 3:18 PM
To: Cynthia Richardson <crichardson@saratoga.ca.us>
Subject: SCVAS comments on the Saratoga Retirement Community DEIR

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Dear Ms. Richardson,

The Santa Clara Valley Audubon Society (SCVAS) is one of the largest National Audubon Society chapters in California. Our mission is to promote the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation. We submit the attached comment letter on the Draft Environmental Impact Report (DEIR) for the Saratoga Retirement Community Master Plan Update.

Thank you,

Shani Kleinhaus, Ph.D.,
Environmental Advocate
Santa Clara Valley Audubon Society
22221 McClellan Rd.
Cupertino, CA 95014
advocate@scvas.org



August 21, 2023

To:
Cynthia Richardson, Project Planner
City of Saratoga
Via email to: crichardson@saratoga.ca.us

Re: Draft EIR for Saratoga Retirement Community Master Plan Update (SCH# 2021110366)

1.1 The Santa Clara Valley Audubon Society (SCVAS) is one of the largest National Audubon Society chapters in California. Our mission is to promote the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation. We submit this comment letter on the Draft Environmental Impact Report (DEIR) for the Saratoga Retirement Community Master Plan Update.

The Saratoga Retirement Community Master Plan Update (Project) seeks the City of Saratoga's approval to construct three new residential buildings, a new meeting room addition to the existing Manor building, and an expansion to the existing fitness center. The majority of trees within and around the proposed building footprints (approximately 124 in total) would be removed including 65 trees that are protected under the City's Tree Protection Ordinance.

1.2 1. Bird collisions with glass
Bird populations are declining in North America¹. While there are multiple drivers to this decline, collision with glass is considered one of the primary causes of migratory bird mortality. In North America, it is estimated that hundreds of millions of birds die each year as a result of striking glass walls, doors and windows².

The American Bird Conservancy (ABC) website is a resource to learn about the devastating impacts of bird collisions and to find solutions to incorporate into architectural designs. Recently, ABC updated their

1 Three billion North American birds have vanished since 1970, surveys show: Even common birds are in steep decline, spurring hunt for causes
<https://www.science.org/content/article/three-billion-north-american-birds-have-vanished-1970-surveys-show>

2 Bird-building collisions in the United States: Estimates of annual mortality and species vulnerability
<https://academic.oup.com/condor/article/116/1/8/5153098>

1.2

Cont.

website with new recommendations for Bird Friendly Building Design³ and a clarifying document that establishes what qualifies as Bird Friendly Glass. ABC provides primary elements of bird safe building design. In addition, ABC provides a Products and Solutions Database⁴ to evaluate bird safety glazing treatments.

1.3

2. Artificial light at night

The DEIR analyzes the impacts of lighting as an impact to Aesthetics, and finds the direct project impacts and cumulative impacts of light and glare (Impacts AES-4 and C-AES-4 respectively) to be less than significant, with no mitigation required. This finding is based on existing ambient lighting, and compliance with city code which requires that 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. These requirements help reduce impacts of lighting on aesthetic resources and the dark sky, but additional mitigation is needed to reduce impacts to environmental and human health.

Evidence that Artificial Light At Night (ALAN) causes pervasive harm to human health, our ecosystems and our planet is both substantial and well established⁵. Most birds migrate at night and nocturnally migrating birds are attracted to lighting and suffer changes to migration pattern and higher vulnerability to collision with buildings and other structures⁶. Outdoor lighting has also been implicated in adverse impacts to teen mental health⁷ and to human physical health, including thyroid cancer and sleeping disorders⁸.

1.4

3. Suggested mitigations to reduce the biological impacts of light and glazing

We recommend adding the following mitigations to reduce the impacts of the most harmful aspects of lighting (brightness, color temperatures that include a peak in the blue part of the spectrum) and to reduce the toll of bird collisions. These mitigations are based on the International Dark Sky Association guidelines and policies that focus on Principles for Responsible Outdoor Lighting, and from recommendations by the Audubon Society and the American Bird Conservancy:

- a. The correlated color temperature of lighting should not exceed 2700K. Where light with a larger fractional emission of short wavelengths is needed, , it should be carefully controlled through stringent application of the other Lighting Principles, such as lower intensity and reduced operation time.
- b. All lighting fixtures should be fully shielded, and the use of up-lighting should be prohibited.
- c. Over-lighting relative to task-related needs should be prevented by maintaining illuminances as close

³ <https://abcbirds.org/glass-collisions/model-ordinance/> and <https://abcbirds.org/glasscollisions/resources/>

⁴ <https://abcbirds.org/glass-collisions/products-database/>

⁵ IDA State of the Science reports, 2022 and 2023

<https://www.darksky.org/wp-content/uploads/2022/06/IDA-State-of-the-Science-2022-EN.pdf>
and <https://darksky.org/news/artificial-light-at-night-state-of-the-science-2023-report>

⁶ <https://www.nytimes.com/2021/04/10/us/bird-migration-lights-out.html> and
<https://www.audubon.org/conservation/project/lights-out>

⁷ Outdoor Light Linked with Teens' Sleep and Mental Health

<https://www.nimh.nih.gov/news/science-news/2020/outdoor-light-linked-with-teens-sleep-and-mental-health>

⁸ Associations between artificial light at night and risk for thyroid cancer: A large US cohort study
<https://acsjournals.onlinelibrary.wiley.com/doi/abs/10.1002/cncr.33392> and

Light Pollution Is Getting Worse Every Year. That's Bad For Your Health
<https://time.com/5033099/light-pollution-health/>.

1.4

Cont.

as possible to the minimum levels.

d. All outdoor lighting fixtures should be capable of accepting 7-pin controls that can enable use of dimmers, timers, motion sensors, and networking. Lighting should be actively controlled through means such as dimmers and motion-sensing switches so as to reduce illuminances or extinguish lighting altogether when the light is not needed.

e. All glazed surfaces on buildings and other structures should utilize a bird safety measures product with a threat factor rating of no more than 20, as rated by the American Bird Conservancy (referenced in footnote 4 above).

f. All windows should have blinds or curtains.

e. Avoid highly reflective glazing and highly transparent, see-through glass and other hazardous architectural elements that are known to be extremely hazardous to birds in flight.

1.5

4. Removal of oaks

The DEIR identifies Impact MFS-1: Effects to Wildlife or Plant Species or Important Examples of California History or Prehistory as potentially significant. The DEIR suggests that Implementation of MM-BIO-1 and MM-BIO-4 would reduce potential impacts on wildlife and plants to less than significant with mitigation. We disagree because these mitigations do not address the loss of habitat for these species.

The Project seeks permission to remove the majority of trees within and around the proposed building footprints (approximately 124 in total), 65 of which are protected trees under the City's Tree Protection Ordinance (Saratoga Municipal Code Section 15-50). Three protected trees are proposed to be relocated, including a Valley oak and two Coast redwoods. The loss of these trees will impact the many avian species that inhabit the Project area (37 species were identified by local birders and submitted in the Scoping comments). Moreover, the loss of a majestic cork oak, with a diameter of 56 inches, cannot be mitigated. This oak is identified in the Arborist Report⁹ in Table 1 (Tree Count and Composition) as tree number 136. This Cork oak tree is home to a community of Acorn Woodpeckers. In their scoping comments, residents highlighted the importance of this specific tree, stating *"One particular protected tree slated for removal to make way for a new driveway is a very old cork oak (Quercus suber). This huge tree (trunk diameter 56") is the nesting place for a large number of woodpeckers, who drill into the soft cork bark to store hundreds of acorns each winter. This natural resource simply cannot be restored if the tree is removed."*

Table 2 in the same Arborist Report erroneously identifies tree #136 as a Coast live oak which is slated for removal.

Table 3 and the map (Figure 2) provide additional information, showing that this tree is not in the footprint of any of the proposed buildings, but stands in the way of a grading, a walkway, and a bioswale.

The statement, *"This natural resource simply cannot be restored if the tree is removed"* accurately describes a significant, unavoidable impact to biological resources, to aesthetic resources, and to the community.

⁹Arborist report:

<https://files.ceqanet.opr.ca.gov/274314-2/attachment/k4UQMCL3EJf2rIEuDdKDMg8vf-2Yo-duW4MXikSMC0IH HIBPKbraGZmJYxwF-nYcxeauXJfQVvCeotWf0>

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Birds¹⁰ and nature¹¹ in our midst contribute to happiness and well being, as well as improved physical and mental health and cognition - all important to residents of retirement homes. It is therefore important to keep birds and nature in this retirement community - especially birds. The Acorn Woodpecker is an iconic species - large, beautiful, vocal, and easy to observe¹².

Acorn Woodpeckers are unusual birds with such complicated social behavior that they have given rise to one of the longest-running behavioral studies of birds. They live in family groups of up to a dozen or more individuals, and they cooperate in raising young and in gathering, storing, and guarding food. They store their acorns and nuts in granaries - trees with sets of individually excavated holes to store acorns in. The cork oak provides a community of acorn woodpeckers with a nesting site and a large granary in its trunk and branches.

Figure 1: Cork oak #136.

Photos from the arborist report (left) and from public scoping comments (right).



The oaks of the Saratoga Retirement Community provide ample acorns for the woodpeckers, and the Cork oak provides them with a place to nest and to store their acorns for the whole year. Removal of 16 Coast live oaks (*Quercus agrifolia*), and 3 valley oaks (*Quercus lobata*) will impact the Acorn Woodpecker community by reducing acorn availability. Removal of the cork oak will evict them for good and in that, eliminate a natural wonder that is irreplaceable. We believe that harm to this tree imposes a significant, unmitigable aesthetic and biological impact. Furthermore, Section § 3503 of the Fish and

¹⁰ Feeling Chirpy: Being Around Birds Is Linked to Lasting Mental Health Benefits
<https://neurosciencenews.com/birds-mental-health-21749/>

¹¹ Associations between Nature Exposure and Health: A Review of the Evidence
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8125471/>

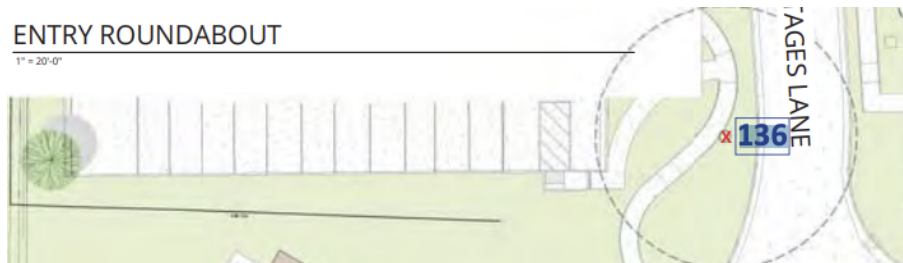
¹² https://www.allaboutbirds.org/guide/Acorn_Woodpecker/lifehistory

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Cont.

Wildlife code prohibits the destruction of nests, and does not limit this law to the nesting season or to the time birds are actively raising their young. In this case, mitigation that focuses on the nesting season yet allows the removal of the tree when the birds are not actively nesting will not reduce the impact to less than significant. This is because the acorn woodpeckers use the same nest year after year, and they depend on the Cork oak year-round. The removal of this tree requires a consultation with the California Department of Fish and Wildlife.

We believe that the removal of the Cork oak (tree #136) is unnecessary, unjustified, and should and can be avoided. This oak is not located within the footprint of a building (Figure 2). The city can require adjustments to the street, allow fewer parking stalls, and change the walkway layout in a way that will save the tree, and allow people and acorn woodpeckers to continue enjoying it. Keeping this tree on the tree-removal list means that Impact MFS-1 remains significant and unavoidable.

Figure 2:
Location of Tree #136



Saratoga Tree Protection measures must be implemented during construction (Figure 3).

In the long term, an area which is half again as large as the area from the trunk to the dripline of the oak must be set aside and maintained for the protection of the tree's health. The tree may require some additional support as well, since the arborist report found it in a medium state of health.

Figure 3:

❖ Saratoga City Code: <http://library.municode.com/index.aspx?clientId=16616> The Tree Regulations are Article 15-50. TREE PROTECTION ZONE

THE TREE PROTECTION ZONE

The tree protection zone is the distance from the trunk to a point that is five feet beyond the canopy dripline of a tree protected by City Code.



1.6

5. Tree removal, tree replacement and landscaping

The EIR provides Objective 11 “Maintain a high level of landscape design, amenities, and plant materials on the campus.” The DEIR states, “the proposed Project would include 240 replacement trees, which would be planted around the new buildings. The new trees would be a mixture of small, medium, and large evergreen and broad leaf deciduous trees, as well as palm and palmetto trees”. The project plans¹³ stipulate: , “Landscape Design. The objective of the landscape design and plantings for this project is to create a lush and colorful year-round visual setting of seasonal color and change. The landscape will add visual diversity but will also soften the building mass with ample foundation plantings. Intimate seating

¹³ <https://www.saratoga.ca.us/DocumentCenter/View/3296/SRC-Key-Plans-and-Drawings> (viewed on August 20, 2023)

1.6
Cont. areas along paths have been created for passive activities. Active recreation has been addressed with a Bocce court and putting green.” The DEIR and the plan set, however, provide no information regarding the plant palette. The plant palette should include native plants with high habitat value to local wildlife. This will provide not only color and year-round interest, but interactions with birds, butterflies, and other pollinators which will enhance the social, physical and mental health of the residents.

The Project proposed removal of so many trees, especially Coast Live oak and Valley Oak trees, and the removal of the cork oak tree is inconsistent with the City of Saratoga’s Open Space and Conservation Element policies OSC 11.5: Mature vegetation shall be preserved wherever possible and OSC 12.1: Development Projects **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. These policies allow some removal of oak trees, but strives to minimize such an outcome. The alternative that was originally proposed by the residents of the Retirement Community will accomplish these policies by substantially reducing the number of trees that the Project seeks to remove, and should be selected as the second-least impactful project alternative (note that we believe that the DEIR Alternative 1 misrepresents the community’s proposed alternative).

We believe that the only way to mitigate the potentially significant impacts of Impact MFS-1: Effects to Wildlife or Plant Species” is to 1) Preserve the cork oak tree; 2) Preserve as many additional oak trees as possible; and 3) create habitat by using a planting palette that comprises local California Native trees and shrubs of high local habitat value. The region is blessed with a wide variety of locally native plants that can provide shade and beauty and at the same time support our native fauna and flora, especially local birds and pollinators.

Preserving the Cork oak tree (and as many additional oak trees as possible) and planting local California native plant material is the best way to achieve Objective 11 and mitigate the impacts related to loss of trees and habitat. Please invite local nature into the campus and plant only California native vegetation. Palmettos belong in Florida.

1.7 6. Alternative analysis
SCVAS is interested primarily in the number and species composition of the trees that will be retained, or removed, under the proposed alternatives. We believe that the impacts to plant and wildlife species remain significant and unavoidable due to loss of habitat, and so the analysis of impact to trees is important to us, and important to fulfill CEQA requirement of providing information to the public and to decision makers. We would like to see an analysis that includes the number and species composition of the trees that will be retained, or removed, for each project alternative. In addition, we would like to see proposed and analyze a new alternative (Tree retention Alternative) that retains the cork oak, and many of the oaks that are currently slated for removal.

1.8 7. Recirculation needed

1.8
Cont.

The Saratoga Retirement Community Master Plan Update provides only high level analysis to many of the issues of interest to SCVAS. As a Project level DEIR, with no subsequent public review expected, the document is inadequate. The public should have clarity on many of the issues we raised in this letter:

- Standards and guidelines for bird safe design,
- outdoor lighting,
- tree replacement and
- plant palette selection,
- landscaping and more.

The project plans and the DEIR provide only general statements and general reference to city documents and project intent, but with no discernable detail. We believe that the DEIR must be amended to include the above mentioned Standards and Guidelines, a plant palette and tree replacement selections, and an alternative that minimizes the removal of trees. When these elements are available, the DEIR should be recirculated to allow the public the opportunity to comment on the entire project.

Thank you for providing us with the opportunity to provide comments. If you have questions, please contact advocate@scvas.org.

Respectfully,

Shani Kleinhaus, Ph.D.,
Environmental Advocate
Santa Clara Valley Audubon Society
22221 McClellan Rd.
Cupertino, CA 95014
advocate@scvas.org

Rawnsley, Emma

From: Cynthia Richardson <crichardson@saratoga.ca.us>
Sent: Thursday, August 17, 2023 12:12 PM
To: Rawnsley, Emma
Subject: FW: Comment Letter on Draft EIR
Attachments: Comment Letter on draft EIR 8.15.23(148450210.1)-C.pdf

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Cynthia Richardson | Project Planner

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From: Prince, Leigh F. <LPrince@foxrothschild.com>
Sent: Thursday, August 17, 2023 11:52 AM
To: Cynthia Richardson <crichardson@saratoga.ca.us>
Cc: brian@mcmoredevelopment.com; sstel@retirement.org; Chris W. Dalengas <ChrisD@ankrommoisan.com>; Joe Tucker <JoeT@ankrommoisan.com>; Bryan Swanson <bswanson@saratoga.ca.us>
Subject: Comment Letter on Draft EIR

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Hi Cynthia,

Attached please find the comment letter on the Draft EIR for the Saratoga Retirement Community Project. Please do not hesitate to reach out if you have any questions.

Best Regards,
Leigh

Leigh Prince | Partner | Fox Rothschild LLP

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August 15, 2023

VIA EMAIL: CRICHARDSON@SARATOGA.CA.US

Cynthia Richardson
Project Planner
City of Saratoga
13777 Fruitvale Avenue
Saratoga, CA 95070

Re: Saratoga Retirement Community Project Draft EIR Comment Letter

Dear Cynthia:

2.1 Thank you for the opportunity to provide comments on the City of Saratoga's Draft Environmental Impact Report ("Draft EIR") for the Saratoga Retirement Community Project ("Project") located at 14500 Fruitvale Avenue. This letter is written on behalf of the Saratoga Retirement Community owned by the Independent Order of Odd Fellows and Rebehaks and operated by Pacific Retirement Services (collectively "SRC").

SRC has a long history of serving others. SRC has been serving seniors in Saratoga since 1912. Starting in 1999 and completing in 2003 (approx. 20+ years ago), SRC expanded the campus, including the complete renovation of the Manor building, the addition of apartment homes and cottages, and the construction of amenities, including but not limited to, the fitness center, pool and bocce ball court. This Project, similar to the last renovation, is intended to make changes to the campus (e.g., single occupancy rooms, more independent living units, expanded fitness center) that will allow SRC to continue serving seniors in Saratoga into the future.

2.2 These comments on behalf of SRC on the Draft EIR are focused on the alternatives analysis. The California Environmental Quality Act ("CEQA") requires alternatives to meet the basic project objectives and to be potentially feasible. 14 Cal. Code Regs. Section 15126.6(a) and (c). Feasible is defined in Public Resources Code Section 21061.1 as "capable of being accomplished in a successful manner within a reasonable period of

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time, taking into account economic, environmental, social and technological factors.” Feasible also includes legally feasible. 14 Cal. Code Regs. Section 15364. The details of Alternative 2, the Reduced Development Alternative, reveal that this alternative does not meet the basic project objectives of responding to the changing needs of seniors, providing 52 new independent living units and generating an additional income stream from the new independent living units to financially support the campus. The Reduced Development Alternative is also neither socially nor legally feasible.

For the new independent living units to meet the needs of the changing senior housing market and be attractive to seniors in the Saratoga community, the new independent living units need to be larger units. The Project proposes larger units meeting this need. However, to meet the project objective of 52 new independent living units, the Reduced Development Alternative suggests developing smaller units. Smaller units do not meet the objective of responding to changing needs in the senior housing market. Failing to meet the changing needs of the senior housing market will result in a reduced income stream, which also does not meet the project objective to generate additional income to help the campus maintain a strong financial position. Finally, this alternative essentially results in a 20 percent smaller project with 42 units (10 fewer units) and therefore does not meet the basic project objective to produce 52 more independent living units. For the same reasons the Reduced Project Alternative does not meet the project objectives, it is also not feasible.

The Reduced Development Alternative also proposes parking modifications that make the alternative legally (and practically) infeasible. To locate adequate parking on-site, as required by code, the Reduced Development Alternative requires the use of parking stackers. The use of stackers for a senior community is neither industry standard nor reasonable as seniors tend to have issues using parking stackers/lifts. Because without stackers this alternative would not be legally compliant with the city’s parking requirements, it is not feasible.

The Draft EIR includes a reasonable range of alternatives without the Reduced Development Alternative, and this alternative is not legally required for CEQA compliance. 14 Cal. Code Regs. Section 15126.6(a). As discussed above, the Reduced Development Alternative does not meet basic project objectives and is both socially and legally infeasible. Such an alternative may be excluded from the EIR as it does not meet the threshold test for suitability. 14 Cal. Code Regs. Section 15126.6(c). Therefore, the Final EIR should reject this Reduced Development Alternative. Then, Alternative 3, the

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Applicant’s Alternative, which reduces the significant historical impact, meets the project objectives and is feasible should be deemed the environmentally superior alternative.

Approval of the Applicant’s Alternative would allow SRC to continue serving seniors in Saratoga whose needs have changed in the approximately 20+ years since the last renovation. The Applicant’s Alternative would reduce all the impacts to less than significant with mitigation. The Draft EIR shows that even those issues (e.g., trees, construction noise, emergency access) that some SRC residents are concerned about are mitigated to a less than significant level with the Applicant’s Alternative.

2.4 Notwithstanding, SRC is committed to working to address certain Project details, such as providing a new location for a full-size bocce ball court, prior to approval of the Applicant's Alternative.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leigh F. Prince", with a long horizontal flourish extending to the right.

Leigh F. Prince

cc: Chris Dalengas
Brian McLemore
Sarah Stel