Draft Environmental Impact Report – For Public Review

House Family Vineyards

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AECOM

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Acronyms and Abbreviations

°F	degrees Fahrenheit
1,1,1-TCA	1,1,1-trichloroethane
1,1-DCA	1,1-dichloroethane
1,1-DCE	1,1-dichloroethene
1,2-DCE	1,2-dichloroethene
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act
AEP	annual exceedance probability
B.P.	Before Present
BAAQMD	Bay Area Air Quality Management District
Bay Area Clean Air Plan	Bay Area Clean Air Plan: Spare the Air, Cool the Climate
bgs	below ground surface
BMP	best management practices
Btu	British thermal units
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CalGreen	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDOF	California Department of Finance
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
CH_4	Methane
CHRIS	California Historical Resources Information System
City	City of Saratoga
City Engineer	City Engineer in the Public Works Department
CNDDB	California Natural Diversity Data Base
CNEL	community noise equivalent level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalents
Construction General Permit	National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities
CRHR	California Register of Historical Resources

CUP	conditional use permit
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
CWC	California Water Code
dB	decibels
dBA	A-weighted dB
dBA/DD	A-weighted decibel per doubling of distance
DDT	dichlorodiphenyltrichloroethane
Developer	Mercy Housing California and Abode Communities
DOF	Department of Finance
DTSC	Department of Toxic Substances Control
DWR	California Department of Water Resources
EIR	environmental impact report
ESA	Federal Endangered Species Act of 1973
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FR	Federal Register
FTA	Federal Transit Administration
g	gravity
GHG	greenhouse gas
GSAs	groundwater sustainability agencies
GSP	groundwater sustainability plan
HI	hazard index
HP	horsepower
HSC	Health and Safety Code
Hz	Hertz
I-	Interstate
IFC	International Fire Code
in/sec	inches per second
iPAC	Information for Planning and Consulting
ITE	Institute of Transportation Engineers
LCFS	low carbon fuel standard
L_{dn}	day-night noise level
L_{eq}	equivalent noise level
LID	low impact development
L_{max}	maximum noise level
L_{min}	minimum noise level
L_n	statistical descriptor
LOS	level of service
LTS	less than significant impact
LTSM	less than significant impact with mitigation
MBTA	Migratory Bird Treaty Act of 1918
mgd	million gallons per day
MMBtu	Million British thermal units
MMT	million metric tons
mph	miles per hour
MS4 Permit	municipal separate storm sewer systems
MT	metric tons
MTC	Metropolitan Transportation Commission

N_2O	Nitrous Oxide
NAAQS	National Air Quality Ambient Standards
NAHC	Native American Heritage Commission
NEHRP	National Earthquake Hazards Reduction Program
NEHRPA	National Earthquake Hazards Reduction Program Act
NHTSA	National Highway Traffic Safety Agency
NI	no impact
NO	nitric oxide
NO_2	nitrogen dioxide
NOI	Notice of Intent
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	Ozone
OES	Office of Emergency Services
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PCBs	polychlorinated biphenyls
PDA	priority development area
PG&E	Pacific Gas & Electric Company
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
PM_{10}	particulate matter less than 10 microns in diameter
PPV	peak particle velocity
PRC	Public Resources Code
PS	potentially significant impact
RCRA	Resource Conservation and Recovery Act of 1976
RHNA	Regional Housing Needs Allocation
RMS	root-mean-square
ROGs	Reactive organic gases
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel Efficient
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SGMA	Sustainable Groundwater Management Act
SMAQMD	Sacramento Metropolitan Air Quality Management District
SO_2	sulfur dioxide
SOI	Secretary of the Interior
SO_X	oxides of sulfur
SU	significant and unavoidable impact
SV 2.0	Silicon Valley 2.0
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TDM	transportation demand management
the proposed project	House Family Vineyards Project
TMDLs	total maximum daily loads

tpd	tons per day
UBC	Uniform Building Code
UCMP	University of California, Berkeley Museum of Paleontology
U.S.	United States
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UWMP	urban water management plan
VdB	vibration decibels
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority
WDR	waste discharge reports
WSA	Water Supply Assessment
$\mu g/m^3$	micrograms per cubic meter

EXECUTIVE SUMMARY

This Environmental Impact Report is an informational document prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq., that is intended to disclose to the public and decision-makers the environmental consequences of the proposed House Family Vineyards Project (the Project), proposed by Old Oak Vineyards, dba House Family Vineyards (the applicant). This report is prepared for the Lead Agency under CEQA, the City of Saratoga (City).

This executive summary highlights the major areas of importance in the environmental analysis for the Project, as required by Title 14, California Code of Regulations (CCR), Section 15123 of the CEQA Guidelines (CEQA Guidelines). This executive summary includes (1) a summary description of the proposed project, (2) a synopsis of environmental impacts and recommended mitigation measures (Table ES-1), a summary description of cumulative impacts (Table ES-1), (3) identification of the alternatives evaluated, and (4) a discussion of the areas of controversy associated with the project.

SUMMARY OF THE PROPOSED PROJECT

Project Location and Setting

The property is situated on the eastern foothills of Monte Bello Ridge along the Santa Cruz Mountains in the northwest portion of the City of Saratoga. The property is bounded by single-family residences to the north, east, and south and Cooper-Garrod Vineyards to the west. The project site comprises 23 acres of the overall 48-acre property and consists of two adjacent parcels, 13-acre Parcel A (APN 503-15-081) and 10.3-acre Parcel B (APNs 503-15-082 and 503-15-083) at the terminus of Old Oak Way.

Project Description

House Family Vineyards (applicant) is requesting a conditional use permit (CUP) to operate a winery at their property located at the end of Old Oak Way. The proposed project also consists of the construction of a new subterranean wine cave and secondary access road, and modifications to an existing dirt road to make it a fire access road and an existing tasting deck (i.e., tasting deck, restrooms and office), as well as an open space easement exchange. The proposed winery operations include public wine tastings (no appointment needed) and private wine tasting and events (by appointment only).

In addition to the conditional use permit for the winery operations, the proposed project would require a tree removal permit, as well as geotechnical clearance and building permits for the subterranean wine cave and building permit for the tasting deck.

Project Objectives

The objectives of the proposed project are to:

1. Obtain permits to modify existing structures and facilities to comply with City zoning regulations and building codes and obtain a CUP for winery operations at the project site and host public and private wine tastings as well as private events.
2. Operate winery operations with public and private tastings, and private special events of various sizes at the project site.
3. Operate the winery with minimal disturbances to neighbors and its natural setting.
4. Provide a place where guests can enjoy the natural setting and views of the City.
5. Construct a subterranean wine cave to store wine at the project site.
6. Exchange 6,050 square feet of open space where the tasting deck and open seating area were constructed within the open space easement, for a new of 15,129 square foot open space easement adjacent to the existing open space easement. In addition, a vineyard of 11,244 square feet that was installed within the existing open space easement would be removed and replaced with native vegetation.
7. Support the City's economic goals and opportunities by expanding visitor destination venues within the City.

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table ES-1 summarizes all of the impacts of the proposed project, identifies the significance determination of each impact, and presents the full text of the recommended mitigation measures for each impact. A complete discussion of impacts and associated mitigation measures is presented in Section 4, "Environmental Setting and Impact Assessment," of this EIR.

SUMMARY OF PROJECT ALTERNATIVES

The alternatives discussion of this EIR was prepared in accordance with Section 15126(d) of the CEQA Guidelines and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the Project while feasibly attaining most of the basic objectives. The following discussion summarizes the alternatives evaluated in this EIR. See Chapter 4, "Alternatives," for additional detail.

- **No Project Alternative:** CEQA Guidelines Section 15126.6(e) requires that an EIR analyze a "No Project" alternative. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The No Project Alternative reflects the conditions that would reasonably be expected to occur in the foreseeable future if the project were not approved (CEQA Guidelines Section 15126.6(e)). Under the No Project Alternative, the City would require the removal of the tasting deck, adjacent building, vineyard and all other unpermitted structures and require the grade behind the tasting deck to be restored to the original grade.

- Alternative 1 – No Events Alternative: Alternative 1 eliminate all private special events. No events such as birthdays, graduations, anniversaries, weddings, and charity events would occur.
- Alternative 2 – Reduced Events Alternative: Alternative 2 would eliminate all medium and large sized events. Small events would still be permitted.
- Alternative 3 – Shuttle Services with No Guest Vehicles Onsite for Events: Alternative 3 would require all guests to be shuttled to the project site during private events.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that, among the alternatives, an "environmentally superior" alternative be selected and that the reasons for such selection be disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts.

For the purposes of this EIR, the No Project Alternative is environmentally superior, because it would have reduced impacts compared to the proposed project with regard to the greatest number of environmental impact areas and would avoid the project's significant and unavoidable Vehicle Miles Traveled impacts. When the No Project Alternative is the environmentally superior alternative, CEQA requires that an additional alternative be identified.

In this case, the next environmentally superior alternative would be Alternative 1, No Events Alternative because it would remove all of the project's operational impacts related to private special events, and would have the greatest reduction in noise, VMT, and GHG impacts compared to the proposed project.

AREAS OF CONTROVERSY

Section 15213 of the CEQA Guidelines requires that the lead agency identify areas of controversy and issues to be resolved, including issues raised by other agencies and the public. The Notice of Preparation (NOP) and comments received in response to the NOP are included in Appendix A and are discussed in Section 1.2.1, "Notice of Preparation and Scoping Meeting" of this Draft EIR.

The following issues were raised through scoping and comments on the NOP that could be considered controversial:

- Traffic
- Noise
- Emergency evacuation
- Wildfire hazards
- Aesthetics
- Pedestrian and bicycle safety
- Commercializing a hillside community

ISSUES TO BE RESOLVED

The State CEQA Guidelines require that an EIR present issues to be resolved by the lead agency. These issues include the choice among alternatives and whether or how potentially significant impacts can be mitigated. The major issues to be resolved by the City regarding the project are:

- whether the recommended mitigation measures should be adopted or modified;
- whether there are any additional mitigation measures that should be applied to the proposed project; and
- whether the proposed project, a project alternative, or no project should be approved.

Table ES-1 Summary of Impacts and Mitigation Measures

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 Conditions at time of NOP (2022) and #2 Conditions prior to Unpermitted Activities (2013)	**Impact AES-1: Scenic Vistas** The proposed project would have less than significant impacts on a scenic vista under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AES-2: Scenic Resources** The proposed project would have no impact to scenic resources under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AES-3: Scenic Quality** The proposed project would have less than significant impacts on scenic quality and would not conflict with any applicable zoning and other regulations under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AES-4: Light and Glare** The proposed project would have less than significant impacts and would not create a new source of substantial light or glare under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of State-wide Importance (Farmland)** The proposed project would have no impact to any Farmlands under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AG-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract** The proposed project would have less than significant impacts to existing zoning for agricultural use or a Williamson Act contract under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impacts AG-3 and AG-4: Conflict with existing zoning for, or cause rezoning of, forest land or timberland; or result in the loss of forest land** The proposed project would have no impacts to existing zoning, nor would it cause rezoning of forest or timberland for both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022) and #2 (2013)	**Impact AG-5: Other changes that could result in conversion of Farmland or conversion of forest land** The proposed project would have less than significant impacts as it would require conversion of only a minimal amount of Farmland under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AIR-1: Conflict with Applicable Air Quality Plan** The proposed project would have a less than significant impact and would not conflict with or obstruct implementation of applicable air quality plans under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AIR-2: Net Increase in Criteria Pollutants** The proposed project would be potentially significant as it would result in net increase in criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard. However, with the implementation of MM-AIR-1 detailed below, the impact would be reduced to less than significant under both scenarios. ***Mitigation Measure MM-AIR-1: Implement Fugitive Dust Reduction Measures During Construction*** *The construction contractor shall comply with the following Bay Area Air Quality Management District (BAAQMD) BMPs for reducing construction emissions of uncontrolled fugitive dust (PM10 and PM2.5):* • *All exposed surfaces (e.g., parking areas, staging areas, soil piles, stockpiles, graded areas, and unpaved access roads) shall be watered twice daily, or as often as needed, treated with non-toxic soil stabilizers, or covered to control dust emissions. Watering should be sufficient to prevent airborne dust from the leaving the site.* • *All haul trucks transporting soil, sand, or other loose material off site shall be covered.* • *All visible mud or dirt track-out onto adjacent public roads and paved access roads shall be removed using wet power (with reclaimed water, if possible) vacuum street sweepers at least once per day, or as often as needed. The use of dry power sweeping is prohibited.* • *All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.* • *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.* • *Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 13 CCR Section 2485). Clear signage shall be provided for construction workers at all access points.* • *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.* • *A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number also shall be visible to ensure compliance with applicable regulations.* • *The City of Saratoga project manager or his/her designee shall verify compliance that these measures have been implemented during normal construction site inspections.*	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022) and #2 (2013)	**Impact AIR-3: Exposure of Sensitive Receptors** The proposed project would result in less than significant impacts with regards to exposure of sensitive receptors to substantial pollutant concentrations under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact AIR-4: Other Emissions Including those leading to Odors** The proposed project would result in less than significant impacts to other emissions (such as those leading to odors) and would not adversely affect a substantial number of people under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022)	**Impact BIO-1: Impacts to Candidate, Sensitive, or Special Status Species** The proposed project could have a potentially significant impact to species identified as a candidate, sensitive, or special-status species under this scenario. With the implementation of mitigation measures MM-BIO-1 through MM-BIO-8 below, the impact would be reduced to less than significant. ***Mitigation Measure MM-BIO-1: Pre-construction Botanical Survey*** *A qualified botanist (retained by the project applicant or their contractor) shall conduct a focused preconstruction survey for western leatherwood during the blooming period (January-March) for the species prior to any construction or ground-disturbing activities associated with the project.* *If the species is not identified within the limits of construction, the applicant shall submit the botanist's survey results to the City at least 10 days prior to construction or ground-disturbing activities and no further mitigation is required.* *In the event that the species is identified within the limits of construction, the applicant shall submit the botanist's survey results to the City at least 10 days prior to beginning any construction or ground-disturbing activities and all recommendations in the botanists survey and report shall be implemented. The qualified botanist shall establish and clearly mark a five-foot buffer around each plant(s) using environmentally sensitive area (ESA) fencing prior to the start of construction. Within the buffer(s), no vegetation removal, ground disturbance, or project construction activity (including the use of machinery or vehicles) shall be allowed.* *In either event, pre-construction surveys should be undertaken within two years of submittal to the City.* *If activities within the buffer(s) or other impacts to the plant(s) cannot be avoided, then the project applicant shall contact CDFW to obtain guidance on a possible relocation of the plant(s) and measures to maintain the plant(s) survival. Potential relocation of the plant(s) to avoid impacts would depend on several factors, including the health, size and root system of the plant(s).* *If relocation can be performed in accordance with CDFW guidance, then the qualified botanist shall oversee any such relocation activities and shall submit a memorandum to the City documenting that the relocation followed the CDFW guidance at least 10 days prior to commencement of any construction or ground-disturbing activities within the five-foot buffer.* *If relocation cannot be performed in accordance with CDFW guidance, then plants shall be protected in place until alternative avoidance and/or mitigation measures are agreed with CDFW and the City.* ***MM-BIO-2: Pre-construction/Pre-disturbance Surveys for Nesting Birds*** *To the extent practicable, construction activities and any tree trimming/removal shall be performed from September 16 through February 15 to avoid the general nesting period for birds. If construction or tree trimming/removal cannot be performed during this period, nesting bird surveys and active nest buffers (as deemed necessary by a qualified biologist) shall be implemented as follows:* • *Nesting Bird Surveys: If project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a*	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance

qualified biologist shall conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area shall be determined by the qualified biologist but should be at least: i) 50 feet for passerines and ii) 300 feet for raptors. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times, as determined by the qualified biologist.

- *Active Nest Buffers: If the qualified biologist documents active nests within the survey area, an appropriate buffer between the nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and shall increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Construction shall only be allowed to impact a migratory bird or its nest, including its young, if a permit from USFWS is obtained in accordance with the MTBA and all permit conditions are adhered to.*

MM BIO-3: Environmental Awareness Training

Before the start of project ground-disturbing activities, the project applicant or its contractor shall retain a qualified biologist to prepare and implement an Environmental Awareness Training session for people employed on the project (project personnel). All project personnel must attend the training prior to entering the project work area.

Training materials shall include the following: discussion of the federal Endangered Species Act (federal ESA), the California Endangered Species Act (CESA), the Migratory Bird Treaty Act (MBTA), and the Clean Water Act (CWA); the consequences and penalties for violation or noncompliance with these laws and regulations and project permits; identification and value of special-status plants, special-status wildlife, and jurisdictional waters and explanations about their value; hazardous substance spill prevention and containment measures; the contact person in the event of the discovery of a dead or injured wildlife species; and review of mitigation measures, permit conditions, and any other required environmental compliance measures. In the training, project timing in relation to species' habitat and species' life-stage requirements shall be detailed and discussed, and a site plan shall be created showing areas of the construction site where minimization and avoidance measures must be undertaken.

A fact sheet conveying this information will be prepared by the qualified biologist or designee for distribution to project personnel and to others who enter the project area. After completion of the Environmental Awareness Training, project personnel will sign a form stating that they attended the training, understood the information presented, and will comply with the training requirements. This training may be combined with other environmental training for the project, such as cultural resource training, and may be provided virtually or via recording. In the event that non-English-speaking crew members are employed during the Project, an interpreter will be present during the environmental training, or training materials will be supplied in an alternative language.

MM BIO-4: Season Limitation

All construction activity consisting of new ground disturbance in potential special status amphibian habitat areas (e.g. coast live oak woodland, chamise-sage chapparal and California annual grassland) shall be timed to occur during the dry season (April 15 to October 15), or aestivation period to minimize take of dispersing frogs and salamanders. Areas subject to this seasonal limitation shall be marked on the site plan created under MM BIO-3.

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
	MM BIO 5: Pre-Construction Survey *Within 24 hours prior to initial ground-disturbing activities, construction sites with potential habitat for California red-legged frog, Santa Cruz black salamander or western pond turtle (as determined by a qualified biologist) shall be surveyed by a qualified biologist, to identify any of these species moving above-ground, or taking refuge in burrow openings or under materials that could provide cover such as boards, scrap metal, woody debris, or other materials. Within 24 hours of the survey being conducted, and prior to commencement of ground-disturbing activities, survey results shall be communicated by email to the City. If none of the above-listed species are encountered, no further action is required following submission of the survey results. If any of the above-listed species are identified, the measures detailed in MM BIO-7 shall be implemented.* ***MM BIO-6: Construction Monitoring*** *A qualified biologist will be present onsite to monitor the removal of vegetation and the top 12 inches of topsoil at all project areas. The qualified biologist will inspect the area of proposed ground disturbance just before it is disturbed working in close coordination with work crews. The qualified biologist shall have the authority to stop any work should a special status species be discovered during work. A qualified biologist shall be on-call and available by phone during all other construction activities that may result in impacts to special status amphibian and reptile species.* ***MM BIO-7: Encounters*** *If individual special status animals (i.e. western pond turtles, California red-legged frogs or Santa Cruz black salamanders), or suspected special status animals are observed, work within 100 feet of that location will be temporarily halted and the qualified biologist shall inspect the animal. Based on the professional judgment of the qualified biologist, if project activities can be conducted without harming or injuring the special status animal, the individual(s) shall be left at the location of discovery and monitored by the qualified biologist. All project personnel shall be notified of the finding and at no time shall work occur within a 100-foot radius of the listed species without a biological monitor present. If in the professional judgement of the qualified biologist the animal would need to be relocated, the appropriate relocation action would be taken by the qualified biologist while work is halted. Qualified biologists shall have handling permits, if required, for the species of animal that is being relocated. The animal shall be captured by hand, or dipnet, transported by hand, dipnet or temporary holding container, and released as soon as practicable the same day of capture. Handling of the special status animals shall be minimized to the maximum extent practicable. Holding/transporting containers and dipnets shall be thoroughly cleaned and disinfected prior to transporting to the action area and shall be rinsed with freshwater onsite immediately prior to usage.* ***MM-BIO-8: San Francisco Dusky Footed Woodrat Surveys*** *A qualified biologist (retained by the project applicant or their contractor) will conduct surveys for San Francisco dusky footed woodrat nests and signs of current woodrat activity/inactivity (e.g., presence of fresh scat, freshly chewed vegetation, cobwebs covering nest entrances) within 15 days prior to construction. Survey results shall be submitted to the City at least 10 days prior to commencement of construction activities. If no nests are found, no additional mitigation for woodrats is required and construction may commence. If nests are found, the qualified biologist will establish and clearly mark (with ESA fencing) a 10-foot buffer in which no vegetation removal, ground disturbance, or project construction activity shall occur. If such activities cannot feasibly be avoided within the buffer zones of detected dens, work within the buffer may only commence after a qualified biologist has in the case of an inactive den, relocated the den; and in the case of an active den, submitted and received approval from CDFW for a San Francisco dusky footed woodrat den relocation plan that is subsequently implemented.*	

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#2 (2013)	**Impact BIO-1: Candidate, Sensitive, or Special Status Species** The project's construction activities could result in a potentially significant impact to species identified as a candidate, sensitive, or special-status species under this scenario. **Mitigation Measures MM-BIO-1 through MM-BIO-8** as described for Baseline Scenario 1 in Impact BIO-1. However, past construction activities were undertaken without mitigation measures.	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact BIO-2: Impacts to Riparian Habitat or Other Sensitive Natural Communities** The proposed project would have no impact on any riparian habitat or other sensitive natural communities under both scenarios Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact BIO-3: Impacts to State or Federally Protected Wetlands** The proposed project would have no impact on state or federally protected wetlands under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact BIO-4: Fish or Wildlife Movement, Migration or Nursery Sites** The proposed project would have no impact to with the movement of any native resident or migratory fish or wildlife species under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022)	**Impact BIO-5: Local Policy or Ordinance Conflicts** The proposed project could have a potentially significant impact on local policies or ordinances protecting biological resources. However, with the implementation of mitigation measures, the impact would be reduced to less than significant for this scenario. ***Mitigation Measure MM-BIO-9: Tree Preservation Plan*** *The Applicant shall prepare a Tree Preservation Plan in accordance with City Code 15-50.140 and submit it to the City's Community Development Director for approval prior to building or grading permit issuance. The Plan shall consist of a separate detailed plan drawn to a sufficient scale but no larger than twenty feet to the inch, with any details to be shown at least ten to the inch to clearly indicate all protection and mitigation measures to be taken as required by the Community Development Director and/or the Arborist Report for the project.* *The site-specific measures to be included in the plan must be at least as protective (as determined by the City Arborist) as the following:* 1. *Protection Fencing: Before any work commences, the protective fencing must be up and inspected by City Arborist. This fencing shall consist of a 6-foot cyclone fence with 8-foot steel posts driven 2-feet into the ground, spaced no more than 10 feet apart. A tree protection zone warning sign needs to be attached to the fence every 20 feet.* 2. *Water Line Boring: Change water line by boring rather than trenching.* 3. *Irrigation: Include supplemental irrigation for select trees that will be determined by the arborist.* 4. *Foliar Rinse: Dust that accumulates on tree foliage during earthmoving activities must be washed off. The timing for these rinsing procedures are on an as-needed basis and shall be decided by the project arborist.* 5. *Pruning and Repair: Any pruning or repair must be supervised by an International Society of Arboriculture (ISA)-certified arborist/Project Arborist. Tree #11 (tree located at edge of road on downhill side) requires pruning in order for the project to commence. The tree crown shall be raised to allow for truck clearances while protecting its aesthetic appeal, as prescribed by the*	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
	project arborist. One co-dominant stem on a lower scaffolding limb could be removed all together. Furthermore, a root collar excavation and a retaining box shall be installed around the trunk on the roadside. *6. Tree Trunk Protection: Since tree #11 is right at the edge of the access road and very close to the building excavation, it will require trunk protection before construction begins. This shall be achieved by wrapping the trunk with orange snow fencing ten times; placement of a board around the entire circumference of the trunk (stand 8-foot by 4-foot upright); and securing the protective materials initially with duct tape, and then with either steel banding or thick wire.* *7. Utility Trench/Main Access Road: All the utilities for the wine cellar will be· located in a single joint trench, traversing the center of the main access road.* *8. Slope Restoration Behind Tasting Room: A Coast Live Oak (#21) is located near proposed work to restore the grade behind the tasting deck. Protection of this tree would require the following:* *a. The tree protection fencing must be in place and approved by the project arborist before any work commences. This fence shall remain in place until the project arborist approves its removal.* *b. The project arborist must be on site during the beginning of this grading operation. The initial work at the toe of the fill, where fill meets natural grade, needs to be keyed in requiring only a 1-foot cut on the slope outside the Timber Preserve Zone (TPZ). Once that has been established and compacted, constant monitoring by the arborist is not needed, but the arborist should remain on call if needed.* *c. Once the slope restoration is completed and inspected by an arborist, the protective fencing shall be removed and re-erected near the main road to ensure the restored slope area remains undisturbed.*	
#2 (2013)	**Impact BIO-5: Local Policy or Ordinance Conflicts** The proposed project would have a potentially significant impact on local policies or ordinances protecting biological resources for this scenario due to past unpermitted activities. **Mitigation Measure MM-BIO-9** as described for Baseline Scenario 1 for Impact BIO-5. However, past construction activities were undertaken without mitigation measures.	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact BIO-6: Habitat Conservation Plan or Natural Community Conservation Plan Conflicts** The Project would have no impact with the provisions of an approved local, regional, or state habitat conservation plan for both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact CUL-1: Adverse change to Historical Resources** The proposed project would have no impact and would not cause adverse changes to a historical resource under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022)	**Impact CUL-2: Adverse change to Archaeological Resources** The proposed project could cause potentially significant impacts to change in the significance of an archaeological resource under this scenario. However, with the implementation of mitigation measure MM-CUL-1 below, the impact would be reduced to less than significant.	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
	Mitigation Measure MM-CUL-1: Inadvertent Discovery Protocols *In the event that precontact or historic-period archaeological resources (or suspected resources) are encountered during demolition, excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the City Planner or designee shall be notified, and a qualified archaeologist shall examine the find.* *Precontact archaeological materials/Tribal Cultural Resources might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and/or battered stone tools, such as hammerstones. Historic period materials may include bottles, ceramics, cans, and other refuse; concentrations of bricks; or wells or privies. The qualified archaeologist will determine impacts, significance, and mitigation in consultation with recognized local Native American groups, if appropriate. In addition, prior to the commencement of project site preparation, all construction personnel will be informed of the potential to inadvertently uncover cultural resources and the procedures to follow subsequent to an inadvertent discovery of cultural resources.* *If the finds do not meet the definition of a historical or archaeological resource or a Tribal Cultural Resource (PRC 21074), no further study or protection is necessary prior to resuming project implementation. If the find(s) does meet the definition of a historical or archaeological resource or Tribal Cultural Resource, then it shall be avoided by project activities. If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the City Planner.* *Should the discovery include human remains, all parties will comply with state and County regulations and guidelines regarding the treatment of human remains, including the California Health and Safety Code (Sections 7050.5, 7051, and 7054), which has specific provisions for the protection of human burial remains. These regulations are described in the regulatory framework of this section in more detail. Existing regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and designates the NAHC to resolve any related disputes.* *If human remains are uncovered during construction activities, compliance with California Health and Safety Sections 7050.5 and 7052 and California Public Resources Code Section 5097, require that ground-disturbing activities in the area of the remains shall be halted immediately, and the Santa Clara County Coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated Most Likely Descendant (MLD) and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed.* *Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.* *The project applicant shall include the above requirements within the construction plans and specifications.*	
#2 (2013)	**Impact CUL-2: Adverse change to Archaeological Resources** The proposed project could cause potentially significant impacts to change in the significance of an archaeological resource under this scenario. ***Mitigation Measure MM-CUL-1*** as described for Baseline Scenario 1 for Impact CUL-2. However, past construction activities were undertaken without mitigation measures.	Before Mitigation: PS After Mitigation: S&U

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022)	**Impact CUL-3: Disturbance of Human Remains** The proposed project could cause potentially significant impacts to disturbance of human remains under this scenario. ***Mitigation Measure MM-CUL-1*** (see Impact CUL-2).	Before Mitigation: PS After Mitigation: LTSM
#2 (2013)	**Impact CUL-3: Disturbance of Human Remains** The proposed project could cause potentially significant impacts to disturbance of human remains under this scenario. ***Mitigation Measure MM-CUL-1*** (see Impact CUL-2). However, past construction activities were undertaken without mitigation measures.	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact ENE-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources** The proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. The impact would be less than significant under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact ENE-2: Conflict with or Obstruct a Renewable Energy or Energy Efficiency Plan** The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The impact would be less than significant under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact GEO-1: Substantial Adverse Effects from Seismic Hazards** The proposed project has potentially significant effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides under both scenarios. ***Mitigation Measure MM-GEO-1: Additional Geotechnical Investigations*** *A. Prior to issuance of geotechnical clearance or building permits for site grading, tasting deck, wine cave, or improvements to the existing dirt road, the project applicant and its Geotechnical Engineer of Record shall submit additional documentation to the City Engineer in the Public Works Department (City Engineer), including:* *i. Confirmation of the appropriate Site Class designation for the proposed project under the applicable version of the California Building Code (CBC) in effect at the time of permitting, with site-specific justification for the recommended Site Class designation in accordance with the requirements of the CBC, to the satisfaction of the City Engineer;* *ii. Calculations and/or other evidence demonstrating to the City's Public Works Engineer satisfaction that the design of proposed buildings and structures (including the wine cave and proposed retaining walls) meet the required standards for the Site Class designation recommended in subsection A.i. of this measure and that recommendations of the previous site-specific geotechnical reports and peer review memorandums have been updated and incorporated into the project design, as appropriate, to the City Engineer's satisfaction;* *iii. Results of a forensic evaluation of the existing tasting deck foundations or other evidence to the City Engineer's satisfaction, confirming that the foundations meet the required standards for the Site Class designation recommended in subsection A.i. of this measure;* *iv. Evaluation of the seismic lateral pressures for retaining walls greater than 12 feet, if applicable, and confirmation that the design of all existing and proposed retaining walls meet the required standards for the Site Class designation recommended in subsection A.i. of this measure;*	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance

B. If it cannot be demonstrated to the City Engineer's satisfaction that the project design meets the requirements of the Site Class designation recommended in subsection A.i.of this measure, the project applicant and the Geotechnical Engineer of Record shall submit revised designs for the proposed buildings or structures (including retaining walls) and/or revised design or upgrades for the existing tasting deck foundations or other existing structures, along with calculations and/or other evidence demonstrating to the City Engineer's satisfaction that the revised design meet the required standards and that previous geotechnical recommendations have been updated and incorporated into the final project design, as appropriate, to the City Engineer's satisfaction.

C. Prior to issuance of geotechnical clearance or building permits for site grading, tasting deck, wine cave, or improvements to the existing dirt road, the Geotechnical Engineer of Record shall review and approve all geotechnical aspects of the project building and grading plans (e.g., site preparation and grading including temporary grading designs and shoring for the proposed wine cave, site surface and subsurface drainage improvements including back- and/or sub-drains as applicable, and design parameters for roadways, engineered fill, site and structure retaining walls, and as-built foundations) to ensure that their recommendations (or updated recommendations, if appropriate) have been property incorporated into the design and to ensure that they are referenced as the Geotechnical Engineer of Record. Evidence of such review and approval shall be documented in a letter submitted to the City Engineer, to their satisfaction. Specific items to be provided and approved include, but are not limited to, the following:

- *i. The items listed in subsection A. i-iii of this measure, above;*
- *ii. Specific grading and drainage recommendations for the remedial grading work in the vicinity of the tasting deck (i.e., appropriate materials for fill, compaction requirements, keys and benches, appropriate bearing materials, maximum slopes, etc.), and in particular:*
  - *Mapping of existing fill materials in the vicinity of the restoration grading;*
  - *Evaluation and analysis of potential side-cast artificial fill and prior natural; slope configurations*
  - *Sections including an estimation of the natural slope.*
- *iii. Review of final design for the wine cave to confirm that previous recommendations regarding excavation, stem walls, foundations, concrete slabs-on-grade, retaining walls, and subsurface drains are adequately incorporated and/or updated as necessary;*
- *iv. Review of final proposed retaining wall heights, slope configurations (both site and those associated with the wine cave) and design;*
- *v. Review of final design for existing dirt road improvements to confirm that previous recommendations regarding vehicle setback, grading and drainage, subgrade and surface materials and compaction, and retaining walls are adequately incorporated and/or updated as necessary;*

D. Prior to issuance of geotechnical clearance or building permits for the proposed secondary access road, the project applicant and its Geotechnical Engineer of Record shall undertake a supplemental subsurface investigation to characterize the active shallow landslide identified in previous geotechnical investigations, in accordance with the recommendations of the Peer Review Memorandum by Cotton Shires and Associates, dated September 19, 2023. A supplemental report documenting the results of the supplemental investigation, including at a minimum:

- *i. Additional geotechnical recommendations (or revisions to previous recommendations) to prevent roadway construction or operation from exacerbating the risk of landslide movement.*

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
	ii. Additional geotechnical recommendations (or revisions to previous recommendations) to allow the design vehicle (a 75,000 pound emergency vehicle) to pass along the roadway with a minimum static safety factor of 1.25 (per Caltrans Geotechnical Design Manual 2014). *E. The project applicant and the Geotechnical Engineer of Record shall submit final design plans for the secondary access road, along with calculations and/or other evidence demonstrating to the City Engineer's satisfaction that the final roadway design incorporates all recommendations from the supplemental report required by subsection A of this measure, above.* *F. The project applicant and the Geotechnical Engineer of Record shall comply with the conditions of any building permits or geotechnical clearance permits, and any additional recommendations or requirements of the City Engineer, including but not limited to construction inspections and submittal of as-built documentation to confirm that all requirements and recommendations have been adequately implemented to the City Engineer's satisfaction.* *G. The project applicant shall undertake annual maintenance and inspections of the existing dirt road and proposed secondary access road during the dry season of each year and shall submit evidence of the required maintenance and inspections to the City Engineer prior to October 1 of each year. If the required maintenance is not undertaken, or if required repairs are not undertaken in a reasonable timeframe (as determined by the City Engineer), project operations shall halt until such time as all outstanding requirements and repairs have been performed to the City Engineer's satisfaction. Annual maintenance and inspection requirements include, but are not limited to, the following:* *i. Annual addition of maintenance layers of class II base rock with compaction.* *ii. Annual cleanout of culverts and catch basins, or more frequently if overflow occurs.* *iii. Annual inspection of hardscape features such as retaining walls and energy dissipators for signs of movement or damage. If movement or damage is identified during inspections, repairs and/or remedial actions shall be made to the City Engineer's satisfaction.* *iv. Annual inspection of drainage crossings and dissipation structures for signs of erosion or slope instability. If signs of erosion or slope instability are identified during inspections, repairs and/or remedial actions shall be made to the City Engineer's satisfaction.*	
#1 (2022) and #2 (2013)	**Impact GEO-2: Soil Erosion** The proposed project could have potentially significant effects and would cause soil erosion or loss of topsoil under both scenarios. ***Mitigation Measure MM-HYD-1A*** *(See Impact HYD-1 below).*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022) and #2 (2013)	**Impact GEO-3: Unstable Soils or Geological Units** The proposed project could have potentially significant impacts as it would possibly be located on unstable soils or geologic units under both scenarios. ***Mitigation Measure MM-GEO-1*** *(See Impact GEO-1 above)*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022) and #2 (2013)	**Impact GEO-4: Soil Suitability for Septic Systems** The proposed project would not have any impact to soils as the project does not include the use of a septic system under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022)	**Impact GEO-5: Damage or Destruction of Unique Paleontological Resources** The proposed project could have potentially significant impacts and may result in accidental damage to unique paleontological resources under this scenario. Implementation of the mitigation below would reduce the impact to less than significant. ***Mitigation Measure MM-GEO-5: Paleontological Resource Avoidance Measures*** *Before the start of earthmoving activities, the project applicant shall require that all construction personnel involved with earthmoving activities be trained regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures if such fossils are encountered. This worker training shall be prepared and presented by an experienced field archaeologist and may be presented at the same time as construction worker education on cultural resources, or prepared and presented separately by a qualified paleontologist.* *If paleontological resources are discovered during earthmoving activities, all work within 50 feet of the find shall cease immediately, and the construction contractor shall notify the City of Saratoga Planning Division. The project applicant shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan, based on SVP guidelines (SVP 2010). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum curation for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City (as the CEQA lead agency) to be necessary and feasible shall be implemented before construction activities resume at the site where the paleontological resources were discovered.*	Before Mitigation: PS After Mitigation: LTSM
#2 (2013)	**Impact GEO-5: Damage or Destruction of Unique Paleontological Resources** The proposed project could cause potentially significant impacts to paleontological resources under this scenario. ***Mitigation Measure MM-GEO-5*** as described for Baseline Scenario 1 for Impact GEO-5. However, past construction activities were undertaken without mitigation measures.	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact GHG-1: GHG Emissions** The proposed project would contribute potentially cumulatively considerable impacts that would generate GHG emissions that may have a significant impact on the environment. Even with implementation of mitigation measure below, it is conservatively assumed that the impact would be cumulatively considerable and unavoidable under both scenarios. ***Mitigation Measure MM-TRA-1*** *(see Impact TRA-2 below).*	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact GHG-2: GHG Plan, Policy, or Regulation Conflicts** The proposed project would have a potentially cumulatively considerable impact to applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions under both scenarios. Even with implementation of MM-TRA-2, the impact would be cumulatively considerable and unavoidable. ***Mitigation Measure MM-TRA-1*** *(see Impact TRA-2 below).*	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact HAZ-1: Hazards from Routine Use, Transport, Disposal, or Accidental Release of Hazardous Materials** The proposed project would result in potentially significant impacts through the routine transport, use, or disposal of hazardous materials under both scenarios. However, with the implementation of MM-HYD-1A the impact would be reduced to less than significant. ***Mitigation Measure MM-HYD-1A*** *(see Impact HYD-1, below).*	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022) and #2 (2013)	**Impact HAZ-2: Hazardous Emissions near Schools** The proposed project would not emit hazardous emissions or handle hazardous emissions within a quarter mile of a school under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact HAZ-3: Hazards from Cortese-List Sites** The proposed project would have no impact as it is not located on a Cortese-list site under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact HAZ-4: Airport-related Hazards** The proposed project would not result in airport-related safety or noise hazards under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact HYD-1: Water Quality Standard Violations** The proposed project would have potentially significant impacts and may have the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality under both scenarios. However, with implementation of mitigation measures below, the impact would be less than significant. ***Mitigation Measure MM-HYD-1A: Erosion and Sedimentation Control Plan for Construction*** *A. The project applicant shall submit an Erosion and Sedimentation Control Plan for all project components to the City Engineer in the Public Works Department (City Engineer) for review and approval prior to issuance of grading permits. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City.* *B. The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the City Engineer.* *C. The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City Engineer.* ***MM-HYD-1B: Post-Construction Stormwater Management Plan and Maintenance Agreement*** *The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES) and the Santa Clara County Drainage Manual, as applicable. The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings*	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
	submitted for site improvements, and shall implement the approved Plan. The Post-Construction Stormwater Management Plan shall include and identify the following: • *Location and size of all new and replaced impervious surfaces associated with the proposed project;* • *Directional surface flow of stormwater runoff;* • *Location of proposed on-site storm drain lines;* • *Site design measures to reduce the amount of impervious surface area;* • *Details of on-site infiltration measures;* • *Source control measures to limit stormwater pollution;* • *Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and* *Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.*	
#1 (2022) and #2 (2013)	**Impact HYD-2: Substantially Decrease Groundwater Supplies or Interfere with Groundwater Recharge** The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge and would have a less than significant impact under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact HYD-3: Substantially Alter Drainage Patterns Resulting in Erosion and Sedimentation, Flooding, Pollution, or Impedance of Flood Flows** The Project could result in a potentially significant impact and may alter drainage patterns resulting in erosion or siltation, flooding, pollution, or redirection of flood flows under both scenarios. However, with implementation of mitigation measures below, the impact would be reduced to less than significant. ***Mitigation Measures MM-HYD-1A and MM-HYD-1B*** *(see Impact HYD-1 above).*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022) and #2 (2013)	**Impact HYD-4: Release of Pollutants in Flood, Tsunami, or Seiche Hazard Zones** The proposed project would not risk release of pollutants in flood, tsunami, or seiche hazard zones and the impact would be less than significant under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact HYD-5: Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan** The proposed project could potentially conflict with a water quality control plan or sustainable groundwater management plan and would result in a potentially significant impact under both scenarios. However, with implementation of mitigation measures below, the impact would be reduced to less than significant. ***Mitigation Measures MM-HYD-1A and MM-HYD-1B*** *(see Impact HYD-1 above)*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022) and #2 (2013)	**Impact LUP-1: Physically Divide an Established Community** The proposed project would not physically divide an established community under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022)	**Impact LUP-2: Conflict with Land Use Plan, Policy, or Regulation** The proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect under this scenario. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#2 (2013)	**Impact LUP-2: Conflict with Land Use Plan, Policy, or Regulation** The proposed project conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, due to past unpermitted construction activities under this scenario. Mitigation: None feasible	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact NOI-1: Ambient Noise Levels** The proposed project would have a less than significant impact and would not cause an increase in ambient noise levels in excess of applicable standards under both scenarios. ***Mitigation Measure MM-NOI-1: Monitor and Adjust Boundary Noise Levels*** *A. Prior to use of the tasting deck or adjacent outdoor seating area for public tastings or events, the applicant shall permanently install a sound level meter at the worst-case (i.e., closest without shielding) residential property boundary to the tasting deck. The City Community Development Director or their designee shall be provided real-time access to the monitoring system data. The meter shall be installed at a height of at least 4 feet above ground level. The meter shall be a rated Class I or II based on ANSI S1.4 standards, utilize the "A" weighting scale, and be set to a "slow" response. The monitoring system shall be actively measuring and logging sound pressure level data from at least one hour prior to event start until one hour after the event ends.* *B. During events or tastings, the applicant shall review the measured sound pressure levels on a 30-minute recurring basis. If the measured sound pressure levels at the meter exceed the applicable limits described in paragraph C below, the applicant shall reduce the volume of the sound system (or other noise-generating sources) until the measured levels are below the paragraph C limits at the property line.* *C. The applicable limits for the property boundary sound level meter (installed and operated in accordance with paragraphs A and B above) shall be selected from the options in the table below, based on the distance between the meter and the outdoor use area of the nearest off-site residential unit (or other nearest sensitive receptor, as determined by the City) at the time of monitoring:*	Before Mitigation: PS After Mitigation: S&U

Distance between meter and outdoor use area of closest residence	*Daytime (7am - 7pm) noise limit at meter*	*Evening (7pm - 10pm) noise limit at meter*	*Nighttime (10pm - 7am)*
0-24 feet	*50 dBA Leq(h)*	*45 dBA Leq(h)*	*Events and tastings prohibited*
25-49 feet	*52 dBA Leq(h)*	*47 dBA Leq(h)*	
50-99 feet	*54 dBA Leq(h)*	*49 dBA Leq(h)*	
100-199 feet	*57 dBA Leq(h)*	*52 dBA Leq(h)*	
200-399 feet	*61 dBA Leq(h)*	*56 dBA Leq(h)*	
400-799 feet	*66 dBA Leq(h)*	*61 dBA Leq(h)*	
*800+ feet**	*71 dBA Leq(h)*	*66 dBA Leq(h)*	

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	** The closest residential unit at time of EIR preparation was approximately 1,100 feet from the tasting deck, therefore the row marked with an asterisk contains the current applicable limits, unless a closer sensitive receptor is identified by the City in the future.* D. *The limits specified in paragraph C above may be modified if, based on site-specific noise prediction modeling or calculations performed by a qualified acoustic engineer, it can be demonstrated to the satisfaction of the City's Community Development Director that the modified limits would not result in outdoor noise levels at outdoor use aeras at the nearest residential unit (or other sensitive receptor) exceeding 50 dBA Leq(h) during daytime hours (7am to 7pm) or 45 dBA Leq(h) during evening hours (7pm to 10pm). Alternatively, the limits specified in paragraph C above may be reduced by the City if it becomes apparent that the limits are not adequately protective of nearby sensitive receptors based on actual noise levels received at residential receptors.*	
#1 (2022) and #2 (2013)	**Impact NOI-2: Exposure of People to Ground-borne Noise and Vibration Levels.** The proposed project would have a less than significant impact and would not generate excessive ground-borne vibration or ground-borne noise levels under both scenarios, Mitigation: None required.	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact NOI-3: Excessive Airport Noise** The proposed project would not expose people to excessive noise levels from nearby airports. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact POP-1: Inducement of Unplanned Population Growth** The proposed project would not directly or indirectly induce substantial unplanned population growth in an area and would have no impact under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact POP-2: Displacement of People or Housing** The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere and would have no impact under both scenarios Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact PS-1: Impacts associated with Provision of or need for New or Altered Government Facilities** The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities. The impact would be less than significant for both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact REC-1: Increase Use of Recreational Facilities** The proposed project would not have increased use of existing neighborhood parks or other recreational facilities, and the impact would be less than significant under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022) and #2 (2013)	**Impact REC-2: Construction or Expansion of Recreational Facilities** The proposed project would have no impact under both scenarios. Mitigation: None required	Before Mitigation: NI After Mitigation: N/A
#1 (2022)	**Impact TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy** The Project would have a potentially significant impact and may conflict with a program plan, ordinance or policy addressing the circulation system. However, with the implementation of MM-TRA-2, the impact would be reduced to less than significant for this scenario. ***Mitigation Measure MM-TRA-2: Temporary Traffic Control Plan*** *The applicant shall prepare a temporary traffic control plan in conformance with the City's Standard Details and Specifications for Construction. The plan shall be prepared prior to issuance of grading permits and include details on the use and placement of high-level warning devices, channeling cones, flashing arrow boards, and signage. Any temporary road or lane closures or reroutes (if required) shall also be detailed in the plan. The traffic control plan shall be reviewed and approved by the City's Public Works Department and emergency response officials prior to issuance of grading permits. The temporary traffic control plan would also specify what construction traffic must do in an emergency situation requiring evacuation of the neighborhood, so that evacuation routes are kept clear for evacuating vehicles.*	Before Mitigation: PS After Mitigation: LTSM
#2 (2013)	**Impact TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy** The proposed project would have a significant and unavoidable impact due to past unpermitted construction activities. ***Mitigation Measure MM-TRA-2*** as described for Baseline Scenario 1 for Impact TRA-1. However, past construction activities were undertaken without mitigation measures.	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact TRA-2: Consistency with CEQA Guidelines related to Vehicle Miles Traveled** The proposed project would have a significant and unavoidable impact due to vehicle miles traveled, even with implementation of feasible mitigation. ***Mitigation: MM-TRA-1: VMT Reduction*** • *Public and private tastings shall be prohibited from occurring on the same day as private events. Advance notification of upcoming events and closure of the winery to tastings shall be provided to wine club members and the general public by direct email, text message, social media, and/or website notification.* • *Parking supply shall be limited to 55 spaces. All parking shall be on the House Family Vineyards site. No parking shall be allowed along public roadways. "No Parking" signage shall be permanently installed on the public portion of Old Oak Way to prevent spillover parking on the public roadways. On days with private events, additional bollards and/or cones shall also be placed to discourage illegal parking.* • *The project applicant shall provide an optional shuttle service for all private events and private tastings with more than 10 guests, that would collect guests from a centralized location such as West Valley College (with appropriate permissions) or at hotels where guests are staying and transport them to the project site. Organizers and attendees of private events or private tastings with more than 10 guests shall be notified of the shuttle service in advance of the event by direct email, text message, social media, and/or website notification. The applicant shall provide verification of outreach to a designated City contact annually, or upon request.*	Before Mitigation: PS After Mitigation: S&U

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
	• *The applicant shall set up a public outreach page on their website that encourages all guests to carpool or vanpool to and from the site. This website shall provide useful information about the environmental benefits of carpooling and provide links to resources where guests can arrange for vanpool services and ride share services such as Uber or Lyft.*	
#1 (2022) and #2 (2013)	**Impact TRA-3: Potential for creation of substantial Traffic-Related Hazards** The proposed project could substantially increase traffic-related hazards and the impact would be potentially significant under both scenarios. However, with implementation of MM-TRA-1 and MM-TRA-2, the impact would be reduced to less than significant. ***Mitigation MM-TRA-1: VMT Reduction*** *(detailed in TRA-2) and* ***MM-TRA-2: Temporary Traffic Plan*** *(detailed in TRA-1)*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022) and #2 (2013)	**Impact TRA-4: Project-related interference with Emergency Access** The proposed project would result in inadequate emergency access and the impact would be potentially significant. However, with implementation of MM-TRA-1 and MM-TRA-2, the impact would be reduced to less than significant. ***Mitigation MM-TRA-1: VMT Reduction*** *(detailed in Impact TRA-2 above) and* ***MM-TRA-2: Temporary Traffic Plan*** *(detailed in TRA-1 above)*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022)	**Impact TCR-1: Substantial Adverse Change to Tribal Cultural Resources** The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource. Under this scenario, the impact is potentially significant however, with implementation of MM-CUL-1, the impact would be reduced to less than significant ***Mitigation Measure MM-CUL-1*** *(detailed in MM-CUL-2 above).*	Before Mitigation: PS After Mitigation: LTSM
#2 (2013)	**Impact TCR-1: Substantial Adverse Change to Tribal Cultural Resources** The proposed project could cause potentially significant impacts to tribal cultural resources under this scenario due to past unpermitted construction activities. ***Mitigation Measure MM-CUL-1*** *(detailed in MM-CUL-2 above)*. However, past construction activities were undertaken without mitigation measures.	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact UTI-1: New or Expanded Utility Services** The proposed project would have a potentially significant impact under both scenarios. However, with the implementation of mitigation measures, the impact would be reduced to less than significant. ***Mitigation Measure MM-UTI-1: Lift Station Installation and Maintenance Agreement*** • *The applicant would be required to demonstrate that the lift station would meet the standards of and receive approval and permits from the City, Santa Clara County Environmental Health Services, and CuSD for the lift station.* • *The applicant would be required to set up a maintenance agreement with the City to properly maintain the lift station so that impacts related to odors and a malfunctioning system do not arise. The maintenance agreement would require annual inspections of the system.*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022) and #2 (2013)	**Impact UTI-2: Sufficient Water Supplies** The proposed project would have sufficient water supplies available. Impact would be less than significant under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
#1 (2022) and #2 (2013)	**Impact UTI-3: Wastewater Treatment Capacity** The proposed project would have less than significant impacts to wastewater treatment capacity under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact UTI-4: Solid Waste Capacity & Solid Waste statutes and regulations** The proposed project would not generate solid waste in excess of local standards or capacity of local infrastructure. The impact would be less than significant under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact WF-1: Impairment of Emergency Response Plans or Emergency Evacuation Plans** The proposed project could have a potentially significant impact under both scenarios. However, with implementation of mitigation measures, the impact would be reduced to less than significant. ***MM-TRA-1: VMT Reduction*** *(detailed in Impact TRA-2 above) and* ***MM-TRA-2: Temporary Traffic Plan*** *(detailed in TRA-1 above)*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022)	**Impact WF-2: Exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire** The proposed project would have a potentially significant impact under this scenario. However, with implementation of mitigation measures below, the impact would be reduced to less than significant. ***Mitigation MM-WF-1A: Construction Fire Prevention Plan*** • *Prior to commencement of construction activities, including site clearing, grading, or trenching, the applicant shall work with the SCCFD to prepare a Construction Fire Prevention Plan. The plan shall address training of construction personnel and provide details of fire-suppression procedures and equipment to be used during construction. Information shall be provided as part of a tailgate or pre-construction training to contractors and subcontractors prior to any ground disturbance. At a minimum, the plan shall be consistent with the requirements in California Fire Code Chapter 33 and shall include the following:* • *Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, use of spark arrestors, and hot work restrictions.* • *Specifications for adequate water supply to service construction activities.* • *Construction worker training for fire prevention, initial attack firefighting, and fire reporting.* • *Coordination with local fire agencies to facilitate access through the project site during construction.* • *Emergency contact information; and* • *Demonstrate compliance with applicable plans and policies established by state and local agencies.* ***Mitigation MM-WF-1B: Operational Fire Protection Plan*** *Prior to issuance of building permits for the proposed project, the applicant shall prepare an Operational Fire Protection Plan and submit it to the City and/or SCCFD for review and approval. The Operational Fire Protection Plan may be consolidated with the Construction Fire Prevention Plan described under MM-WF-1A. The plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist, or similar specialist acceptable to the fire code official. At a minimum, the plan shall be consistent with the requirements set forth in Chapter 49 of the California Fire Code and include the following:*	Before Mitigation: PS After Mitigation: LTSM

Baseline Scenario	Summary of Impacts and Mitigation	Level of Significance
	• *Emergency evacuation procedures for the project site, considering all proposed modifications to the site and access routes. A detailed map with clear instructions shall be prepared and made available in a publicly visible location on-site. The updated evacuation map shall be provided to all neighbors through the Firewise Old Oak Way Committee;* • *Specifications for adequate water supply to service operational activities and meet fire suppression needs;* • *Specifications for regular fuel reduction practices throughout the project site (including adjacent to parking areas), including frequency of maintenance and actions to be taken to reduce fuel loading and maintain defensible space requirements;* • *Protocol for continued compliance with the Brush and Weed Abatement Programs;* • *Prohibitions on outdoor fires at the project site during wine tastings and events;* • *Details on 'No Smoking' signs in publicly visible locations where tastings and events would occur and in all parking areas; and* • *Demonstrate compliance with applicable plans and policies established by state and local agencies.*	
#2 (2013)	**Impact WF-2: Exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire** The proposed project could have exacerbated wildfire hazards due to past unpermitted construction activities. ***Mitigation Measure MM-WF-1A*** as described in Baseline Scenario 1 for Impact WF-2. However, past activities were implemented without mitigation.	Before Mitigation: PS After Mitigation: S&U
#1 (2022) and #2 (2013)	**Impact WF-3: Installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment** The proposed project would have a less than significant impact under both scenarios. Mitigation: None required	Before Mitigation: LTS After Mitigation: N/A
#1 (2022) and #2 (2013)	**Impact WF-4: Exposure to significant risks as a result of runoff, post-fire slope instability or drainage changes** The proposed project could have a potentially significant impact under both scenarios. However, with implementation of mitigation measures, the impact would be reduced to less than significant. ***Mitigation Measure MM-GEO-1*** *(detailed in Impact GEO-1 above) and* ***MM-HYD-1B*** *(detailed in Impact HYD-1 above).*	Before Mitigation: PS After Mitigation: LTSM
#1 (2022)	**Impact WF-5: Exposure of people or structures to significant risk from wildland fires** The proposed project could have a potentially significant impact under this scenario. However, with implementation of mitigation measures, the impact would be reduced to less than significant. ***Mitigation Measures MM-WF-1A and MM-WF-1B*** *(detailed in Impact WF-2 above).*	Before Mitigation: PS After Mitigation: LTSM
#2 (2013)	**Impact WF-5: Exposure of people or structures to significant risk from wildland fires** The proposed project could have exposed people or structures to significant wildfire hazards due to past unpermitted construction activities. ***Mitigation Measures MM-WF-1A and MM-WF-1B*** *(detailed in Impact WF-2 above)*. However, past activities were implemented without mitigation.	Before Mitigation: PS After Mitigation: S&U

Source: Prepared by AECOM in 2024.

Acronyms: LTS = less than significant impact; LTSM = less than significant with mitigation; LTCC = less than cumulatively considerable; NI = no impact; PS = potentially significant; S&U = significant and unavoidable; N/A = not applicable.

1 Introduction

This environmental impact report (EIR) for the proposed House Family Vineyards Project (the Project) has been prepared in accordance with, and complies with, all criteria, standards, and procedures of the California Environmental Quality Act (CEQA) of 1970 as amended (Public Resources Code [PRC] Section 21000 et seq.) and State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.).

Per Section 21067 of CEQA and Sections 15367 and 15050 through 15053 of the State CEQA Guidelines, the City of Saratoga (City) is the lead agency under whose authority this document has been prepared. As an informational document, this EIR is intended for use by the City decision makers and members of the general public in evaluating the potential environmental effects of the Project.

1.1 Purpose of the EIR and CEQA Process

An EIR is an informational document used by a lead agency (in this case, the City of Saratoga) when considering approval of a project. The purpose of an EIR is to provide public agencies and members of the general public with detailed information concerning the environmental effects associated with the implementation of a project, prior to taking action on a project.

An EIR should analyze the environmental consequences of a project, identify ways to reduce or avoid potential environmental effects resulting from the project, and identify alternatives to the project that are capable of avoiding or reducing impacts. CEQA requires that all State and local government agencies consider the environmental consequences of projects over which they have discretionary authority. This EIR provides information to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project.

Prior to approval of the Project, the City, as lead agency and the decision-making entity, is required to certify that the EIR has been completed in compliance with CEQA, that the information in this EIR has been considered, and that the EIR reflects the independent judgment of the City. CEQA requires decision makers to balance the benefits of a project against its unavoidable environmental consequences. If environmental impacts are identified as significant and unavoidable, the lead agency may still approve the project if it finds that social, economic, legal, technological or other benefits outweigh the unavoidable impacts. The lead agency would then be required to state in writing the specific reasons for approving a project, based on information in the EIR and other information sources in the administrative record. This reasoning is called a “statement of overriding considerations” (PRC Section 21081 and State CEQA Guidelines Section 15093).

In addition, the City as lead agency must adopt a Mitigation Monitoring and Reporting Program describing the measures that were made a condition of project approval in order to avoid or mitigate significant effects on the environment (PRC Section 21081.6; State CEQA Guidelines Section 15097). The Mitigation Monitoring and Reporting Program is adopted at the time of project approval and is designed to ensure compliance with the project description and mitigation measures of the EIR during and after project implementation. If the City decides to approve the

Project, it would be responsible for verifying that implementation of the Mitigation Monitoring and Reporting Program for this Project occurs.

The EIR will be used by the City during its consideration and potential approval of the Project.

1.2 Environmental Review Process

Consistent with CEQA Guidelines Sections 15080 to 15097, the CEQA process has multiple phases, many of which require notification to, and opportunity for comments from, the public. The main steps in this process are described below.

1.2.1 Notice of Intent and Scoping Meeting

Consistent with the requirements of CEQA, a good-faith effort has been made during the preparation of the Initial Study to contact all responsible and trustee agencies; organizations; persons who may have an interest in the Project; and all government agencies, including the Governor's Office of Planning and Research, State Clearinghouse. This includes the circulation of a NOP on March 11, 2022, which began a 30-day comment period that ended on April 11, 2022. Seventeen comment letters were received on the NOP during this time. The NOP and the comment letters are included in this document as **Appendix A**.

A public scoping meeting was held by the City on March 16, 2021, to inform the public about the proposed project and receive comments. Due to the restrictions on public gatherings that were in effect in Santa Clara County at that time (due to the Covid-19 global pandemic), the meeting was held virtually with options for joining by phone or computer. At least 17 individuals attended the scoping meeting and 15 provided verbal comments on the content of the Draft EIR. A summary of the comments received during the scoping period is provided at the beginning of each environmental topic discussion in Section 4.0, "Environmental Setting and Impacts Assessment."

1.2.2 Draft EIR Public Review

The City filed a Notice of Completion with the State Clearinghouse on Monday, November 4, 2024, indicating that this Draft EIR has been completed and is available for review. A Notice of Availability of the EIR has been published concurrently with distribution of this document. This Draft EIR is being circulated for a 45-day public review and comment period, commencing on Monday, November 4, 2024 and concluding at 5:00 p.m. on Thursday, December 19, 2024.

During this period, written comments from the general public, organizations, and agencies regarding environmental issues identified in the EIR and the EIR's accuracy and completeness may be submitted to the lead agency at the following address:

City of Saratoga, Community Development Department
Attention: Nicole Johnson
13777 Fruitvale Avenue
Saratoga, CA 95070
E-mail: njohnson@saratoga.ca.us; Phone: 408.868.1209

The Draft EIR, related technical appendices, and all documents incorporated by reference in the Draft EIR are available for review online at: www.saratoga.ca.us/HFV. An electronic copy of the

Draft EIR has been emailed to parties that have previously expressed an interest in the proposed project and is available to others upon request to the contact listed above.

A hard copy of the Draft EIR is also available for public review during normal business hours (8:00 a.m. to 5:00 p.m.) at:

- City of Saratoga Community Development Department, 13777 Fruitvale Ave, Saratoga, CA

During the public review period for the Draft EIR, the City will conduct a public meeting at the following time and location:

4:30 p.m. on Tuesday November 19, 2024.
Saratoga Senior Center, S. Ku Hall
19655 Allendale Avenue
Saratoga, CA 95070.

The public may join the meeting in person or on Zoom using the following call-in details:
Webinar ID: 845 4729 4968
https://us02web.zoom.us/j/84547294968

Comments on the Draft EIR must be received before the end of the comment period (5:00 p.m. on Thursday, December 19, 2024) in order for those comments to be responded to in the Final EIR. Oral comments made at the public meeting will be responded to in the Final EIR.

1.2.3 Responses to Comments Document and Final EIR

Upon completion of the public review and comment period for the Draft EIR, the City will prepare a Response to Comments document that addresses all substantive written and oral comments received on the Draft EIR and identify text revisions to the Draft EIR as a result of those responses or other changes initiated by City staff. This Response to Comments document, together with the Draft EIR, will constitute the Final EIR. The City Council will consider the adequacy of the Final EIR in accordance with the requirements of CEQA when it considers the Project during a public meeting.

The City Council must certify the Final EIR before deciding to approve the Project or not. Prior to approval of a project that would have a significant environmental effect, CEQA requires the adoption of certain findings (PRC Section 21081; CEQA Guidelines, Sections 15091 through 15093). If the Final EIR identifies significant adverse impacts that cannot be mitigated to less-than-significant levels, the findings must include a Statement of Overriding Considerations for those impacts (CEQA Guidelines, Section 15093(b)) specifying the economic, legal, social, technological, or other benefits of the project, including region-wide or statewide environmental benefits that the Lead Agency considers outweigh the unavoidable adverse environmental effects.

1.2.4 Mitigation Monitoring and Reporting Program

Throughout this EIR, mitigation measures have been recommended in a format that will facilitate preparation of a Mitigation Monitoring and Reporting Program. As required under CEQA (see CEQA Guidelines, Section 15097), a Mitigation Monitoring and Reporting Program will be prepared and presented to the City Council at the time of certification of the Final EIR for the Project and will identify the specific timing and roles and responsibilities for implementation of adopted mitigation measures if the Project is approved.

1.3 Document Organization

This EIR is divided into the following sections and appendices:

- Section 1, “Introduction,” provides introductory information, including the purpose of this document, environmental review process and the lead agency for the proposed project.
- Section 2, “Project Description,” presents a detailed discussion of the project background, location, setting, and characteristics of the project site, the project objectives, the project features, and environmental review requirements.
- Section 3, “Environmental Setting and Impact Assessment,” describes the approach to the environmental impact assessment, including the cumulative impact assessment, and contains individual sections that reflect the CEQA Appendix G recommended environmental resource areas and describe existing conditions, detail the regulatory framework, and assess the potential environmental impacts of the proposed project. When the analysis identifies potentially significant effects, mitigation measures are presented to lessen the impacts. Implementing these measures would reduce potentially significant impacts to less-than-significant levels whenever feasible.
- Section 4, “Alternatives,” describes a reasonable range of alternatives to the proposed project, evaluates the extent to which those alternatives could substantially lessen the Project’s significant impacts while attaining most of the project objectives, and compares the effects of the alternatives to those of the proposed project. This section also identifies the environmentally superior alternative, as required by CEQA.
- Section 5, “Other CEQA Considerations,” describes the significant and unavoidable environmental impacts of the proposed project, as well as the significant irreversible environmental changes that would result from project implementation.
- Section 6, “References,” lists the documents and other sources of information cited within the EIR.
- Section 7, “List of Preparers,” identifies City staff and consultants who helped prepare this document.

Appendices provide additional information regarding multiple issues discussed throughout this document.

2 Project Background

2.1 Origins of the House Family Vineyards (1988 - 2010)

In 1988, an 11-lot subdivision was created in the northwest portion of the City of Saratoga (City) on an undeveloped hillside area. As a condition of the subdivision, a 2.8-acre open space easement was created to preserve the natural open space of the hillside area along a minor ridge.[1] David House purchased two of the undeveloped lots and soon after a third lot to build homes for himself and other family members in the early 1990s, for a total property of 73 acres. Vineyards were planted in various locations on the site between 1998 and 2001, establishing House Family Vineyards (applicant). The first grape harvest was in 2006, and grapes were sold to others to produce wine.

2.2 The Winery and Tasting Events (2011 - 2020)

In 2011, the applicant obtained an Alcohol Beverage Control (ABC) and Alcohol license.[2] During this time, the applicant held small wine tasting gatherings with friends and community members on the property. In 2013, the applicant built a 1,200-square-foot tasting deck and a detached 107-square-foot building that contained office space and two small restrooms without first obtaining approval from the City. Some of these structures encroach into a portion of the open space easement. With these improvements, the applicant opened its property to the general public for wine tasting and special events. From 2013 to 2020, the winery hosted a number of public and private events of various sizes from smaller events of up to 50 guests to larger events of up to 148 guests. These events included public and private wine tastings, and charity and wedding events.

2.3 City Actions to Halt Unpermitted Activities and Issuance of a Temporary Compliance Permit (2017 - 2024)

In 2017, the applicant contacted the City to discuss a proposal for the construction of a subterranean wine cave. With this discussion, the City became aware that the applicant had not obtained a Conditional Use Permit (CUP) as required by the City to operate a winery in the zoning district for the property (City Code, Section 15-13.040) or building permits for the tasting deck. Given the City's long-standing practice of working with property owners towards becoming compliant, the City allowed the winery to stay open while they worked with the applicant on the CUP and design review application.

In 2018, the applicant submitted an application for the CUP to operate the winery in conjunction with a Design Review application for the tasting deck and the wine cave. Details describing the proposed project are presented in Section 2.6.

In July 2020, the City ordered the winery operations, including special events and wine tastings for the general public to cease, but allowed the applicant to continue to offer these services for

[1] A minor ridge is defined as a ridge other than a major ridge that is 50 feet or more above two points 150 feet distance from the top of the ridge to either side. See, Saratoga City Code section 15-13.020.

[2] ABC license information can be found here: https://www.abc.ca.gov/licensing/license-lookup/single-license/?RPTTYPE=15&DBANAME=House+Family+Vineyards.

wine club members on the property. As part of this process, the City required preparation ofan Environmental Impact Report (EIR), identifying the potential physical environmental consequences of construction and operation of the project, to be prepared and certified by the City before taking action on the project.

In August 2021, the applicant submitted “as built plans” of the unpermitted tasting deck for a plan check for compliance with current building codes. After review by the Santa Clara County Fire Department and the City, it was determined that the unpermitted structure should not be used for any purpose because it did not meet current fire or building codes and the structure should be secured and made inaccessible to patrons, staff, and owners. As a result, on October 4 and 5, 2021, the City issued a Notice of Violation (NOV) and required that all public wine operations including wine tastings and events cease.

Following ongoing complaints, the City sent a warning notice on March 31, 2022 to the applicant reiterating that all public winery operations including wine tastings and events cease immediately and that the tasting deck, restrooms and office be secured to prevent access.

Nevertheless, the City’s Code Enforcement officer continued to receive complaints that the unpermitted winery was open and allowing a large number of patrons to enter the premises, and on April 11, 2022, the City sent the applicant a second NOV and an Order to abate the Public Nuisance for the continued use of the tasting deck, restrooms and office and public operation of the winery. The letter directed the applicant to immediately cease all public winery operations, secure the unpermitted tasting deck, and remove the prohibited fence on the hillside east of the entrance to the site.

On April 16, 2022, the City performed an inspection at the site and found that the tasting deck was not properly secured. Furthermore, during this site inspection, City staff discovered an unpermitted and unsafe kitchen structure within a shipping container. As a follow-up to the site inspection, the City sent the applicant a third Notice of Violation and Order to Abate Public Nuisance on April 19, 2022 for the applicant’s failure to secure the tasting deck as directed and for the unpermitted kitchen structure. On April 22, 2022, the City conducted an inspection and found that the tasting deck was properly secured.

In May 2022, the applicant submitted a Temporary Compliance Plan (TCP) for limited winery operations at the southern portion of their site, in an area called Izumi Point, while the CUP and Design Review Application are being processed. The TCP was approved by City staff on August 17, 2022, and was upheld when appealed to the City Council on October 5, 2022. The TCP limits wine tastings by appointment only at Izumi Point to no more than 49 people, including employees, during any appointment window. The TCP was effective through September 30, 2023, and subsequently extended by the City Council for an additional year until September 30, 2024. On September 18, 2024, the City Council approved an extension of the TCP, which is valid until the earliest of the following:(i) upon the denial of the proposed approvals, (ii) issuance of a Final Inspection of the tasting deck and associated restrooms, or (iii) two years from approval of the proposed approvals.

On November 2, 2022, the City sent the applicant a fourth Notice of Violation and Order to Abate Public Nuisance of 11 unpermitted storage containers that were more than 120 square feet and placed without an approved foundation in a seismic hazard zone. Three of the storage containers also had electrical connections for refrigeration, which had not been inspected for code compliance. The letter directed the applicant to obtain a demolition permit to remove the storage containers and terminate all electrical connections to containers by December 5, 2022. The City

conducted a site inspection on March 6, 2023 and confirmed that the containers were removed or modified to 120 square feet or less.

On February 2, 2024, the Cupertino Sanitary District (District) sent a Notice of Violation to the applicant for two illegal sewer connections to their system. See Appendix B. According to the District's Notice, these connections to the District-owned sewer system had been ongoing for more than 10 years without the District's knowledge. The District requested that the applicant provide a full list of the structures, along with their type of use, which are currently connected to their sanitary sewer system, as well as any structure or facility that was once illegally connected to the system by Friday, February 16, 2024.

The District made a field visit in March 2024 and found that the tasting deck is not currently connected to the District's sewer system. They found what they described as a septic tank on the backside of the tasting deck with a plywood cover. The applicant claimed that the tank was pumped just before closing the tasting deck in 2022.

In May 2024, the Santa Clara County Department of Environmental Health (DEH) were informed of the tank and reached out to the applicant to request more information about the tank including plans from when it was constructed. DEH is unclear if the tank is a wastewater holding tank or septic tank and the agency did not approve the tank.

On May 24, 2024, the District sent the applicant a Notice of Violation letter for the tank connected to the unpermitted wine tasting deck and restrooms. The letter requested the applicant to contact the District within 15 days of receiving the letter to discuss abating requirements of the tank. The City asked the applicant to include removal of the tank (or any improvements to make the tank meet District standards) as part of the current CUP permit application. The applicant has since clarified that they intend to use the existing tank as a lift station to pump wastewater from the wine tasting deck, restrooms, and wine cave via a new connection to the sanitation district's existing sewer main as a part of this application.

2.4 City Preparation of the Environmental Impact Report (EIR)

As mentioned above, a prerequisite to City Council action on the applicant's request for a CUP is preparation and certification of an EIR to assess the physical environmental effects of approving the permit and recommendation of mitigation measures or alternatives to reduce any substantial adverse impacts identified in the EIR. This process commenced on March 11, 2022, when the City distributed a NOP to inform the public that an EIR was being prepared for the proposed project and that a public scoping meeting was scheduled. The public scoping meeting was held on March 30, 2022, the purpose of which was to describe the proposed project and to solicit input from the community about the impacts, mitigation measures, and alternatives that should be discussed in the EIR.

As described above in the chronology of City notifications of violations by the applicant, commenters raised many issues relating to the construction of unpermitted facilities and operation of the winery. As a result, the EIR preparation was suspended until a clear description of the improvements and activities to be covered by the CUP could be provided to the City's satisfaction. The project description of improvements and activities sought by the applicant are presented below.

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3 Project Description

3.1 Project Location and Setting

3.1.1 Project Location

House Family Vineyards is a family-owned and operated winery on an approximately 48 acre[2] property, made up of several parcels, at the end of Old Oak Way. The property is situated on the eastern foothills of Monte Bello Ridge along the Santa Cruz Mountains in the northwest portion of the City of Saratoga (City). The property is bounded by single-family residences to the north, east, and south and Cooper-Garrod Vineyards (Garrod Parcel) to the west. The project location is shown in Figure 3.1-1, Project Location.

The project site comprises 23 acres of the overall 48-acre property and consists of two adjacent parcels, 13-acre Parcel A (APN 503-15-081) and 10.3-acre Parcel B (APNs 503-15-082 and 503-15-083). The existing project site is shown in Figure 3.1-2, Existing Project Site.

Throughout this EIR, the term "project site" refers to Parcels A and B. The term "project area" refers to the wider area surrounding the project site and is inclusive of House Family Vineyards parcels (APNs 503-15-075 and 503-15-078) and the Garrod Parcel (APN 503-12-001), where the secondary access road would be constructed as described in Section 3.6.4.

3.1.2 Existing Site Conditions

The baseline conditions against which project impacts would be measured are typically those conditions that are in effect at the time a NOP is published, which is consistent with State CEQA Guidelines Section 15125. In this instance, baseline conditions would reflect use of the project site with a winery and public wine tastings. However, because the tasting deck and winery are illegal, the EIR is also considering an earlier baseline that excludes the unpermitted tasting deck and larger wine tastings numbers. This approach provides a more informative analysis of impacts from when the operations first started at the project site.

Baseline Scenario #1: Conditions at Time of NOP (2022)

On Parcel A there is an existing stable and quarry in the southern portion of the parcel and a single-family house on the northwest portion of the parcel. On Parcel B there are several vineyards that were planted from 1998 to 2001. In addition, on Parcel B the applicant has erected sheds, a tasting deck, and an outdoor seating area without permits. The vineyard, tasting deck and outdoor seating area are sited within a portion of the open space easement on Parcel B. The tasting deck and outdoor seating area occupy a 0.2-acre area called Vineyard Point where wine tasting activities and events occurred prior to the City's enforcement actions.

The 1,200-square-foot tasting deck consists of a 13.95-foot-tall, 20-foot by 60-foot structure that is partially open on three sides with railings and a solid roof. Inside the tasting deck in the

[2] An approximately 25-acre parcel (APN 503-15-064) was removed from the original 73-acre property and CUP. This parcel is proposed to be sold and developed with residential units as part of a separate unrelated project.

southeast corner is a 10-foot by 10-foot restroom and an approximately 6’7 by 7’4”- restroom. Adjacent to the south side of the tasting deck is a 107-square-foot building that contains an office and two small individual restrooms. An uncovered seating area is directly outside the tasting deck on the east side. The tasting deck is sited on a minor ridge. Adjacent to the tasting deck is a below-grade wastewater holding tank that formerly served the tasting deck restrooms but is now disconnected and unused.

The private portion of Old Oak Way connects to an existing dirt road to the north at the corner of one of the residences and traverses both Parcels A and B curving northward to the existing tasting deck. The dirt road dead-ends at a turnaround area just southwest of the tasting deck. The surface is compacted dirt with a thin layer of gravel sporadically covering portions of the road.

There is a 121,800-square-foot open space easement on the eastern portion of Parcel B along a ridge and sloped area, which is visible from public areas to the south. The open space easement has established coast live oak trees and grasses. The unpermitted tasting deck, open seating area, and a vineyard occupy approximately 20,100 square feet of this open space easement.

Vegetation communities within the project site are predominantly coast live oak woodland. The project site is designated as a Very High Fire Hazard Severity Zone (VHFHSZ) by the State Department of Forestry and Fire Protection. It is within the Local Responsibility Area (LRA), where the local government is responsible for wildfire protection. The project site is also in a wildland urban interface (WUI) area, which is a transition zone between wilderness and developed land, where wildfires pose the greatest risk to people and structures due to the proximity of flammable vegetation.

A portion of the project site on Parcel A to the west, as well as the southern portion of the adjacent Garrod Parcel, has a sloping terrain with various vegetative communities including California sage brush, coastal oak woodland, and California grasslands. It ranges from areas that are flat to areas that are steep. On the Garrod Parcel there is a trail easement for public, pedestrian and equestrian uses. The trail begins next to a paved parking lot on the southwest portion of the Garrod Parcel paralleling Garrod Road to the east for approximately 850 feet before meandering to the northmost point of the parcel along areas with mature oak trees and through an existing vineyard. There is also a dirt trail for private use that has varying widths from about 5 to 25 feet wide that meanders through the sloping terrain. The eastern part of the dirt trail merges with the gravel-covered Old Oak Way on House Family Vineyards property to the east, and the western portion of the dirt road connects to Garrod Road to the south. Garrod Road is a private paved road owned and maintained by the Cooper-Garrod Vineyards. A stock pond, about 200 feet in diameter, is north of the dirt trail and four southeast-draining swale-like features are on the south side of the Garrod Parcel.

Land uses at the project site include residential, open space and winery uses that are open by appointment only to wine club members, serving approximately 71 guests per day.[3] It is estimated that eight employees per day were needed for this operation.

[3] These conditions are at the time of the NOP (March 2022) and describe the existing conditions at the project site.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Prior to the development of unpermitted structures, existing site conditions were similar to those described above, with the following exceptions:

- The tasting deck and adjacent office/restroom structure were not present. The area of the tasting deck was at natural grade with dirt or grass with several picnic tables and umbrellas. There were no grading changes this location.
- House Family Vineyards hosted small group tastings with 10 average number of guests per day.
- Wine tastings were staffed by the House Family Vineyard family. No employees for wine tastings are assumed.
- The small vineyard area to the southeast of the tasting deck area (within the open space easement) had not been developed. This area was grassed with scattered oak trees, similar to adjacent areas further south.
- The vineyard areas near the stable and quarry had not been developed. This area was grassed with scattered oak trees.

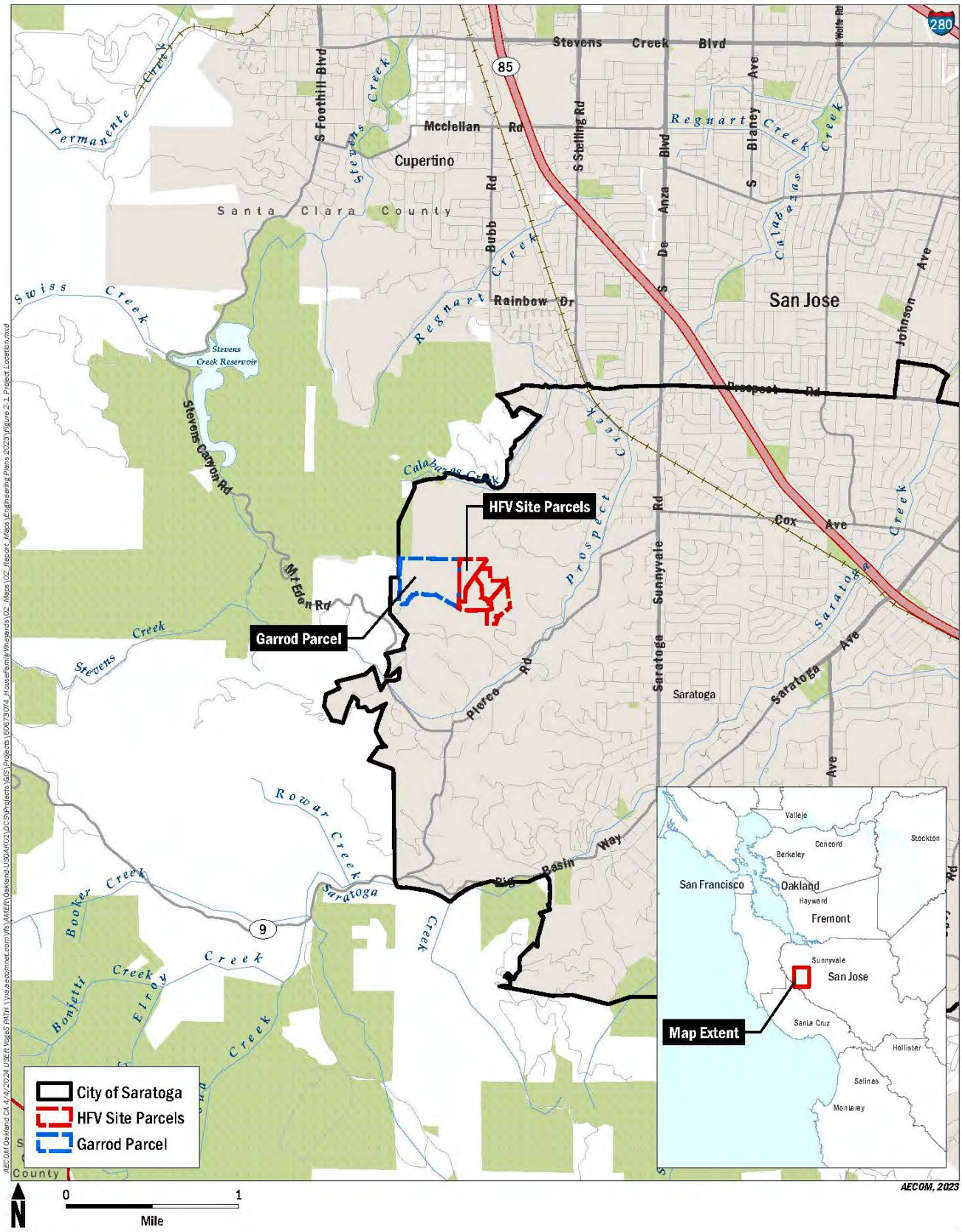


Figure 3.1-1: Project Location

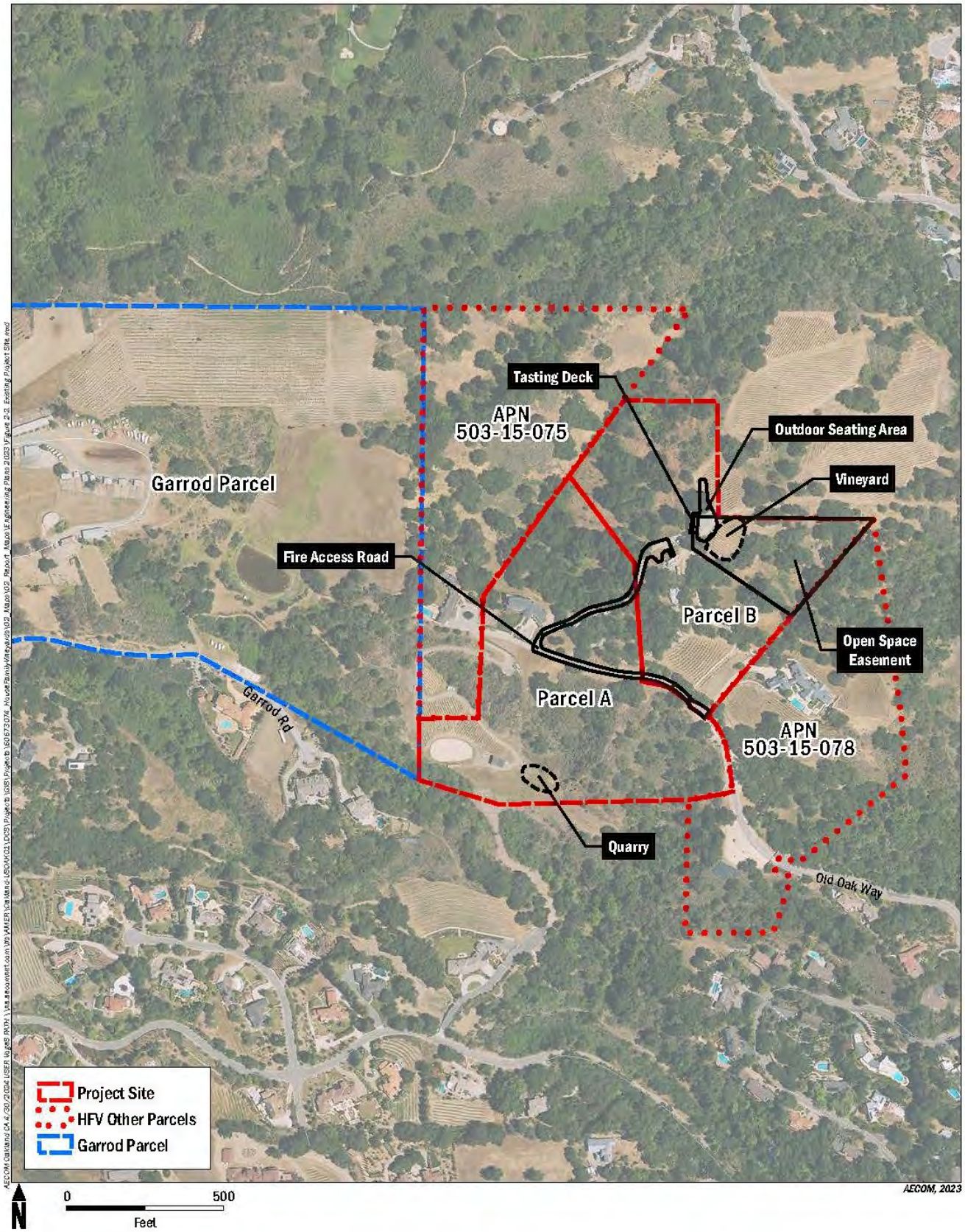


Figure 3.1-2: Existing Project Site

3.2 Existing Land Use Designation and Zoning

The project site is zoned Hillside Residential (HR), and the General Plan land use designation is Residential Hillside Conservation (RHC). The purpose of this zoning district and land use designation is to allow very low-density residential development, while maintaining the natural environmental and existing rural character of the area; encouraging development on gently sloping sites to have natural screening features; and preventing significant geotechnical or flood hazards. The HR zone permits single-family dwellings, transitional and supportive housing, accessory structures and uses, raising of vegetables, field crops, fruit and nut trees and horticultural specialties, and the processing of such products as are so raised or grown on the premises, home occupations, stables and corrals. Per Section 15-13.040 of the City Code, conditional uses allowable in this district include wineries, plant nurseries, public buildings, daycare facilities, nursing homes, among others.

Per Section 15-13.080, the maximum site coverage on any lot in the HR district shall not exceed 25 percent or 15,000 square feet, whichever is less. Per Section 15-13.090, the front setback area is a minimum of 30 feet; the side setback area is a minimum of 20 feet; and rear setback is a minimum of 50 feet for single stories and 60 feet for multi-story structures. Per Section 15-13.100, no structure shall extend to an elevation within 12 feet above the nearest adjacent minor ridge that does not have dense tree cover and no single-family dwelling shall exceed 26 feet in height without approval from the City Planning Commission. No accessory structure shall exceed 12 feet in height without approval from the City Planning Commission. All structures requiring design review shall comply with the floor area standards and setback requirements in the City Code. The proposed project requires approval of a subterranean wine cave and design review by the City for the tasting deck.

3.3 Project Site Access

Regional access to the City is provided by State Route (SR) 85, a six-lane freeway that runs from U.S. Highway 101 in Mountain View in the north and reconnects to the US-101 in San Jose in the south. SR 85 provides access from Saratoga to Interstate 280 (I-280) in Cupertino, SR 17 in Los Gatos, and SR 87 in San Jose (refer to Figure 3.1-1, Project Location above). SR 85 is approximately 1.8 miles northeast of the project site.

Local access to the project site from the east is provided via Saratoga Avenue to Cox Avenue to Pierce Avenue to Old Oak Way. Vehicles from the south would use Pierce Road to Old Oak Way. Vehicles from the west would use Mt. Eden Road to Villa Oaks Lane to Pierce Road to Old Oak Way. Vehicles from the north would use Comer Court to Pierce Road to Old Oak Way.

Old Oak Way is a winding road that provides direct access to the project site. Old Oak Way is owned and maintained by the City up to a gate that enters the House Family Vineyards, where it becomes a private road owned and maintained by House Family Vineyards. The road extends across the House Family Vineyards property where it terminates at an old quarry area in the southwest of Parcel A.

3.4 Surrounding Land Uses

The project area is located in an established residential neighborhood within the City's hillside community. The project site is in the area of the City that is largely open space, agricultural, and hillside residential uses, which are predominantly single-family homes on large parcels (40,000 square feet minimum lot size). Adjacent to House Family Vineyard's site to the west is the Garrod Parcel where land uses include residential, commercial (winery), agricultural (growing grapes for wine production), and recreational (public trail easement).

3.5 Project Objectives

The objectives of the proposed project are to:

1) Obtain permits to modify existing structures and facilities to comply with City zoning regulations and building codes and obtain a CUP for winery operations at the project site and host public and private wine tastings as well as private events.

2) Operate winery operations with public and private tastings, and private special events of various sizes at the project site.

3) Operate the winery with minimal disturbances to neighbors and its natural setting.

4) Provide a place where guests can enjoy the natural setting and views of the City.

5) Construct a subterranean wine cave to store wine at the project site.

6) Exchange 6,050 square feet of open space where the tasting deck and open seating area were constructed within the open space easement, for a new of 15,129 square foot open space easement adjacent to the existing open space easement. In addition, a vineyard of 11,244 square feet that was installed within the existing open space easement would be removed and replaced with native vegetation.

7) Support the City's economic goals and opportunities by expanding visitor destination venues within the City.

3.6 Proposed Characteristics

3.6.1 Building Design and Site Layout

The applicant is seeking a CUP from the City to operate the winery, including tastings and events, at the project site. The proposed project would include modifying the existing unpermitted tasting deck; modifying the private portion of Old Oak Way and an existing dirt road to provide primary fire access to the project site; constructing a new subterranean wine cave for wine storage; constructing a secondary access road for emergency access; exchanging 6,050 square feet of the open space easement for a larger 15,129-square-foot area on Parcel B; and removing a 11,244-square-foot vineyard within the open space easement and replacing it with native vegetation (see Figure 3.6-1, Proposed Project). These project components are discussed in more detail below.

3.6.2 Tasting Deck

The existing unpermitted 1,200-square-foot tasting deck and adjacent 107-square-foot building that contains an office space and two small restrooms would be modified to comply with the California Fire, Building, Mechanical and Electrical Codes, as adopted by the City. Additionally, the tasting deck would be modified to comply with the Santa Clara County Fire Department's specifications and Americans with Disabilities Act (ADA) requirements.

The tasting deck would be modified to comply with California Building Code Chapter 7A,[4] because the project site is in a designated VHFHSZ and a WUI zone, as described in *Section 2.1.1, Project Location and Section 3.20, Wildfire*. The partially open tasting deck would be fully enclosed. Exposed cedar on the outside and inside the tasting deck would be covered with noncombustible, ignition-resistant materials. Fiber cement siding and a noncombustible gypsum sheathing material would be used to cover the existing cedar siding on the outside of the tasting deck. This material offers high protection against water and moisture, and it has been designed especially for exterior applications. The roof would be replaced with a noncombustible Class 'A' roofing material such as galvanized sheet metal. The floors would be replaced with noncombustible solid wood, with floorboards a minimum of 1.25" thick and 6" wide. All exterior doors would be replaced with noncombustible or ignition-resistant material. Existing fire sprinkler heads would be upgraded.

The restrooms would be modified to meet ADA standards. Toilet grab bars would be provided on the rear wall behind the toilet and on the side wall adjacent to the toilet; these bars would be a minimum of 24 inches and 42 inches long, respectively. Thresholds at doorways would not exceed one half inch. The heights and spacing of the sink, toilet and other components of the bathroom would be designed to comply with ADA requirements. The restrooms would be connected to the existing wastewater tank on the property, which would be converted to a lift station as part of the proposed project. The lift station would then connect to the existing sanitary sewer main in Old Oak Way via a new sewer line extension.

Other modifications to the deck would include windows in the front and back of the tasting deck, framing, foundation, and roof; reinforcing intersections and bends; adding cross bracing to walls; beam and post attachments; and shear wall framing and connection. LED string lighting and directional spots lights would be implemented to the tasting deck. These lights would be connected to a 110-volt power source wired into the tasting deck. LED lighting at a maximum of 36 inches off the ground would be implemented for landscape and walkway lighting near the tasting deck. Furthermore, an area behind the tasting deck would be restored to its original grade. See Figure 3.6-2, Modified Tasting Deck Plan, which shows the proposed modifications.

3.6.3 Fire Access Road

The private portion of Old Oak Way connects to an existing dirt road just east of the existing residence on Parcel A, which traverses northward to the existing tasting deck. Together, Old Oak Way and the existing dirt road would be improved to meet Santa Clara County FireDepartment's requirements for road surfaces, load, and widths; fire hydrant siting; signage; and turning radii to provide fire access to the project site. The road surface would consist of aggregate base and

[4] Section 702A of this code chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface Fire Area.

would be designed to support a load of fire apparatus weighing at least 75,000 pounds. The road would be widened from approximately 14 feet to 20 feet with approximately 14 feet vertical clearance from any overhead trees. At the portion of the road that curves upward and crosses over one of the residence's driveways; the road would be widened from 14 feet wide to 20 feet wide to give fire trucks adequate clearance space. A fire hydrant would be located within 295 feet of the tasting deck. The fire hydrant would provide additional fire protection to the tasting deck, residences on the property, and the adjacent natural areas north of these structures. The fire hydrant would meet Santa Clara County Fire Department standards, which require the hydrant to support a flow of 1,500 gallons per minute at 20 pound per square inch (PSI) residual pressure for 2 hours. A retaining wall with a maximum height of 5 feet would be constructed on the back side of the fire hydrant where the slope is steep to make the area more functional for fire truck access and maneuvering. Signage indicating that the road is a fire access lane would be provided at intervals of 125 feet along the entire road. Since the distance between the road to the tasting deck exceeds 500 feet, a 42-foot turning radius is required at the end of the road for fire vehicles to turn around. See Figure 3.6-3: Fire Access Road Plan, which shows the proposed modifications to the existing roads.

3.6.4 Proposed Secondary Access Road

A 1,510-foot-long access road would be constructed to provide secondary emergency access from Garrod Road to the project site. Because the only access to the site is via Old Oak Way and the road dead ends at the project site, this secondary access road would be required for adequate emergency access, according to 14 California Code of Regulations (CCR) Section 1273.08. The secondary access road would connect House Family Vineyard's existing private road, Old Oak Way, to an existing unimproved dirt road on the adjacent the Garrod Parcel, which would connect to Garrod Road, a private road owned and maintained by Cooper-Garrod Vineyards. The proposed secondary access road would replace the existing dirt road following its same path. As shown in Figure 3.6-4, the road would be widened so that the traffic lane is a minimum of 14 feet wide and would be widened to 20 feet wide wherever possible. One 40- by 57-foot-wide turnout/turnaround would be constructed in the eastern portion of the road and six approximately 40-foot-wide turnouts would be constructed along the length of the road, with a maximum distance of 400 feet between turnouts. The turnaround area would provide at least 55 feet curb-to-curb turning radius (63 feet wall-to-wall turning radius) in compliance with Section 1273.04 of CCR Title 14. Turnout areas would be at least 40 feet wide, to allow emergency vehicles to pull over on the side of the road, so that they are not blocking the passage of other emergency vehicles. Two sections of the road would be paved with pervious pavement, including the easternmost section (which has a slope of approximately 16 percent) and a small section near the center of the route (which has a slope of approximately 20 percent). The remainder of the road surface (i.e., those portions with slopes of 15 percent or less) would be compacted Class II Base Rock[5] and engineered to provide an all-weather surface for fire apparatus. Signs would be provided in accordance with California Vehicle Code 21661 indicating that downhill traffic shall yield to vehicles traveling uphill. Convex mirrors would also be installed in six sections of the route where line of sight is limited due to road curves.

[5] Class II Base Rock is Recycled is produced from 100 percent crushed concrete and asphalt concrete products. It is designed to form a base for roads, parking lots, driveways and sidewalks.

Modifications to Garrod Road would also be required, which would include repaving and widening approximately 50 linear feet of the road to 20 feet, as well as canopy and brush removal along the length of Garrod Road to improve the line of sight and increase vertical clearance to 13.5 feet. An easement/agreement between the applicant and Cooper-Garrod Vineyards would be required for the secondary access road before construction activities occur. Figure 3.6-4 shows the location, extent, and features of the secondary access road.

The secondary access road would be used for emergency use only (i.e., for emergency vehicle access and/or as an evacuation route for HFV guests and employees and other local residents). The secondary access road would not be used for daily through traffic. The road would be gated at the connection with Garrod Road with a manual entry gate that would have a Knox Box style key for SCCFD access. Additionally, the gate would have a "daisy chain" of locks for the local landowners and a combination style lock. The combination would be provided to local residents who may need this road for emergency use, and there would be an additional breakaway style lock for emergencies.

3.6.5 Proposed Wine Cave

An approximately 2,600-square-foot subterranean wine cave would be constructed to provide onsite wine storage space to support the winery operations. The wine cave floor would be approximately 15 feet below the finished grade and the roof would be 3 feet below finish grade. The concrete structure would be covered with native soil and vegetation except for the front, where two doors would provide ingress and egress to the wine cave. Vines would be planted to cover the concrete front of the wine cave and three 15-gallon olive trees in large boxes would provide landscaping between the two doors. The retaining wall precast on each side would be covered with Geoweb.[6] Inside the cave, there would be 10 rows of barrel storage; 8 rows in the middle that would be 32 feet long by 3 feet wide; and 2 rows on the side walls that would be 40 feet long by 3 feet wide. Automatic fire sprinklers would be installed throughout the structure. The floor would have a drainage system that would connect to the existing sanitary sewer via a sewer line extension on the property. A description of how the wine cave would be constructed is provided in Section 2.7.2, below. See Figure 3.6-5: Proposed Wine Cave Plan, which shows dimensions, elevation, and the internal floor plan for the wine cave.

3.6.6 Open Space Easement Exchange

As discussed above, in 2013, the applicant constructed a tasting deck, a building with an office and two restrooms, and an uncovered seating area, and planted a vineyard within the open space easement that was intended to remain in its natural, open space conditions to preserve views of the ridgeline. The tasting deck and outdoor seating area encompasses 6,050 square feet of the open space easement. The applicant is proposing to exchange this 6,050-square-foot area with an adjacent 15,129-square-foot area that would become part of the recorded open space easement. Additionally, the 11,244-square-foot vineyard to the north of the proposed open space easement would be removed and replaced with native vegetation. See Figure 3.6-1: Proposed Project.

[6] The Geoweb is a three-dimensional honeycomb structure that confines and stabilizes soil in load support, slope stabilization, channel protection, and retaining wall application. The Geoweb material is made of high-density polyethylene (HDPE), offering the perfect balance of strength and flexibility.

3.6.7 Other Site Improvements

Other improvements to the site would include construction of parking for winery guests and utilities extensions and connections and the removal of six sheds. A total of 55 guest parking stalls are proposed along the applicant's private road, Old Oak Way, on the House family property (APN 503-15-078). Parking spaces would include 43 standard stalls, 10 parallel stalls, 1 ADA stall, and 1 ADA van stall. Hedges would be planted along parts of Old Oak Way to screen parking areas from viewpoints along the ridge. Existing utilities serving the project site would continue to serve the proposed project. However, the project would require sewer, water, and stormwater connections for the tasting deck, restrooms, and wine cave. The tasting deck, adjacent building with office and restrooms, and wine cave would be connected to the Cupertino Sanitary District sewer system. The applicant intends to convert the existing tank for use as a lift station to pump wastewater from the wine tasting deck, restrooms, and wine cave via a new connection to the sanitation district's existing sewer main on Old Oak Way. Water connections to the site would be needed for fire hydrants and the tasting deck. Water supply in the area is provided by Mt. Eden Mutual Water Company, of which the applicant is a member. The source of the company's water is the San Jose Water Company (SJWC). Proposed stormwater improvements would include drainage control facilities such as a stormwater catchment and drain dissipator and additional stormwater connections. Pacific Gas & Electric (PG&E) provides electricity and natural gas services to the project site. Utilities are discussed in more detail in *Section 4.19, Utility and Service Systems* of this EIR.

Lastly, there are six sheds on Parcel B that were constructed without the City's approval. All of these sheds would be removed. Once the sheds are removed, the grade would be restored to its original grade, revegetated, and a retaining wall would be installed as needed to support the slope.

3.6.8 Winery Operations

Public tastings would be limited to four days a week, Thursday through Sunday, from 12:00pm to 5:00pm, and from 12:00pm to 8:00pm on Fridays. The maximum seating capacity for public tastings would be 120 guests.

Private tastings would be by appointment only and limited to 8:00am to 10:00pm and could occur on any of the days in the week. Private tastings would be for a maximum of 25 guests and could include small corporate offsite meetings and other educational type events, followed by wine tastings. These wine tastings could include a cheese pairing with a curated wine tasting component.

Private events would also be by appointment only and limited to 8:00am to 10:00pm and could occur on any of the days in the week. These events would be birthdays, graduations, anniversaries, weddings, and charity events. These events may include breakfast, lunch, dinner, light appetizers, wine tasting component. There would be no kitchens on the project site; all food would be catered offsite. The maximum number of events would be 70 per year for small events with up to 50 guests; 20 per year for medium events with up to 100 guests; and 5 per year for large groups with up to 148 guests. The average number of events per week would be 1.8. These private tastings and events would generally not occur during the public hours of operation. It is

estimated that the maximum number of guests visiting the project site each day would be up to 463 guests.[7]

All winery guests would park onsite along Old Oak Way in designated areas or would arrive at the property via a shuttle service from their hotel. Parking stalls would be implemented as part of the proposed project as described in the section above. Winery staff would park at either the residence of 13340 Old Oak Way or at the residence of 13330 Old Oak Way. Three of the winery staff live within the House Family Vineyard properties and park at their house.

3.6.9 Winery Staff

The number of staff would vary based on business activity, time of year, and the type of events. The peak number of staff anticipated would be 22 personnel[8]. The winery would employ people for the following activities:

- **Vineyard operations:** One full-time vineyard manager and three full-time vineyard workers onsite from 7:00am to 3:00pm five days a week.
- **Public Wine Tastings:** A maximum of eight employees[9] during public tasting hours. Tasting hours are 12:00pm to 5:00pm Thursday through Sunday, and 12:00pm to 8:00pm on Fridays.
- **Private Wine Tastings:** A maximum of eight employees[10] for private tastings. Private tasting hours are limited to 8:00am to 10:00pm and could occur on any of the days in the week.
- **Private Events:** A maximum of ten employees for larger private events. Private events hours are limited to 8:00am to 10:00pm. The number of events each year are included in the section above.

[7] The number of guests per day is estimated at 463, which is a very conservative estimate. The estimate assumes that the winery would be at full capacity of 120 guests two times per day that could occur during the open tasting hours. As such, 240 guests per day for public tastings are estimated. The estimate adds the number of guests for larger events (148); even though these events are assumed to be only 5 times a year, this would be the worse-case condition. The estimate also adds three private tastings per day that could occur from 8am-10pm, which could have up to 25 guests. As such, private tastings would add 75 guests per day. 240 +148+75=463 of guests per day for the worse-case condition.

[8] A maximum of 22 personnel is assumed which includes 4 vineyards workers, 8 employees for public tastings and up to 10 employees for private events. Private wine tastings and private events are assumed not to overlap; therefore the 8 employees for private wine tastings are not included since the larger number of employees for private events are (10) used in the total maximum. Although the applicant has indicated that private events would generally not be held at the same time as public tasting hours, for the purposes of environmental analysis within this EIR, a conservative assumption is made that private and public tastings could overlap.

[9] Eight employees is consistent with the assumption made in the Vehicle Miles Travelled Study (Fehr & Peers 2024) for number of employees during public tastings.

[10] It is assumed that this number of employees would include catering staff for events with meals to serve up to 25 guests.

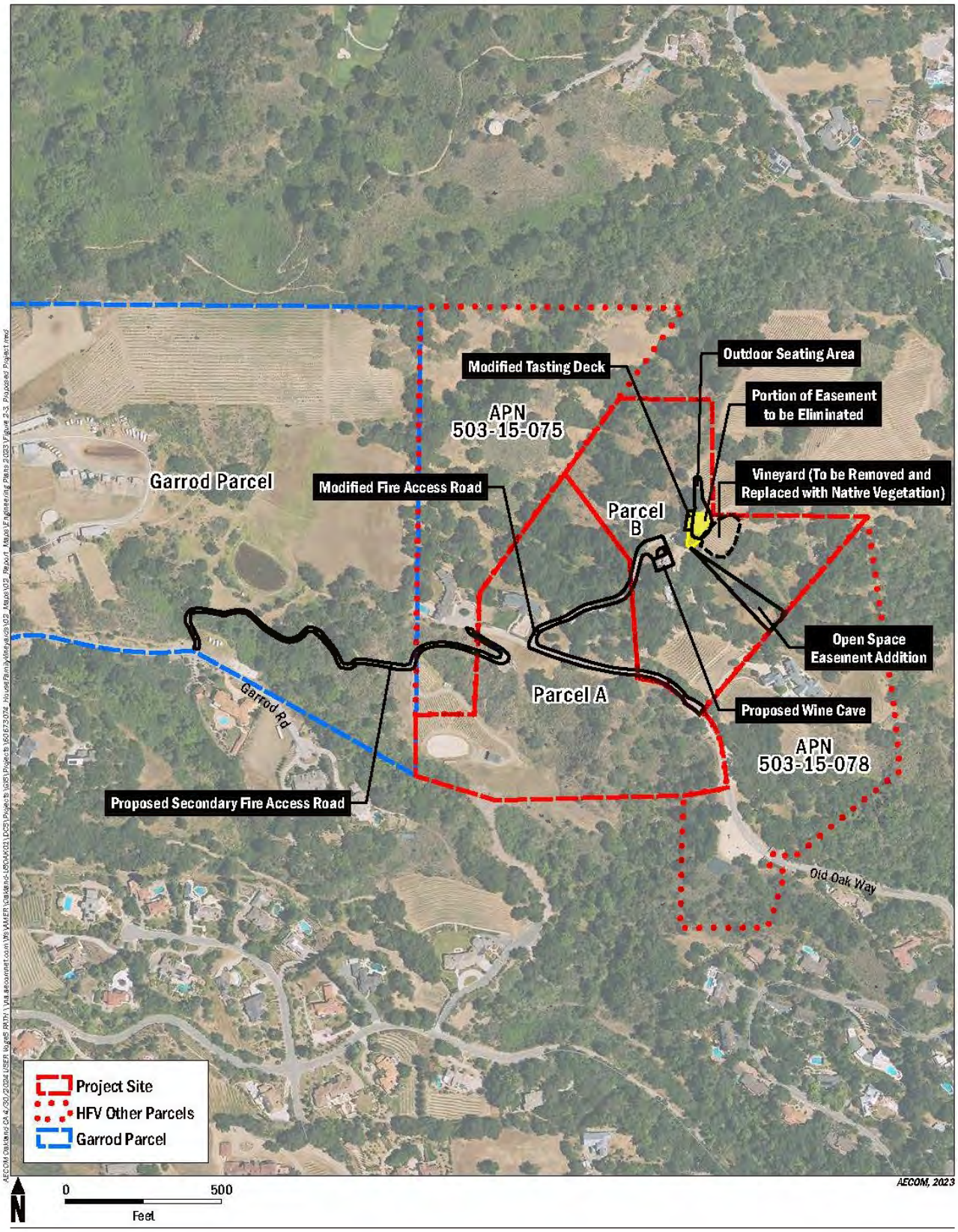


Figure 3.6-1 Proposed Project

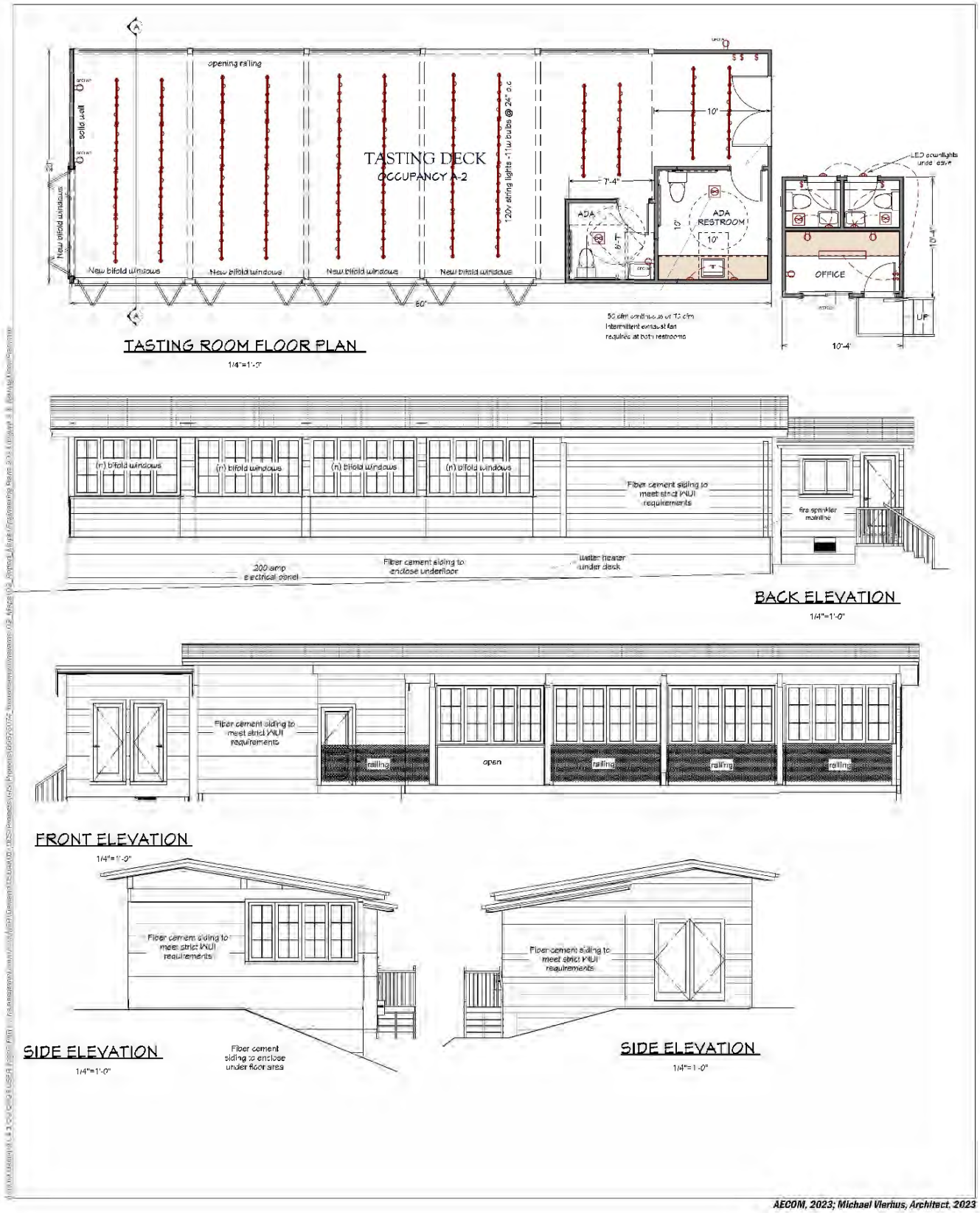
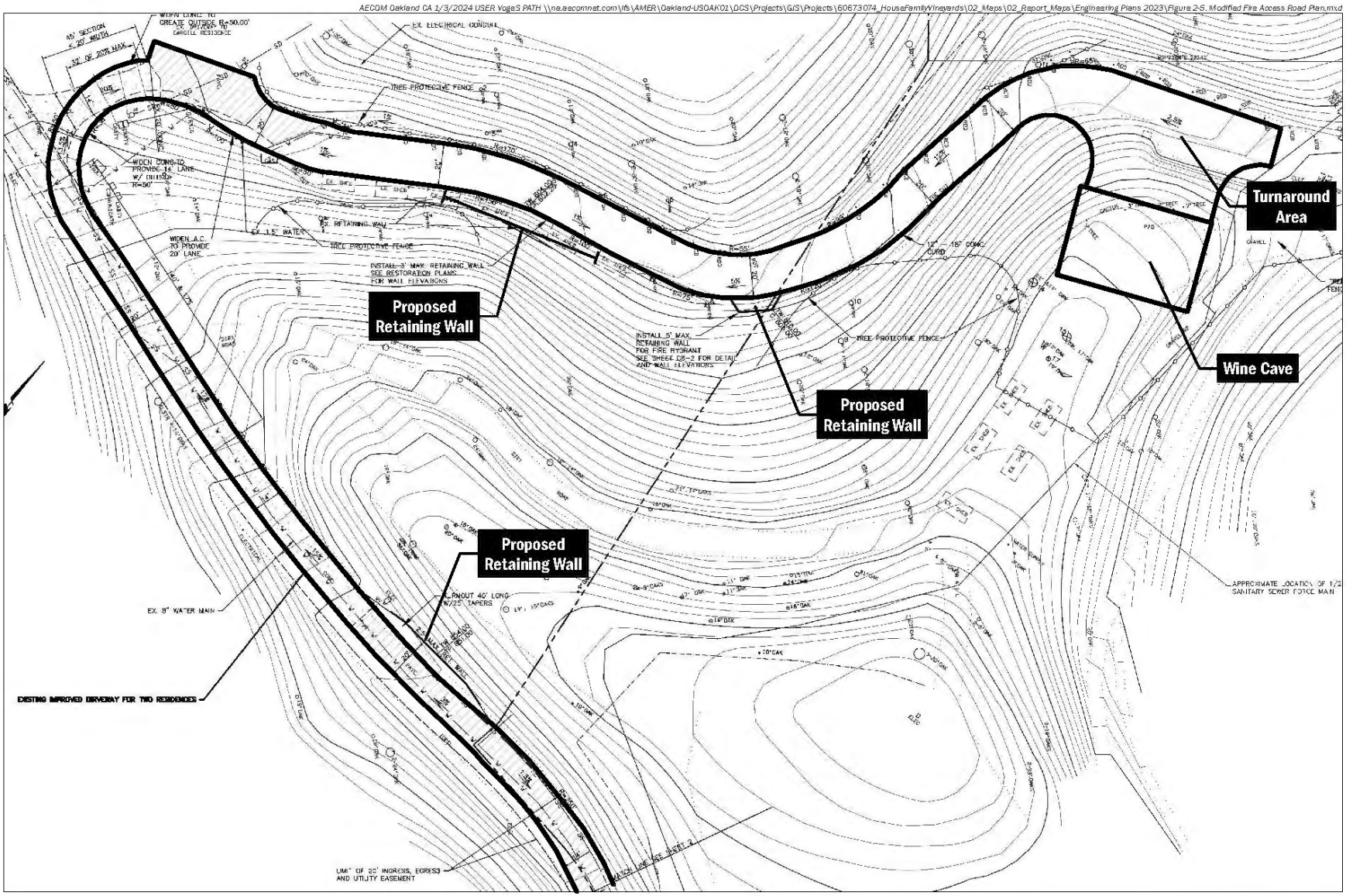
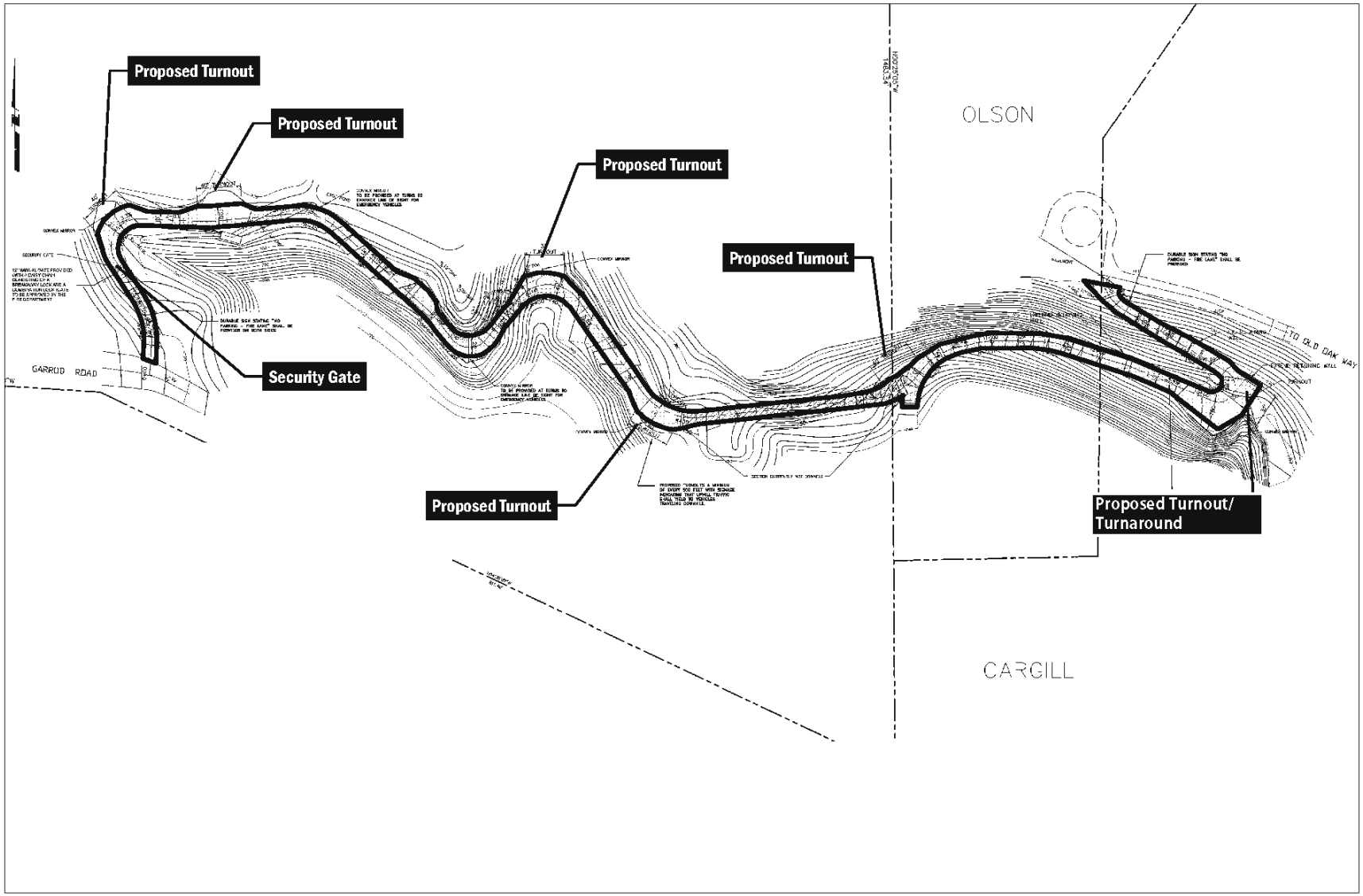


Figure 3.6-2 Modified Tasting Deck Plan



AECOM, 2023; Westfall Engineers, 2023

Figure 3.6-3 Fire Access Road Plan



AECOM, 2023; Westfall Engineers, 2023

Figure 3.6-4 Proposed Secondary Access Road

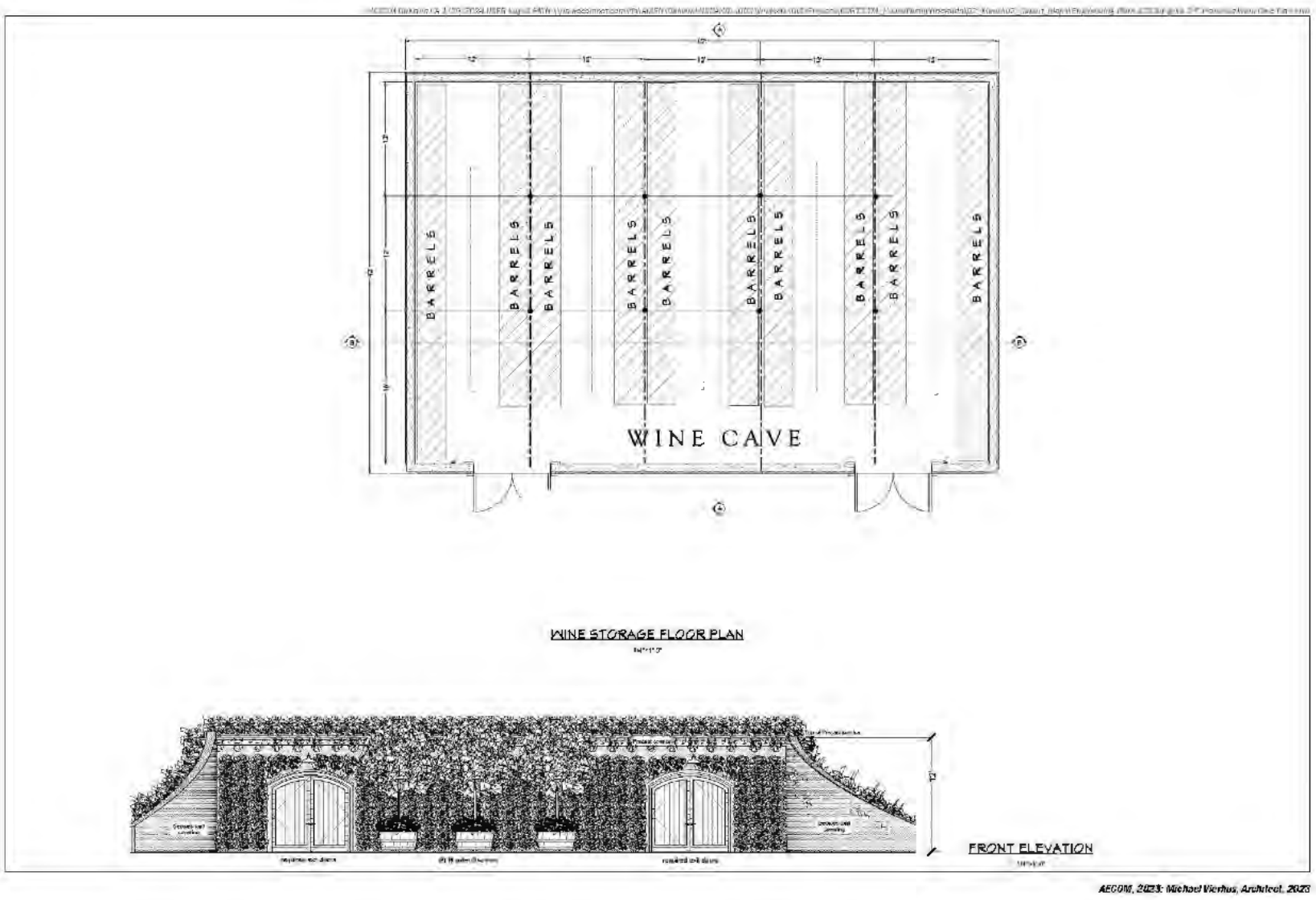


Figure 3.6-5 Proposed Wine Cave Plan

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3.7 Project Construction

3.7.1 Construction Phasing and Schedule

The overall project schedule would depend on approvals from the City. However, the construction is anticipated to begin in Spring 2025 and last approximately seven months. Construction and/or modifications of the tasting deck, fire access road, secondary access road, and wine cave would occur in four phases with Phases 2, 3 and 4 overlapping. It is not anticipated that Phase 1 would overlap with the other phases. These phases are described below:

- Phase 1: tasting deck modifications
- Phase 2: fire access road modifications
- Phase 3: secondary access road
- Phase 4: wine cave

Table 3.7-1 shows the activities associated with these construction phases and the estimated time frames to complete them.

Construction activities are anticipated to be undertaken five days a week, typically between the hours of 7:30am and 4:00pm, Monday through Friday. Actual work times would vary depending on the particular stage of construction and would comply with Section 7-30.060 of the City of Saratoga Code of Ordinances (which permits construction activities only between the hours of 7:30am and 6:00pm Monday through Friday and between 9am and 5pm on Saturdays).

Anticipated construction equipment for all phases of the project would include excavators, graders, soil compactors, cement and mortar mixers, dozers, forklifts, rollers, drill rigs, dump trucks, and skid steer loaders. It is estimated that there would be an average of 4-6 construction workers onsite per day depending on the construction activities and phases.

During the start of each construction phase, heavy construction equipment listed above would be used near the upper limit of 8 hours per day. This extent of construction accounts for 45 out of 98 working days (46 percent). During the final stage of each construction phase, the use of heavy construction equipment would diminish to approximately 2.5 hours for the remaining 53 days. The aggregated average of heavy equipment use would be approximately 5 hours per day throughout the 7-month construction period.

Table 3.7-1 Estimated Duration of Each Construction Task

Construction Activity	Duration (days)
Tasting Deck Modifications	32 days (with overlapping tasks)
Provide deck surround WUI Skirting	7 days
Install approved WUI windows	15 days
Upgrade fire sprinkler heads	5 days
Add non-combustible floor	5 days
Additional tasting deck fireproofing	7 days
Roof modifications to meet WUI standards	7 days
Restore grade at foundation	7 days
Fire Road Modifications	36 days
Scarify and recompact	7 days
Rough grading	7 days
Import and place rock	10 days
Finish grade rock road	7 days
Proof roll and complete	5 days
Secondary Access Road	53 days (with overlapping tasks)
Scarify and recompact	10 days
Rough grading	10 days
Import and place rock	20 days
Finish grade rock road	13 days
Proof roll and complete	10 days
Wine Cave Construction	98 days (with overlapping tasks)
Excavate for wine cave	15 days
Cut to fill - soil to onsite location	15 days
OSHA slope cut	5 days
Cut to stockpile for future backfill	5 days
Foundation excavation	5 days
Foundation form, reinforce and pour	14 days
Wall back form	21 days
Wall reinforce	7 days
Front form and pour	14 days
Deck shoring	7 days
Deck form, reinforce	7 days
Deck embeds	3 days
Deck placement	1 day
Pull shores	14 days
Interior mechanical, plumbing, and electrical systems	7 days
Doors	5 days
Backfill OSHA cut and top	14 days
Grade	5 days
Punch	14 days

3.7.2 Site Preparation and Earthwork

Site preparation and earthwork activities would be required for the proposed project. The maximum excavation depth for the proposed project would be 25 feet. As shown in Table 3.7-1, above, the fire access road and secondary access road would require site preparation (i.e., scarification and recompaction) and rough grading. Once the fire access road and secondary access road are at finished grade, compacted aggregate base and Class II Base Rock would be placed on the surface and compacted.

The wine cave would require excavation of approximately 1,400 cubic yards (C.Y.) for the foundation and underground cave down to 25 feet from existing grade. Typically, modern caves are constructed using one of two methods: either they are formed by being blasted out of the earth or excavated. The majority of wine caves in California are excavated using a road-header to mill the rock and then reinforced with steel, welded wire fabric, and a fluid form of concrete called 'shotcrete' (Facility Development Company 2024). For the proposed project, the wine cave would be excavated with conventional earth-moving equipment such as an excavator. Construction of the wine cave would not include blasting or jack hammering.[11]

Excess native soil from construction of the wine cave, fire access road and secondary access road (approximately 2,261 C.Y.) would be permanently stockpiled onsite in the existing quarry area at the southwest portion of Parcel A as shown in Figure 3.1-2:

The previously graded area adjacent to the tasting deck would be restored to the natural grade using soil onsite.

Table 3.7-2 shows the estimated earthwork quantities of cut and fill required for each project improvement.

Table 3.7-2 Estimated Earthwork Quantities

Project Improvement	Cut (C.Y.)	Fill (C.Y.)
Wine cave	1,411	0
Tasting deck	0	132
Fire access road	403	483
Secondary access road	1,411	349
Quarry Fill	0	2,261
Total Earthwork Quantities	3,225	3,225

Source: Westfall Engineers, INC. 2024.

3.7.3 Construction Staging, Haul Routes, and Traffic Control

All construction staging would occur onsite at House Family Vineyards and Garrod Parcel. Staging for the modification of the tasting deck and dirt access road and proposed wine cave would be on Parcel A and B near these improvements. For the proposed secondary access road, the parking and equipment staging area would be on the Garrod Parcel at the first turnaround area along the proposed secondary access road (this is the first turnaround area on the west side of the Garrod parcel; See Figure 3.6-4: Proposed Secondary Access Road). Construction haul routes are anticipated to use Old Oak Way,

[11] No blasting during construction of the wine cave was confirmed via email by Dave Rossi of RJ Dailey Construction, the applicant's contractor, on March 15, 2022 and confirmed by applicant again on May 3, 2024.

Pierce Road, Saratoga Avenue, and SR 85. Existing emergency access routes to the project site would be accessible throughout construction. Construction for the project is not anticipated to require the closure of local roads.

3.8 Required Permits and Approvals

Consistent with CEQA Guidelines Section 15065(b), the City is the lead agency for the proposed project. As such, this EIR would be used by the City to assess the environmental impacts of the proposed project and identify mitigation measures to reduce the effects of those impacts determined to be significant. The City Planning Commission would certify the final EIR and consider approval of the project as part of the City's development review process.

The proposed project requires a CUP for winery operations and design review, grading permit, and building permit for the tasting deck and wine cave. Additionally, a tree removal permit, a geotechnical clearance permit, and a food permit would be required. City Council approval to add no parking signs on along Old Oak Way would also be required.

Other agencies whose approval would be required include:

- State Water Quality Control Board (SWRCB) for a National Pollutant Discharge Elimination System (NPDES) Construction General Permit,
- Santa Clara County Fire Department for a fire permit plan review and the modifications and improvements for the two access roads,
- County of Santa Clara Department of Environmental Health permit for Septic Tank Abandonment,
- Cupertino Sanitation District for sewer connection to the tasting deck and wine cave.

4 Environmental Setting and Impact Analysis

4.1 Methodology

4.1.1 Project Impact Assessment Methodology

Appendix G of the CEQA Guidelines provides a sample initial study checklist that identifies a number of factual inquiries related to various environmental topics. CEQA grants lead agencies discretion to develop their own thresholds of significance. Although lead agencies are not required to use the Appendix G inquiries as thresholds of significance, it is a common practice for lead agencies to do so and the City has done so for this project. Specific thresholds of significance are established for each of the environmental topics discussed within this section, based on Appendix G of the CEQA Guidelines.

Each environmental topic section within this EIR (Sections 4.2 through 4.20) provides a description of the existing setting with respect to the particular topic, an overview of the applicable regulatory framework at the federal, state, and local levels, and then discusses the impacts of the Project and compares those impacts to the established thresholds of significance. Each environmental topic section also includes an assessment of the cumulative-level impacts.

4.1.2 CEQA Baseline Scenarios

Consistent with State CEQA Guidelines Section 15125, the baseline conditions, against which project impacts would be measured, are typically those conditions that are in effect at the time a NOP is issued. The NOP was issued in March 2022 and public scoping meeting held on March 30, 2022 to inform the public of the project. In May 2022, the City decided to put the preparation of the EIR on hold, due to inadequate and incomplete project plans and project information from the applicant. EIR preparation was reinitiated in October 2023. Therefore, this EIR considers conditions at the time of the NOP in 2022, rather than more current conditions at the site, in which the applicant is operating under a temporary compliance plan that limits wine tastings by appointment only at Izumi Point to no more than 49 people. Winery operations under Baseline Scenario 1 involve 71 guests coming to the project site each day for wine tastings.[12] These wine tastings were by appointment only for wine club members. The tasting deck was closed at this time and it is assumed that wine tastings were held in the outdoor seating area. The project site was not open to the general public at this time. No private special events of any kind occurred at this time; this includes events for weddings, birthdays or graduations It is assumed that up to eight employees are present at the site each day.

Additionally, a second baseline is considered that analyzes the project impacts relative to conditions prior to the unpermitted tasting deck being constructed (2013) under Baseline Scenario 2. Winery operations under Baseline Scenario 2 involve smaller groups of up to 10

[12] Guests per day under Baseline Scenario 1 describe guests coming to the project site during the open tasting hours, which are Thursday through Sunday, from 12:00pm to 5:00pm, and from 12:00pm to 8:00pm on Fridays.

guests per day wine tasting in an open seating area, as the tasting deck was not constructed at this time. The 2013 baseline is considered to allow the EIR to provide a more informative analysis of impacts from when the operations first started at the site. The description of these two baseline scenarios are also discussed in *Section 3.1.2, Existing Site Conditions*.

4.1.3 Cumulative Impact Assessment Methodology

CEQA requires that an EIR include an assessment of the cumulative impacts that could be associated with implementation of a project. This assessment involves examining project-related effects in connection with the environmental effects of past, current, and probable future projects. An EIR must discuss the cumulative impacts of a project when the project's incremental effect would be cumulatively considerable contribution to a significant cumulative impact (CEQA Section 21083(b)(2)).

Although project-related impacts may be individually minor, in combination with other past, present and probable future projects producing related impacts, where the project's incremental effect could be cumulatively considerable, the EIR should evaluate whether the project's effect, in combination with other projects, would be cumulatively significant (CEQA Guidelines Section 15130(a)). CEQA Guidelines Section 15130(b) indicates that the level of detail for the cumulative impact analysis need not be as great as for the project impact analyses, but that it should reflect the severity of the impacts and their likelihood of occurrence, and that it should be focused, practical, and reasonable.

CEQA Guidelines Section 15130(b)(1) identifies two approaches to analyzing cumulative impacts. The first is the list approach, through which a defined set of past, present, and probable future projects producing related or cumulative impacts is considered for analysis. The second is the summary approach (also known as the "plan" approach), wherein the relevant projections, as contained in an adopted general plan or related planning document that evaluates regional or area wide conditions, are summarized. This EIR's cumulative impact analysis is based on a combination of these approaches, as described below, depending on the resource area being analyzed. Please also see the individual resources sections of this EIR (Sections 4.2 through 4.20) for additional information.

The geographic study area and method for conducting the cumulative analysis also varies by resource area. For example, air quality impacts are evaluated against conditions in the air basin. Other cumulative analyses, such as cultural resources, consider the potential loss of resources in a broader, more regional context. Cumulative impacts for each resource area are discussed within the specific resource sections. The cumulative projects and growth discussed in the subsequent sections is considered conservative as many of these projects would not be completed or fully constructed within the 2025 horizon year of the proposed project.

Evaluation of cumulative impacts is a multi-step process, as detailed below:

1. **Analysis of the overall cumulative impact** of the proposed project, in combination with other past, present, and probable future projects (using either the list approach or plan approach, or some combination thereof). If the overall cumulative impact would be less than significant, no further cumulative analysis is required. If the overall cumulative impact is potentially significant, then step two is required.

2. **Analysis of the project's incremental contribution to the overall impact**. If the project's contribution would not be cumulatively considerable[13], no further cumulative analysis is required and the cumulative impact is less than significant. If the project's contribution would be potentially cumulatively considerable, then step three is required.
3. **Consideration of mitigation to reduce the project's contribution.** If mitigation measures can reduce the project's contribution to a level that is less than cumulatively considerable, no further cumulative analysis is required and the cumulative impact is less than significant. If mitigation measures cannot reduce the project's contribution to a level that is less than cumulative considerable, then the cumulative impact is significant and unavoidable.

List of Cumulative Projects

The effects of past and present projects on the environment are reflected by the existing conditions in the Project area. A list of probable future projects in the vicinity of the project site is provided below in Table 4.1-1. The table is not intended to be an all-inclusive list of projects in the City of Saratoga (City), but rather probable future projects in the project vicinity that have the possibility of combining with the Project to generate a cumulative impact (based on proximity and construction schedule) and either:

- are partially occupied or under construction at the time of the NOP,
- have received final discretionary approvals at the time of the NOP, or
- have applications accepted as complete by local agencies and are currently undergoing review at the time of the NOP.

Table 4.1-1 identifies current and probable future projects that were considered in the development and analysis of the Project's potential cumulative impacts.

[13] Cumulatively considerable means that the incremental effect of the specific project under review will be significant when viewed in context of the overall cumulative problem [CEQA Guidelines Section 15130(b)(2)].

Table 4.1-1 List of Cumulative Projects

Project Name	Description	Location (Distance from Project Site)	Current Land Use/Zoning	Status
Chadwick Heights	The project proposes the subdivision of the 29.19-acre site into six lots. One single family residence is proposed on each of the five estate lots and 80 multifamily units are proposed on the remaining lot. APN 503-15-084.	Adjacent to the project site to the northeast	Vineyards/ HR	Preliminary plans sent to City in February 2024
Mount Eden Road	The project proposes 19 two-story single-family residential homes, with approximately 90,000 square feet and four (4) below-market-rate residences of residential building area on a portion of the approximately 29.28-acre infill property. APN 503- 13-067.	In between Villa Oaks Lane to the south and Mount Eden Road to the north (0.5 mile)	Undeveloped land/HR	Preliminary Application submitted in February 2024
20851 Wardell Road	The project proposes 40 single family homes on a 7.5-acre site, 8 of the homes would be deed restricted low-income units. A total of 177 parking spaces are proposed: 25 street parking, 80 parking spaces within garages and 72 surface parking in the driveways. APN 366-14-041.	20851 Wardell Road (0.75 mile)	Currently has a single-family residence on the property/ HR	Preliminary Application submitted in March 2024
Mountain Winery	Project proposes subdivision and condominium map, with 82 single-family homes, 24 triplexes (72 units total), 12 townhome buildings (60 units total), 2 multi-family buildings (16 units total). 10 triplexes (30 units total) and 2 multi-family buildings (16 units total) are proposed affordable to low-income households. The project also includes an 80-room hotel. APN 503-46-009.	14831 Pierce Road (1 mile)	Currently has a winery, parking lot and open space/Residential Open Space Prezone (ROS)	Formal application was submitted in August 2024
Pierce Road and Vintage Lane	The project proposes mixed-use consisting of 21 single-family homes (5 low-income) with approximately 104,480 sq ft of floor area, on an approximately 72.45-acre site. Twenty percent of the residential units would be deed restricted for lower-income households. The project seeks the City's approval of a Vesting Tentative Parcel Map and Density Bonus. APN 503-46-005.	At the intersection of Pierce Road and Vintage Lane a (1 mile)	Undeveloped/ HR	Formal application was submitted in December 2023.

4.2 Aesthetics

This section describes the existing visual setting of the project vicinity and evaluates whether the proposed project would result in significant adverse effects to aesthetics, including impacts to scenic vistas, scenic resources, scenic quality, and light and glare.

The City received the following comments relating to aesthetics during the public scoping period in response to the NOP:

- Concerns that the tasting deck and vineyards affect desirable views as they were implemented on a ridgeline within a scenic open space easement.
- Concerns that the tastings and events affect the viewshed.
- Concerns regarding nighttime lighting emanating from the tasting deck and winery events.
- Concerns about the parking lot being visible from ridgelines and affecting the viewshed.
- Concerns related to the proposed project affecting the visual character of the hillside community.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.2.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Aesthetic resources include a combination of numerous elements, such as landforms, vegetation, water features, urban design, and/or architecture, that impart an overall visual impression that is pleasing to, or valued by, its observers.

Visual Character of the Project Site and Surrounding Area

The project site comprises 23 acres of the overall 48-acre property and consists of two adjacent parcels, 13-acre Parcel A and 10.3-acre Parcel B. The site is situated on the eastern foothills of Monte Bello Ridge along the Santa Cruz Mountains in the northwest portion of the City. The site is in an area of the City that is largely open space, agricultural (i.e., vineyards), and a hillside residential neighborhood, with predominantly single-family homes on large parcels. The project vicinity has a rural character.

On Parcel B, there is an existing 1,200-square-foot tasting deck, which consists of a 13.95-foot-tall, 20-foot by 60-foot dark brown structure that is partially open on three sides with railings and a solid roof. Adjacent to the south side of the tasting deck is a 107-square-foot building that contains an office and two small individual restrooms. An uncovered seating area that is furnished with picnic-style tables and portable standing heaters is directly outside the tasting

deck on the east side (Figure 4.2-1). The tasting deck is sited on a minor ridge that provides expansive views of the Santa Cruz Mountains and valley floor (Figure 4.2-2).[14]

Figure 4.2-1 Existing Tasting Deck

Source: AECOM 2022.

[14] A minor ridge is defined as a ridge other than a major ridge that is 50 feet or more above two points 150 feet distance from the top of the ridge to either side. See, Saratoga City Code section 15-13.020.

Figure 4.2-2 Existing View from the Tasting Deck of the Santa Cruz Mountains and Valley Floor

Source: AECOM 2022.

The majority of the tasting deck and uncovered seating area are within the existing 121,800-square-foot open space easement. The open space easement also contains a 11,244-square-foot vineyard. The remainder of the open space easement is dominated by natural vegetation, including coast live oak and grasses. The open space easement was created to preserve the scenic beauty and natural open space of the hillside area along a minor ridge. It prevents the construction of improvements and the cutting and uprooting of natural vegetation on the easement.

Vegetation within project site is dominated by coast live oak interspersed with a variety of other trees and shrubs including toyon, elderberry, orange bush monkeyflower, coyote brush, creeping snowberry, and blue blossom. The color and texture of the project site's appearance varies by season. In summer months, or times of little rainfall, the landscape is generally tan or light brown and dry in appearance. In the winter, or during months of higher rainfall, the landscape turns predominantly dark green because of the vegetation in the area.

The project area encompasses the project site (Parcels A and B), House Family Vineyards APNs 503-15-075 and 503-15-078 and Garrod Parcel (503-12-001) to the west. A portion of the project site on Parcel A to the west, as well as the southern portion of the Garrod Parcel, has a sloping terrain with various vegetative communities including California sage brush, coastal oak woodland, and California grasslands. It ranges from areas that are flat to areas that are steep.

On the Garrod Parcel, there is a trail easement for public, pedestrian and equestrian uses; the trail begins next to a paved parking lot on the southwest portion of the Garrod Parcel paralleling Garrod road for approximately 850 feet before meandering to the northmost point of the parcel along areas with mature oak trees and through an existing vineyard. There is also an existing dirt trail with varying widths from approximately 5 to 25 feet wide that meanders through the sloping terrain. A stock pond, about 200 feet in diameter, is north of the project area and four southeast-draining swale-like features are on the south side of the Garrod Parcel.

The developed portion of the project site, including the tasting deck, has limited visibility from surrounding public vantage points, including the valley floor, due to intervening topography and vegetation (see Figure 4.2-3, Figure 4.2-4, and Figure 4.2-5). In addition, views of the project site from elevated public viewpoints in the Saratoga foothills are barely distinguishable from surrounding development (see Figure 4.2-6). Figure 4.2-7 indicates the locations of the viewpoints shown in the preceding figures.

Figure 4.2-3 View looking Northeast toward House Family Vineyards from Garrod Road.

Source: Google Street View 2024.

Figure 4.2-4 View looking South/Southwest toward House Family Vineyards from the Valley Floor at the Intersection of Diamond Oaks Court and Comer Court

Source: Google Street View 2024.

Figure 4.2-5 View looking South/Southwest toward House Family Vineyards from the Parker Ranch Trailhead.

Source: Google Street View 2024.

Figure 4.2-6 View looking Southeast toward House Family Vineyards from Nob Hill.

Source: Google Street View 2024.

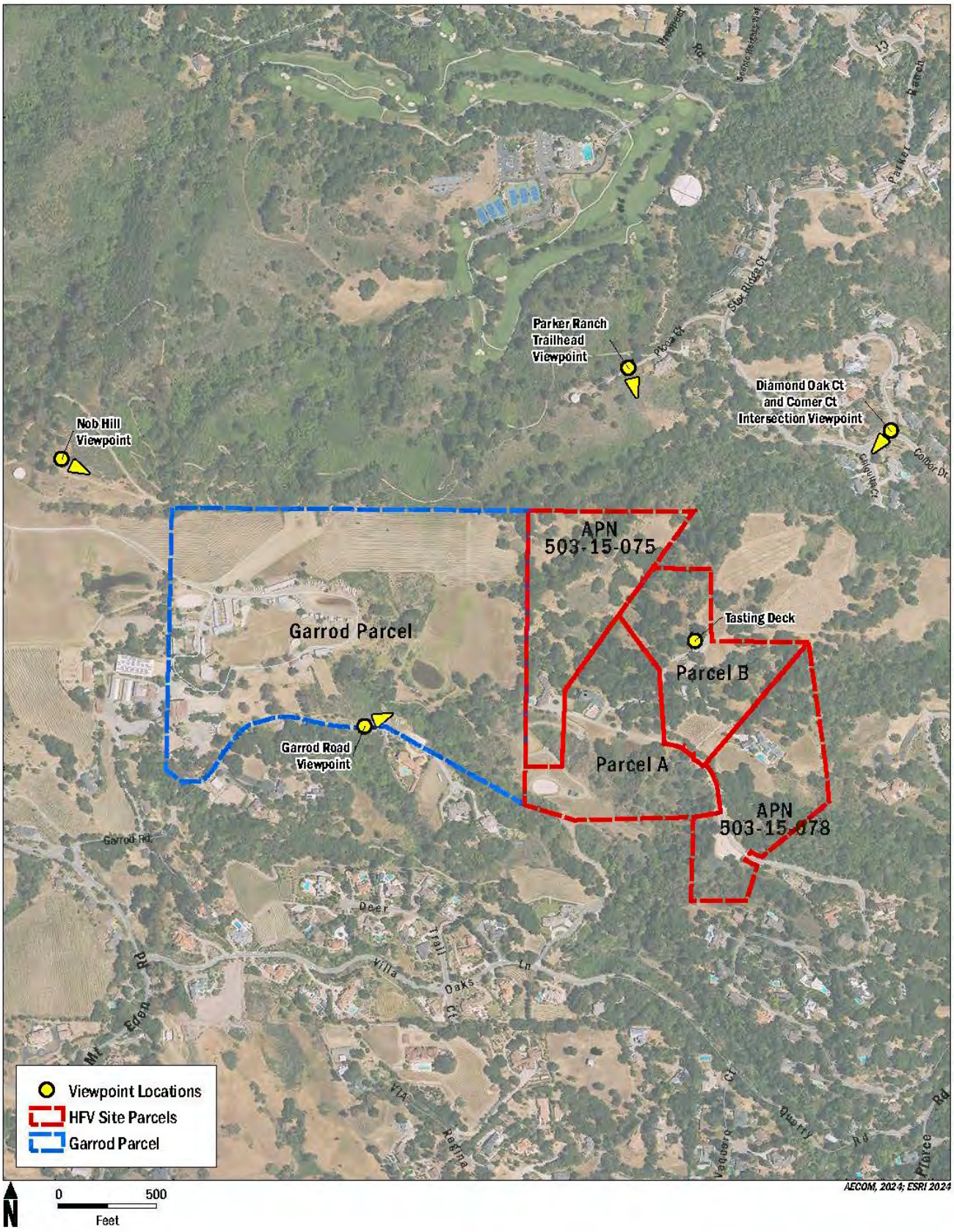

Figure 4.2-7 Viewpoint Locations

Scenic Highways and Corridors

The California Department of Transportation (Caltrans) manages the State's Scenic Highways Program. The nearest officially designated State Scenic Highway is the portion of SR-9 between the Saratoga/Los Gatos boundary and Skyline Boulevard, which passes within approximately 2 miles of the project site, to the south. Additionally, SR-35 in Saratoga and SR-17 near Los Gatos are listed as eligible but have not been officially designated by Caltrans (Caltrans 2024).

Scenic Vistas

There are no designated scenic vistas in the City; however, the City recognizes existing open spaces and connections through various trail linkages as important scenic systems. These trail linkages include Parker Ranch Loop, which connects the City to the Fremont Older Open Space, and which shares an eastern boundary with Upper Stevens Creek Park (City of Saratoga 2024b). Similarly, the City recognizes the foothills and view of the Santa Cruz mountains as valuable scenic hillsides and open space resources.

Light and Glare

The terms "glare" and "skyglow" are used to describe the visual effects of lighting. Glare is direct, indirect, or reflected exposure to bright lights and skyglow is a glow that extends beyond the light source above the horizon at night.

The project site has some existing sources of light and glare from the residence façade lighting, tasting room and deck lighting, interior illumination passing through windows, and intermittent illumination from vehicle headlights. Sensitive receptors relative to lighting and glare are residents of neighboring properties.

Glare can emanate from many different sources, some of which include direct sunlight, sunlight reflecting from buildings, and bright outdoor or indoor lighting. Currently, there are no buildings, structures, or facilities in the project site that generate substantial glare, as most of the buildings are constructed of non-reflective materials, such as wood, and do not have a substantial number of windows adjacent to one another that would create a large reflective area.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for aesthetics under Baseline Scenario 2 is similar to those described above. The difference is that the tasting deck and adjacent office/restroom structure, and associated lighting sources were not present. There were no grading changes this location. This location would have appeared similar to the adjacent open space easement where there would have been oak trees and grasses. Furthermore, due to the lower number of guests utilizing the site under this baseline, there would be less frequent intermittent illumination from vehicle headlights.

4.2.2 Regulatory Framework

Federal

There are no relevant federal regulations regarding aesthetics applicable to the proposed project.

State

There are no relevant federal regulations regarding aesthetics applicable to the proposed project.

Local

City of Saratoga General Plan

City policies pertaining to scenic quality and visual character are contained in the Land Use Element (City of Saratoga 2024a) and Open Space Element of the City's General Plan (City of Saratoga 2024b). The City's General Plan policies relating to aesthetics primarily encourage maintenance of the predominantly small-town character, and preservation of scenic hillsides and open space areas.

The following goals and policies from the City's General Plan relating to aesthetics apply to the proposed project:

- **Goal LU-5**: Maintain and enhance the character of residential neighborhoods by reviewing new development proposals for potential adverse impacts.
  - **Policy LU-5.1:** 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-5.2:** 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-10.1**: Minimize the visual impacts of hillside development, especially on ridgelines.
  - **Policy LU-10.1:** Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts, especially to ridgelines.
- **Goal LU-13:** The City shall use the design review process to ensure 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 CEQA 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).
- **Goal OSC-2:** Maintain the predominantly small-town residential character of Saratoga, which includes a mix of larger residential parcels, long-established neighborhoods, scenic hillsides, and open space areas.
  - **Policy OSC-2.1:** Ensure that all development proposals, public and private, are sensitive to the natural environment and the community's open space resources.

City of Saratoga Municipal Code

Article 15-13 addresses development in the Hillside Residential District. The proposed project requires Design Review in accordance with Section 15-13.150, which references the applicable

design review regulations in Articles 15-45 and 15-46. Section 15-45.080, *Design Review Findings*, states that the Planning Commission shall not grant design review approval unless it is able to make the following findings:

a) Site development follows the natural contours of the site, minimizes grading, and is appropriate given the property's natural constraints.

b) All protected trees shall be preserved, as provided in Article 15-50 (Tree Regulations). If constraints exist on the property, the number of protected trees, heritage trees, and native trees approved for removal shall be reduced to an absolute minimum. Removal of any smaller oak trees deemed to be in good health by the City Arborist shall be minimized using the criteria set forth in Section 15-50.080.

c) The height of the structure, its location on the site, and its architectural elements are designed to avoid unreasonable impacts to the privacy of adjoining properties and to community viewsheds.

d) The overall mass and the height of the structure, and its architectural elements are in scale with the structure itself and with the neighborhood.

e) The landscape design minimizes hardscape in the front setback area, contains elements that are complementary to the neighborhood streetscape, and, for sites located within the Wildland Urban Interface Area, includes a five-foot-wide nonflammable buffer around the perimeter of all structures.

f) Development of the site does not unreasonably impair the ability of adjoining properties to utilize solar energy.

g) The design of the structure and the site development plan is consistent with the Residential Design Handbook, pursuant to Section 15-45.055.

h) On hillside lots, the location and the design of the structure avoid unreasonable impacts to ridgelines, significant hillside features, community viewsheds, and is in compliance with Section 15-13.100.

Section 15-55.070 states that the Planning Commission or Director may grant a conditional use permit as applied for or in modified form if, on the basis of the application and the evidence submitted, the Commission or Director, as applicable, makes all of the following findings:

a) That the proposed location of the conditional use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

b) That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

c) That the proposed conditional use will comply with each of the applicable provisions of this Chapter.

d) That the proposed conditional use will not adversely affect existing or anticipated uses in the immediate neighborhood, and will not adversely affect surrounding properties or the occupants thereof.

Section 15-80.030 contains special rules for accessory uses and structures in residential districts. This section 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.

4.2.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to aesthetics:

- Impact AES-1: Would the proposed project have a substantial adverse effect on a scenic vista?
- Impact AES-2: Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- Impact AES-3: Would the proposed project, for 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 a publicly accessible vantage point)? In an urbanized area, would the proposed project conflict with applicable zoning and other regulations governing scenic quality?
- Impact AES-4: Would the proposed project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

These impacts are addressed in turn, below.

Impact AES-1: Scenic Vistas?

Impact AES-1 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would have a substantial adverse effect on a scenic vista.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting. A scenic vista can be impacted by development projects in two ways: (1) the project could directly diminish the scenic quality of the vista by introducing new visual elements that are incompatible with the balance of built and open

space, that substantially alter the landform, or that detract from the qualities that contribute to the scenic vista, or (2) the project could block the view corridors or "vista" of the scenic resource from public vantage points. Important factors in determining whether a proposed project would block scenic vistas include the project's proposed height, mass, and location relative to surrounding land uses and travel corridors, as well as to the number of viewers potentially affected and the length of exposure (e.g., residential land uses are typically more sensitive than land uses with only short-term occupants such as employees, students, or visitors).

The City's General Plan and Municipal Code do not have any regulations governing scenic vistas. However, Saratoga's low-lying foothills and the Santa Cruz Mountains beyond are considered valuable scenic open space resources. In addition, the City recognizes existing open spaces and connections through various trail linkages as important scenic elements. The project site is considered a valuable scenic open space because it is located in the City's foothill area. Furthermore, the project area on the Garrod Parcel includes a public trail. As shown in Figure 4.2-2 above, intermittent long-range views of the Santa Cruz Mountains and valley floor can be seen from the project site and surrounding areas in between existing buildings, fencing, and trees, and from the surrounding roadways, but the majority of these views are partially or fully obstructed due to existing structures, vegetation, and undulating topography.

From lower elevations the project site is partially visible from residential and public areas. However, the project site is not prominent within the views of the foothills and is not visible from public trails and parks. Partial views of the project site can be seen from residential roads, including points along neighborhood roads Diamond Oaks Court and Comer Drive. Public views of the project site are mainly the along the ridgeline where the open space easement is located and vineyards were planted. Additionally, a partial view of the tasting deck and outdoor seating area can be seen from public roadways, but views are mostly screened by the existing old growth oak trees and the natural topography of the landscape. The tasting deck is low profile and brown, which blends in with the surrounding environment.

While the proposed project would result in the unpermitted tasting deck being modified to meet California Fire, Building, Mechanical and Electrical Codes (see Impact AES-3 below), the tasting deck would not increase in height, size, or scale and therefore would not block any existing scenic views from public viewing points.

Vehicles that park along the private portion of Old Oak Way under the existing conditions are visible from neighborhood roadways. As part of the proposed project, a total of 55 guest parking stalls are proposed along the same location. The proposed project includes planting of proposed hedges to screen parking areas.

The tasting deck and outdoor seating area encompasses 6,050 square feet of the open space easement. The applicant is proposing to exchange this 6,050-square-foot area with a 15,129-square-foot area that is adjacent to the existing open space easement. This proposed new area would become part of the recorded open space easement. Additionally, the 11,244-square-foot vineyard along the ridge, which is just north of the proposed open space easement would be removed and replaced with native vegetation. The proposed open space easement and removal of the existing vineyard along the ridge is intended to enhance and preserve the ridgeline as scenic open space. The existing vineyard is very visible from certain public roads and returning

this area to a more naturally setting would be beneficial to the visual quality along the ridge of the project site.

Eight Coast live oak trees would be removed on the project site to allow the proposed widening and modifications to the existing dirt road, one that would conflict with the grading for the proposed wine cave, and one that would conflict with a proposed water line. These tree removals would result in a minimal visual change at the project site and the majority of oak trees on the site would remain. Furthermore, the removal of these trees would not affect the views along the ridgeline.

The project site would not be visible from the public trail on the Garrod Parcel due to existing mature oak trees and the natural topography of the landscape. However, the proposed secondary access road would be visible to users of the trail at the point where the road would intersect the trail. From a visual perspective, the secondary access road would not stand out as a prominent feature and would appear similar to the existing roads in the surrounding area. However, construction of the secondary access road would require widening and resurfacing of the existing dirt road and removal of vegetation and three trees along the road, as discussed in Section 4.5*, Biological Resources.* This change would be noticeable to users of the public trail, but is not expected to substantially alter views due to the limited amount of vegetation and trees that would be removed.

The proposed project would not substantially alter views for individual residents on neighboring properties (e.g., Parker Ranch residential area). Nor would the proposed project affect views of scenic vistas from public vantage points or for a substantial number of City residents. Furthermore, the proposed project would not have impacts on scenic vistas or panoramas due to its design or location. As demonstrated in Figure 4.23 to Figure 4.26, the House Family Vineyards properties are not distinguishable from surrounding developments when viewed from scenic vantage points, such as Garrod Road (approximately 0.3 mile to the southwest), Nob Hill (approximately 0.5 mile to the northwest), the Parker Ranch Trailhead (approximately 0.3 mile to the northeast), and Diamond Oaks Court (approximately 0.25 mile to the northwest). Therefore, the proposed project would not substantially alter views from public vantage points. The proposed impact on scenic vistas would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, the construction of the tasting deck and associated office and restroom structures would occur in an area that appeared similar to the open space easement with grasses and oak trees. The construction of the tasting deck would create a visual change to the project site and to the public since there is a partial view of the tasting deck from public roadways. However, as described in Baseline Scenario 1, views are mostly screened by the existing old growth oak trees and the natural topography of the landscape. Furthermore, the tasting deck is low profile and brown, which blends in with the surrounding environment. Therefore, the visual change would be minimal. All other impacts described in Baseline Scenario 1 would be the same under Baseline Scenario 2. Therefore, the proposed project would not substantially alter views from public vantage points. The proposed impact on scenic vistas would be **less than significant**.

Impact AES-2: Scenic Resources?

Impact AES-2 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The project site is not located within or adjacent to a State Scenic Highway or other identified scenic resources. The nearest officially designated State Scenic Highway, SR-9, is located approximately 2 miles south of the Project site; however, views of the project site are not visible from this section of the highway due to intervening topography and vegetation. Therefore, the proposed project would not result in impacts to scenic resources such as trees, rock outcroppings, or historic buildings within a State Scenic Highway, and no impacts to scenic resources would occur.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Existing conditions under Baseline Scenario 2 relating to scenic resources would be the same as what is describe above. Thus, there would be **no impact** to scenic resources.

Impact AES-3: Scenic Quality?

Impact AES-3 would be **less than significant** under both baseline scenarios**.** No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if, in non-urbanized areas, it would 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 a publicly accessible vantage point) or in urbanized areas, it would conflict with applicable zoning and other regulations governing scenic quality. The CEQA definition of “urbanized” area includes an incorporated city that either by itself, or within combination with up to two contiguous incorporated cities, has a population of at least 100,000 persons [PRC Section 21070(a)]. Because the City (population approximately 30,000) is contiguous with the City of San Jose (population approximately one million), the project site is within an urbanized area. Because the project site is in an urbanized area, changes to the existing visual character of the site or quality of public views of the site and its surroundings are not considered to be environmental impacts under CEQA, unless such public views are considered scenic vistas (as discussed in Impact AES-1, above) or if the changes would conflict with applicable zoning or other regulations governing scenic quality. Nonetheless, a brief discussion of the visibility of project components from neighboring properties and changes to rural character is provided below for context, particularly given that several comments relating to these topics were received during the NOP scoping period.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Changes to Rural Character and Views from Neighboring Properties

Implementation of the proposed project is expected to be consistent with the visual character of the surrounding area, as improvements in the project area would result in subtle changes for existing conditions, many of which would not be visible from public viewing points. Changes associated with the proposed project would include modifying the existing unpermitted tasting deck; constructing of a new subterranean wine cave for wine storage; constructing a secondary access road for emergency access; and constructing a parking lot. Additionally, there would be an open space easement swap and the removal of a vineyard that would be replaced with native vegetation (see Figure 3.6-1, “Proposed Project,” in Chapter 2) and tree removal would be minimal.

The proposed project would fully enclose the partially open tasting deck. Fiber cement siding and a noncombustible gypsum sheathing material would be used to cover the existing cedar siding on the outside of the tasting deck. The roof would be replaced with a noncombustible material such as galvanized sheet metal. The views of the tasting deck would be similar to exiting conditions, as the tasting deck would not increase in height, size, or scale. In addition, public views of the project site are limited because of intervening topography and vegetation

An approximately 2,600-square-foot subterranean wine cellar would be constructed to provide onsite wine storage space to support the winery operations. The wine cave floor would be approximately 25 feet below the finished grade and the roof would be 3 feet below finish grade. The concrete structure would be covered with native soil and vegetation except for the front, where two doors would provide ingress and egress to the wine cave. Vines would be planted to cover the concrete front of the wine cave and three 15-gallon olive trees in large boxes would provide landscaping between the two doors. The retaining wall precast on each side would be covered with Geoweb (see Figure 3.6-5, “Proposed Wine Cave Plan,” in Chapter 3). The design of the subterranean wine cellar would generally blend in with the surrounding environment and would not be visible to the public or neighboring properties.

As discussed in Impact AES-1 above, the applicant is proposing to exchange a smaller area of the existing open space easement where the tasting deck and outdoor seating area were constructed with a larger adjacent area that would become part of the recorded open space easement. Additionally, the 11,244-square-foot vineyard along the ridge, which is just north of the proposed open space easement would be removed and replaced with native vegetation. The proposed open space easement and removal of the existing vineyard along the ridge is intended to enhance and preserve the ridgeline as scenic open space. As such, these proposed changes would be beneficial to the scenic quality along the ridgeline of the project site and would be visible to the public.

As discussed in Impact AES-1, a total of 55 guest parking stalls are proposed along the private portion of Old Oak Way and hedges would be planted to screen parking areas from views from lower elevations along the ridge. Currently parked vehicles in this area are largely visible along the ridge. This would be a benefit in terms of improving the views on the ridge.

Also as discussed in Impact AES-1, eight Coast live oak trees would be removed on the project site and three oak trees on the Garrod Parcel, for a total of eleven trees to be removed. These tree removals would result in a minimal visual change at the project site and at the Garrod parcel. However, the majority of trees would be retained. Furthermore, the removal of these trees would not affect the views along the ridgeline.

A 1,510-foot-long access road would be constructed along an existing dirt road to provide secondary emergency access from Garrod Road to the project site. As discussed in Impact AES-1 above, the proposed secondary access road would be visible on a public trail at the point where the road would intersect the trail. The secondary access road would appear similar to existing roadways throughout the project area and would not stand out as a prominent feature to users of the trail. However, it would involve removing three trees and other vegetation along the proposed road. This change would be noticeable to users of the public trail, but is not expected to substantially alter views due to the limited amount of vegetation and trees that would be removed. The road from lower elevations and at the project site would be screened by existing mature oak trees along the ridgeline.

For the reasons described above, the proposed project would not substantially degrade the rural character or quality of neighboring views of the site and its surrounding and would have a **less than significant impact**.

Conflicts with Applicable Zoning and Other Regulations Governing Scenic Quality

The proposed project would comply with the City General Plan policies adopted for the protection of the City's visual character, as presented in Section 4.2.2, "Regulatory Framework." These policies are intended to promote high quality design, to ensure compliance with applicable regulations, to ensure compatibility with surrounding properties and use, and to minimize environmental impacts.

The proposed project requires Design Review in accordance with Section 15-13.150 of the City's Municipal Code, which references the applicable design review regulations in Articles 15-45 and 15-46. Section 15-45.080, *Design Review Findings*, states that the Planning Commission shall not grant design review approval unless it is able to make the following findings:

i) Site development follows the natural contours of the site, minimizes grading, and is appropriate given the property's natural constraints.

j) All protected trees shall be preserved, as provided in Article 15-50 (Tree Regulations). If constraints exist on the property, the number of protected trees, heritage trees, and native trees approved for removal shall be reduced to an absolute minimum. Removal of any smaller oak trees deemed to be in good health by the City Arborist shall be minimized using the criteria set forth in Section 15-50.080.

k) The height of the structure, its location on the site, and its architectural elements are designed to avoid unreasonable impacts to the privacy of adjoining properties and to community viewsheds.

l) The overall mass and the height of the structure, and its architectural elements are in scale with the structure itself and with the neighborhood.

m) The landscape design minimizes hardscape in the front setback area, contains elements that are complementary to the neighborhood streetscape, and, for sites located within the Wildland Urban Interface Area, includes a five-foot-wide nonflammable buffer around the perimeter of all structures.

n) Development of the site does not unreasonably impair the ability of adjoining properties to utilize solar energy.

o) The design of the structure and the site development plan is consistent with the Residential Design Handbook, pursuant to Section 15-45.055.

p) On hillside lots, the location and the design of the structure avoid unreasonable impacts to ridgelines, significant hillside features, community viewsheds, and is in compliance with Section 15-13.100.

As discussed in more detail in Section 4.5*, Biological Resources*, construction of the proposed project would require the removal of eight coast live oak trees on the project site and three trees on Garrod Parcel, all of which are protected by the City's tree ordinance due to their size and/or species. None of the trees proposed for removal are designated as "Heritage Trees" by the City. A permit would be required for the removal or pruning of these trees. The tree removal permit application would include the arborist report prepared for the proposed project and a Tree Preservation Plan, as stipulated in the ordinance. Thus, the proposed project would be consistent with the City's tree ordinance.

As described in the section above, the proposed project would involve swapping an area of the existing open space easement where the tasting deck and outdoor seating area were constructed for a larger adjacent area to become part of the recorded open space easement. Additionally, an existing vineyard along the ridgeline (and within the open space easement) would be removed and replaced with native vegetation. The proposed open space easement and removal of the existing vineyard along the ridge is intended to enhance and preserve the ridgeline as scenic open space. This would be consistent with the City's policy of preserving natural views along the ridge.

For the reasons described above, the proposed project would not conflict with applicable zoning and other regulations relating to scenic quality and therefore the impact would be **less than significant.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, the construction of the tasting deck and associated office and restroom structures would occur in an area that appeared similar to the open space easement with grasses and oak trees. The construction of the tasting deck would create a visual change to the project site and to the public since there is a partial view of the tasting deck from public roadways. However, since the tasting deck is low profile and brown, it blends in with the surrounding environment. Furthermore, it is mostly screened by existing oak trees and the topography of the landscape. Therefore, the visual change would be minimal. All other impacts described in Baseline Condition 1 would be the same under Baseline Condition 2. As such, the proposed project would the proposed project would have a **less than significant impact** related to visual quality.

Impact AES-4: Light and Glare?

Impact AES-4 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Existing sources of light at the project site include interior and exterior lighting from the single-family house on the northwest portion of the Parcel A, interior lighting at the tasting deck on Parcel B that passes through openings or windows, LED string lighting at the tasting deck and intermittent light from vehicles coming to the project site. Outdoor heaters used for at the tasting deck during colder periods may also contribute to sources of light.

Sources of indoor lightning under the proposed project would continue to be similar to existing conditions. Outdoor lighting may be required for the parking areas and at the tasting deck and outdoor seating area during nighttime events. The City's Municipal Code Section 15-80.030 requires that outdoor lighting fixtures to 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. Compliance with the City's Municipal Code is confirmed by the City during the building permit review process.

Reflective light (glare) can be caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. Generally, darker or mirrored glass would have a higher visible light reflectance than clear glass. Buildings constructed of highly reflective materials from which the sun reflects at a low angle can cause adverse glare. As described in Impact AES-3 above, the proposed modifications to the tasting deck do not include building materials that would be highly reflective and do not include glass-sided buildings. The proposed project also would not include large surface parking areas with potential for reflection from multiple car windshields.

Because the new development would be required to comply with the City's lighting regulations and because the proposed project would not include use of highly reflective surfaces and would not generate substantial sources of light or glare that would adversely affect day or nighttime views in the area. The impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, existing sources of light at the project site come from a single-family house on the northwest portion of the Parcel A. There was no tasting deck, so no sources of light existed from the tasting deck. However, since the applicant hosted smaller groups of guests on Parcel B, there were probably outdoor sources of light coming from LED string lighting and outdoor heaters where the seating area is located, and intermittent light from vehicular traffic at

night. Compared to Baseline Scenario 2, the proposed project would therefore introduce additional sources of light or glare associated with the tasting deck. All the other impacts from the project described in Baseline Scenario 1 would be the same. The impact would be **less than significant**.

4.2.4 Cumulative Impacts and Mitigation

As discussed in Section 4.2.3 above, the proposed project would have no impact related to scenic resources (AES-2). Therefore, the proposed project would not contribute to potential cumulative impacts for this issue. This section analyzes the potential of the proposed project to contribute to the following cumulative aesthetics impacts:

- **Impact C-AES-1:** Contribution to cumulative effects on scenic vistas
- **Impact C-AES-3:** Contribution to cumulative effects related to conflict with applicable zoning or other regulations governing scenic quality
- **Impact C-AES-4:** Contribution to cumulative effects from light and glare

Cumulative Impact C-AES-1: Cumulative Impacts on Scenic Vistas?

The overall cumulative impact for C-AES-1 could be **potentially significant**. The proposed project's contribution would be **less than cumulatively considerable** under both baseline scenarios.

Cumulative Context

As discussed for Impact AES-1 in Section 4.2.3 above, the project would have less than significant impacts related substantially affecting a scenic vista. The context for analysis of cumulative impacts is limited to those past, present, and probable future projects in proximity to the project site that could affect scenic vistas.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects are described in Table 4.1-1 in Section 4.1.3. These projects consist of residential developments including multi-family and single-family housing units and a hotel. Implementation of these future projects could involve development that affects scenic vistas within the hillside area. Especially those developments that would result in multiple story buildings and have a potential to block scenic views. Compliance with City General Plan policies and the City Zoning Ordinance would restrict development on ridgelines and their visibility from the foothills and valley floor but could still allow alterations to views and development that protrudes above ridgelines. Therefore, the combination of past, current, and foreseeable projects could combine to result in a **potentially significant impact**.

As discussed in Impact AES-1, while project may alter the views for individual residents on some neighboring properties (e.g., Parker Ranch residential area), these changes would not substantially affect views of scenic vistas from public vantage points or for a substantial number of City residents. Furthermore, the proposed open space easement swap (which would swap a smaller area for a larger area) and removal of the existing vineyard along the ridge is intended

to enhance and preserve the ridgeline as scenic open space. This would be beneficial to the scenic quality along the ridgeline of the project site visible to the public.

Therefore, the proposed project would not incrementally contribute to the cumulative alteration views from public vantage points. The proposed project's contribution to the overall cumulative impact on scenic vistas would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The cumulative impacts for Baseline Scenario 2 would be the same as those described in Baseline Scenario 1. Although the combination of past, current, and foreseeable projects could combine to result in a **potentially significant impact,** the proposed project's contribution to the overall cumulative impact on scenic vistas would be **less than cumulatively considerable**.

Cumulative Impact C-AES-3: Cumulative Impacts on Applicable Zoning or Other Regulations on Scenic Quality?

The overall cumulative impact for C-AES-3 would be **less than significant** under both baseline scenarios.

Cumulative Context

The geographic context for cumulative impacts related to conflicts applicable zoning or other regulations governing scenic quality in the City.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects are expected to be in compliance with all the City's applicable zoning or other regulations governing scenic quality, as all cumulative projects would be required to submit applications and plans to be reviewed and approved by the City. They would be subject to separate environmental analyses and would be required to mitigate any impacts, to the extent feasible, through the CEQA process. The past, current, and foreseeable projects are not anticipated to combine with the proposed project to result in cumulative conflicts with applicable zoning or other regulations on scenic quality, and the overall cumulative impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The cumulative impacts for Baseline 2 would be the same as those described in Baseline Scenario 1. The past, current, and foreseeable projects would not combine with the proposed project to result in cumulative conflicts with applicable zoning or other regulations on scenic quality; therefore, the overall cumulative impact would be **less than significant**.

Cumulative Impact C-AES-4: Cumulative Impacts to Light and Glare?

The overall cumulative impact for C-AES-4 would be **less than significant** under both baseline scenarios.

Cumulative Context

As discussed for Impact AES-4 in Section 4.2.3 above, the proposed project would have less than significant impacts related to light and glare. The context for analysis of cumulative impacts is limited to those past, present, and probable future projects in proximity to the project site that that could generate daytime glare or nighttime lighting that could combine with lighting or glare from the proposed project.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects include residential (i.e. multi-family and single-family residences) and commercial uses (i.e. hotel) that would bring more sources of light and glare to the surrounding hillside community. However, given the distance separating these cumulative projects (0.5 to 1 mile), these projects are not expected to generate daytime glare or nighttime lighting that could combine with lighting or glare from the proposed project. Only one of the cumulative projects is located adjacent to the project site to the northeast on APN 503-15-084. This project proposes a subdivision of 29.19-acre site into six lots. One single family residence is proposed on each of the 5 estate lots and 80 multifamily units are proposed on the remaining lot. Because this site is adjacent to the project site, impacts related to light and glare would combine with the proposed project. This project would also introduce more intermittent forms of light and glare from increased vehicles. However, these impacts are not expected to be substantial and would introduce similar types of lighting sources already in the proximity to the project site related to indoor lighting and outdoor lighting including landscape lights and lighting for parking areas.

Municipal Code 15-80.030, which requires that outdoor lighting fixtures be located, aimed, and shielded to prevent excessive glare or direct illumination onto adjacent properties and public street rights of way would apply to both the proposed project and to cumulative projects within the City. Therefore, the overall cumulative impact related to light and glare would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The cumulative impacts for Baseline 2 would be the same as those described in Baseline Scenario 1. Therefore, the overall cumulative impact would be **less than significant**.

4.3 Agricultural Resources

This section describes the existing agricultural and forestry setting of the project area and evaluates whether the proposed project would result in adverse effects on agricultural and forestry resources. The project site refers to Parcel A (APN 503-15-081) and Parcel B (APNs 503-15-082 and 503-15-083). The project area refers to the wider area surrounding the project site and is inclusive of other House Family Vineyards parcels (APNs 503-15-075 and 503-15-078) and the Garrod Parcel (503-12-001).

The City did not receive comments relating to agriculture and forestry during the public scoping period in response to the NOP.

4.3.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

There are approximately 900 acres of undeveloped land within the incorporated City limits. Of these, approximately 540 acres are in hillside areas and 255 acres are under Williamson Act contracts. Agricultural lands in Saratoga consist of wine grapes, and a few remaining orchards raising stone fruits including apricots and plums (City of Saratoga 2024).

The area surrounding the project site is characterized by residential and open space uses. There are also agricultural uses associated with growing grapes for wine production in the project area.

Under Baseline Scenario 1, there are several vineyards where grapes are grown for wine production on the 48-acre House Family Vineyards property (see Figure 3.1-2), including:

- An approximately 0.26-acre vineyard to the east of the tasting deck on Parcel B.
- An approximately 0.5-acre vineyard in the southern portion of Parcel B.
- An approximately 0.85-acre vineyard to the northwest of the quarry (in the southwest portion of Parcel A and southern portion of APN 503-15-075).
- An approximately 1.3-acre vineyard surrounding the residence on APN 503-15-078.

There are also approximately 4 acres of vineyards on the adjacent parcel to the northeast of the project site, and approximately 60 acres on the Garrod Parcel, which is adjacent to the House Family Vineyards to the west.

Based on the California Department of Conservation's (CDOC) Farmland Mapping and Monitoring Program (FMMP) and the Natural Resources Conservation Service (NRCS) Web Soil Survey, the project site and the immediate area surrounding the site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (CDOC 2020; NRCS, no date), all of which are regarded as important agricultural land resources by the State. The project site is designated as "Other Land" (CDOC 2020). CDOC defines "Other Land" as "Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres" (CDOC 2020).

The following parcels in the project site and project area are in a Williamson Act contract (County of Santa Clara 2024a):

- APN 503-15-081 (Parcel A of the project site);
- APN 503-15-082 (a 4.5-acre portion of Parcel B of the project site);
- APN 503-15-075 (the House Family Vineyard property adjacent to/northwest of the project site); and
- APN 503-12-001 (Garrod Parcel).

The remainder of Parcel B (APN 503-15-083) and the other House Family Vineyard property (APN 503-15-078, to the southeast of the project site) are not under Williamson Act contracts.

There are no forestry uses, as defined California Code, Public Resources Code - PRC § 12220, present near or at the project site.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for agricultural resources under Baseline Scenario 2 is similar to that described above. The difference is that the tasting deck and adjacent office/restroom structure were not present. There were no grading changes at this location. This location would have appeared similar to the adjacent open space easement where there would have been oak trees and grasses. Under Baseline Scenario 2, the small vineyard areas to the west of the tasting deck and near the quarry had not been established, but all other vineyard areas described for Baseline Scenario 1 above were present. Furthermore, none of the parcels on the House Family Vineyard site were under a Williamson Act contract in 2013.

4.3.2 Regulatory Framework

Federal

No federal regulations are applicable to the proposed project.

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 related open space use and to prevent their premature conversion to urban uses. The Act established an agricultural preserve contract procedure that incentivizes landowners to maintain land in agricultural use via lower tax rates.

Assembly Bill (AB) 1492 and the Williamson Act

Under AB 1492, local governments are the primary means of enforcement for the Williamson Act. The local government determines whether a material breach of a valid contract exists and

notifies the landowner and the Department of Conservation (DOC) of its determination. DOC may also inform the local government of a material breach. Incompatible uses to agricultural include housing subdivisions, strip malls, commercial warehouses and driving ranges.

California Code, Government Code - GOV Section 51250

The purpose of this section is to identify certain structures that constitute material breaches of contract under this chapter and to provide an alternate remedy to a contract cancellation petition by the landowner.

For purposes of this section, a breach is material if, on a parcel under contract, **both** of the following conditions are met:

- A commercial, industrial, or residential building is constructed that is not allowed by this chapter or the contract, local uniform rules or ordinances consistent with the provisions of this chapter, and that is not related to an agricultural use or compatible use.
- The total area of all of the building or buildings likely causing the breach exceeds 2,500 square feet for structures permitted or built after January 1, 2004.

DOC shall notify the city or county if they discover a possible breach. The city or county is responsible for taking steps to remedy the breach of the contract.

If the city or county determines that a material breach exists, the city or county shall do one of the following:

- Order the landowner to eliminate the conditions that resulted in the material breach within 60 days.
- Assess the monetary penalty pursuant to subdivision (j) and terminate the contract on that portion of the contracted parcel that has been made incompatible by the material breach.

California Code, Public Resources Code - PRC Section 12220

The Public Resources Code defines forestland as 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.

Local

County of Santa Clara Williamson Act Program

Williamson Act contracts in Santa Clara County are intended to promote agricultural productivity and economic viability and to preserve agricultural land from premature and unnecessary conversion to urban uses. To be eligible to participate or continue participation in the County's Williamson Act program, the land in question must be "devoted to commercial production of agricultural commodities. Santa Clara County will enforce the provisions of Williamson Act contracts when development is proposed on restricted lands.

Commercial agriculture must be the primary use of the land. Other uses or development must be compatible with and ancillary to the use of the land for commercial production of agricultural

commodities. Other compatible uses may include, but are not limited to, agricultural processing, horse stabling and training facilities, barns and other farm storage buildings.

"Development" includes erecting or placing structures or objects on the land, grading, or otherwise altering the land for non-agricultural purposes. In addition to the requirements stated herein, development proposals must comply with all other legal requirements including but not limited to applicable zoning code, grading and building code requirements (Santa Clara County 2011).

City of Saratoga General Plan

City policies pertaining to agricultural resources are contained in the Land Use Element (City of Saratoga 2024a) and Open Space Element of the City's General Plan (City of Saratoga 2024b). The City's General Plan policies relating to agriculture primarily encourage preservation of land for agricultural use.

The following goals and policies from the City's General Plan relating to agricultural resources apply to the proposed project:

- **Goal LU-7:** Protect existing agricultural resources.
  - **Policy LU-7.1:** Encourage renewal 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.
- **Goal OSC-7:** Encourage preservation of land uses for open space and agriculture.
  - **Policy OSC-7.1:** 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 encourage the renewal of Williamson Act contracts.
  - **Policy OSC-7.2:** Encourage landowners to enter into new Williamson Act Contracts.

4.3.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to agricultural and forestry resources:

- **Impact AG-1:** Would the project convert Prime Farmland, Unique Farmland, or Farmland of State-wide 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;
- **Impact AG-2:** Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract;
- **Impact AG-3:** Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));

- **Impact AG-4:** Would the project result in the loss of forest land or conversion of forest land to non-forest uses; or
- **Impact AG-5:** Does 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?

Impact AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of State-wide Importance (Farmland)?

Impact AG-1 would have **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it results in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use, convert Prime Farmland, Unique Farmland, or Farmland of State-wide 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.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The project site and immediately surrounding area are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (CDOC 2020; Santa Clara County 2024a; NRCS, no date). As described in the Environmental Setting, the project site and adjacent sites to the west and northeast grow and process grapes for wine production. The proposed project would maintain the majority of existing grape production on the project site. The proposed project would result in the conversion of 11,244-square-feet or approximately 0.26 acre farmland, currently used to grow grapes, to native vegetation as part of the open space easement. However, this land is not considered prime farmland, unique farmland or farmland of state-wide importance. Therefore, there would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

As described above, under Baseline Scenario 1, the proposed project would not convert farmland designated as prime, unique or of Statewide importance. Furthermore, the area to the east of the tasting deck was not developed as vineyards under Baseline Scenario 2; therefore, there would be no conversion of vineyards to native vegetation when compared to this baseline. Therefore, there would be **no impact** to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance under Baseline Scenario 2.

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

Impact AG-2 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it conflicts with existing zoning for agricultural use, or a Williamson Act contract.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The project area is zoned Hillside Residential (HR), and the General Plan land use designation is Residential Hillside Conservation (RHC), which allows primarily low-density and single-family residential and open space uses. The HR zoning district permits agricultural uses such as growing of vegetables, field crops, fruit and nut trees, and horticultural specialties. The City's zoning also allows wineries as a conditional use.

As described in the Environmental Setting above, the project area includes agricultural uses related to growing grapes for wine production. Several of the parcels at House Family Vineyards, including portions of the project site, are in a Williamson Act contract including Parcel A; APN 503-15-075; APN 503-15-082, and the Garrod Parcel. The existing dirt access road, which would be modified as part of the project, is on Parcel A. The proposed wine cave would be constructed on APN 503-15-082. A portion of the secondary access road would be constructed on APN 503-15-075 and the Garrod Parcel.

As discussed in the Regulatory section above, AB 1492 and Section 51250 do not allow structures that exceed 2,500 square feet to be built on land in a Williamson Act contract, unless that structure is connected to agricultural use. While the proposed project would modify and/or construct new improvements on parcels dedicated to the Williamson Act program, it would still be consistent with the purpose of the program, as these improvements would be connected to the primary use of the land for growing grapes. While the wine cave is over 2,500 square feet, the structure would store wine made from grapes that are grown at House Family Vineyards. Storage for agricultural commodities is an accepted use per Santa Clara County's Williamson Act requirements (see Regulatory section above). Therefore, the use of the wine cave would be directly related to agricultural production on the property and would not be an incompatible use. Furthermore, it would not interfere with growing grapes on the property as there are no vineyards at this location.

The proposed secondary access road would not conflict with existing agricultural uses in the project area since this location is already an existing dirt road and the use of the road would be compatible with agricultural uses, and is a requirement of the Santa Clara County fire department related to project site access for emergency purposes. Furthermore, these improvements would support existing winery uses at the project site and would not be incompatible uses as defined in Section 51250. Therefore, the proposed project is not expected to conflict with existing agricultural zoning or Williamson Act contracts. As such, there would be **less than a significant impact**.

Baseline #2: Conditions Prior to Unpermitted Activities (2013)

The only difference between the two baseline conditions is that the tasting deck and associated office and restroom structures were not already constructed under Baseline Scenario 2. The tasting deck is not within a parcel under a Williamson Act contract; therefore its construction would not conflict with a Williamson Act contract. The Williamson Act applies as it relates to the proposed wine cave. Storage for agricultural commodities is an accepted use per Santa Clara County's Williamson Act requirements (see Regulatory section above). Therefore, the proposed project is not expected to conflict with existing agricultural zoning or Williamson Act contracts. As such, there would be **less than a significant impact**.

Impacts AG-3 and AG-4: Conflict with existing zoning for, or cause rezoning of, forest land or timberland; or result in the loss of forest land?

Impact AG-3 and AG-4 would have **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it results in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

No forest land exists on the project site or in the surrounding area. The project site is not zoned as forest land, timberland, or a Timberland Production Zone and does not contain 10 percent native tree cover that would be classified as forestland under PRC Section 12220(g). Therefore, the proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. Additionally, the project site is not zoned as forest land or timberland, therefore the proposed project would not conflict with existing zoning related to timberland and forest land and there would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Since the project site and surrounding area is the same as that described under Baseline Condition 1 with respect to forestry and timberland resources, the impacts would be the same. Therefore, there would be **no impact** to forest land, timberland, or a Timberland Production Zone.

Impact AG-5: Other changes that could result in conversion of Farmland or conversion of forest land?

Impact AG-5 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it would 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.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

As described in Impact AG-1, the proposed project would result in the conversion of 11,244-square-feet or approximately 0.26 acres farmland, currently used to grow grapes, to native vegetation as part of the open space easement. The amount of land that would be converted is minimal and would not result in a substantial loss of agricultural production in the City. The project site has several other vineyards that would not be affected by the proposed project. As described in Impacts A-3 and A-4 above, the proposed project would have no impact on forest land or timberland. Therefore, there would be a **less than significant impact** related to converting farmland into non-agricultural uses.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The construction of the tasting deck did not result in the conversion of farmland or forestland, because it is located within an area consisting of oak trees and grasses, similar to the open space easement area, and there was no vineyard present to the east of the tasting deck location under this baseline. As such, the proposed project would not result in any conversion of farmland or forest land compared to Baseline Scenario 2. Therefore, there would be a **less than significant impact** related to converting farmland into non-agricultural uses.

4.3.4 Cumulative Impacts and Mitigation

As discussed in Impacts AG-1, AG-3 and AG-4 above, the proposed project would have no impact related to converting Prime Farmland, Unique Farmland, or Farmland of State-wide Importance or impacts to timberland and forestland resources.

This section analyzes the potential of the proposed project to contribute to cumulative impacts for the following agricultural issues where the proposed project would have a less-than-significant impact or potentially significant impact:

- **Impact C-AG-2:** Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- **Impact C-AG-5**: Other changes that could result in conversion of Farmland or conversion of forest land?

Cumulative Impact C-AG-2: Conflict with existing zoning for agricultural use or a Williamson Act contract?

The overall cumulative impact for C-AG-2 would be **potentially significant**. The proposed project's contribution would be **less than cumulatively considerable** under both baseline scenarios.

Cumulative Context

The geographic context for analysis of cumulative impacts related to agricultural and forestry resources is the City limits.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects include those in the hillside area of the City and involve residential (multi-family and single-family residences) and one commercial development (hotel) as described in Table 4.1-1 in Section 4.1.3. The parcels are zoned as HR or Residential Open Space Prezone (ROS; County of Santa Clara, No date). Other than the parcels at House Family Vineyards, none of the other parcels on which the listed cumulative projects would occur are in a Williamson Act contract (County of Santa Clara 2024b).

There are other parcels within the City limits subject to the Williamson Act. According to the City's Housing Element, implementation of a housing development on the Marshall Lane Subdivision site and Allendale/Chester Housing site would result in the conversion of agricultural land, which is currently under Williamson Act Contracts (City of Saratoga 2024c). However, all developmental projects within the City limits would undergo environmental review under CEQA and would be required to demonstrate consistency with the General Plan and zoning standards. As part of the City's review of permitted uses, consistency with existing Williamson Act contracts would be determined. If any of the cumulative projects were to result in material breaches of the Williamson Act and/or result in removal or non-renewal of existing Williamson Act contracts from parcels that are currently under contract, the overall cumulative impact to agricultural resources in the City could be **potentially significant**.

As discussed above, the proposed project would be consistent with the requirements under the Williamson Act contract. Therefore, the contribution of the proposed project to the overall cumulative impact on agricultural resources would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Baseline Scenario 2 would be the same as Baseline Scenario 1. Cumulative impacts could be **potentially significant**. The proposed project contribution to cumulative impacts on farmland would be **less than cumulatively considerable**.

Cumulative Impact C-AG-5: Other changes that could result in conversion of Farmland or conversion of forest land?

The overall cumulative impact for C-AG-5 would be **less than significant impact**.

Cumulative Context

The geographic context for analysis of cumulative impacts related to agricultural and forestry resources is the City limits.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

One of the cumulative projects (Chadwick Heights; APN 503-15-084) is a House Family Vineyards parcel and is located adjacent to the project site to the northeast. The Chadwick Heights project would convert approximately 4 acres of agricultural land currently used to grow grapes into residential uses. The project proposes the subdivision of the 29.19-acre site into six

lots. One single family residence is proposed on each of the five estate lots and 80 multifamily units are proposed on the remaining lot.

None of the other cumulative projects in Table 4.1-1 in Section 4.1.3 would involve the conversion of existing agricultural uses to non-agricultural uses. However, according to the City's Housing Element, implementation of a housing development on the Marshall Lane Subdivision site and Allendale/Chester Housing site would result in the conversion of agricultural land (City of Saratoga 2024c).

In combination with the proposed project, which would involve the conversion of approximately 0.26 acre of existing vineyards into native vegetation, the overall cumulative loss of agricultural land would constitute approximately 4 acres of agricultural land being converted to other uses. Given the generally irreversible nature of such conversions, in conjunction with past loss of agricultural land, the overall cumulative impact from past, present, and reasonably foreseeable future development on agricultural land is **potentially significant**.

As described in Impacts AG-1 and AG-5, the proposed project would result in the conversion of 0.26 acre of agricultural land used for grape-growing, to native vegetation. This amount of land conversion is minimal and not cumulatively considerable. Therefore, the proposed project's contribution to the overall cumulative impact would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The impacts discussed in Baseline 1 would be the same under Baseline 2 conditions for cumulative projects. Under Baseline 2, there was no vineyard present to the east of the tasting deck, therefore the proposed project would not result in conversion of agricultural uses to non-agricultural uses compared to this baseline. The proposed project contribution to cumulative impacts would be **less than cumulatively considerable**.

4.4 Air Quality

This section describes the regulatory framework and existing conditions of the project area related to air quality and evaluates whether the proposed project would result in adverse effects on air quality. This analysis is based on the methodology recommended by the Bay Area Air Quality Management District (BAAQMD) for project-level review, using information available. Mitigation measures are recommended, as necessary, to reduce potentially significant adverse air quality impacts.

The City did not receive any comments related to air quality during the public scoping period in response to the NOP.

4.4.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Topography, Meteorology, and Climate

Regional

Saratoga is in the San Francisco Bay Area Air Basin (SFBAAB), which consists of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the western portion of Solano County; and the southern portion of Sonoma County. Air quality is determined by natural factors such 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 SFBAAB is characterized by complex terrain consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range is not continuous, resulting in a western coast gap, Golden Gate, and an eastern coast gap, Carquinez Strait, which allow air to flow in and out of the SFBAAB and the Central Valley. The climate is dominated by the strength and location of a semi-permanent, subtropical high pressure cell. During the summer, the Pacific high pressure 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 to the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold water band resulting in condensation and the presence of fog and stratus clouds along the Northern California coast. In the winter, the Pacific high-pressure cell weakens and shifts southward resulting in wind flow offshore, the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds result in a low air pollution potential (BAAQMD 2017a).

Local

The Santa Clara Valley is bound by the San Francisco Bay to the north and by mountains to the east, south and west. During the summer, mostly clear skies result in warm daytime temperatures and cool nights. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland where the moderating effect of the bay is not as strong, temperature extremes are greater. Wind patterns are influenced by local terrain, with a

northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Annual rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills (BAAQMD 2017b).

Air Pollutants of Concern

Criteria Air Pollutants

The United States Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have identified six air pollutants that can cause harm to human health and the environment: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead, and particulate patter (PM), which is subdivided into two classes based on particle size – PM equal to or less than 10 micrometers in diameter (PM_{10}) and PM equal to or less than 2.5 micrometers in diameter ($PM_{2.5}$). Because the ambient air quality standards for these air pollutants are regulated using human health and environmentally based criteria, they are commonly referred to as "criteria air pollutants." Reactive organic gases (ROG) and oxides of nitrogen (NO_X) are criteria air pollutant precursors that form ozone through chemical and photochemical reactions in the atmosphere. In general, the State of California's standards, particularly those for ozone and PM (PM_{10} and $PM_{2.5}$), are more stringent than the federal standards.

This section provides a brief description of criteria air pollutants and health effects of exposure:

- **Ozone (O_3)** is a colorless gas that is odorless at ambient levels. Ozone is the primary component of urban smog. It is not emitted directly into the air, but is formed through a series of reactions involving ROG and NOX in the presence of sunlight. ROG and NOX are referred to as "ozone precursors." Because ozone is not directly emitted, air quality regulations focus on reducing the ozone precursors of ROG and NOX. Meteorology and terrain play a major role in ozone formation. Generally, low wind speeds or stagnant air coupled with warm temperatures and clear skies provide the optimum conditions for formation. As a result, summer is generally the peak ozone season. Because of the reaction time involved, peak ozone concentrations often occur far downwind of the precursor emissions. Therefore, ozone is a regional pollutant that often affects large areas. Individuals exercising outdoors, children, and people with lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible subgroups for ozone effects. Short-term ozone exposure (lasting for a few hours) can result in changes in breathing patterns, reductions in breathing capacity, increased susceptibility to infections, inflammation of lung tissue, and some immunological changes. Chronic exposure to high ozone levels can permanently damage lung tissue (BAAQMD 2017a).
- **Carbon Monoxide (CO)** is a colorless and odorless gas that, in the urban environment, is produced primarily by the incomplete burning of carbon in fuels; primarily, from mobile (transportation) sources. Relatively high concentrations are typically found near crowded intersections and along heavily used roadways carrying slow-moving traffic. Even under the most severe meteorological and traffic conditions, high concentrations of CO are limited to locations within a relatively short distance (300 to 600 feet) of heavily traveled roadways. Vehicular traffic emissions can cause localized CO impacts, and severe vehicle congestion at major signalized intersections can generate elevated CO levels, called "hot spots," which can be hazardous to human receptors adjacent to the intersections. CO enters the

bloodstream through the lungs by combining with hemoglobin, which normally supplies oxygen to the cells. However, CO combines with hemoglobin much more readily than oxygen does, drastically reducing the amount of oxygen available to the cells. Adverse health effects from exposure to high CO concentrations, which typically can occur only indoors or within similarly enclosed spaces, include dizziness, headaches, and fatigue. CO exposure is especially harmful to individuals who suffer from cardiovascular and respiratory diseases (USEPA 2024a). There are no ecological or environmental effects to ambient CO (CARB 2024a).

- **Nitrogen Dioxide (NO_2)** is one of a group of highly reactive gases known as oxides of nitrogen, or NO_X. NO_2 is formed when ozone reacts with nitric oxide (i.e., NO) in the atmosphere, and is listed as a criteria air pollutant because NO_2 is more toxic than nitric oxide. The major human-made sources of NO_2 are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Inhalation is the most common route of exposure to NO_2. Breathing air with a high concentration of NO_2 can lead to respiratory illness. Short-term exposure can aggravate respiratory diseases, particularly asthma, resulting in respiratory symptoms (such as coughing, wheezing, or difficulty breathing), hospital admissions, and visits to emergency rooms. Longer exposures to elevated concentrations of NO_2 may contribute to the development of asthma, and potentially increase susceptibility to respiratory infections (USEPA 2023).
- **Sulfur Dioxide (SO_2)** is one component of the larger group of gaseous oxides of sulfur (SO_X). SO_2 is used as the indicator for the larger group of SO_X because it is the component of greatest concern and found in the atmosphere at much higher concentrations than other gaseous SO_X. SO_2 is typically produced by such stationary sources as coal and oil combustion facilities, steel mills, refineries, and pulp and paper mills. The major adverse health effects associated with SO_2 exposure pertain to the upper respiratory tract. On contact with the moist mucous membranes, SO_2 produces sulfurous acid, a direct irritant. Concentration rather than duration of exposure is an important determinant of respiratory effects. Children, the elderly, and those who suffer from asthma are particularly sensitive to effects of SO_2 (USEPA 2024b).
- **Suspended Particulate Matter (PM_{10} and $PM_{2.5}$)** is a complex mixture of extremely small particles and liquid droplets made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles. Natural sources of particulates include windblown dust and ocean spray. The major areawide sources of $PM_{2.5}$ and PM_{10} are fugitive dust, especially from roadways, agricultural operations, and construction and demolition. Other sources of PM_{10} include crushing or grinding operations. $PM_{2.5}$ sources also include all types of combustion, including motor vehicles, power plants, residential wood burning, forest fires, agricultural burning, and some industrial processes. Exhaust emissions from mobile sources contribute only a very small portion of directly emitted $PM_{2.5}$ and PM_{10} emissions; however, they are a major source of ROG and NO_X, which undergo reactions in the atmosphere to form PM, known as secondary particles. These secondary particles make up the majority of PM pollution. Effects from short- and long-term exposure to elevated concentrations of PM_{10} include respiratory symptoms, aggravation of respiratory and cardiovascular diseases, and cancer (World Health Organization [WHO] 2021). $PM_{2.5}$ poses an increased health risk because these very small particles can be

inhaled deep in the lungs and may contain substances that are particularly harmful to human health.

- **Lead** is a highly toxic metal that may cause a range of human health effects. Lead is found naturally in the environment and is used in manufactured products. Previously, the lead used in gasoline anti-knock additives represented a major source of lead emissions to the atmosphere. Metal processing is currently the primary source of lead emissions. 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. Although the ambient lead standards are no longer violated, lead emissions from stationary sources still pose "hot spot" problems in some areas. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotients. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death, although it appears that lead does not directly affect the respiratory system (USEPA 2024c).
- **Reactive Organic Gases (ROG)/Volatile Organic Compounds** are compounds composed primarily of hydrogen and carbon atoms. Internal combustion associated with motor vehicle usage is the major source of ROG. Other sources of ROG include evaporative emissions from paints and solvents, the application of asphalt paving, and the use of household consumer products such as aerosols. Adverse effects on human health are not caused directly by ROGs, but rather by reactions of ROG to form secondary pollutants such as O_3. There are no AAQS established for ROGs. However, because they contribute to the formation of O_3, the BAAQMD has established a significance threshold for this pollutant.

Toxic Air Contaminants

In addition to criteria air pollutants, concentrations of toxic air contaminants (TACs) are also used as indicators of air quality conditions that can harm human health. Air pollutant human exposure standards are identified for many TACs including the following common toxic air contaminants relevant to development projects: particulate matter, fugitive dust, lead, and asbestos. These air pollutants are termed TACs, because they are air pollutants that may cause or contribute to an increase in mortality or in serious illness or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health impact may pose a threat to public health even at low concentrations. TACs can cause long-term health effects (such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage) or short-term acute affects (such as eye watering, respiratory irritation, runny nose, throat pain, or headaches).

TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to a particular TAC. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. Cancer risk is typically expressed as excess cancer cases per million exposed individuals, typically over a lifetime exposure or other prolonged duration. For noncarcinogenic substances, there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels may vary depending on the specific pollutant. Acute and chronic exposure

to noncarcinogens is expressed as a hazard index (HI), which is the ratio of expected exposure levels to acceptable reference exposure levels.

Diesel Particulate Matter

The majority of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being particulate matter from diesel-fueled engines. In 1998, CARB identified diesel PM as a TAC based on evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. Almost all diesel exhaust particles are 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 lungs.

Air Quality

Regional – San Francisco Bay Area Air Basin

The determination of whether a region's air quality is healthful or unhealthful is made by comparing contaminant levels in ambient air samples to the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS).

Ambient air concentrations are monitored throughout the SFBAAB to designate the Basin's attainment status with respect to the NAAQS and CAAQS for criteria air pollutants. The purpose of these designations is to identify areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are "nonattainment," "attainment," and "unclassified" (the latter is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards). Table 4.4-1 lists the CAAQS and NAAQS values for each pollutant, and Table 4.4-2 presents the recent attainment designations for the SFBAAB. With respect to the NAAQS, the SFBAAB is designated as a nonattainment area for ozone and $PM_{2.5}$, as a maintenance area for CO, and as an attainment or unclassified area for all other pollutants. With respect to the CAAQS, the SFBAAB is designated as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$, and as an attainment area for all other pollutants.

Table 4.4-1 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	CAAQS1	NAAQS[2,3]	
			Primary	Secondary
CO	1-Hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	NA
	8-Hour	9.0 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)	NA
NO_2	1-hour	180 ppb (339 µg/m^3)	100 ppb (188 µg/m^3)	NA
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	0.053 ppm (100 µg/m^3)	Same as Primary
Ozone	1-hour	0.09 ppm (180 µg/m^3)	NA[5]	NA
	8-hour	0.070 ppm (137 µg/m^3)[8]	0.070 ppm (137 µg/m^3)[4]	Same as Primary
PM_{10}	24-hour	50 µg/m^3	150 µg/m^3	Same as Primary
	Annual Arithmetic Mean	20 µg/m^3[6]	NA	NA

Pollutant	Averaging Time	CAAQS1	NAAQS[2,3]	
			Primary	Secondary
$PM_{2.5}$	24-hour	NA	35.0 µg/m^3	Same as Primary
	Annual Arithmetic Mean	12 µg/m^3 [6]	9.0 µg/m^3 [10]	15.0 µg/m^3
SO_2	1-hour	0.25 ppm (655 µg/m^3)	0.075 ppm (196 µg/m^3)	NA
	24-hour	0.04 ppm (105 µg/m^3)	0.14 ppm (365 µg/m^3)	NA
	Annual Arithmetic Mean	NA	0.030 ppm (80 µg/m^3)	NA
Sulfates	24-hour	25 µg/m^3	NA	NA
H_2S	1-hour	0.03 ppm (42 µg/m^3)	NA	NA
Lead	30-day Average	1.5 µg/m^3	NA	NA
	Calendar quarter	NA	1.5 µg/m^3	Same as Primary
	Rolling 3month Average	NA	0.15 µg/m^3 [9]	
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m^3)	NA	NA
Visibility-Reducing Particles	8-hour	See Note 7	NA	NA

Source: CARB 2016, EPA 2024d

Key: µg/m^3 = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter; CO = carbon monoxide; NO_2 = nitrogen dioxide; O_3 = ozone; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns in diameter or less; ppm = parts per million; ppb = parts per billion; SO_2 = sulfur dioxide; H_2S = hydrogen sulfide

[1] *California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM10, 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 PM10 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 µg/m^3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/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 USEPA 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. USEPA 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 the USEPA on June 15, 2005.*

[6] *In June 2002, CARB established new annual standards for PM2.5 and PM10.*

[7] *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.*

[8] *The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.*

[9] *National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.*

[10] In February 2024, EPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) from 12.0 to 9.0 micrograms per cubic meter ($\mu g/m^3$). The final area designation timeline for the 2024 revised primary annual $PM_{2.5}$ NAAQS is expected to be in 2026. The final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS will be used. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels.

Table 4.4-2 San Francisco Bay Area Basin Attainment Status

Pollutant	State Attainment Status	Federal Attainment Status
CO (1-hour and 8-hour)	Attainment	Maintenance
Ozone (1-hour)	Nonattainment	--
Ozone (8-hour)	Nonattainment	Nonattainment
NO_2 (1-hour)	Attainment	--
NO_2 (Annual)	--	Attainment
PM_{10} (24-hour)	Nonattainment	Unclassified
PM_{10} (Annual)	Nonattainment	--
$PM_{2.5}$ (24-hour)	--	Nonattainment [1]
$PM_{2.5}$ (Annual)	Nonattainment	Unclassified/Attainment
SO_2 (1-hour and 24-hour)	Attainment	Unclassified/Attainment [2]
Lead (30-Day)	Attainment	Attainment
Lead (Quarter)	--	Attainment
Lead (3-month)	--	--
H_2S (1-hour)	Unclassified	--
Vinyl Chloride	No information available	--
Visibility Reducing Particles	Unclassified	--

Source: BAAQMD 2017c

1 On January 9, 2013, USEPA issued a final rule to determine that the Bay Area attains the 24-hour PM2.5 national standard. Despite this action, the Bay Area will continue to be designated as "non-attainment" for the national 24hour PM2.5 standard until such time as the BAAQMD submits a "redesignation request" and a "maintenance plan" to USEPA, and USEPA approves the proposed redesignation.

2 On June 2, 2010, the USEPA established a new 1-hour SO2 standard, effective August 23, 2010, which is based on the 3year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO2 NAAQS, however, must continue to be used until 1 year following USEPA initial designations of the new 1hour SO2 NAAQS.

Local - Project Vicinity

The BAAQMD maintains multiple air quality monitoring stations that continually measure the ambient concentrations of major air pollutants throughout the SFBAAB. Table 4.4-3 summarizes the three most recent years of published monitoring data. The nearest monitoring station to the project site is the Los Gatos monitoring station, which monitors ozone, approximately 5 miles southeast of the Project site. Data for NO_2, PM_{10}, and $PM_{2.5}$, and were obtained from the San Jose – Jackson Street monitoring station approximate 10 miles northeast from the project site. In general, the ambient air quality measurements from this station are representative of air quality in the project vicinity. As shown in Table 4.4-3, the ozone state and national standards were exceeded in 2020 and 2021. The PM_{10} state standard was exceeded in 2020. The $PM_{2.5}$ national standard was exceeded in 2020, 2021, and 2022.

Table 4.4-3 Local Air Quality Monitoring Summary

Pollutant and Average Period	Item	2020	2021	2022
Ozone 1-hour	Max 1 hour (ppm)	0.107	0.090	0.080
Ozone 1-hour	Days > State Standard (0.09 ppm)	1	0	0
Ozone 8-hour	Max 8-hour (ppm)	0.086	0.083	0.07
Ozone 8-hour	Days > State Standard (0.070 ppm)	3	3	0
Ozone 8-hour	Days > National Standard (0.070 ppm)	3	3	0
NO_2 Annual	Annual Average (ppm)	0.009	0.008	0.009
NO_2 1-hour	Max 1-hour (ppm)	0.052	0.048	0.047
NO_2 1-hour	Days > State Standard (0.18 ppm)	0	0	0
PM_{10} Annual	Annual Average (µg/m^3)	*	20.1	21.3
PM_{10} 24-hour	Max 24- hour (µg/m^3)	137.1	45.1	44.5
PM_{10} 24-hour	Days > State Standard (50 µg/m^3)	10	0	0
PM_{10} 24-hour	Days > National Standard (150 µg/m^3)	0	0	0
$PM_{2.5}$ Annual	Annual Average (µg/m^3)	11.5	8.9	10.1
$PM_{2.5}$ 24-hour	Max 24-hour (µg/m^3)	120.5	38.1	36.2
$PM_{2.5}$ 24-hour	Days > National Standard (35 µg/m^3)	12	1	2

Source: CARB 2024b

*Notes: ppm = parts per million; µg/m^3 = micrograms per cubic meter; * = insufficient data*

Local - Project Site

As described in Section 2, *Project Description*, the project site consists of vineyards, a tasting deck, single family homes, a stable, and a quarry on 23 acres. The project site is zoned Hillside Residential, which permits single family dwellings. Wineries are a conditional use allowable for Hillside Residential zoning by City Code. Existing conditions at the project site are typical of winery operations, which include criteria air pollutant emissions from area and mobile sources. Area source emissions are associated with activities such as the use of consumer products and landscaping equipment. Mobile source emissions include vehicle trips from residents, employees, and guests.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for air quality under Baseline Scenario #2 is similar to those described above, except that area source emissions associated with the tasting deck and restroom/office building would not be present, as those structures had not been developed at the time of Baseline Scenario 2. Additionally, mobile source emissions resulting from vehicle trips by employees and guests would have been lower, as there were fewer employees and guests onsite prior to the tasting deck being developed.

4.4.2 Regulatory Framework

Federal

Clean Air Act

The USEPA's air quality mandates are drawn primarily from the federal Clean Air Act, which was enacted in 1970 and amended in 1977 and 1990 (Clean Air Act Amendments). The Clean Air Act requires the USEPA to establish the NAAQS, as shown in Table 4.4-1 above. NAAQS have been established for the six major air pollutants described in Section 3.3.1: ozone, CO, NO_2, SO_2, lead, and PM (PM_{10} and $PM_{2.5}$). The Clean Air Act identifies two types of NAAQS. Primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

The Clean Air Act requires each state with regions that have not attained the NAAQS to prepare a State Implementation Plan, detailing how these standards are to be met in each local area. The State Implementation Plan is a legal agreement between each state and the federal government to commit resources to improving air quality. It serves as the template for conducting regional and project-level air quality analyses. The State Implementation Plan is not a single document, but a compilation of new and previously submitted attainment plans, emissions reduction programs, district rules, state regulations, and federal controls.

Nonroad Sources and Emission Standards

Before 1994, there were no standards to limit emissions from off-road equipment. In 1994, the USEPA established emission standards for hydrocarbons, NO_X, CO, and PM to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. This rule was issued under the USEPA's authority in Section 213 of the Clean Air Act. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (interim and final) standards were adopted by the USEPA, as well as by CARB. Tier 1 emission standards became effective in 1996. The more stringent Tier 2 and Tier 3 emission standards became effective between 2001 and 2008, with the effective date dependent on engine horsepower (HP). Tier 4 interim standards became effective between 2008 and 2012, and Tier 4 final standards became effective in 2014 and 2015. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all HP sizes must meet Tier 4 final emission standards. In other words, new manufactured engines cannot exceed the emissions established for Tier 4 final emissions standards (USEPA 2004).

Regulations for On-road Vehicles and Engines

The USEPA also has certain regulations for on-road vehicles and engines, including passenger vehicles, commercial trucks and buses, and motorcycles (USEPA 2024e). In 2001, the USEPA issued a Final Rule on Controlling Emissions of Hazardous Air Pollutants from Mobile Sources. This rule was issued under the USEPA's authority in Section 202 of the Clean Air Act. Passenger cars and trucks are regulated by the USEPA under "light-duty" vehicle programs. The USEPA regulates passenger vehicles to reduce harmful emissions. There are regulations for multiple aspects of passenger vehicles, including: standards for exhaust and evaporative emissions; control of hazardous air pollutants and air toxics; National Low Emission Vehicle Program;

Compliance Assurance Program 2000; onboard refueling vapor recovery; and inspection and maintenance.

Safer Affordable Fuel-Efficient Vehicle Rule

In September 2019, the National Highway Traffic Safety Agency (NHTSA) and the USEPA published the Safer Affordable Fuel Efficient (SAFE) Vehicle Rule Part One: One National Program. The SAFE Part One Rule revokes California's authority and vehicle waiver to set its own emissions standards and set zero emission vehicle mandates in California for passenger cars and light trucks and establish new standards, covering model years 2021 through 2026. In April 2020, the USEPA and NHTSA issued the second part of the proposed SAFE Vehicles Rule. This final rule was made effective on June 29, 2020. However, on December 21, 2021, the NHTSA finalized the Corporate Average Fuel Economy Preemption rulemaking to withdraw its portions of the SAFE Part One Rule (NHTSA 2021) and with this action, California's authority under the Clean Air Act to implement its own emission standards and zero emission vehicle sales mandate is restored. On March 31, 2022, the NHTSA finalized the Corporate Average Fuel Economy Standards for model years 2024 through 2026 which included higher stringency than the SAFE Vehicles Rule, Part Two. On June 7, 2024, the NHTSA finalized the Corporate Average Fuel Economy Standards for model years 2027 through 2031 (NHTSA 2024).

State

CARB is the lead agency responsible for developing the State Implementation Plan in California. Local air districts and other agencies prepare air quality attainment plans or air quality management plans, and submit them to CARB for review, approval, and incorporation into the applicable State Implementation Plan.

California Clean Air Act

CARB is also responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act. The California Clean Air Act was adopted in 1988 and requires CARB to establish CAAQS, as shown in Table 4.4-1 above. In most cases, CAAQS are more stringent than NAAQS.

Other CARB responsibilities include, but are not limited to, overseeing local air district compliance with state and federal laws; approving local air quality plans; submitting State Implementation Plans to the USEPA; monitoring air quality; determining and updating area designations and maps; and setting emission standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels. CARB maintains air quality monitoring stations throughout the state in conjunction with local air districts. Data collected at these stations are used by CARB to classify air basins as being in attainment or nonattainment with respect to each pollutant and to monitor progress in attaining air quality standards.

California Health and Safety Code Section 40914

The California Clean Air Act requires that each area exceeding the CAAQS for ozone, CO, SO_2, and NO_2 develop a plan aimed at achieving those standards. California Health and Safety Code Section 40914 requires air districts to design a plan that achieves an annual reduction in district-wide emissions of 5 percent or more, averaged every consecutive 3-year period. To satisfy this requirement, the local air districts have to develop and implement air pollution reduction

measures, which are described in their air quality attainment plans, and outline strategies for achieving the CAAQS for any criteria air pollutants for which the region is classified as nonattainment.

In-Use Off-Road Diesel Vehicle Regulation, On-Road Light-Duty Certification, and California Reformulated Gasoline Program

CARB has established emission standards for vehicles sold in California and for various types of equipment. California gasoline specifications are governed by both state and federal agencies. During the past decade, federal and state agencies have imposed numerous requirements on the production and sale of gasoline in California. CARB has also adopted control measures for diesel PM and more stringent emissions standards for various on-road mobile sources of emissions, including transit buses and off-road diesel equipment (e.g., tractors, generators).

State Tailpipe Emission Standards

CARB has established a series of increasingly strict emission standards for new off-road diesel equipment and on-road diesel trucks. Construction equipment used for the proposed project, including heavy-duty trucks and off-road construction equipment, will be required to comply with the standards applicable to the model year of manufacture. In 2007, CARB approved the In-Use Off-Road Diesel-Fueled Fleets Regulation to reduce PM and NO_X emissions from existing off-road heavy-duty diesel vehicles. The regulation requires fleets to reduce their emissions by retiring older vehicles and replacing retired vehicles with newer vehicles, repowering older vehicles, or installing verified diesel emission control strategies in older engines; and by restricting the addition of older vehicles to fleets. The regulation was amended in November 2022 to continue the phase-out of older and lower-Tier off-road engines, restrict the addition of vehicles with Tier 3 and Tier 4 Interim engines, require the use of renewable diesel with limited exceptions starting January 1, 2024, and include additional requirements to increase enforceability, provide clarity, and provide additional flexibility for permanent low-use vehicles.

In December 2008, CARB adopted the Truck and Bus Regulation which requires heavy-duty diesel vehicles (i.e., with a gross vehicle weight rating greater than 14,000 pounds) that operate in California to reduce exhaust TAC emissions. Under this regulation, nearly all trucks and buses are required to have 2010 or newer model-year engines, or the equivalent to, to reduce PM and NO_X emissions.

In 2022, CARB adopted the Advanced Clean Cars II Regulations requiring manufacturers of light-duty passenger cars, trucks and SUVs to transition to electric zero-emission vehicles beginning with model year 2026 and phasing in of increasingly stringent requirements through 2035. By 2035, under the proposed Advanced Clean Cars II Regulations, all new passenger vehicles sold within the state would be zero emissions. As of October 2023, CARB is considering amendments to the regulation, including updates to the tailpipe greenhouse gas (GHG) emission standard and revisions to the low-emission vehicle and zero-emission vehicle regulations.

Tanner Air Toxics Act and the Air Toxics Hot Spots Information and Assessment Act

In addition to criteria air pollutants, both federal and state air quality regulations also focus on TACs. TACs in California are regulated primarily through the Tanner Air Toxics Act (AB 1807, Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act (Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review must occur before CARB can designate a substance as a TAC. The Air Toxics Hot Spots Information and Assessment Act requires that TAC emissions from stationary sources be quantified and compiled into an inventory according to criteria and guidelines developed by CARB, and if directed to do so by the local air district, a health risk assessment must be prepared to determine the potential health impacts of such emissions.

CARB has adopted a Diesel Risk Reduction Plan, which recommends control measures to achieve a diesel PM reduction of 85 percent by 2020 from year 2000 levels. Recent regulations and programs include the low-sulfur diesel fuel requirement and more stringent emission standards for heavy-duty diesel trucks and off-road in-use diesel equipment. As emissions are reduced, it is expected that the risks associated with exposure to the emissions will also be reduced.

Regional and Local

BAAQMD has local air quality jurisdiction in the SFBAAB, including Santa Clara County, and is responsible for protecting public health and welfare through the administration of federal and state air quality laws and policies. Included in BAAQMD's tasks are monitoring of air pollution, preparation of air quality plans, and promulgation of rules and regulations.

BAAQMD California Environmental Quality Act Air Quality Guidelines

The BAAQMD has prepared CEQA Air Quality Guidelines (BAAQMD 2023) to assist in the evaluation of air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements; and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and GHG emissions.

BAAQMD has stated that its CEQA Guidelines are for informational purposes only and should be followed by local governments at their own discretion (BAAQMD 2023). The BAAQMD CEQA Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or the BAAQMD to any specific course of action. The thresholds for criteria air pollutants were developed through a quantitative examination of the efficacy of fugitive dust mitigation measures and a quantitative examination of statewide nonattainment emissions and are used for the analysis of project-generated emissions.

BAAQMD 2017 Bay Area Clean Air Plan

BAAQMD adopted the Bay Area Clean Air Plan: Spare the Air, Cool the Climate (Bay Area Clean Air Plan) on April 19, 2017, to provide a regional strategy to improve Bay Area air quality and meet public health goals (BAAQMD 2017d). The control strategy described in the Bay Area

Clean Air Plan includes a wide range of control measures designed to reduce emissions and decrease ambient concentrations of harmful pollutants in the region, safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and reduce GHG emissions to protect the climate. To protect public health, the Bay Area Clean Air Plan describes how BAAQMD will continue progress toward attaining all state and federal air quality standards in the region and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The Bay Area Clean Air Plan addresses four categories of pollutants: (1) ground-level ozone and its key precursors, ROG and NOX; (2) PM, primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$; (3) air toxics; and (4) GHGs. The control measures are categorized based upon the economic sector framework including stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water measures (BAAQMD 2017d).

BAAQMD Particulate Matter Plan

To fulfill federal air quality planning requirements, BAAQMD adopted a $PM_{2.5}$ emissions inventory for year 2010 at a public hearing on November 7, 2012. The Bay Area 2017 Clean Air Plan also included several measures for reducing PM emissions from stationary sources and wood burning. On January 9, 2013, the USEPA issued a final rule determining that the San Francisco Bay Area has attained the 24-hour PM2.5 NAAQS, suspending federal State Implementation Plan planning requirements for the SFBAAB. Despite this USEPA action, the SFBAAB will continue to be designated as nonattainment for the national 24-hour $PM_{2.5}$ standard until such time as BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation.

BAAQMD Regulation 6, Rule 1

BAAQMD Regulation 6, Rule 1 (amended December 5, 2007) limits the quantity of particulate matter in the atmosphere through the establishment on emission rates, concentrations, visible emissions, and opacity.

BAAQMD Regulation 6, Rule 6

BAAQMD Regulation 6, Rule 6 (adopted August 1, 2018) limits the quantity of particulate matter in the atmosphere through control of trackout of solid materials onto paved public roads outside the boundaries of sites, including but not limited to large construction sites and landfills.

BAAQMD Regulation 8, Rule 3

BAAQMD Regulation 8, Rule 3 (amended July 1, 2009) limits the quantity of ROG in architectural coatings.

BAAQMD Regulation 11, Rule 2

BAAQMD Regulation 11, Rule 2 (amended October 7, 1998) regulates hazardous pollutants from asbestos demolition, renovation, and manufacturing activities. The purpose of the rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures.

City of Saratoga General Plan

The City included the following goals and policies related to air quality in the Land Use Element of the City's General Plan (City of Saratoga 2024):

- **Goal LU-15**: Support regional efforts to improve air quality by reducing GHG emissions from both stationary and non-stationary sources.
  - **Policy LU-15.1**: Require development projects to comply with 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 residential projects of 10 or more units and to non-residential projects of 6,000 square feet or more to reduce dependence on auto use.

City of Saratoga Municipal Code

Chapter 16, Article 16-51, Energy Code. This article adopts by reference the 2019 California Energy Code; and makes specific amendments applicable in the City.

4.4.3 Project Impacts and Mitigation

Impact AIR-1: Conflict with Applicable Air Quality Plan?

Impact AIR-1 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would result in a conflict with or obstruct implementation of the applicable air quality plan.

The applicable air quality plan for the SFBAAB is the 2017 Clean Air Plan developed by BAAQMD. The proposed project would not result in a conflict with the 2017 Clean Air Plan if it supports the goals of the Clean Air Plan, includes applicable control measures from the Clean Air Plan, and would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

Consistency with the 2017 Clean Air Plan is determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the NAAQS or CAAQS. As discussed in more detail under the subheading "Standard of Significance" for Impact AIR-2 below, the BAAQMD CEQA Air Quality Guidelines thresholds of significance included in Table 4.4-4 are applied to evaluate regional impacts of project-specific emission of air pollutants and their impact on BAAQMD's ability to reach attainment (BAAQMD 2023). Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Project construction activities would involve the temporary use of off-road equipment, haul trucks, and worker commute trips. As discussed in Impact AIR-2 below, construction-related emissions of the proposed project would not exceed and would be well below the thresholds of significance recommended by BAAQMD. In addition, consistent with Stationary Source Control Measure SS36 (PM from Trackout) and SS38 (Fugitive Dust) of the 2017 Clean Air Plan, the proposed project would comply with BAAQMD Regulation 6, Rule 1, General Requirements, and Regulations 6, Rule 6, Prohibition of Trackout, (which would be further enforced by the BMP for fugitive dust as discussed in more detail in Impact AIR-2 below) , which would reduce fugitive dust emissions during construction. Therefore, construction of the proposed project would not conflict with the BAAQMD 2017 Clean Air Plan. This construction-related impact would be **less than significant.**

Operation

Projects that are consistent with the assumptions used in development of the 2017 Clean Air Plan are considered to not conflict with or obstruct the attainment of air quality levels identified in the plan. As described above, consistency with the 2017 Clean Air Plan is determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the NAAQS or CAAQS. Project-related emissions that are below the BAAQMD-recommended thresholds have been accommodated in the air quality plans and would be consistent with the air quality plan. As described in Impact AIR-2 below, operational emissions of the project would not exceed the thresholds of significance recommended by the BAAQMD. Therefore, the project's emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the NAAQS or CAAQS, and thus, would not conflict with the purpose of the 2017 Clean Air Plan of attaining the state and federal air quality standards.

Therefore, operation of the project would not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan. This impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

The evaluation of consistency with the applicable air quality plan under Baseline Scenario 2 is the same as described above for Baseline Scenario 1 for construction. As described in Impact AIR-2 below, Baseline Scenario 2 would result in a slightly higher project emissions compared to Baseline Scenario 1 due to inclusion of construction emissions associated with the unpermitted tasting deck; however, as shown in Table 4.4-7, construction emissions under Baseline Scenario 2 would still be well below the BAAQMD thresholds of significance. This impact would be **less than significant.**

Operation

Similar to construction, the operational analysis related to consistency with the applicable air quality plan is the same under Baseline Scenario 2 as presented in Baseline Scenario 1. As described in Impact AIR-2 below, net operational emissions associated with the project under Baseline Scenario 2 are slightly higher than for Baseline Scenario 1, due to a greater net increase in guests and associated trips traveling to and from the winery. However, as shown in Table 4.4-8, operational emissions under Baseline Scenario 2 would still be well below the BAAQMD thresholds of significance. This impact would be **less than significant**.

Impact AIR-2: Net Increase in Criteria Air Pollutants?

Impact AIR-2 would be **potentially significant** under both baseline scenarios. However, with implementation of mitigation measure MM AIR-1 the impact would be reduced to **less than significant with mitigation**.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

For this analysis, a "cumulatively considerable net increase" in criteria air pollutants is defined as circumstances in which total direct emissions exceed the pertinent BAAQMD-recommended air quality thresholds of significance, as presented below in Table 4.4-4.

Table 4.4-4 Average Daily and Annual Criteria Air Pollutant Emissions Thresholds

Pollutant	Construction Phase Average Daily Emissions (lb/day)	Operational Phase Average Daily Emissions (lb/day)	Operational Phase Maximum Annual (ton/year)
ROG [1]	54	54	10
NO_X [1]	54	54	10
PM_{10}	82 (exhaust)	82	10
$PM_{2.5}$	54 (exhaust)	54	10
PM_{10}/$PM_{2.5}$ (fugitive dust)	BMPs	None	None

Source: BAAQMD 2023

Notes: ROG = reactive organic gases; lbs =pounds; NOX = nitrogen oxide; PM10 = particulate matter 10 microns in diameter and smaller; PM2.5 = particulate matter 2.5 microns in diameter and smaller; CO = carbon monoxide

[1] ROG and NOx are not criteria air pollutants; however, they are criteria air pollutant precursors that form ozone through chemical and photochemical reactions in the atmosphere. Since ozone is not directly emitted, thresholds of significance have been established for these ozone precursors.

[2] The BAAQMD does not have quantitative mass emissions thresholds for fugitive PM10 and PM2.5 dust. Instead, the BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable BMP, including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines (BAAQMD 2023).

Table 4.4-4 presents the BAAQMD-recommended thresholds of significance for construction-related and operations-related criteria air pollutant and precursor emissions. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or

precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If daily average or annual emissions of construction-related or operational criteria air pollutants or precursors would exceed any applicable threshold listed in Table 4.4-4 the proposed project would result in a cumulatively significant impact.

Methodology

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Construction activities would generate emissions from heavy-duty construction equipment, worker vehicle trips, vendor trips, and haul truck trips. Construction inputs were provided by House Family Vineyards, including a list of anticipated equipment, construction hours, and the schedule and phasing of activities.

As detailed in the Project Description (Section 3), construction of the proposed project under Baseline Condition 1 would include:

- Tasting deck modifications;
- Existing Old Oak Way and dirt road improvements to provide emergency access to the tasting deck and proposed wine cave;
- New secondary access road construction; and
- Wine cave construction.

Based on the project schedule, portions of the Old Oak Way and dirt road improvements, secondary access road construction, wine cave construction would overlap. There would be minimal off-site haul trips, as all the excess soil resulting from excavation and grading activities would be transported to the onsite quarry. Other materials (e.g., construction debris) generated during the upgrades to the tasting deck may need to be hauled off site.

Construction emissions were calculated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.26. CalEEMod allows the user to enter project-specific construction information, such as types, number, usage duration, and HP of construction equipment, and number and length of off-site motor vehicle trips. See Appendix C for further details on construction schedule, equipment, and vehicles.

Operation

Operational emissions would be generated by area and mobile sources. Area sources would include those such as consumer products, periodic architectural coating (i.e., reapplication of paint and other coatings), and landscape equipment. Mobile sources would include vehicle trips from employees and winery guests. Operational emissions were calculated using CalEEMod. No natural gas consumption is anticipated as part of the proposed project; therefore, there would be no energy-related criteria air pollutant emissions.

For vehicle trips, the annual average daily trip rate[15] for the proposed project was determined to be 127 trips, as shown in Appendix F. The annual average daily trip rate for the proposed project is based on the estimated trips generated by winery operations, public tastings, private tastings, and events; additionally, the annual average daily trip rate considers the variation in activities throughout the week and year, the frequency of events, and the potential for tastings and events to occur on the same day.

To determine the net change in guests and vehicle trips associated with winery operations compared to the baseline conditions, the number of average daily winery guests and associated trips under Baseline Scenario #1 is subtracted from the anticipated number of average daily trips with implementation of the proposed project. The baseline trip rate under Baseline Scenario 1 is based on 71 guests per day and an average vehicle occupancy of 2.5 for a baseline average daily trip rate of 29 vehicles visiting the site per day on average (i.e., 58 one-way vehicle trips per day) (House pers. comm. 2022, Fehr & Peers 2024). To be conservative, operational activities associated with area sources are modeled as "net new" and do not account for the level of activity of area and energy sources under the baseline. The net change in guests associated with the proposed project is used along with estimated vehicle miles traveled (VMT) to calculate annual trips and VMT, and the resulting operational mobile emissions. See Appendix C for additional details on the operational calculations.

Baseline Scenario #2: Conditions Prior to Unpermitted Development and Activities (2013)

Construction

The methodology used for the construction emissions analysis under Baseline Scenario 2 is identical to that described for Baseline Scenario 1 above, except that emissions associated with construction of the unpermitted tasting deck were also calculated.

Construction of the tasting deck was modeled to occur in 2013 to accurately represent the fleet mix and emission factors for equipment, worker vehicles, and vendor and haul trucks in use at that time.

Operation

The methodology used for the operational emissions analysis under Baseline Scenario 2 is identical to that described for Baseline Scenario 1 above, except that the baseline trip rate for Baseline Scenario 2 is based on 10 guests per day and an average vehicle occupancy of 2.5 for a baseline average daily trip rate of 4 vehicles per day (i.e., 8 one-way vehicle trips per day) (House Family Vineyards 2022, Fehr & Peers 2024).

[15] BAAQMD operational thresholds of significance are based on average daily emissions; therefore, the annual average daily trip rate is used to inform operational mobile source emissions.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Construction of the proposed project would generate temporary emissions of ROGs, NOx, PM_{10}, and $PM_{2.5}$ associated with use of off-road construction equipment and from on-road truck and worker vehicle trips. PM_{10} and $PM_{2.5}$ emissions are also associated with fugitive dust emissions from site preparation and grading activities. Fugitive PM emissions vary as a function of parameters such as soil silt content, soil moisture, wind speed, acreage of disturbance area, and the miles traveled by construction vehicles on- and off-site. Earthmoving and material-handling operations would be the primary sources of fugitive PM dust emissions from project construction activities.

As described in more detail in Section 2, *Project Description*, construction of the proposed project is expected to begin in spring 2025 and last approximately 7 months in total.

Unmitigated average daily emissions for construction activities under Baseline Scenario 1 are shown in Table 4.4-5. As shown in Table 4.4-5, construction-related emissions associated with the project would not exceed the average daily thresholds of significance. Because construction-related exhaust emissions would not exceed the significance thresholds, the proposed project would not result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Table 4.4-5 Average Daily Criteria Air Pollutant Construction Emissions – Baseline Scenario 1

Year/Description	ROG	NOx	PM10 (Exhaust)	PM2.5 (Exhaust)
2025 Average Daily Emissions (lbs/day)[1]	1.05	5.84	0.23	0.21
Threshold of Significance (lbs/day)	54	54	82	54
Exceeds Threshold?	No	No	No	No

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes: NOP = Notice of Preparation; ROG = reactive organic gases; lbs =pounds; NOX = nitrogen oxide; PM10 = particulate matter 10 microns in diameter and smaller; PM2.5 = particulate matter 2.5 microns in diameter and smaller

[1] Average daily emission estimates calculated based on the approximate construction workdays in 2025, which is assumed to be 231 days.

The BAAQMD does not have quantitative mass emissions thresholds for fugitive PM_{10} and $PM_{2.5}$ dust. Instead, the BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable best management practices (BMPs), including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines (BAAQMD 2023). Fugitive dust emissions are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust during construction. Construction-related impacts from the proposed project would therefore be **potentially significant.**

The following mitigation measure is recommended to reduce potential impacts during construction:

MM-AIR-1: Implement Fugitive Dust Reduction Measures During Construction

The construction contractor shall comply with the following BAAQMD BMPs for reducing construction emissions of uncontrolled fugitive dust (PM_{10} and $PM_{2.5}$):

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, stockpiles, graded areas, and unpaved access roads) shall be watered twice daily, or as often as needed, treated with non-toxic soil stabilizers, or covered to control dust emissions. Watering should be sufficient to prevent airborne dust from the leaving the site.
- All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads and paved access roads shall be removed using wet power (with reclaimed water, if possible) vacuum street sweepers at least once per day, or as often as needed. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 13 CCR Section 2485). Clear signage shall be provided for construction workers at all access points.
- 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.
- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number also shall be visible to ensure compliance with applicable regulations.
- The City of Saratoga project manager or his/her designee shall verify compliance that these measures have been implemented during normal construction site inspections.

As explained previously, fugitive dust emissions are considered to be significant unless the proposed project implements the BAAQMD's BMPs for fugitive dust control during construction. Mitigation Measure MM-AIR-1 would require implementation of the BAAQMD's BMPs to minimize fugitive dust emissions from project-related construction activities; therefore, with implementation of MM-AIR-1, the project would not result in a cumulatively considerable net increase of any criteria air pollutant for which the proposed project region is non-attainment under an applicable federal or state ambient air quality standard and this construction impact would be **less than significant with mitigation**.

Operation

After construction, long-term emissions of criteria air pollutants would be generated from area and mobile sources during operation of the project. Area sources would include emissions from the use of consumer products and periodic architectural coatings. Mobile sources would include

vehicle trips associated with guests and employee commute activities. Project-generated vehicle trips would be the primary source of long-term criteria air pollutant emissions.

Operational emissions under Baseline Scenario 1 are presented below in Table 4.4-6.

Table 4.4-6 Average Daily and Annual Criteria Air Pollutant Operational Emissions – Baseline Scenario 1

Description	ROG	NOx	PM10 (Exhaust)	PM2.5 (Exhaust)
Annual Emissions (tons)	0.07	0.06	0.16	0.04
Average Daily Emissions (lbs/day)[1]	0.37	0.33	0.89	0.23
Thresholds of Significance				
Annual (tons/year)	10	10	15	10
Daily (lbs/day)	54	54	82	54

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes: lbs/day = pounds per day; ROG = reactive organic gases; NOx = oxides of nitrogen; PM10 = particulate matter less than 10 microns in diameter; PM2.5 = particulate matter less than 2.5 microns in diameter

1 Average daily emission estimates are based on the annual operational emissions divided by 365 days. Annual emissions based on all emissions sources including area, energy, and mobile sources. Mobile source emissions are calculated using an average daily trip rate based on estimated employee staffing and number of visitors for public and private tasting events and small, medium, and large events, according to winery operating hours and event frequency per year.

As shown in Table 4.4-6, the net increase in operational emissions generated by the project under Baseline Scenario 1 would not exceed the BAAQMD daily or annual thresholds. Therefore, the project would not result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is in nonattainment under an applicable federal or state AAQS. Therefore, operational activities associated with the project would be **less than significant.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Criteria air pollutant emissions generated by project construction activities under Baseline Scenario 2 would consist of the same types of emissions as those described above for Baseline Scenario 1.

Construction of the project under Baseline 2 was modeled to include construction activities completed in 2013 associated with the unpermitted tasting deck over a 2-month duration, in addition to the future project construction expected to begin in spring 2025 and last approximately 7 months in total.

Unmitigated average daily emissions for construction activities under Baseline Scenario 2 are shown in Table 4.4-7. As shown in Table 4.4-7, construction-related emissions associated with the proposed project would not exceed the average daily thresholds of significance. Because construction-related exhaust emissions would not exceed the significance thresholds, the proposed project would not result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Table 4.4-7 Average Daily Criteria Air Pollutant Construction Emissions – Baseline Scenario 2

Year/Description	ROG	NOx	PM10 (Exhaust)	PM2.5 (Exhaust)
Baseline Condition 2 (Conditions in 2013)				
2013 Average Daily Emissions (lbs/day)[1]	0.84	3.79	0.27	0.25
2025 Average Daily Emissions (lbs/day)[1]	0.93	5.84	0.23	0.21
Threshold of Significance (lbs/day)	54	54	82	54
Exceeds Threshold?	No	No	No	No

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes: NOP = Notice of Preparation; ROG = reactive organic gases; lbs =pounds; NOX = nitrogen oxide; PM10 = particulate matter 10 microns in diameter and smaller; PM2.5 = particulate matter 2.5 microns in diameter and smaller

[1] Average daily emission estimates calculated based on the approximate construction workdays in 2013 and 2025, which is assumed to be 51 days and 231 days, respectively.

Similar to Baseline Scenario 1, fugitive dust emissions are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust during construction. Construction-related impacts from the proposed project would therefore be **potentially significant.** Mitigation Measure MM-AIR-1 is recommended to address this potentially significant impact.

Because the tasting deck was constructed without a grading permit or any requirements for fugitive dust control, it is unknown if BMP to prevent unnecessary fugitive dust were undertaken. However, given the relatively small area of disturbance associated with the past grading activities (less than 5,000 SF), the minimal amount of truck trips (12 total), and the lack of soil import or export, the past unpermitted construction activities are unlikely to have caused substantial emissions of fugitive dust. As shown in Appendix C, average daily emissions of PM10 fugitive dust during construction of the unpermitted tasting deck were estimated to be 0.08 pounds per day. Implementation of mitigation measure MM-AQ-1 would reduce potential fugitive dust impacts from future construction activities to **less than significant with mitigation**, for the same reasons described for Baseline Scenario 1 above.

Operation

Operational sources under Baseline Scenario 2 would be the same as described above for Baseline Scenario 1. Operational emissions under Baseline Scenario 2 are presented below in Table 4.4-8.

Table 4.4-8 Average Daily and Annual Criteria Air Pollutant Operational Emissions – Baseline Scenario 2

Description	ROG	NOx	PM10 (Exhaust)	PM2.5 (Exhaust)
Baseline Condition 2 (Conditions in 2013)				
Annual Emissions (tons)	0.10	0.10	0.28	0.07
Average Daily Emissions (lbs/day)[1]	0.56	0.56	1.53	0.39
Thresholds of Significance				
Annual (tons/year)	10	10	15	10
Daily (lbs/day)	54	54	82	54

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes: lbs/day = pounds per day; ROG = reactive organic gases; NOx = oxides of nitrogen; PM10 = particulate matter less than 10 microns in diameter; PM2.5 = particulate matter less than 2.5 microns in diameter

[1] Average daily emission estimates are based on the annual operational emissions divided by 365 days. Annual emissions based on all emissions sources including area, energy, and mobile sources. Mobile source emissions are calculated using an average daily trip rate based on estimated employee staffing and number of visitors for public and private tasting events and small, medium, and large events, according to winery operating hours and event frequency per year.

As shown in Table 4.4-8, the net increase in operational emissions generated by the proposed project under Baseline Scenario 2 would not exceed the BAAQMD daily or annual thresholds. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is in nonattainment under an applicable federal or state AAQS. Therefore, operational activities associated with the proposed project would be **less than significant.**

Impact AIR-3: Exposure of Sensitive Receptors to Pollutants?

Impact AIR-3 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would expose sensitive receptors to substantial pollutant concentrations.

Some members of the population are especially sensitive to air pollutant emissions and should be given special consideration when evaluating air quality impacts from projects. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants, such as schools and residences. The nearest off-site sensitive receptors to the project footprint are single-family residential properties on Garrod Road approximately 115 feet southwest of the proposed secondary access road.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Construction-related activities would result in short-term, temporary emissions of criteria air pollutants and TACs from heavy-duty construction equipment, worker vehicle trips, and vendor and haul truck trips.

As shown in Table 4.4-5, proposed project construction emissions of criteria air pollutants are well below the BAAQMD regional thresholds of significance. The regional thresholds of significance were designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards. The ambient air quality standards were established using health-based criteria to protect the public with a margin of safety from adverse health impacts due to exposure to air pollution.

As discussed above, ROG and NOx are ozone precursors. Individuals exercising outdoors, children, and people with lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible subgroups for ozone effects. Short-term ozone exposure (lasting for a few hours) can result in changes in breathing patterns, reductions in breathing capacity, increase susceptibility to infections, inflammation of lung tissue, and some immunological changes. Chronic exposure to high ozone levels can permanently damage lungs (BAAQMD 2017a). Because of the reaction time and other factors involved in ozone formation, ozone is considered a regional pollutant that is not linearly related to emissions (i.e., ozone impacts vary depending on the location of the emissions, the location of other precursor emissions, meteorology, and seasonal impacts). Peak ozone concentrations often occur far downwind of the precursor emissions. Thus, ozone is considered a regional pollutant that often affects large areas. There currently is no way to accurately quantify ozone-related health impacts from NO_X emissions from small projects. These limitations are due to photochemistry and regional model limitations; it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels (South Coast Air Quality Management District [SCAQMD] 2015). Further, in a File Brief of Amicus Curiae in the Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, commonly known as “Friant Ranch,” SCAQMD states that a project emitting only 10 tons per year of NOX or VOC/[ROG] (higher emissions than those generated during construction and operation of the project) is small enough that its regional impact on ambient ozone levels may not be detected in the regional air quality models used to determine ozone levels” (SCAQMD 2015). Therefore, in this case, it would not be feasible to directly correlate project emissions of NO_X and ROG with specific health impacts from ozone. However, because the BAAQMD regional thresholds of significance for ozone precursors were established with these factors in mind, the proposed project’s compliance with the BAAQMD thresholds indicates that the proposed project’s NO_X and ROG emissions would not expose sensitive receptors to substantial concentrations of ozone or any other criteria air pollutant.

The greatest potential for exposure during construction would be related to TAC emissions, including diesel PM, associated with heavy-duty equipment operations and on-road motor vehicles. More than 90 percent of diesel PM is less than 1 micrometer and thus is a subset of $PM_{2.5}$ (CARB no date). As shown in Table 4.4-5, construction activities would result in $PM_{2.5}$

emissions of 0.21 pounds per day in 2025 under Baseline Scenario 1. Maximum daily emissions of $PM_{2.5}$ would be associated with construction of the wine cave and result in $PM_{2.5}$ emissions of 0.34 pounds per day. These emissions levels would be substantially below significance thresholds. Additionally, methodologies for determining health risks from exposure to diesel PM TAC emissions assume a 30-year exposure period (Office of Environmental Health Hazard Assessment [OEHHA] 2015). Construction activities associated with the proposed project in 2025 were modeled to occur over a 7-month period. Therefore, the total exposure period for project construction activities (7 months) would be approximately 2 percent of the total exposure period used for typical health risk calculations (i.e., 30 years).

As described above, some members of the population are especially sensitive to air pollutant emissions and are given special consideration when projects' air quality impacts are evaluated. These groups include children, older adults, and persons with preexisting respiratory or cardiovascular illness. Sensitive receptors include residences, schools, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. OEHHA methodology contains guidelines to define the geographic area affected by a project's emissions (i.e., the "zone of impact") (OEHHA 2015). Additionally, concentrations of particulate matter tend to be reduced substantially at a distance 300 feet from emission sources (e.g., freeways or large distribution centers) (Zhu, Y., et al 2002). The closest sensitive receptors are residences approximately 1,300 feet from the location of the tasting deck and proposed wine cave and 100 feet from the start of the proposed secondary access road at Garrod Road. Although construction of the proposed project would occur in the vicinity of the surrounding off-site sensitive receptors, the minimal construction emissions, temporary nature and short duration of construction, along with the highly dispersive nature of diesel PM emissions, would not result in substantial levels of diesel PM concentrations. Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations during construction and this impact would be **less than significant**.

Operation

Proposed project operations include mobile source emissions generated by employees and guests and area source emissions generated by consumer products, periodic architectural coating activities and landscaping equipment.

As shown in Table 4.4-6, the net operational emissions associated under Baseline Scenario 1 would be 0.07 ton of ROG and 0.06 ton of NOx per year. As discussed for Impact AIR-2, these levels of operational emissions would not exceed and are well below the BAAQMD regional thresholds of significance. For the same reasons described above for construction-related criteria air pollutant emissions, it would not be feasible to directly correlate propose project emissions of NO_X and ROG with specific health impacts from ozone. However, because the BAAQMD regional thresholds of significance for ozone precursors were established with these factors in mind, the proposed project's compliance with the BAAQMD thresholds indicates that the proposed project's NO_X and ROG emissions would not expose sensitive receptors to substantial concentrations of ozone or any other criteria air pollutant.

Operational mobile emissions generated from employee commuting and winery guests driving to the site are calculated based on a fleet mix of various vehicle types. The fleet mix is based on the operational year, which is the year following the completion of construction (2026). The fleet

mix by calendar year is forecasted for Santa Clara County in CalEEMod based on data from the Emission FACtor (EMFAC) model (EMFAC 2021 v1.0.1). Based on the 2026 fleet mix for Santa Clara County, passenger vehicles, passenger trucks, and medium duty vehicles make up approximately 52 percent, 23 percent, and 13 percent respectively, for a total of 88 percent of the fleet mix. Of these vehicle types, gasoline-fueled vehicles make up 87 percent, 98 percent, and 96 percent for passenger vehicles, passenger trucks, and medium duty vehicles, respectively. Therefore, diesel-fueled vehicles would be expected to contribute minimally to the overall operational vehicle trips and diesel PM emissions would also be minimal. Proposed project operations would not have any other sources of diesel PM, or TACs, other than mobile sources.

For all of the reasons above, sensitive receptors would not be exposed to substantial pollutant concentrations due to operations and this impact would be **less than significant.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

The construction impact analysis for Baseline Scenario 2 related to exposure of sensitive receptors to substantial criteria air pollutant and diesel PM concentrations is generally the same as described above for Baseline Scenario 1. Differences in the analysis are described below.

As shown in Table 4.4-7, proposed project construction emissions of criteria air pollutants for Baseline Scenario 2 are also well below the BAAQMD regional thresholds of significance.

As shown in Table 4.4-7, construction activities would result in $PM_{2.5}$ emissions of 0.27 pounds per day in 2013 and 0.23 pounds per day in 2025. Similar to Baseline Scenario 1, maximum daily emissions of $PM_{2.5}$ would be associated with construction of the wine cave and result in $PM_{2.5}$ emissions of 0.40 pounds per day. These emissions levels would be substantially below significance thresholds. Construction activities associated with the project in 2013 were modeled to occur over a 2-month period, and activities in 2025 were modeled to occur over a 7-month period. Due to the uncertainty in assessing cancer risk from very short-term exposures, it is not recommended to assess cancer risk for projects lasting less than two months (OEHHA 2015). Additionally, as construction equipment continues to turnover and/or be retrofitted over time in compliance with state and federal off-road equipment regulations, diesel PM emissions associated with construction will continue to decrease. Therefore, the total exposure period for project construction activities (9 months) would be approximately 2.5 percent of the total exposure period used for typical health risk calculations (i.e., 30 years).

The locations of proximate sensitive receptors under Baseline Scenario 2 are the same as Baseline Scenario 1. For the same reasons as described above, this impact would be **less than significant**.

Operation

Similar to construction, the operational impact analysis discussion for Baseline Scenario 2 related to exposure of sensitive receptors to substantial criteria air pollutant and diesel PM concentrations is generally the same as described above for Baseline Scenario 1.

As shown in Table 4.4-8, the net operational emissions associated under Baseline Scenario 2 would be 0.1 ton of ROG and 0.1 ton of NOx per year, which are well below the BAAQMD regional thresholds of significance. For the same reasons as described above for Baseline Scenario 1, the proposed project's operational NO_X and ROG emissions would not expose sensitive receptors to substantial concentrations of ozone or any other criteria air pollutant.

The same fleet mix assumptions described for operational mobile emissions for Baseline Scenario 1 would apply for Baseline Scenario 2; therefore, diesel-fueled vehicles would be expected to contribute minimally to the overall operational vehicle trips and diesel PM emissions would also be minimal.

Sensitive receptors would not be exposed to substantial pollutant concentrations due to operations and this impact would be **less than significant.**

Impact AIR-4: Other Emissions Including Those Leading to Odors?

Impact AIR-4 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. Although offensive odors rarely cause any physical harm, they can be very unpleasant, leading to considerable distress among the public, and causing citizens to submit complaints to local governments and regulatory agencies. Typical facilities that generate odors include wastewater treatment facilities, sanitary landfills, composting facilities, petroleum refineries, chemical manufacturing plants, and food processing facilities.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

During project-related construction activities, construction equipment exhaust, application of asphalt, and architectural coatings may temporarily generate odors. The proposed project would use typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. The BAAQMD does not identify construction sites as containing activities that would generate objectionable odors. Additionally, odors would be confined to the immediate vicinity of the construction equipment and construction activities that would generate other emissions, such as those leading to odors, would be intermittent in nature (i.e., the duration of these activities would not be continuous for an extended period of time). In addition, odor concentrations in the air decline with increasing distance. Furthermore, nuisance odors are regulated under the BAAQMD's Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. Regulation 7 places general limitations on odorous substances, and specific emission limitations on certain odorous compounds.

Therefore, proposed project construction would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts during construction would be **less than significant**.

Operation

The proposed project involves winery operations on the project site. The type of facilities that are considered to result in other emissions such as those leading to objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food processing facilities (BAAQMD 2023). Thus, the project's proposed land uses are not typical odor-generating facilities and other emissions, including those leading to odors, would remain similar to existing conditions. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. This impact would be **less than significant.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Temporary odor impacts related to proposed project construction activities would be the same as described above for Baseline Scenario 1. Because the tasting deck was constructed without a grading permit, it is unknown if BMP to prevent substantial odors were undertaken. However, given the minimal amount of construction equipment used, the temporary nature of construction, and the short duration of construction activities (2 months), the past unpermitted activities are unlikely to have caused substantial emissions leading to odors. Additionally, any odors generated would have been typical of a construction site and nuisance odor complaints would have been subject to abatement requirements of BAAQMD Regulation 7. For similar reasons as described above, this impact would be **less than significant**.

Operation

Operation of the project under Baseline Scenario 2 would be the same as under Baseline Scenario 1. Similar to Baseline Scenario 1, Baseline Scenario 2 does not introduce or include any typical odor-generating land uses. Therefore, this impact would be **less than significant.**

4.4.4 Cumulative Impacts and Mitigation

This section addresses the potential cumulative impacts relating to air quality:

- C-AIR-1 and C-AIR-2: Cumulative contributions to the existing cumulative air quality conditions or conflicts with applicable air quality plan?
- C-AIR-3 and C-AIR-4: Cumulative contributions exposing sensitive receptors to pollutants or other emissions?

Impact C-AIR-1 and C-AIR-2: Contributions Cumulative Air Quality Conditions or Conflicts with Applicable Air Quality Plan?

The overall cumulative impact for C-AIR-1 and C-AIR-2 would be **less than significant**. No mitigation is required.

Cumulative Context

This section describes the potential cumulative air quality impacts resulting from the project in conjunction with past, present, and future projects. The geographic scope for the cumulative analysis of criteria air pollutants and TACs is considered to be the SFBAAB. It is appropriate to consider the entire air basin because air emissions can travel substantial distances and are not confined by jurisdictional boundaries; rather, they are influenced by large-scale climatic and topographical features. Although some air quality emissions can be localized, such as a CO hot spot or odor, the overall consideration of cumulative air quality is typically more regional. By its very nature, air pollution is largely a cumulative impact.

- To evaluate cumulative impacts, both of the following conditions must be true (BAAQMD 2023):
- There is a significant overall cumulative impact; and
- The project's incremental contribution will be cumulatively considerable, as defined below.

Cumulatively considerable means that the incremental effect of the specific project under review will be significant when viewed in context of the overall cumulative problem.[16]

The BAAQMD thresholds of significance are relevant to whether a project's individual emissions would result in a cumulatively considerable incremental contribution to the existing cumulative air quality conditions. If a project's emissions would be less than those threshold levels (Table 4.4-4), the project would not be expected to result in a cumulatively considerable incremental contribution to the significant cumulative impact (BAAQMD 2023).

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

As described above, the SFBAAB is in nonattainment of ozone, PM_{10}, and $PM_{2.5}$ with respect to the CAAQS. The overall cumulative impact is the nonattainment of ozone, PM_{10}, and $PM_{2.5}$ with respect to the CAAQS in the SFBAAB. The nonattainment status of regional pollutants is a result of past and present development in the SFBAAB, and this regional impact is cumulative rather than attributable to any one source. Therefore, the first condition of the cumulative impact evaluation is true. The overall cumulative impact of cumulative projects listed in Table 4.4-1 in Section 4.1 would be **potentially significant**.

As shown in Table 4.4-5, construction-related emissions associated with the proposed project would not exceed the thresholds of significance for criteria air pollutants recommended by the BAAQMD. These thresholds are designed to identify those projects that would result in significant levels of air pollution, and to assist the region in attaining the applicable CAAQS and

[16] State CEQA Guidelines Section 21083(b)(2)

NAAQS. As mentioned in the BAAQMD CEQA Guidelines, the thresholds represent levels above which a project's individual emissions would be a cumulatively considerable contribution to the SFBAAB's existing air quality conditions (BAAQMD 2023). In addition, with implementation of the fugitive dust reduction measures in MM-AIR-1, the proposed project would also not generate any substantial fugitive dust emissions. Furthermore, operational emissions associated with the proposed project would also not exceed the thresholds of significance recommended by the BAAQMD as shown in Table 4.4-6. Therefore, in relation to the potentially significant cumulative impacts on criteria air pollutants or conflicts with applicable air quality plans, the proposed project's incremental contribution **would be less than cumulatively considerable** with regard to C-AIR-1.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The cumulative impacts for Baseline Scenario 2 would be the same as those described in Baseline Scenario 1. Although the combination of past, current, and foreseeable projects could combine to result in a **potentially significant impact,** the proposed project's contribution to the overall cumulative impact on criteria air pollutants or conflicts with applicable air quality plans would be **less than cumulatively considerable**.

Impact C-AIR-3 and C-AIR-4: Exposure of Sensitive Receptors to Pollutants or Other Emissions (such as odor)?

The overall cumulative impact for C-AIR-3 and C-AIR-4 would be **less than significant**.

Cumulative Context

The geographic context for the cumulative analysis of air quality impact C-AIR-2 would be the immediate vicinity of the project site. For the cumulative analysis of exposure of sensitive receptors to sources that generate TAC and/or $PM_{2.5}$ exhaust emissions, the BAAQMD recommends combining the risks and hazards from existing sources with 1,000 feet of the project source(s) with the risks and hazards from the project source(s) (BAAQMD 2023). The temporal context would include those probable future projects that have the potential to emit pollutants or other emissions that could result in exposure of the same sensitive receptors as the proposed project during the same time period.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Of the cumulative projects described in Table 4.1-1 in Section 4.1.3, only the Chadwick Heights project would be within the 1,000-foot BAAQMD-recommended radius for analyzing cumulative impacts. As such, TAC emissions or other emissions resulting from the construction of the other projects, except for the Chadwick Heights project, are not anticipated to result in a cumulative considerable impact for the receptors surrounding this proposed project site. The construction activities and the associated emissions of these projects, with the exception of the Chadwick Heights Project, and this proposed project would not occur within the same 1,000-foot radius. Therefore, any overlapping activities and associated emissions would not be generated from the same location or concentrated on the same single receptor.

The Chadwick Heights project proposes the subdivision of the 29.19-acre site into six lots. One single family residence is proposed on each of the five estate lots and 80 multifamily units are proposed on the remaining lot. While preliminary plans were sent to the City in 2024, no specific information regarding the construction timeframe or specific project details are available at this time. Based on the anticipated schedule of the proposed project to occur in 2025, it is unlikely that construction of the cumulative project would overlap the proposed project's construction period. In addition, the proposed residences and roadways for the adjacent Chadwick Heights project (where construction activities would occur) are more than 300 feet from the closest of the proposed project's construction areas. Studies indicate that diesel PM emissions and the relative health risk can decrease substantially within 300 feet (Zhu et al. 2002). Therefore, even in the unlikely event that construction activities from both sites would overlap, it is not anticipated that the cumulative cancer risk associated with overlapping construction activities in the project vicinity would exceed the BAAQMD cumulative threshold for cancer risk of 100 in a million or the 0.8 micrograms per cubic meter annual $PM_{2.5}$ concentration threshold. Furthermore, there are no existing residences or other sensitive receptors within 300 feet of the construction zones of both projects. Therefore, criteria air pollutant, TAC, or odorous emissions from the proposed project combined with other nearby construction emissions would not adversely affect nearby sensitive receptors and the overall cumulative impact would be **less than significant.**

Operation

The proposed project would not add any new substantial sources of TAC emissions during operation, and the probable future projects in the vicinity of the project site, with the exception of the Chadwick Heights project, would not be located within a 1,000-foot radius of the proposed project site nor add any substantial sources of TAC emissions. Only preliminary plans for the Chadwick Heights project have been submitted to the City; therefore, no specific information regarding the potential impacts of future additional development at that site, nor any specific details about that project's operational emissions, are available at this time. The probable future development consists of residential land uses, which are not a typical TAC emissions-generating land use as the increase in vehicle trips would primarily be light-duty vehicles, which are not substantial sources of TAC emissions (e.g., diesel PM) that are primarily associated with diesel-fueled vehicles. Operational activity associated with the Chadwick Heights project may occur within 1,000 feet of the proposed project site; however, it is not anticipated that the cumulative cancer risk associated with overlapping operational activities in the project vicinity would exceed the BAAQMD cumulative threshold for cancer risk of 100 in a million or the 0.8 micrograms per cubic meter annual $PM_{2.5}$ concentration threshold. Therefore, the overall impact to sensitive receptors from pollutant or other emissions (such as those leading to odors) from cumulative projects, including the proposed project, would be **less than significant**.

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

The cumulative impacts for Baseline Scenario 2 would be the same as those described in Baseline Scenario 1. Additionally, emissions associated with construction of the unpermitted tasting deck and restroom/office building are minimal, as shown in Table 4.4-7, and occurred over a short timeframe (two months). Any construction activities of cumulative projects which occurred in 2013 and overlapped with construction of the unpermitted tasting deck and restroom/office building would have been unlikely to expose sensitive receptors to substantial pollutant concentrations due to the minimal construction duration. Therefore**,** the overall impact

to sensitive receptors from pollutant or other emissions (such as those leading to odors) from cumulative projects, including the proposed project, would be **less than significant**.

4.5 Biological Resources

This section describes the existing biological setting of the project area and evaluates whether the proposed project would result in adverse effects on biological resources. The project area encompasses all areas where project improvements would occur including the project site (Parcels A and B) and other project improvements (i.e., secondary fire access road, parking area, Garrod road improvements) are being made on House Family Vineyards property (APNs 503-15-075 and 503-15-078) and Garrod Parcel (APN 503-12-001).

The City received the following comments relating to Biological Resources during the public scoping period in response to the NOP:

- Concerns related to how wildlife would be impacted by the winery operations, including impacts from collisions with vehicle traffic and light and noise from events.
- Concerns about trees being cut without permits.
- Concerns related to the hillside and open space easement being developed on.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.5.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Vegetation

Vegetation communities within the project area are predominantly coastal oak woodland with mature coast live oak trees (*Quercus agrifolia*) that provide cover over the majority of the project site. There is an area of hillside south of Old Oak Way that was a quarry in the past and over time has been regrown with a composition of Chamise-sage chaparral, small patches of California annual grassland and oak woodland on edges. There are small areas of landscaped vegetation at the project site that occur near the buildings and driveways.

Coastal Oak Woodland

Coastal oak woodland is the most widespread vegetation type within and surrounding the project site. This habitat type is dominated by coast live oak (*Quercus agrifolia*) and is interspersed with a variety of other trees and shrubs including toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), elderberry (*Sambucus mexicana*), orange bush monkeyflower (*Diplacus aurantiacus*), coyote brush *(Baccharis pilularis*), creeping snowberry (*Symphoricarpos mollis*) and blue blossom (*Ceanothus thyrsiflorus*). This habitat occurs along the central portion of the proposed secondary access road, and in the area around the proposed wine cave and tasting deck. The California Department of Fish and Wildlife (CDFW) ranks natural communities as to their risk of extinction or elimination (rarity ranking) at the Global (G) and State (S) scale, with the numbers meaning the following: 1) critically imperiled; 2) imperiled; 3) vulnerable, 4) apparently secure, 5) secure. CDFW considers communities with rankings of 3 and below as sensitive natural communities. CDFW does not consider the coast live oak woodland associated

with toyon and poison oak that is present at the project site as a sensitive natural community with a Global rarity ranking of G5 and a State rarity ranking of S5.

Chamise-Sage Chaparral

This habitat type is dominated by shrub layer of chamise (*Adenostoma fasciculatum*) and California sagebrush (*Artemisia californica*), and is interspersed with coyote brush, mugwort (*Artemisia douglasiana*), toyon and elderberry. Between shrubs, annual grasses were present. This habitat occurs just west of where an existing dirt road on Garrod Parcel branches from the paved Old Oak Way on House Family Vineyards near an old quarry (this area is where the proposed secondary access road is proposed). CDFW does not consider the chamise-sage chaparral at the project site a sensitive natural community; the Global rarity ranking is G4 and the State rarity ranking is S4.

California Annual Grassland

This habitat is dominated by non-native annual grasses such as ripgut brome (*Bromus diandrus*), slender wild oat (*Avena barbata*), and little quaking grass (*Briza minor*); and non-native weeds such as black mustard (*Brassica nigra*) and yellow star thistle (*Centaurea solstitialis*). California annual grasses occur in smaller patches within the project area between roads and vegetated areas. CDFW does not consider this vegetation type a sensitive natural community and does not assign it a Global or State rarity ranking.

Wildlife

The project area is in an area that has primarily natural lands, but also contains man-made structures and developed areas, and is in close proximity to suburban areas of denser development and shopping centers a half mile away. Therefore, wildlife in the project area are likely to be animal species that occur in the interfaces between urban and natural open spaces but can also include species that migrate from areas of uninterrupted open space. Larger fauna that may occur in these areas include black-tailed deer (*Odocoileus hemionus*), coyote (*Canis latrans*), bobcat (*Lynx rufus*), raccoon (*Procyon lotor*), skunk (*Mephitis mephitis*) and more rarely mountain lion (*Puma concolor*). Smaller fauna would include such species as western gray squirrels (*Sciurus griseus*), western fence lizards (*Sceloporus occidentalis*), southern alligator lizard (*Elgaria multicarinata*), deer mice (*Peromyscus maniculatus*), and Botta's pocket gopher (*Thomomys bottae*). A wide variety of bird species will utilize the oak woodlands within the project site, as well as the structures within the proposed project area, including the tasting deck and storage containers. These species include acorn woodpecker (*Melanerpes formicivorus*), western scrubjay (*Aphelocoma californica*), Bewick's wren (*Thryomanes bewickii*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), bushtit (*Psaltriparus minimus*), western bluebird (*Sialia mexicana*), American robin (*Turdus migratorius*), Anna's hummingbird (*Calypte anna*), great horned owl (*Bubo virginianus*), and others.

Table 4.5-1 shows special status that have the potential to occur in the project area.

Table 4.5-1 Special-Status Species Potential to Occur in the Project Area.

Common Name	Scientific Name	Status	Habitat	Potential to Occur
Birds				
Burrowing owl	Athene cunicularia	SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel	No potential to occur. There are no suitable open grassland habitats for this species.
White tailed kite	Elanus leucurus	FP	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Potential to occur. The oak trees provide potential nesting habitat for this species although none were observed during surveys. There is no river bottomlands, marshes or open meadows nearby the oak trees for foraging so the location is not ideal for them.
California ridgeway's rail (a.k.a. clapper rail)	Rallus obsoletus obsoletus	FE, SE, FP	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed but feeds away from cover on invertebrates from mud-bottomed sloughs.	No potential to occur. There are no salt water or brackish marshes in the project area and therefore no suitable habitat for this species.
California least tern	Sternula antillarum browni	FE, SE, FP	Seacoasts, beaches, bays, estuaries, lagoons, lakes, and rivers. Nests and rests on sandy beaches, mudflats, and salt-pond dikes.	No potential to occur. There are no beaches, bays or lagoons in the project area.
Marbled murrelet	Brachyramphus marmoratus	FT, SE	Coastal areas, mainly in salt water within 1.2 miles of shore, including bays and sounds; not uncommon up to 3.1 miles offshore; occasionally also on rivers and lakes usually within 12.4 miles of ocean. Highly specific nesting requirements associated with old growth forest.	No potential to occur. There are no old growth redwood forests in the project area and the project area is too far from shore.
Reptiles				
Western pond turtle	Emys marmorata	PFT, SSC	Occurs west of the Cascade-Sierran crest at elevations between sea level and 6,696 feet. The species usually occurs in areas of calm freshwater environments, but can also occur in brackish and saltwater for short periods of time. It occupies a wide variety of aquatic habitats, including ponds, lakes, rivers, streams, marshes, sloughs, wetlands, and irrigation ditches. Females dig nests to lay eggs up to 0.5 mile from water.	Moderate potential to occur. The freshwater pond on the Garrod Parcel is potential aquatic habitat for this species. The surrounding oak woodland and shrub areas provide potential dispersal areas and some potential for nesting.

Common Name	Scientific Name	Status	Habitat	Potential to Occur
Amphibians				
California tiger salamander	Ambystoma californiense	FT, ST	Lives in vacant or mammal-occupied burrows (e.g., CA ground squirrel, valley pocket gopher) in grassland, savanna, or open woodland habitats. Breeding occurs in shallow ephemeral or semi-permanent pools and ponds that fill during heavy winter rains or in permanent ponds.	No potential to occur. No grassland, oak savannah or open habitats present in the project area that are the preferred upland habitat. Small mammal burrows and complexes were also not prevalent. The nearest CNDDB occurrence is 3 miles away and is a really old occurrence from 1893.
Santa Cruz black salamander	Aneides niger	SSC	Moist streamside microhabitats within the coastal California fog belt in Douglas fir, and redwood forests. Salamanders also occupy grasslands, riparian habitats, valley-foothill woodlands, and wet meadows using rocks, rotten logs, and leaf litter for cover. Their range is limited to the San Francisco Peninsula south to Santa Cruz County.	Moderate potential to occur. There are three CNDDB occurrences within 2.5 miles of the project site. The small drainage next to the area where the secondary access road alignment is proposed near the freshwater pond provides some moist microhabitats and cover is present in the woodlands, logs and leaf litter. There is some limited potential habitat for this species.
California giant salamander	Dicamptodon ensatus	SSC	Inhabits oak woodland and coniferous forests and coastal chaparral near clear, cold, perennial and semi-perennial streams. Adults are typically terrestrial outside of breeding season, utilizing small mammal burrows, underground retreats, leaf litter, and rock cover.	Low potential to occur. There are no clear cold, perennial or semi perennial streams near the project site.
Foothill yellow-legged frog	Rana boyii	FT, SE	Found in partially shaded, shallow streams with rocky substrates in woodland, chaparral, and forest. Needs some cobble-sized rocks as a substrate for egg laying. Requires water for 15 weeks for larval transformation.	No potential to occur. There are no shallow streams with rocky substrate in or near the project site. There are two really old (1930's-1950's) CNDDB occurrences of the species in the vicinity however the species is now considered extirpated.
California red-legged frog	Rana draytonii	FT, SSC	Occurs in or near quiet permanent water of streams, marshes, ponds, lakes, and other quiet bodies of water from sea level to 4,921 feet in elevation. Frequently found in woodlands, grasslands, or other plant cover adjacent to streams. In summer, estivate in small mammal burrows, leaf litter, or other moist sites in or near riparian areas. Adults disperse into riparian corridors and in damp thickets and forests.	Moderate potential to occur. There are three CNDDB occurrences within 2 miles of the project site. The freshwater pond on the Garrod Parcel is potential aquatic habitat for this species. The pond lacks emergent vegetation and may have predatory fish and bullfrogs that reduce the quality of the habitat. The surrounding oak woodland and shrub areas provide potential upland/dispersal areas.

Common Name	Scientific Name	Status	Habitat	Potential to Occur
Fish				
Delta smelt	Hypomesus transpacificus	FT, ST	Found in estuarine waters from the Sacramento-San Joaquin confluence to San Pablo Bay. Is tolerant of a wide salinity range and has been collected from estuarine waters with up to 14 parts per thousand salinity. Migrates upstream from the brackish-water habitat associated with the mixing zone and disperses widely into river channels and tidally influenced backwater sloughs. Generally spawns in tidally influenced backwater sloughs and channel edgewaters.	No potential to occur. There is no estuarine waters or habitat for this species.
steelhead – central California coast DPS	Oncorhynchus mykiss irideus	FT	Found in coastal streams from the Russian River south to the Aptos Creek, the drainages of San Francisco, San Pablo, and Suisun Bays eastward to Chipps Island, and tributary streams to Suisun Marsh. Individuals within this DPS spawn during the winter only, maturing in the ocean and then spawning in freshwater during late fall and winter. Requires cool, swift-moving streams with clean, unsilted gravel beds for spawning and egg incubation. Juvenile rearing habitat includes well-vegetated banks, with relatively stable flows.	No potential to occur. There are no freshwater (stream) habitats for this species.
Mammals				
Pallid bat	Antrozous pallidus	SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to roost site disturbance.	Low potential to occur. This species is most likely to occur in dry habitats with rock areas and in areas of very low disturbance.
Townsend's big eared bat	Corynorhinus townsendii	SSC	The Townsend's big-eared bat occurs throughout California in mesic habitats characterized by coniferous and deciduous forests, but also occupies a broad range of habitats. In California, it is known to occupy limestone caves, lava tubes, hollow trees or tree cavities, and human-made structures in coastal lowlands, cultivated valleys, and nearby hills covered with mixed vegetation.	Low potential to occur. This species is extremely sensitive to disturbance of roosting sites. Potential roosting sites in tree hollows or man-made structures are probably not suitable because of the human disturbance nearby.

Common Name	Scientific Name	Status	Habitat	Potential to Occur
San Francisco dusky-footed woodrat	Neotoma fuscipes annectens	SSC	Occupy large terrestrial stick houses, some of which can last for 20 or more years. Houses typically are placed on the ground against or straddling a log or exposed roots of a standing tree, and are often found in dense brush. Nests are also placed in the crotches and cavities of trees and in hollow logs.	Moderate potential to occur. The oak woodlands and chamise sage chaparral does provide woody material and good dense vegetation in areas for stick houses (i.e. middens). No middens were observed during surveys.
Plants				
arcuate bush-mallow	Malacothamnus arcuatus	1B.2	Chaparral, Cismontane woodland; elevation is 50ft to 1165 ft. Blooms Apr-Sep.	Low potential to occur. The habitat is present but only one CNDDB occurrence within 2 miles from 1906 collection in an area that is now developed.
Woodland woollythreads	Monolopia gracilens	1B.2	Broadleafed upland forest, Chaparral, Cismontane woodland, North Coast coniferous forest, Valley and foothill grassland; elevation is 330 ft to 3935 ft. Blooms Mar-Jul (sometimes blooms Feb)	Low potential to occur. The habitat is present but only two CNDDB occurrence within 2 miles and both are from 1915 or before. No recent nearby occurrences.
Loma Prieta hoita	Hoita strobilina	1B.1	Chaparral, Cismontane woodland, Riparian woodland; micro-habitat: mesic, Serpentinite (usually); elevation is 100 ft to 2820 ft. Blooms May-Jul (sometimes blooms in Aug-Oct).	Low potential to occur. The habitat is marginal for this species because there is no serpentinite. Also only one CNDDB occurrence with 2 miles that was a collection by Jepson in 1913.
Western leatherwood	Dirca occidentalis	1B.2	Broadleafed upland forest, Chaparral, Cismontane woodland, Closed-cone coniferous forest, North Coast coniferous forest, Riparian forest, Riparian woodland; micro-habitat: mesic; elevation is 80 ft to 1395 ft. Blooms Jan-Mar (sometimes blooms Apr).	Moderate potential to occur. There is potentially suitable habitat in the coast live oak woodland. There are two CNDDB occurrences within 2 miles next to Stevens Reservoir and both are recent occurrences.

Status:

Federal

FE – listed as Endangered under the Federal Endangered Species Act

FT – listed as Threatened under the Federal Endangered Species Act

PFT – proposed listed as Threatened under the Federal Endangered Species Act

State

SE – Listed as Endangered under the California Endangered Species Act

ST – Listed as Threatened under the California Endangered Species Act

SSC – State species of special concern

FP – Fully protected under California Fish and Game Code

California Rare Plant Rank

1B.1 - Rare or endangered in California and elsewhere – seriously threatened in California (more than 80 percent of occurrences threatened)

1B.2 - Rare or endangered in California and elsewhere – moderately threatened in California (20 to 80 percent of occurrences threatened)

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting under Baseline 2 is similar to that described in Baseline 1. The difference is that the tasting deck and adjacent office/restroom structure were not present. There were no grading changes this location. The small vineyard currently to the east of the tasting deck was not present, and this location would have appeared similar to the adjacent open space easement where there would have been oak trees and grasses.

4.5.2 Regulatory Framework

Federal

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (MBTA) makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter any migratory bird, or the parts, nests, or eggs of such bird, except under the terms of a valid federal permit. Migratory bird species protected by the act are listed in the Code of Federal Regulations (CFR) in 50 CFR Part 10.13. The U.S. Fish and Wildlife Service has statutory authority for enforcing the Migratory Bird Treaty Act (16 United States Code Sections 703-712).

Federal Endangered Species Act

The Federal Endangered Species Act of 1973 (ESA) (16 United States Code Section 1531 et seq.) provides a regulatory program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Fish and Wildlife Service and National Marine Fisheries Service are the lead agencies responsible for implementing the ESA. The U.S. Fish and Wildlife Service maintains a list of endangered species that includes birds, insects, fish, reptiles, mammals, crustaceans, plants, and trees. The U.S. Fish and Wildlife Service and/or National Marine Fisheries Service requires authorization for any actions that they authorize, carry out, or fund, that may jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act, enacted in 1940 and amended several times prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Regulations further define "disturb" as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" (50 CFR Part 22.6).

State

California Endangered Species Act

The California Endangered Species Act (CESA) conserves and protects animals at risk of extinction. Plants and animals may be designated as threatened or endangered under CESA

after a formal listing process by the California Fish and Game Commission. A CESA-listed species may not be killed, possessed, purchased, or sold without authorization from the CDFW.

California Fish and Game Code Fully Protected Species

Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code designate 37 species of wildlife as Fully Protected in California. 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 the authorized collection of these species for necessary scientific research and relocation of bird species for the protection of livestock.

California Fish and Game Code Section 2081 Incidental Take Permits

Section 2081(b) of the California Fish and Game Code allows the California Department of Fish and Wildlife to authorize take of CESA-listed species categorized as endangered, threatened, candidate, or rare plant species if that take is incidental to otherwise lawful activities, and if certain conditions are met. Section 2081(b) permits are commonly referred to as an Incidental Take Permit.

Local

City of Saratoga Code of Ordinances

The Saratoga, California Code of Ordinances, Chapter 15 – Zoning Regulations, Article 15-50 (Tree Regulations) requires a tree removal, pruning, or encroachment permit to authorize tree removal, pruning, or encroachment. All trees with a trunk diameter of 10 inches or more (31 inches in circumference measured from 4.5 feet above the ground) are subject to this ordinance. Additionally, the following native trees are also protected if they have a diameter of 6 inches or more (or 19-inch circumference or more measured at 4.5 feet above ground):

i) Big Leaf Maple (*Acer macrophyllum*)
ii) Black Oak (*Quercus kelloggii*)
iii) Blue Oak (*Quercus douglasii*)
iv) California Buckeye (*Aesculus californica*)
v) Coast Live Oak (*Quercus agrifolia*)
vi) Coast Redwood (*Sequoia sempervirens*)
vii) Douglas Fir (*Pseudotsuga menziesii*)
viii) Scrub Oak (*Quercus dumosa*)
ix) Tan Oak (*Lithocarpus densiflorus*)
x) Valley Oak (*Quercus lobata*)

Tree preservation plans and an arborist report are required before any construction work is performed near protected trees.

City of Saratoga General Plan

The Open Space and Conservation Element of the City's General Plan provides guidance for the protection of biological resources in Saratoga and includes objectives, goals, and policies regarding biological resources (City of Saratoga 2024a).

The following General Plan policies relating to biological resources are applicable to the proposed project:

- **Goal OSC-10:** Protect and enhance sensitive vegetative and wildlife habitat in the Saratoga Planning area.
  - **Policy OSC-10.1**: 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-10.2:** 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, including, but not limited to, essential habitat for special-status animals and plants, oak woodlands, riparian woodland, vernal pools, and native grasslands. Ensure the preservation in place of habitat areas found to be occupied by State and federally protected species.
  - **Policy OSC-10.3**: Continue to provide information and assistance to the public through City publications and the City website for the preservation and care of native trees whose existence can be threatened by environmental stress and development.
  - **Policy OSC-10.4**: Mature native vegetation shall be preserved wherever possible.
- **Goal OSC-11:** Increase overall tree cover, tree health, and consequent tree benefits in an equitable, cost beneficial, and sustainable manner.
  - **Policy OSC 11.1**: Support appropriate management for sustaining the health and increasing the extent of arbor resources in the City.
  - **Policy OSC 11.2**: 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.
  - **Policy OSC-11.3:** Trees used for new or replacement plantings should be selected primarily for low water use characteristics.
  - **Policy OSC-11.4:** Continue to support tree protection programs and enforce the City's Tree Regulations to protect and enhance the City's arbor resources.
- **Goal OSC-12**: The preservation of native tree species indicative of Saratoga's cultural heritage shall be given priority over development to provide for the perpetuation of such species.
  - **Policy OSC-12.1**: To further preserve the City's inventory of arbor resources, the City should encourage owners to consider formal designation of heritage trees.

4.5.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to biological resources:

- Impact BIO-1: Would the proposed project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species?
- Impact BIO-2: Would the proposed project have a substantial adverse effect on any riparian habitat or other sensitive natural community?
- Impact BIO-3: Would the proposed project have a substantial adverse effect on state or federally protected wetlands?
- Impact BIO-4: Would the proposed project interfere substantially with the movement of any native resident or migratory fish or wildlife species?
- Impact BIO-5: Would the proposed project conflict with any local policies or ordinances protecting biological resources?
- Impact BIO-6: Would the proposed project conflict with the provisions of an approved local, regional, or state habitat conservation plan?

Each impact is addressed in turn, below.

Impact BIO-1: Impacts to Candidate, Sensitive, or Special Status Species?

Impact BIO-1 would be **potentially significant** for Baseline Scenario 1. With implementation of mitigation measures MM-BIO-1 through MM-BIO-8 the impact would be reduced to **less than significant with mitigation**.

Impact BIO-1 would be **significant and unavoidable** under Baseline Scenario 2, because there are no feasible mitigation measures for impacts that have already occurred.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would 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 CDFW or U.S. Fish and Wildlife Service.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

AECOM biologists conducted a desktop analysis to identify special-status plant and wildlife species that may be present in the vicinity of the project area. A reconnaissance site visit was conducted on December 7, 2023 to identify potential habitats that may be impacted by the proposed project. In addition, the following online resources were used to identify special-status wildlife species with the potential to occur on or near the project area:

- USFWS: Information for Planning and Consulting (IPaC) (USFWS 2023)
- CDFW: California Natural Diversity Data Base (CNDDB): The search area consisted of occurrences within a 2.5-mile buffer of the project site. (CDFW 2023)

As described in the Environmental Setting, the predominant natural habitat on the project site is coastal oak woodland with some smaller areas of chamise-sage chaparral and California annual grassland. In the southeast portion of the Garrod Parcel, approximately 70 feet north of the proposed secondary access road, is a pond that has some potential to provide aquatic habitat. Special status species identified in the desktop analysis during the record search were evaluated for the potential to occur at the project area during construction based on the presence of suitable habitat for that species, nearby occurrences, and evaluation of their life history requirements. The desktop analysis of special status species is summarized in Table 4.5-1 in the Environmental Setting of this section. Overall, the project area provides potential suitable habitat for one special status plant species and five special-status wildlife species identified during the records search including, Western leatherwood (*Dirca occidentalis*), White tailed kite (*Elanus leucurus)*, Western pond turtle (*Emys marmorata*); Santa Cruz black salamander (*Aneides niger*); California red-legged frog (*Rana draytonii*); San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). The proposed project would have potential impacts on special status plant and wildlife species, as identified in the following sections.

Special Status Plants

The project site's oak woodland habitats provide potentially suitable for one of the special status plant species identified from the CNDDB and IPac databases, the western leatherwood. This species has a blooming period from January to March and often occurs in riparian areas. This species was not observed during surveys but focused botanical surveys during the plants blooming period were not conducted.

If western leatherwood was to occur in the project area during construction, then plants could be impacted by construction equipment and grading activities. To avoid significant impacts to special-status plant species, Mitigation Measure MM-BIO-1 will be implemented.

> ***MM-BIO-1: Pre-construction Botanical Survey***
>
> *A qualified botanist (retained by the project applicant or their contractor) shall conduct a focused preconstruction survey for western leatherwood during the blooming period (January-March) for the species prior to any construction or ground-disturbing activities associated with the project.*
>
> *If the species is not identified within the limits of construction, the applicant shall submit the botanist's survey results to the City at least 10 days prior to construction or ground-disturbing activities and no further mitigation is required.*
>
> *In the event that the species is identified within the limits of construction, the applicant shall submit the botanist's survey results to the City at least 10 days prior to beginning any construction or ground-disturbing activities and all recommendations in the botanists survey and report shall be implemented. The qualified botanist shall establish and clearly mark a five-foot buffer around each plant(s) using environmentally sensitive area (ESA) fencing prior to the start of construction. Within the buffer(s), no vegetation removal, ground disturbance, or project construction activity (including the use of machinery or vehicles) shall be allowed.*
>
> *In either event, pre-construction surveys should be done within two years of submittal to the City.*

If activities within the buffer(s) or other impacts to the plant(s) cannot be avoided, then the project applicant shall contact CDFW to obtain guidance on a possible relocation of the plant(s) and measures to maintain the plant(s) survival. Potential relocation of the plant(s) to avoid impacts would depend on several factors, including the health, size and root system of the plant(s).

If relocation can be performed in accordance with CDFW guidance, then the qualified botanist shall oversee any such relocation activities and shall submit a memorandum to the City documenting that the relocation followed the CDFW guidance at least 10 days prior to commencement of any construction or ground-disturbing activities within the five-foot buffer.

If relocation cannot be performed in accordance with CDFW guidance, then plants shall be protected in place until alternative avoidance and/or mitigation measures are agreed with CDFW and the City.

With the implementation of MM-BIO-1, proposed construction and associated activities would not disturb special status plant species, or would avoid significant adverse effects of the project by coordinating relocation of any plants that cannot be avoided; therefore, potential project impacts would be reduced to **less than significant with mitigation**.

Special Status Birds and the Migratory Bird Treaty Act

The predominant coast live oak woodland habitat combined with various native and non-native trees, shrubs and buildings in and around the proposed project area provide suitable habitat for a wide variety of nesting birds such as band tailed pigeons (*Patagioenas fasciata*), dark eyed junco (*Junco hyemalis*), California towhee (*Melozone crissalis*), chestnut backed chickadee (*Poecile rufescens*), oak titmouse (*Baeolophus inornatus*), spotted towhee (*Pipilo maculatus clementae*) and common urban species such as house finch *(Haemorhous mexicanus),* mourning dove *(Zenaida macroura),* and common raven *(Corvus corax*). The project area may also provide potential nesting habitat to the fully protected white tailed kite, a special status species. As discussed in the regulatory section, these birds, their nests, and eggs are protected under the Migratory Bird Treaty Act.

Noise and vibration from proposed construction activities associated with the proposed project could disturb birds that are nesting on and near the project site. Removal of a tree with an active nest in it would result in loss of the nest. Due to the potential disturbance of nesting birds and/or loss of nests during project construction, the impact to nesting birds would be potentially significant.

Mitigation Measure MM-BIO-2, detailed below, would address this potentially significant impact to nesting birds.

MM-BIO-2: Pre-construction/Pre-disturbance Surveys for Nesting Birds

To the extent practicable, construction activities and any tree trimming/removal shall be performed from September 16 through February 15 to avoid the general nesting period for birds. If construction or tree trimming/removal cannot be performed during this period, nesting bird surveys and active nest buffers (as deemed necessary by a qualified biologist) shall be implemented as follows:

- *Nesting Bird Surveys: If project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area shall be determined by the qualified biologist but should be at least: i) 50 feet for passerines and ii) 300 feet for raptors. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times, as determined by the qualified biologist.*

- *Active Nest Buffers: If the qualified biologist documents active nests within the survey area, an appropriate buffer between the nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and shall increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Construction shall only be allowed to impact a migratory bird or its nest, including its young, if a permit from USFWS is obtained in accordance with the MTBA and all permit conditions are adhered to.*

With the implementation of MM-BIO-2, proposed construction and associated activities would not disturb nesting birds or destroy their nests; therefore, and potential project impacts would be reduced to **less than significant with mitigation**.

Special Status Reptiles and Amphibians

Potential suitable habitat for the western pond turtle (*State species of special concern* and *proposed listed as Threatened under the Federal Endangered Species Act);* the Santa Cruz black salamander (*State species of special concern)* and the California red-legged frog (*State species of special concern* and *listed as Threatened under the Federal Endangered Species Act)* is present in the project area. The coast live oak woodland, chamise-sage chaparral, California annual grasslands provide upland habitat for these reptile and amphibian species, where the animals can occur in vegetation, leaf litter, downed logs, and burrows. The pond at the Garrod Parcel also provides potential aquatic habitat for western pond turtles and California red-legged frogs. The pond is outside the project area, but it is only approximately 70 feet away from the proposed secondary access road. No ponds, creeks, wetlands, or other aquatic features will be impacted by the project and so there will be no direct project impacts to aquatic breeding habitat. However, widening and constructing the proposed secondary access road and other construction activities are proposed in coast live oak woodland, chamise-sage chaparral and California annual grassland.

No special status amphibian or reptile species were found during the reconnaissance survey, however with the upland habitat features present within dispersal distance of potential aquatic habitat, these species could occur within the project area whether they are dispersing through the project area or taking refuge in vegetation, leaf litter, downed logs or burrows. Species with a low potential to occur, are not expected to be affected by the project because the species are not expected to be present during construction and therefore the opportunities for these species to come into contact with construction equipment is discountable.

Construction work has the potential to injure, harm or kill special status amphibians and reptiles that come into contact with construction equipment. Clearing and grubbing vegetation needed for the secondary access road has the potential to uncover special status amphibians and reptiles in leaf litter, vegetation, logs or burrows. The possibility of encountering special status species is highest during the initial clearing, grubbing and ground disturbing activities within 12 inches of the soil surface. Indirect effects from construction noise during daylight hours are not expected to significantly affect the animals' behavior because they are mostly activities at night and in closer proximity to aquatic habitat where they forage. Mitigation and avoidance measures have been developed to reduce and mitigate the impact of the project to special status species amphibians and reptiles. Proposed mitigation includes the following mitigation measures listed below:

MM BIO-3: Environmental Awareness Training

Before the start of project ground-disturbing activities, the project applicant or its contractor shall retain a qualified biologist to prepare and implement an Environmental Awareness Training session for people employed on the project (project personnel). All project personnel must attend the training prior to entering the project work area.

Training materials shall include the following: discussion of the federal Endangered Species Act (federal ESA), the California Endangered Species Act (CESA), the Migratory Bird Treaty Act (MBTA), and the Clean Water Act (CWA); the consequences and penalties for violation or noncompliance with these laws and regulations and project permits; identification and value of special-status plants, special-status wildlife, and jurisdictional waters and explanations about their value; hazardous substance spill prevention and containment measures; the contact person in the event of the discovery of a dead or injured wildlife species; and review of mitigation measures, permit conditions, and any other required environmental compliance measures. In the training, project timing in relation to species' habitat and species' life-stage requirements shall be detailed and discussed, and a site plan shall be created showing areas of the construction site where minimization and avoidance measures must be undertaken.

A fact sheet conveying this information will be prepared by the qualified biologist or designee for distribution to project personnel and to others who enter the project area. After completion of the Environmental Awareness Training, project personnel will sign a form stating that they attended the training, understood the information presented, and will comply with the training requirements. This training may be combined with other environmental training for the project, such as cultural resource training, and may be provided virtually or via recording. In the event that non-English-speaking crew members are employed during the Project, an interpreter will be present during the environmental training, or training materials will be supplied in an alternative language.

MM BIO-4: Season Limitation

All construction activity consisting of new ground disturbance in potential special status amphibian habitat areas (e.g. coast live oak woodland, chamise-sage chapparal and California annual grassland) shall be timed to occur during the dry season (April 15 to October 15), or aestivation period to minimize take of dispersing frogs and salamanders. Areas subject to this seasonal limitation shall be marked on the site plan created under MM BIO-3.

MM BIO 5: Pre-Construction Survey

Within 24 hours prior to initial ground-disturbing activities, construction sites with potential habitat for California red-legged frog, Santa Cruz black salamander or western pond turtle (as determined by a qualified biologist) shall be surveyed by a qualified biologist, to identify any of these species moving above-ground, or taking refuge in burrow openings or under materials that could provide cover such as boards, scrap metal, woody debris, or other materials. Within 24 hours of the survey being conducted, and prior to commencement of ground-disturbing activities, survey results shall be communicated by email to the City. If none of the above-listed species are encountered, no further action is required following submission of the survey results. If any of the above-listed species are identified, the measures detailed in MM BIO-7 shall be implemented.

MM BIO-6: Construction Monitoring

A qualified biologist will be present onsite to monitor the removal of vegetation and the top 12 inches of topsoil at all project areas. The qualified biologist will inspect the area of proposed ground disturbance just before it is disturbed working in close coordination with work crews. The qualified biologist shall have the authority to stop any work should a special status species be discovered during work. A qualified biologist shall be on-call and available by phone during all other construction activities that may result in impacts to special status amphibian and reptile species.

MM BIO-7: Encounters

If individual special status animals (i.e. western pond turtles, California red-legged frogs or Santa Cruz black salamanders), or suspected special status animals are observed, work within 100 feet of that location will be temporarily halted and the qualified biologist shall inspect the animal. Based on the professional judgment of the qualified biologist, if project activities can be conducted without harming or injuring the special status animal, the individual(s) shall be left at the location of discovery and monitored by the qualified biologist. All project personnel shall be notified of the finding and at no time shall work occur within a 100-foot radius of the listed species without a biological monitor present. If in the professional judgement of the qualified biologist the animal would need to be relocated, the appropriate relocation action would be taken by the qualified biologist while work is halted. Qualified biologists shall have handling permits, if required, for the species of animal that is being relocated. The animal shall be captured by hand, or dipnet, transported by hand, dipnet or temporary holding container, and released as soon as practicable the same day of capture. Handling of the special status animals shall be minimized to the maximum extent practicable. Holding/transporting containers

and dipnets shall be thoroughly cleaned and disinfected prior to transporting to the action area and shall be rinsed with freshwater onsite immediately prior to usage.

The season limitation mitigation measure (MM-BIO-4) and the preconstruction surveys for special status amphibian and reptile species (MM-BIO-5) will minimize the probabilities that construction equipment will come into contact with special status species. The environmental awareness training mitigation measure (MM-BIO-3), the construction monitoring mitigation measure (MM-BIO-6) and the encounter mitigation measure (MM-BIO-7) will provide trained individuals with knowledge of the special status species the ability to react to circumstances during construction to avoid special status species and minimize any potential impacts to the animals. With the combined implementation of MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, and MM-BIO-7, the potential for proposed construction and associated project activities to harm special status reptile and amphibian species would be significantly reduced and potential project impacts would be reduced to **less than significant with mitigation**.

Special Status Mammals

San Francisco dusky-footed woodrats are primarily found in closed canopy, wooded habitats with a dense understory (Vestal 1938, Linsdale and Tevis 1951, Carraway and Verts 1991). These rodents are known for their often large and complex nests built into the base of trees, shrubs and rocks, or occasionally in trees. These structures, known as nests or middens, are built with sticks and other vegetation and may include different compartments for food storage, reproduction, and shelter.

The coast live oak woodland and dense parts of the chamise sage chaparral provide potential suitable habitat for the San Francisco dusky footed woodrat where this species could build their nests using stick materials that could be found in areas throughout the project site and vicinity. No woodrats or woodrat nests were observed during surveys and therefore if this species were to occur at the project site it would likely be an individual or a small number of woodrat nests within the oak woodland or chamise sage chaparral.

Any construction work that could lead to the destruction of a woodrat nest or cause a significant disturbance to the nest from noise and vibrations from adjacent work activities could cause a significant impact to the species. The following mitigation measure has been developed to avoid and mitigate the impact of the proposed project.

MM-BIO-8: San Francisco Dusky Footed Woodrat Surveys

A qualified biologist (retained by the project applicant or their contractor) will conduct surveys for San Francisco dusky footed woodrat nests and signs of current woodrat activity/inactivity (e.g., presence of fresh scat, freshly chewed vegetation, cobwebs covering nest entrances) within 15 days prior to construction. Survey results shall be submitted to the City at least 10 days prior to commencement of construction activities. If no nests are found, no additional mitigation for woodrats is required and construction may commence. If nests are found, the qualified biologist will establish and clearly mark (with ESA fencing) a 10-foot buffer in which no vegetation removal, ground disturbance, or project construction activity shall occur. If such activities cannot feasibly be avoided within the buffer zones of detected dens, work within the buffer may only commence after a qualified biologist has in the case of an inactive den, relocated the den; and in

the case of an active den, submitted and received approval from CDFW for a San Francisco dusky footed woodrat den relocation plan that is subsequently implemented.

With implementation of MM-BIO-8, project construction activities would avoid and or reduce the potential for adversely affecting San Francisco dusky footed woodrats by identifying and protecting their nests, clearly marking the location of nests for workers to avoid, utilizing biological standard practices to relocate their nests when necessary, and consulting with CDFW. In addition, MM-BIO-3 would educate workers to recognize San Francisco dusky footed woodrats and understand required protocols if they are encountered. The combined effect of these mitigation measures is to reduce the potential impacts to San Francisco dusky footed woodrats to **less than significant with mitigation**.

Operation

Operation of the proposed project would result in more frequent and larger size wine tasting and events compared to Baseline Scenario 1 conditions. These events could result in impacts to wildlife from increased traffic, light and noise disturbances. These disturbances could affect wildlife behavior in the project area and vicinity, particularly those species that are nocturnal. However, since similar winery operations are occurring at the project site, it is expected that wildlife would have habituated to some level of existing disturbance and likely increased tolerance to disturbance of those species, such that the increased frequency and/or size of tastings and events would not result in substantially different effects from existing disturbances. Sensitive wildlife are likely to utilize areas of less disturbance, which are more plentiful in the habitats west of the project area. Nesting birds in the vicinity of the project site are habituated to the existing level of human and traffic activities in the vicinity. Following the completion of project construction, there would be no further substantial ground and vegetation disturbance other than ongoing maintenance and landscaping activities similar to existing operations. No additional disturbance is expected to occur. Therefore, there would be **less than significant impact** on special-status species from project operations.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline 2, impacts to candidate, sensitive, or special status species from construction activities at the project site would be the same as those described for Baseline Scenario 1 above, which would be **potentially significant**.

Implementation of mitigation measures MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, and MM-BIO-8 would reduce potential impacts from future construction to less than significant with mitigation, for the same reasons described for Baseline Scenario 1 above. However, such mitigation was not required for the previous unpermitted construction activities. Therefore, even with implementation of these mitigation measures for future activities, the proposed project could have had **significant and unavoidable** impact to these biological resources from past activities**.** Because such potential impacts are associated with past activities at the project site, there is no additional feasible mitigation that could be taken to reduce impacts. Therefore, impacts to candidate, sensitive, or special status species under Baseline 2 would be **significant and unavoidable**. Nevertheless, if impacts have already

occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Operation

Under Baseline Scenario 2, the increase in operational activities (tastings and events) would be substantially larger than described for Baseline Scenario 1, which had a much lower level of tastings occurring at the site (see Section 3.1.2). Therefore, species would not have been as habituated to human activities under Baseline Scenario 2, and the increased human activity at the site associated with project operations could have a potentially significant impact on special status species. However, because the baseline level of human disturbance at the site has already increased, the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428)

Impact BIO-2: Impacts to Riparian Habitat or Other Sensitive Natural Communities?

Impact BIO-2 would be **no impact** under both baseline scenarios. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would 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 CDFW or U.S. Fish and Wildlife Service.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The coast live oak woodland and the chamise-sage chaparral vegetation communities present at the project site are native natural communities; however, they are not listed as sensitive natural communities by CDFW nor are they considered rare natural communities. California annual grasslands and other landscaped and urban landcovers are characterized by non-native species and are also not considered sensitive. No riparian habitat is present at the project site. Since there is no riparian habitat or other sensitive natural communities that are located in the project area, project construction and operation would not disturb any such areas. Therefore, there would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The proposed project impacts would be the same as those discussed in Baseline Condition 1. Since there is no riparian habitat or other sensitive natural communities that are located in the project area, project construction and operation would not disturb any such areas. Therefore, there would be **no impact**.

Impact BIO-3: Impacts to State or Federally Protected Wetlands?

Impact BIO-3 would be **no impact** under both baseline scenarios. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would 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. USACE and the EPA define wetlands as "Those areas that are saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for the life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas" (Environmental Laboratory 1987).

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The wine cave, tasting deck and other portions of the proposed project occur in upland areas on higher ground where there are no potential locations for federal or state protected wetland or waters. The pond on the Garrod Parcel has a spillway feature which functions to convey overflow water from the reservoir to a seasonal creek drainage. The spillway feature crosses the area of the proposed secondary access road near the pond on the Garrod Parcel. This potential aquatic feature was unvegetated and dry within the area of the secondary access road at the time of the biological reconnaissance survey on December 7, 2023. It appears that the feature only conveys flows during heavy precipitation events when the pond is overflowing. The feature within the project area was unvegetated and lacked erosional features or coarse bed material that are typically associated with creeks or drainages. This feature does not meet the definition of a state or federally protected aquatic feature, because of the lack of vegetation, lack of bed and bank and because it is not a relatively permanent aquatic feature.

The proposed project would therefore have **no impact** on state or federally protected wetlands.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The proposed project impacts would be the same as those discussed in Baseline Scenario 1. There are no state or federally protected wetlands in the project area. Therefore, there would be **no impact**.

Impact BIO-4: Impacts to Fish or Wildlife Movement, Migration or Nursery Sites?

Impact BIO-4 would be **no impact** under both baseline scenarios. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would 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.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

There are no documented migratory wildlife corridors, wildlife nursery sites, or large waterbodies or rivers in the project area. The project area lies within a mile to the margin between the more wide-open lands of the Santa Cruz mountains and the condensed urban areas of the City and the greater Bay Area, but does not provide a corridor from one area of open space to another. Science & Collaboration for Connected Wildlands identified lands essential to maintain or restore functional connectivity among wildlands for all species or ecological processes of interest in the California Bay Area. This effort is part of a vital adaptation strategy to conserve biodiversity during climate change (SCC Wildlands 2024). This analysis identified one of the linkage polygons consisting of the Santa Cruz mountain range approximately 0.6 mile west of the project area, which was the closest linkage to the project area. The project area is too far from these linkage areas to have any effect on the identified linkages.

Resident and migratory waterfowl are occasional infrequent visitors but the lack of waterbodies at the project site and surrounding areas prevents them from using the area more extensively. Therefore, project construction and operation are not expected to disturb any wildlife corridors, wildlife nursery sites, or large waterbodies or rivers since these features are not present in the project area. Thus, there would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The proposed project impacts would be the same as those discussed in Baseline Condition 1. Project construction and operation are not expected to disturb any wildlife corridors, wildlife nursery sites, or large waterbodies or rivers since these features are not present in the project area. Thus, there would be **no impact**.

Impact BIO-5: Conflict with Local Policies or Ordinances Protecting Biological Resources?

Impact BIO-5 would be **potentially significant** for Baseline Scenario 1. With implementation of mitigation the impact would be reduced to **less than significant with mitigation**.

Impact BIO-5 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Local policies and ordinances that are applicable to the project include the City's Tree Preservation Ordinance, the 1988 Open Space Easement Agreement, and policies from the Open Space and Conservation Element of the General Plan, as described in Regulatory Setting, above.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Tree Preservation Ordinance

Construction of the proposed project would require the removal of 11 coast live oak trees, all of which are protected by the City's tree ordinance due to their size and/or species. None of the trees proposed for removal are designated as "Heritage Trees" by the City. Eight of the oak trees were evaluated for removal in the initial arborists report (November 8, 2019) concerning the proposed project with the exception of the secondary access road, which was evaluated in a subsequent arborists report (December 23, 2023) and three more trees were identified for removal.

A permit would be required for the removal or pruning of these trees. The tree removal permit application would include the arborist report prepared for the proposed project and a Tree Preservation Plan, as stipulated in the ordinance. The Tree Preservation Plan would detail how the applicant would retain, protect and work around trees during construction to avoid any impacts to tree both above and below ground. Mitigation measure MM-BIO-9, as described below, requires the applicant to prepare and implement a tree preservation plan that demonstrates compliance with the requirements of the City's ordinance. Therefore, the potentially significant impacts from construction-related to trees would be reduced to **less than significant with mitigation**.

For conformance to City standards, tree replacements to mitigate removals are required and would adhere to the following:

1. The size and number of new trees would equate to the combined value of the trees removed.
2. The new trees should be installed within property limits or, where approved by the City, within the public right-of-way; be beyond canopies of retained trees; and be at least 10 feet from any future wall, hardscape or utility line.
3. The new trees shall be installed, including necessary irrigation, by an experienced state-licensed landscape contractor (C-27) or a state-licensed tree service company (D-49), and performed to professional industry standards.

The proposed project would consist of planting new trees to be consistent with the City's tree ordinance, since a permit would be obtained before the removal or pruning of these trees. New trees equal to $44,204.00 ($39,645 for the first 8 trees and $4,559 for the additional 3 trees for the secondary access road) shall be planted as part of the proposed project before final inspection. New trees may be of any species and planted anywhere on the property as long as they do not encroach on retained trees. Trees shall be replaced on or off site according to good forestry practices, and shall provide equivalent value in terms of aesthetic and environmental quality, size, height, location, appearance and other significant beneficial characteristics of the removed trees. Replacement values for new trees are listed below.

i) 15 gallons = $350
ii) 24 inch box = $500
iii) 36 inch box = $1,500
iv) 48 inch box = $5,000

v) 60 inch box = 7,000
vi) 72-inch box = $15,000

Mitigation Measure MM-BIO-9: Tree Preservation Plan

The Applicant shall prepare a Tree Preservation Plan in accordance with City Code 15-50.140 and submit it to the City's Community Development Director for approval prior to building or grading permit issuance. The Plan shall consist of a separate detailed plan drawn to a sufficient scale but no larger than twenty feet to the inch, with any details to be shown at least ten to the inch to clearly indicate all protection and mitigation measures to be taken as required by the Community Development Director and/or the Arborist Report for the project.

The site-specific measures to be included in the plan must be at least as protective (as determined by the City Arborist) as the following:

1. *Protection Fencing: Before any work commences, the protective fencing must be up and inspected by City Arborist. This fencing shall consist of a 6-foot cyclone fence with 8-foot steel posts driven 2-feet into the ground, spaced no more than 10 feet apart. A tree protection zone warning sign needs to be attached to the fence every 20 feet.*
2. *Water Line Boring: Change water line by boring rather than trenching.*
3. *Irrigation: Include supplemental irrigation for select trees that will be determined by the arborist.*
4. *Foliar Rinse: Dust that accumulates on tree foliage during earthmoving activities must be washed off. The timing for these rinsing procedures are on an as-needed basis and shall be decided by the project arborist.*
5. *Pruning and Repair: Any pruning or repair must be supervised by an International Society of Arboriculture (ISA)-certified arborist/Project Arborist. Tree #11 (tree located at edge of road on downhill side) requires pruning in order for the project to commence. The tree crown shall be raised to allow for truck clearances while protecting its aesthetic appeal, as prescribed by the project arborist. One co-dominant stem on a lower scaffolding limb could be removed all together. Furthermore, a root collar excavation and a retaining box shall be installed around the trunk on the roadside.*
6. *Tree Trunk Protection: Since tree #11 is right at the edge of the access road and very close to the building excavation, it will require trunk protection before construction begins. This shall be achieved by wrapping the trunk with orange snow fencing ten times; placement of a board around the entire circumference of the trunk (stand 8-foot by 4-foot upright); and securing the protective materials initially with duct tape, and then with either steel banding or thick wire.*
7. *Utility Trench/Main Access Road: All the utilities for the wine cellar will be· located in a single joint trench, traversing the center of the main access road.*

8. *Slope Restoration Behind Tasting Room: A Coast Live Oak (#21) is located near proposed work to restore the grade behind the tasting deck. Protection of this tree would require the following:*
    a. *The tree protection fencing must be in place and approved by the project arborist before any work commences. This fence shall remain in place until the project arborist approves its removal.*
    b. *The project arborist must be on site during the beginning of this grading operation. The initial work at the toe of the fill, where fill meets natural grade, needs to be keyed in requiring only a 1-foot cut on the slope outside the Timber Preserve Zone (TPZ). Once that has been established and compacted, constant monitoring by the arborist is not needed, but the arborist should remain on call if needed.*
    c. *Once the slope restoration is completed and inspected by an arborist, the protective fencing shall be removed and re-erected near the main road to ensure the restored slope area remains undisturbed.*

1988 Open Space Easement Agreement

The landowner is responsible for maintaining the 1988 Open Space Easement Agreement with the City, which requires maintenance of a portion of the subject's property in a natural condition as open space land and to preserve as near as possible the scenic beauty along the ridgeline. However, as discussed in the Project Description of this EIR, a portion of this easement was encroached upon for construction of the tasting deck, outdoor seating area, and a vineyard. As part of the proposed project, an open space easement swap is proposed entailing placing an adjacent piece of land into the open space easement and taking a smaller area of land out of the open space easement where the tasting deck and outdoor seating area were established (see Figure 3.6-1: Proposed Project in *Section 3.6, Proposed Characteristics*). Approximately 6,050 square feet of the existing open space easement would be abandoned, and approximately 15,129 square feet of additional open space easement would be added. In addition, the existing vineyard would be removed and planted with native vegetation. Further information pertaining to the open space easement can be found in the *Section 3.2, Aesthetics* of this EIR.

From a habitat perspective, for native plants and wildlife and for potential special status species, the areas being swapped are similar and equivalent in value as biological resource areas. The areas are both dominated by coast live oak woodland that are habitat to many wildlife species. A portion of the existing open space easement consists of vineyards which the landowner has stated would be removed and replaced with native vegetation.

Open Space and Conservation Elements

The following section addresses how the proposed project would not conflict with each of the Open Space and Conservation Elements from the City of Saratoga General Plan, as described in the Regulatory Section above.

- **Protect and enhance sensitive vegetative and wildlife habitat** (Policies OSC 10.1, 10.2, 10.3, and 10.4): The proposed project includes development of a subterranean wine cave and secondary access road and modifying the existing tasting deck to comply with the City's

standards. Thus, the proposed project encroaches minimally on wildlife habitats, and has no effect on riparian areas, or creek corridors. The proposed project does not limit or restrict normal range areas or restrict access to water, food, or shelter for wildlife.

- **Protection of riparian habitats and creek corridors** (Policy OSC 10.2): The proposed project area does not encroach upon riparian habitats or creek corridors. Biological surveys for special status species were conducted and mitigation measures are being implemented to avoid and minimize impacts to less than significant level.
- **Preserve and protect Trees** (Policies OSC 11.1, OSC 11.2, OSC 11.3, OSC 11.4, and OSC 12.1): As described previously in this section, some tree removal will be required; however, the proposed project will comply with the City's Tree Preservation Policy regarding tree replacement and maintenance standards. No logging is associated with the proposed project. No heritage trees as defined by the City's Tree Preservation Policy will be removed during project construction.

As described in the paragraphs above, the proposed project would be consistent with the local policies or ordinances protecting biological resources, such as the Tree Preservation Ordinance and policies under the General Plan Open Space and Conservation Elements. Furthermore, the implementation of MM-BIO-9: Tree Preservation Plan would reduce potential impacts of the project to **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, impacts of the proposed wine cave, modified fire access road, and secondary access road would be the same as those described for Baseline Scenario 1 above, which would be **potentially significant**.

However, the tasting deck and adjacent building, outdoor seating area and vineyard were implemented without the City's approval and within the open space easement, which is required to be left in its natural state. Furthermore, the applicant failed to prepare an arborist report and a Tree Preservation Plan prior for construction of these elements. However, historical maps on Google Earth were reviewed and it appears that no trees were removed to implement the tasting deck (Google Earth 2012; 2014). Nonetheless, these past actions undertaken by the Applicant as part of the project conflict with local policies and ordinances protecting biological resources, and are also potentially significant.

Moving forward, the proposed project would result in an open space easement swap of the area developed for a larger adjacent area and would remove the existing vineyard on the ridgeline, thereby bringing the project into compliance with the Open Space Easement Agreement. The implementation of mitigation measures MM-BIO-9 would reduce potential conflicts with the Tree Preservation Ordinance from future construction activities to less than significant with mitigation, for the same reasons described for Baseline Scenario 1 above. However, such mitigation was not implemented for the previous unpermitted construction of the tasting deck and installation of the adjacent small vineyard. Therefore, even with implementation of mitigation measures for future activities, the past activities that are part of the proposed project could have had **significant and unavoidable** impacts relating to conflicts with the Tree Preservation Ordinance under Baseline Scenario 2**.** Because such potential impacts are associated with past activities at the project site, there is no additional feasible mitigation that could be taken to reduce impacts.

Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Impact BIO-6: Conflict with Habitat Conservation Plans or Natural Community Conservation Plans?

Impact BIO-6 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. A Habitat Conservation Plan (HCP) is a planning document, pursuant to Section 10 of the Endangered Species Act, designed to accommodate economic development to the extent possible by authorizing the limited and unintentional take of listed species when it occurs incidental to otherwise lawful activities. The plan is designed not only to help landowners and communities but also to provide long-term benefits to species and their habitats (USFWS 2024). CDFW's Natural Community Conservation Planning (NCCP) program is the state equivalent process pursuant to California Fish and Game Code §2800, that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity (CDFW 2024).

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The proposed project is not located within a Habitat Conservation Plan or Natural Communities Conservation Plan Permit Area. The Santa Clara Valley Habitat Conservation Plan area is located over 3 miles east of the project site. As such, the project would not conflict with a Habitat Conservation Plan or Natural Communities Conservation Plan. There would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The proposed project impacts would be the same as those discussed in Baseline Scenario 1. The proposed project is not located within a Habitat Conservation Plan or Natural Communities Conservation Plan Permit Area. Therefore, there would be **no impact**.

4.5.4 Cumulative Impacts and Mitigation

As discussed in Impact sections BIO-2, BIO-3, BIO-4 and BIO-6 above, the proposed project would have no impact on riparian habitats or sensitive communities, fish and wildlife movement, state or federally protected wetlands, or conflicts with a habitat conservation plan. Therefore, the project would not contribute to potential cumulative impacts on those biological resources. The following section analyzes the potential of the proposed to contribute to cumulative impacts on the following biological resources where the proposed project would have a potentially significant impact:

- Impact C-BIO-1: Contribution to cumulative effects on special-status species?
- Impact C-BIO-5: Contribution to cumulative effects on conflict with local policies or ordinances protecting biological resources?

These impacts are addressed below.

Impact C-BIO-1: Cumulative Impacts to special-status species?

Under Baseline Scenario 1, the overall cumulative impact for C-BIO-1 would be **less than significant**.

Under Baseline Scenario 2, the overall cumulative impact for C-BIO-1 would be **potentially significant** and the proposed project's contribution to the overall impact could have been **cumulatively considerable.**

Cumulative Context

As discussed for Impact BIO-1 above, the proposed project would have potential biological resource impacts on common resident and nesting birds, potentially one special status plant species and potentially five special status wildlife species, including Western leatherwood (*Dirca occidentalis*), White tailed kite (*Elanus leucurus)*, Western pond turtle (*Emys marmorata*); Santa Cruz black salamander (*Aneides niger*); California red-legged frog (*Rana draytonii*); San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) in the vicinity of the project site during the construction period, and would be less than significant impacts with respect to conflicting with local policies and ordinances protecting biological resources (e.g., tree preservation ordinance). The context for analysis of cumulative biological impacts is therefore limited to those past, present, and probable future projects that would also have impacts to the same types of special status plant and wildlife species and common resident and nesting birds or removal of trees within the foothills of the Santa Cruz mountains in the vicinity of the City of Saratoga.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects would involve development of residential units and a hotel, as described in Table 4.1-1 in Section 4.1.3, and may result in potential impacts to common resident and nesting birds. All of the cumulative projects would be subject to applicable federal, state, regional, and local regulations discussed previously, and would also be required to implement typical nesting bird avoidance measures, similar to those described for the proposed project in MM-BIO-1. Similarly, cumulative projects that may impact special status plant and wildlife species will be subject to applicable federal, state, regional, and local regulations that would entail the implementation of measures similar to MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7 and MM-BIO-8. In February 2024, the City certified the EIR for the General Plan Update and adopted Code provisions requiring all mitigation measures in the General Plan Update EIR MMRP as conditions of approval for new development. Related to biological resources, BIO-1: Reducing Potential Glare and Impacts to Riparian Areas and Birds would be required to be implemented for all projects (City of Saratoga 2024b). Cumulative projects would not be expected to conflict with the City's tree preservation ordinance as a similar permitting process as described for the proposed project in Impact BIO-5 (requiring preparation of an arborist report, review by the City's arborist, and compliance with any permit conditions) would be required for any projects that propose removal of a protected tree.

Because the cumulative projects would be subject to the same or similar standard avoidance measures as the proposed project, the overall cumulative impact from all cumulative projects (including the proposed project) to common resident and nesting birds and special status species and local ordinance conflicts in the City would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The impacts of cumulative projects under Baseline Scenario 2 would be the same as described under Baseline 1. However, as previously discussed, the tasting deck and associated buildings were constructed without implementing mitigation measures, which may have had a significant and unavoidable impact on nesting birds and/or special status species. This significant and unavoidable impact of the project could have combined with impacts from past or current projects to create a **potentially significant** cumulative impact. For future impacts the proposed project would implement mitigation measures MM-BIO-1 through MM-BIO-8, which would reduce future contributions of the project to a less than cumulatively considerable level. However, because the proposed project could have already had significant impacts, it's contribution to the potentially significant cumulative impact could be **cumulatively considerable**.

Impact C-BIO-5: Cumulative Impacts related to conflicts with local policies or ordinances protecting biological resources?

Under Baseline Scenario 2, the overall cumulative impact for C-BIO-5 would be **less than significant**.

Under Baseline Scenario 2, the overall cumulative impact for C-BIO-5 would be **potentially significant** and the proposed project's contribution to the overall impact could have been **cumulatively considerable.**

Cumulative Context

The geographic context for cumulative impacts related to conflicts with local policies or ordinances protecting biological resources is the past, present and foreseeable projects that would also be subject to the same local policies and ordinances as the project.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects are subject to compliance with all the City's applicable policies and ordinances related to protecting biological resources. All projects would be required to demonstrate consistency with the General Plan and ordinances, subject to separate environmental analyses, and would be required to mitigate any impacts, to the extent feasible, through the CEQA process. For the reasons described above, the overall cumulative impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The impacts of the cumulative projects under Baseline Scenario 2 would be the same as described in Baseline 1. However, as previously discussed, the tasting deck and associated buildings were constructed without implementing mitigation measures to ensure compliance with the City's Tree Ordinance and provisions of the Open Space Agreement. This significant and

unavoidable impact of the project could have combined with the less than significant impacts of past or current projects to create a potentially significant cumulative impact. For future impacts related to construction of the wine cave, modified fire access road, and secondary access road the proposed project would implement mitigation measure MM-BIO-9, which would reduce future contributions of the project to a less than cumulatively considerable level. Because the project's cumulative impact is associated with past activities at the site, there is no additional feasible mitigation that could be implemented to reduce the project's contribution to cumulative impacts. Therefore, the proposed project could have already had significant impacts, it's contribution to the potentially significant cumulative impact, which **could be cumulatively considerable**. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. *(Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428)

4.6 Cultural Resources

This section describes the existing cultural resources setting of the project area—which encompasses all areas where project improvements have occurred or would occur, including the project site (Parcel A and B) and House Family Vineyards APNs 503-15-075 and 503-15-078 and Garrod Parcel—and evaluates whether the proposed project would result in adverse effects to cultural resources.

The City received the following comments relating to cultural resources during the public scoping period in response to the NOP:

- Concerns that there may be Native American artifacts and they may be damaged as a result of proposed project.
- Comment stating that a survey of the project area seems a necessity to determine whether the proposed project will destroy or otherwise adversely affect cultural resources.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.6.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Geoarchaeological Context

The relationship between archaeological sites and environmental context has long been recognized as important in understanding and interpreting the archaeological record. “Geoarchaeology” is the application of geomorphology, soil science, and a landscape evolutionary approach to understanding the formation and preservation of archaeological sites. Related to this connection of geomorphology, soil and landscape, the project area is on a relatively steep northeast-southwest trending ridge with elevations ranging from 600 to 840 feet above mean sea level. Calabazas Creek is approximately half a mile downslope to the east. Soils at the project site comprise Minlum-Airship-Literr complex soils, 40- to 65-percent slopes (SoilWeb 2022). Minlum series soils are on hills and form in colluivum from terrace deposits (National Cooperative Soil Survey [NCSS] 2009a). Airship series soils are on steep hills that are remnant terraces and form in alluvium from mixed rock sources (NCSS 2011). Literr series soils are on hills of dissected terraces and formed in alluvium from mixed rock sources (NCSS 2009b). Geotechnical testing for the proposed wine cave location identified poorly consolidated conglomerate and sandstone rock starting at a depth of 3 feet below grade (Voeks 2016). The underlying landform, comprised of the Santa Clara Formation, is Pleistocene to Pliocene in age (Dibblee and Minch 2007).

In general, most Pleistocene-age landforms have little potential for harboring buried archaeological resources because they developed prior to human migration into North America (circa 13,000 years Before Present [B.P.]). However, Pleistocene surfaces buried below younger Holocene deposits do have a potential for containing archaeological deposits. The project site

has a low sensitivity for encountering precontact archaeological deposits due to the mapped pre-Holocene age soils and geology.

Cultural Context

The historic period context is described below. The precontact and ethnographic context is provided in *Section 3.18, Tribal Cultural Resources*.

Historic Period Context

The first recorded Spanish expedition into the Santa Clara Valley was that of Gaspar de Portolá, which took place in 1769. Two subsequent expeditions occurred in the 1770s: Pedro Fages (1772) and Juan Bautista de Anza (1776) (City of Saratoga 2021; Kyle et al. 2002). The de Anza party traveled along the west end of the valley following the trail blazed by Fages, which would become part of the El Camino Real, or "the king's highway," connecting the missions of the south with the settlements in the San Francisco Bay area (Kyle et al 2002). de Anza's route passed the vicinity of modern-day Saratoga (Kyle et al 2002).

On January 12, 1777, Misión de Santa Clara de Asís (Mission Santa Clara) was established. The City of Santa Clara, Santa Clara University, and eventually the region that would become Santa Clara County, developed around this mission. Before the turn of the century, nearly all the Muwekma Ohlone were forcefully removed from the vicinity to Mission Santa Clara (Milliken 1995).

Following Mexico's independence from Spain in 1810, Spanish missions were secularized, and settlement of large tracts of land was promoted to stimulate colonization of the Mexican territory of California. Modern-day Saratoga was part of Rancho Quito, which was granted by Governor Alvarado to José Noriega and José Zenon Fernández in 1841 and sold to Manuel Alviso in 1844 (Kyle et al. 2002). After the Mexican-American War and California's admission into the United States, the rancho was subdivided and sold.

The boom of the Gold Rush in the Sierra foothills of California correlated with the development of livestock and grain-farming ventures, such as wheat, barley, and oats, in the Santa Clara Valley (Anthropological Studies Center 2008). Even before the Gold Rush, the Santa Cruz Mountains were recognized for their timber and "abundant redwood forests gave rise to a thriving lumber industry" in the Saratoga area (City of Saratoga 2021). The first sawmill in the Saratoga vicinity was constructed on Rancho Quito in 1847 by William Campbell and his sons (Kyle et al. 2002). A toll road into the mountains was established by 1851 and, at the lower end of the road, a settlement known as Toll Gate began to grow. After several name changes, Toll Gate eventually became Saratoga in 1865. Along with lumbering, Saratoga was a center for health resorts, as well as fruit raising, drying, and packing.

While the frenzy over gold eventually declined, California's population did not. In fact, it was the state's agricultural economy that fueled rapid growth in California after the Gold Rush. The natural setting of the Santa Clara Valley, in a fertile alluvial valley at the edge of one of the largest natural bays in the world and bordered by well-timbered mountains, positioned it for continued growth throughout the nineteenth century.

The history of wine in Santa Clara Valley began when Franciscan Missionaries imported grape vines to plant at Mission Santa Clara in the late eighteenth century. Viticulture later spread to

private growers after secularization in 1829 (Robinson and Harding 2015). French winemakers first settled in the Santa Clara Valley in the 1840s, and by the 1880s, multiple vineyards were established in the Valley (Tsu 2013). Despite the phylloxera epidemic of the 1880s, affecting grapevines all over California, by 1910, there were 9,720 acres of grapes grown in Santa Clara Valley (Irvine 1914, Pinney 1989). Prohibition was a blow to viticulture between 1920 and 1933, but many wineries persevered by selling sacramental and "medicinal" wines (Robinson and Harding 2015). Rapid development in the Silicon Valley led to a transition from agriculture to industry in the late twentieth century. The Santa Clara Valley American Viticultural Area (AVA) was established in 1989. The extant residence was constructed in 1998 and the vineyards were planted in the early 2000s (House 2022).

Records Search Results

AECOM conducted a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) at Sonoma State University on December 14, 2021 (File No. 21-0927). The records search included the project area and a 0.5-mile of the project area on the *Cupertino, Calif.* topographic quadrangle in order to: (1) determine whether known cultural resources have been recorded within the vicinity of the project; (2) assess the likelihood of unrecorded cultural resources based on historical references; and (3) develop a context for identification and preliminary evaluation of cultural resources. These results were reviewed in January 2024 for the expanded project area that included the secondary access road.

AECOM also reviewed the Built Environment Resources Directory (BERD), the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks, and California Points of Historical Interest, as well as historical maps. Based on this review, the project site was not developed until the turn of the twenty-first century.

Studies

Three prior studies on file at the NWIC include the project area:

- S-04820: This letter reports on the findings of an archaeological survey for proposed development at the Mt. Eden Estates and Chadwick Place properties, to the west of Pierce Road, with access from Old Oak Road (Flynn 1978). The survey was negative and noted that the terrain was steep.
- S-04821: This letter reports on the findings of an archaeological survey for the Saratoga Water Improvement Project, including an extension of the San Jose Water Works delivery system into the Calabazas Creek drainage basin (Flynn 1979). The survey was negative.
- S-12892: This report documents the findings of an archaeological survey for the Wong Subdivision, in the City, just south of Chiquita Court (Smith and Baker 1991). The survey was negative.

Resources

No previously recorded archaeological or built environment resources were identified within the project area or within 0.5-mile of the project area. Tribal Cultural Resources are discussed in *Section 3.18*.

Pedestrian Survey

AECOM archaeologist Karin G. Beck, M.A., RPA, conducted a pedestrian survey of the project area and its surroundings on January 13, 2022 and on December 7, 2023.

Survey Methods

The archaeological pedestrian survey consisted of walking crisscrossing transects two to five meters apart, following the contours and ground topography to navigate the survey area. Over 90 percent of the project area was covered by these methods; steep slopes were the deterrent for covering all ground, and in those cases, visual inspections were conducted from a distance. In areas where ground surface was obscured by leaves and duff, periodic boot scrapes were employed to expose the surface. Digital photographs were taken using a personal smartphone and field notes were taken manually.

Survey Results

Ground visibility was good (approximately 75 percent) throughout the project area, only partially obscured by low grasses. The project area was steep with few naturally level spaces, and no bedrock outcrops were observed, making the location less sensitive for prehistoric occupation, despite proximity to Calabazas Creek. The existing dirt road up to the tasting deck has been maintained and improved over the decades – it does not appear historic in nature, appearance, or function. The land had been previously used as grazing land for cattle, but no associated structures were evident. No archaeological or built environment resources were observed during the survey. Based on the results of the pedestrian survey and background research, the project area appears to have a low potential to contain cultural resources.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting, including the geoarchaeological context, the cultural context, and the findings of the records search and pedestrian surveys is the same as that described in Baseline Condition 1 since the project area is the same. The only difference is the existing unpermitted 1,200-square-foot tasting deck and adjacent 107-square-foot building that contains an office space and two small restrooms, and a small area of vineyard to the east of the tasting room, none of which had been developed in 2013.

4.6.2 Regulatory Framework

Federal

There are no federal regulations of relevance to cultural resources for the proposed project.

State

California Environmental Quality Act

CEQA requires the lead agency to determine whether a project could have a significant effect on historical resources and equates a substantial adverse change in the significance of an historical resource with a significant effect on the environment (Section 21084.1). CEQA Guidelines Section 15064.5 outlines the process for determining the significance of impacts to archaeological and historical resources.

CEQA Guidelines Section 15064.5(a) defines “historical resources” as:

- A resource listed, or determined to be eligible by the State Historical Resources Commission for listing, in the CRHR (Public Resources Code Section 5024.1, Title 14, California Code of Regulations [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 a historical resource survey meeting the requirements of 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 that 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 a 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 in the CRHR (Public Resources Code Section 5024.1, Title 14, CCR Section 4852), including the following:
    1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
    2. Is associated with the lives of persons important in our past;
    3. 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
    4. Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed or not determined eligible for listing in the CRHR or not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or not identified in a 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 a historical resource, as defined in Public Resources Code Sections 5020.1(j) and 5024.1.

CEQA Guidelines Section 15064.5(b) defines “substantial adverse change” as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” Further, that the significance of an historical resource is “materially impaired” when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the CRHR; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources... or its identification in an historical resources survey..., unless the public agency reviewing the effects of the project

establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.
- However, generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

CEQA also requires lead agencies to consider whether a project will impact "unique archaeological resources." Public Resources Code Section 21083.2(g) defines a unique archaeological resource as "an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person."

The CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Section 15064.5(b)(4) states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, Section 15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and adopted prior to any excavation being undertaken.

California Health and Safety Code

Human remains are protected by several laws in the State of California, including Health and Safety Codes (HRC) 7050.5, 7051, 7052, and 7055. Together these laws define criminal consequences for disturbing, disinterring, mutilating, or removing human remains from their place of rest or discovery.

If human remains are encountered, the remains must be treated in accordance with the requirements of Section 7050.5(b) of the California Health and Safety Code, which states that it is a misdemeanor to knowingly disturb a human burial. If human remains are encountered, work

must halt in the vicinity of the remains; and as required by law, the Santa Clara County Coroner must be notified immediately. If human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of that determination. Pursuant to PRC 5097.98, the NAHC will in turn immediately contact an individual who is the most likely to be descended from the remains (i.e., Most Likely Descendent). The most likely descendent has 48 hours to inspect the site and recommend treatment of the remains.

Section 7051 makes it a crime, punishable by imprisonment, to remove any human remains from the place where they have been interred or deposited without authority of law. Section 7052 protects human remains from mutilation and disinterment. Section 7055 makes it a crime to remove interred human remains from a cemetery.

California Code, Public Resources Code

PRC Section 5097 specifies the procedures to follow in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. PRC Section 5097.5 states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

AB 52, signed by the California governor in September 2014, established a new class of resources under CEQA, “Tribal Cultural Resources,” defined in PRC Section 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration.

Local

City of Saratoga Code of Ordinances

The Saratoga, California Code of Ordinances, Chapter 13 – Heritage Preservation declares that it is a matter of public policy that the recognition, preservation, enhancement and use of heritage resources within the City is required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purposes of Chapter 13 are to:

(a) Safeguard the heritage of the City by providing for the protection of irreplaceable heritage resources representing significant elements of its history;

(b) Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within historic areas which reflect established architectural traditions;

(c) 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;

(d) Stabilize and improve property values within the City and increase the economic and financial benefits to the City and its inhabitants derived from the preservation, rehabilitation, and use of heritage resources;

(e) Integrate the conservation of heritage resources into the public and private development process and identify

(f) as early as possible and resolve conflicts between the preservation of such resources and alternative land uses.

City of Saratoga General Plan

The Land Use Element provides guidance for the protection of cultural resources in Saratoga as set by its citizens and elected officials and includes objectives, goals, and policies regarding cultural resources (City of Saratoga 2024).

The following General Plan goal and policies relating to cultural resources are applicable to the proposed project:

- **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-12.5:** 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-12.9**: Protect significant archaeological, prehistoric, and paleontological Native American resources as required by CEQA.

4.6.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to aesthetics:

- **Impact CUL-1:** Would the proposed project cause a substantial adverse change in the significance of a historical resource?
- **Impact CUL-2:** Would the proposed project cause a substantial adverse change in the significance of an archaeological resource?
- **Impact CUL-3:** Would the proposed project disturb any human remains?

These impacts are addressed in turn, below.

Impact CUL-1: Adverse Change to Historical Resources?

Impact CUL-1 would be **no impact** for both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would cause a substantial adverse change in the significance of an historical resource pursuant

to Section 15064.5. “Substantial adverse change” is defined in CEQA Guidelines Section 15064.5(b), as detailed in Regulatory Section under State, above.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The proposed project would not result in a substantial adverse change in the significance of a historical resource (archaeological or historic architectural) as defined in Section 15064.5, because the cultural resources investigation for the project did not identify any historical resources in the project area or surroundings that meet the criteria of significance under CEQA. Therefore, there is **no impact**, and no mitigation is required.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The proposed project’s impact to historical resources would be the same under Baseline 2 as with Baseline 1, as the project area is the same and there are no identified historic resources. There would be **no impact** to historical resources.

Impact CUL-2: Adverse Change to Archaeological Resources?

Impact CUL-2 would be **potentially significant**. With implementation of mitigation would be reduced to a **less than significant impact** for Baseline Condition 1. This mitigation measure is also applicable to Tribal Cultural Resources.

Impact CUL-2 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would cause a substantial adverse change in the significance of an archaeological resource pursuant Section 15064.5. “Substantial adverse change” is defined in CEQA Guidelines Section 15064.5(b), as detailed in Regulatory Section under State, above.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

The proposed project would include soil disturbing activities such as excavation and grading during modifications to the existing dirt road to make it a fire access road and construction of the secondary access road and wine cave. The maximum excavation depth for the proposed project would be 25 feet below ground surface (bgs) related to the wine cave.

The project area has a low sensitivity for buried precontact archaeological deposits based on the pre-Holocene age of the mapped soils and geology as well as the negative pedestrian survey. The project area also is unlikely sensitive for surficial precontact or historic-period artifacts due to the negative survey, prior negative surveys as identified in the records search, lack of development depicted on historical maps, and steep terrain. Although the potential for encountering intact archaeological resources is generally low, implementation of the proposed

project could uncover unrecorded subsurface precontact and historic-period archaeological resources on the project site during soil disturbing activities, which could damage or destroy these buried resources. Such impacts could be **potentially significant.**

The following mitigation measure would be implemented to reduce impacts to subsurface cultural resources in the project area:

Mitigation Measure MM-CUL-1: Inadvertent Discovery Protocols

In the event that precontact or historic-period archaeological resources (or suspected resources) are encountered during demolition, excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the City Planner or designee shall be notified, and a qualified archaeologist shall examine the find.

Precontact archaeological materials/Tribal Cultural Resources might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and/or battered stone tools, such as hammerstones. Historic period materials may include bottles, ceramics, cans, and other refuse; concentrations of bricks; or wells or privies. The qualified archaeologist will determine impacts, significance, and mitigation in consultation with recognized local Native American groups, if appropriate. In addition, prior to the commencement of project site preparation, all construction personnel will be informed of the potential to inadvertently uncover cultural resources and the procedures to follow subsequent to an inadvertent discovery of cultural resources.

If the finds do not meet the definition of a historical or archaeological resource or a Tribal Cultural Resource (PRC 21074), no further study or protection is necessary prior to resuming project implementation. If the find(s) does meet the definition of a historical or archaeological resource or Tribal Cultural Resource, then it shall be avoided by project activities. If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the City Planner.

Should the discovery include human remains, all parties will comply with state and County regulations and guidelines regarding the treatment of human remains, including the California Health and Safety Code (Sections 7050.5, 7051, and 7054), which has specific provisions for the protection of human burial remains. These regulations are described in the regulatory framework of this section in more detail. Existing regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and designates the NAHC to resolve any related disputes.

If human remains are uncovered during construction activities, compliance with California Health and Safety Sections 7050.5 and 7052 and California Public Resources

> *Code Section 5097, require that ground-disturbing activities in the area of the remains shall be halted immediately, and the Santa Clara County Coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated Most Likely Descendant (MLD) and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed.*
>
> *Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.*
>
> *The project applicant shall include the above requirements within the construction plans and specifications.*

Mitigation measure MM-CUL-1, which requires that specified procedures be followed if precontact or historic-period archaeological resources are encountered during project construction, would be implemented to reduce impacts to subsurface cultural resources on the project site. This mitigation measure would require stoppage of work while a qualified archaeologist evaluates the find to determine if it meets the definition of a historical or archaeological resource, and that the archaeologist's recommendations regarding the disposition of such finds be implemented. Therefore, with implementation of MM-CUL-1, impacts from the proposed project to subsurface cultural resources would be reduced to **less than significant with mitigation**.

Operation

Operation of the proposed project is not expected to involve any further ground disturbance following construction and, therefore, would not have a substantial adverse effect on potential archaeological resources. There would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, impacts to archaeological resources from future construction activities at the project site would be the same as those described for Baseline Scenario 1 above, which would be **potentially significant** but would be reduced to less than significant with mitigation through implementation of MM-CUL-1. The proposed project under this baseline would also include soil disturbing activities to construct the tasting deck and associated office in an area that was not previously disturbed. However, the tasting deck was built without the appropriate building permits and City approvals and mitigation was not implemented to reduce impacts to archaeological resources. While the project area has low sensitivity for archaeological resources, it is possible that these resources were encountered and/or disturbed during the construction of these unpermitted buildings. Therefore, the project could have already caused a potentially significant impact to archaeological resources. Because these potentially significant impacts are associated with past activities, no additional mitigation is feasible, and the impact would be **significant and unavoidable**. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Operation

Similar to Baseline Scenario 1, project operations under Baseline Scenario 2 would not involve any further ground disturbance and, therefore, would not have a substantial adverse effect on potential archaeological resources. There would be **no impact**.

Impact CUL-3: Disturbance of Human Remains?

Impact CUL-3 would be **potentially significant**. With implementation of mitigation would be reduced to **less than significant with mitigation** for Baseline Scenario 1.

Impact CUL-3 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would disturb human remains, including those interred outside of dedicated cemeteries.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

As discussed in Impact CUL-1, the proposed project would include soil-disturbing activities involving excavation and grading during construction activities to a maximum depth of 25 feet bgs (for the wine cave).

The project area has a low sensitivity for buried Native American archaeological deposits and cultural materials, which could include human remains. Despite a low sensitivity for human remains, there is the potential for the project to disturb unmarked burials during subsurface construction activities. Human remains can be encountered in fill, re-deposited, or disturbed soils, as well as intact soils.

Disturbance of unknown human remains could result in a potentially significant impact.

Mitigation Measure **MM-CUL-1: *Inadvertent Discoveries*** is recommended to address this potentially significant impact. As discussed in Impact CUL- 2, above, this mitigation measure requires that all parties comply with state and County regulations and guidelines regarding the treatment of human remains.

Because these regulations and guidelines were developed to reduce the potential for destruction or desecration of human remains, implementation of MM-CUL-1 would reduce construction-related impacts to **less than significant with mitigation**.

Operation

Operation of the proposed project is expected not to involve any further ground disturbance following construction and, therefore, would not have a substantial adverse effect on human remains that may be discovered. There would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, impacts to human remains from future construction activities at the project site would be the same as those described for Baseline Scenario 1 above, which would be **potentially significant** but reduced to less than significant with mitigation through implementation of MM-CUL-1. The proposed project under this baseline would also include soil disturbing activities to construct the tasting deck and associated office in an area that was not previously disturbed. Since the tasting deck was built without appropriate permits and City approvals, mitigation was not implemented to reduce potential impacts to human remains. While not likely, it is possible that human remains could have been encountered and/or disturbed during construction. Therefore, the proposed project could have already caused a **potentially significant impact** to human remains. Because these potentially significant impacts are associated with past activities, no additional mitigation is feasible, and the impact would be **significant and unavoidable**. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Operation

Similar to Baseline Scenario 1, project operations under Baseline Scenario 2 would not involve any further ground disturbance and, therefore, would not have a substantial adverse effect on human remains that may potentially be present. There would be **no impact**.

4.6.4 Cumulative Impacts and Mitigation

As discussed in Impact CUL-1, above, the proposed project would have no impact related to historical resources. There are no identified historical resources that would be affected by the proposed project; therefore, it would not contribute to any cumulative impacts on historical resources.

This section addresses the following potential cumulative impacts relating to archaeological resources and human remains:

- **Impact C-CUL-2:** Contribution to cumulative effects to archaeological resources?
- **Impact C-CUL-3:** Contribution to cumulative effects to human remains?

These cumulative impacts are addressed in turn, below.

Cumulative Impact C-CUL-2: Impacts to Archaeological Resources?

The overall cumulative impact for C-CUL-2 would be **potentially significant.**

Under Baseline Scenario 1, implementation of mitigation measure MM-CUL-1 would reduce the proposed project's contribution to **less than cumulatively considerable with mitigation.**

Under Baseline Scenario 2, the project's contribution to the cumulative impact could have been **cumulatively considerable** as there are no feasible mitigation measures for impacts that have already occurred.

Cumulative Context

The cumulative context for archaeological resources addresses the impacts from construction of the proposed project along with other closely related past, present, and reasonably foreseeable probable future projects, and specifically focuses on local developments in the City that could potentially change the environment by affecting archaeological resources.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Past, present, and future developments within the City could impact known or unknown archaeological resources, depending on the proximity to known resources, sensitivity of the project site, and the extent of the proposed ground-disturbing activities. Cumulative projects are described in Table 4.1-1 in Section 4.1.3. These projects consist of residential developments including multi-family and single-family housing units and a hotel. All of these cumulative projects would involve soil disturbing activities including excavation and grading, and could therefore also result in the accidental discovery of archaeological resources, similar to the proposed project. If measures to avoid damage or destruction of archaeological resources were not taken during construction of cumulative projects and/or the proposed project, the overall cumulative impact could be **potentially significant**. However, all cumulative projects would be required to comply with State and City/County regulations related to archaeological resources.

As discussed for Impact CUL-2 above, the proposed project would be required to implement robust accidental discovery procedures such that if archaeological resources were encountered, substantial adverse impacts would be avoided through proper treatment of resources, as required by State law and City regulations and detailed in mitigation measure MM-CUL-1. Therefore, with implementation of MM-CUL-1 the proposed project's contribution to the potentially significant cumulative impact would be **less than cumulatively considerable with mitigation**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The overall cumulative impact would be the same under Baseline 2 as described in Baseline 1, which would be potentially significant. Under this baseline, because the proposed project impact may have had a significant and unavoidable impact to archaeological resources during construction of the tasting deck, the project's contribution to the potentially significant cumulative impact could be cumulatively considerable.

Implementation of mitigation measure MM-CUL-1 would reduce potential impacts from future construction to less than significant with mitigation, for the same reasons described for Baseline Scenario 1 above. However, such mitigation was not required for the previous unpermitted construction activities. Therefore, even with implementation of mitigation measure MM-CUL-1, the proposed project could have had significant and unavoidable impact to archaeological resources, under Baseline Scenario 2. Because such potential impacts are associated with past activities at the project site, there is no additional feasible mitigation that could be taken to reduce impacts. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Cumulative Impact C-CUL-3: Impacts to Human Remains?

The overall cumulative impact for C-CUL-3 would be **potentially significant.**

Under Baseline Scenario 1, implementation of mitigation measure MM-CUL-1 would reduce the proposed project's contribution to **less than cumulatively considerable with mitigation.**

Under Baseline Scenario 2, the project's contribution to the cumulative impact could have been **cumulatively considerable** as there are no feasible mitigation measures for impacts that have already occurred.

Cumulative Context

The cumulative context for human remains addresses the impacts from construction of the proposed project along with other closely related past, present, and reasonably foreseeable probable future projects, and specifically focuses on local developments in the City that could potentially change the environment by affecting human remains.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Past, present, and future developments within the City could impact known or unknown archaeological resources and/or human remains, depending on the proximity to known resources, sensitivity of the project site, and the extent of the proposed ground-disturbing activities. Cumulative projects are described in Table 4.1-1 in Section 4.1.3. These projects consist of residential developments including multi-family and single-family housing units and a hotel. All of these cumulative projects would involve soil disturbing activities including excavation and grading, and could therefore also result in the accidental discovery of human remains, similar to the proposed project. If appropriate measures to avoid or reduce potential damage or destruction of archaeological resources or human remains were not taken during construction of cumulative projects and/or the proposed project, the overall cumulative impact would be **potentially significant.**

As discussed for Impact CR-2 above, the proposed project would be required to implement robust accidental discovery procedures such that if archaeological resources or human remains were encountered, substantial adverse impacts would be avoided through proper treatment of resources as detailed in mitigation measure MM-CUL-1. In addition, the project would be in compliance with HRC 7050.5, 7051, 7052, and 7055.Therefore, with implementation of MM-

CUL-1 and compliance with applicable regulations, the proposed project's contribution to the potentially significant cumulative impact would **not be cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, impacts to human remains from future construction activities at the project site would be the same as those described for Baseline Scenario 1 above, which would be **potentially significant**. The proposed project under this baseline would also include soil disturbing activities to construct the tasting deck and associated office in an area that was not previously disturbed. Since the tasting deck was built without permits, mitigation was not implemented to reduce potential impacts to human remains. While not likely, it is possible that human remains were encountered and/or disturbed during construction. Therefore, the proposed project could have result in **potentially significant impacts** to human remains.

Implementation of mitigation measure MM-CUL-1 would reduce potential impacts from future construction to less than significant with mitigation, for the same reasons described for Baseline Scenario 1 above. However, such mitigation was not required for the previous unpermitted construction activities. Therefore, even with implementation of mitigation measure **MM-CUL-1**, the proposed project could have had a **significant and unavoidable** impact to human remains, under Baseline Scenario 2**.** Because such potential impacts are associated with past activities at the project site, there is no additional feasible mitigation that could be taken to reduce impacts. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

4.7 Energy

This section describes the existing energy setting of the proposed project area and evaluates the potential for the proposed project to result in the wasteful, inefficient, and unnecessary consumption of energy; and whether the proposed project would conflict with a plan for renewable energy or energy efficiency.

Energy efficiency is a possible indicator of environmental impacts. The actual adverse physical environmental effects of energy use and the efficiency of energy use are detailed throughout this EIR in the environmental topic–specific sections. For example, the use of energy for transportation leads to air pollutant emissions, the impacts of which are addressed in Section 4.4*, Air Quality*, of this EIR. The use of energy for electricity leads to indirect GHG emissions, the impacts of which are addressed in Section 4.9*, Greenhouse Gas Emissions,* of this EIR. There is no physical environmental effect associated with energy use that is not addressed in the environmental topic-specific sections of this EIR.

The City did not receive any relating to energy were received during the public scoping period in response to the NOP.

4.7.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Statewide and Regional

In 2022, California generated a total of 287,220 gigawatt-hours of electricity, of which approximately 203,257 gigawatt-hours were generated in-state (California Energy Commission [CEC] 2024a). The total non-residential and residential electricity consumption for Santa Clara County in 2022 was estimated to be approximately 17,102 gigawatt-hours (CEC 2024b).

In 2022, California consumed approximately 2,131 trillion British thermal units (Btu) of natural gas, of which the majority was delivered to consumers which include residential, commercial, industrial, vehicle fuel, and electric power uses (U.S. Energy Information Administration [EIA] 2024a). The total non-residential and residential natural gas natural gas consumption for Santa Clara County in 2022 was estimated to be approximately 424 million therms (CEC 2024c).

Electrical and natural gas service in Santa Clara County is provided by the Pacific Gas & Electric Company (PG&E). In 2022, PG&E delivered approximately 77,886 gigawatt-hours of electricity within its service area (CEC 2024d). PG&E's total natural gas throughput was approximately 849,392 million cubic feet in 2022 (PG&E 2023). PG&E provides power from a variety of sources: biomass and waste, geothermal, small and large hydroelectric, solar, wind, natural gas, and nuclear (PG&E 2023).

Transportation is the largest energy-consuming sector in California, accounting for approximately one third of all energy use in the state in 2022 (EIA 2024b). Gasoline and diesel fuel constitute 50 and 16 percent of petroleum-based fuels consumed in California, respectively (EIA 2024c). While gasoline and diesel fuels remain the primary fuels used for transportation in California, the types of transportation fuel have diversified in California and elsewhere. Various statewide regulations and plans (e.g., Low Carbon Fuel Standard, AB 32 Scoping Plan) encourage the use of a variety of alternatives to reduce demand for petroleum-based fuel.

Depending on the vehicle capability, conventional gasoline and diesel are increasingly being replaced by alternative transportation fuels including biodiesel, electricity, ethanol, hydrogen, natural gas, and other synthetic fuels. California has a growing number of alternative fuel vehicles through the joint efforts of the CEC, CARB, local air districts, federal government, transit agencies, utilities, and other public and private entities. By the end of December 2023, California had more than 1,115,000 registered battery-electric light-duty vehicles (CEC 2024e).

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for energy under Baseline Scenario 2 is similar to that described above. The difference is that the tasting deck and adjacent office/restroom building were not present and energy consumption associated with electricity in these buildings, along with transportation energy used in guest vehicles, would be reduced under Baseline Scenario 2.

4.7.2 Regulatory Framework

The federal, state, and local regulatory background of energy plans, policies, regulations, and laws is presented below. Generally, these plans, policies, regulations, and laws do not directly apply to the proposed project, but are presented to provide context to the regulatory framework.

Federal

Energy Policy and Conservation Act of 1975

The Energy Policy and Conservation Act of 1975 established the first fuel economy standards for on-road motor vehicles sold in the United States. The NHTSA is responsible for establishing standards for vehicles and revising the existing standards. The Corporate Average Fuel Economy program was created to determine vehicle manufacturers' compliance with the fuel economy standards. The USEPA administers the testing program that generates the fuel economy data.

National Energy Act of 1978

The National Energy Act of 1978 includes the Public Utility Regulatory Policies Act (Public Law 95-617), Energy Tax Act (Public Law 95-318), National Energy Conservation Policy Act (Public Law 95-619), Power Plant and Industrial Fuel Use Act (Public Law 95-620), and Natural Gas Policy Act (Public Law 95-621). The intent of the National Energy Act was to promote greater use of renewable energy, provide residential consumers with energy conservation audits to encourage slower growth of electricity demand, and promote fuel efficiency. The Public Utility Regulatory Policies Act created a market for nonutility electric power producers to permit independent power producers to connect to their lines and to pay for the electricity that was delivered. The Energy Tax Act promoted fuel efficiency and renewable energy through taxes and tax credits. The National Energy Conservation Policy Act required utilities to provide residential consumers with energy conservation audits and other services to encourage slower growth of electricity demand.

Energy Policy Acts of 1992 and 2005

The Energy Policy Act of 1992 was enacted to reduce dependence on imported petroleum and improve air quality by addressing all aspects of energy supply and demand, including alternative fuels, renewable energy, and energy efficiency. This law requires certain federal, state, and local

government and private fleets to purchase alternate fuel vehicles. The act also defines "alternative fuels" to include fuels such as ethanol, natural gas, propane, hydrogen, electricity, and biodiesel. The Energy Policy Act of 2005 was enacted on August 8, 2005. This law set federal energy management requirements for energy-efficient product procurement, energy savings performance contracts, building performance standards, renewable energy requirements, and use of alternative fuels. The Energy Policy Act of 2005 also amends existing regulations, including fuel economy testing procedures.

Energy Independence and Security Act of 2007

Signed into law in December 2007, the Energy Independence and Security Act was enacted to increase the production of clean renewable fuels; increase the efficiency of products, buildings, and vehicles; improve the federal government's energy performance; and increase U.S. energy security, develop renewable fuel production, and improve vehicle fuel economy. The Energy Independence and Security Act included the first increase in fuel economy standards for passenger cars since 1975. The act also included a new energy grant program for use by local governments in implementing energy-efficiency initiatives, as well as a variety of green building incentives and programs.

Executive Order 13514

On October 5, 2009, President Barack Obama signed Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (Title 3, Section 13514 of the CFR). The executive order set sustainability goals for federal agencies and focuses on improving their environmental, energy, and economic performance. The executive order required agencies to meet a number of energy, water, and waste reduction targets.

Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards

On May 7, 2010, the final Light-Duty Vehicle GHG Emissions Standards and Corporate Average Fuel Economy Standards were published in the Federal Register. Phase 1 of the emissions standards required that model year 2012–2016 vehicles meet an estimated combined average emissions level of 250 grams of carbon dioxide (CO_2) per mile, which is equivalent to 35.5 miles per gallon, if the automobile industry were to meet this CO_2 level solely through fuel economy improvements.

On March 31, 2022, the NHTSA finalized the Corporate Average Fuel Economy Standards for model years 2024 through 2026. The final rule establishes standards that would require an industry-wide fleet average of approximately 49 miles per gallon for passenger cars and light trucks in model year 2026, by increasing fuel efficiency by 8 percent annually for model years 2024 and 2025, and 10 percent annually for model year 2026. On June 7, 2024, the NHTSA finalized the Corporate Average Fuel Economy Standards for model years 2027 through 2031. This rule aims to increase fuel efficiency by 2 percent annual for passenger cars in model years 2027 through 2031, 0 percent annually for light trucks in model years 2027 through 2028, and 2 percent annually for light trucks in model years 2029 through 2031.

Heavy-Duty Engine and Vehicle Standards

In September 2011, in response to a Presidential Memorandum issued in May 2010, USEPA in coordination with NHSTA issued GHG emissions and fuel economy standards for medium and heavy-duty trucks manufactured in model years 2014-2018, known as Phase 1 GHG Rule.

In October 2016, USEPA and NHTSA jointly finalized Phase 2 standards for medium- and heavy-duty vehicles through model year 2027 that will improve fuel efficiency and cut carbon pollution to reduce the impacts of climate change, while bolstering energy security and spurring manufacturing innovation.

On March 28, 2022, USEPA published a proposed rule that would set new, more stringent standards to reduce pollution from heavy-duty vehicles and engines starting in model year 2027. This proposal is consistent with President Biden's Executive Order, "Strengthening American Leadership in Clean Cars and Trucks" and would ensure the heavy-duty vehicles and engines that drive American commerce are as clean as possible while charting a path to advance zero-emission vehicles in the heavy-duty fleet.

Renewable Fuel Standard Program

Created by the Energy Policy Act of 2005, which amended the federal Clean Air Act, the Renewable Fuel Standard Program established requirements to replace certain volumes of petroleum-based fuels with renewable fuels. The four renewable fuel types accepted as part of the Renewable Fuel Standard Program are biomass-based diesel, cellulosic biofuel, advanced biofuel, and total renewable fuel. The 2007 Energy Independence and Security Act expanded the program and its requirements to include long-term goals of using 36 billion gallons of renewable fuels and extending annual renewable-fuel volume requirements to year 2022. "Obligated parties," such as refiners and importers of gasoline or diesel fuel must meet specific blending requirements for the four renewable fuel types. The USEPA implements the program in consultation with U.S. Departments of Agriculture and Energy. The obligated parties are required to demonstrate their compliance with the Renewable Fuel Standard Program.

State

Senate Bills 1078 and 107, Executive Orders S-14-08 and S-21-09, and Senate Bills 350 and 100

Senate Bill (SB) 1078 (Chapter 516, Statutes of 2002) required 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) changed the target date to 2010.

Executive Order S-14-08 expanded the state's Renewables Portfolio Standard to 33 percent renewable power by 2020. Executive Order S-21-09 directs the CARB, under its AB 32 authority, to enact regulations to help the state meet its Renewables Portfolio Standard goal of 33 percent renewable energy by 2020.

The 33 percent-by-2020 goal and requirements were codified in April 2011 with SB X1-2. This new Renewables Portfolio Standard applies to all electricity retailers in the state, including publicly owned utilities, investor-owned utilities, electricity service providers, and community

choice aggregators. SB 350 (2015) increased the renewable-source requirement to 50 percent by 2030. This was followed by SB 100 in 2018, which further increased the Renewables Portfolio Standard to 60 percent by 2030 and added the requirement that all state's electricity come from carbon-free resources by 2045.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code (also known as CALGreen), which establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a set of minimum requirements and more rigorous voluntary measures for new construction projects to achieve specific green building performance levels. This code went into effect as part of local jurisdictions' building codes on January 1, 2011. CALGreen goes through an update and approval process by the CEC every three years. The most recent 2022 CALGreen became effective on January 1, 2023. The City has adopted the 2022 CALGreen by reference, with specific amendments, and codified them in Chapter 16-49 of the Municipal Code.

Local

City of Saratoga General Plan

Multiple chapters of the City's General Plan contain policies pertaining to improving air quality and transportation strategies, many of which would also result in co-benefits with reducing energy consumption. Specifically, the Open Space and Conservation Element (City of Saratoga 2024a) and Land Use Element of the City's General Plan (City of Saratoga 2024b) include goals and policies designed to help improve air quality within the City. Additionally, trip reduction strategies are addressed in the Circulation and Scenic Highway Element. To reduce vehicle traffic and congestion within the City, the Circulation Element and Scenic Highway Element includes policies to encourage the use of alternative forms of transportation and strategies including promoting bicycling, walking, and transit use, which would reduce single-occupant vehicle VMT and associated petroleum consumption.

The City included the following goals and policies related to energy in the Land Use Element of the City's General Plan (City of Saratoga 2024b):

- **Goal LU-6**: Protect natural resources and amenities through appropriate land use and related programs.
    - **Policy LU-6.5**: Encourage the use of renewable resources and energy conservation.

City of Saratoga Municipal Code

Chapter 16, Article 16-47, *Green Building Regulations*. The purpose of this article is to promote the environmental sustainability of natural resources, including reducing the energy consumption needs of structures by making use of efficient construction methods.

Chapter 16, Article 16-49, *Green Building Standards Code*. The purpose of this article is to adopt the 2022 CALGreen, Title 24, Part 11 as the Green Building Standards Code of the City.

Chapter 16, Article 16-51, *Energy Code*. This article adopts by reference the 2022 California Energy Code; and makes specific amendments applicable in the City.

City of Saratoga Climate Action Plan

In December 2020, the City adopted Climate Action Plan 2030 (City of Saratoga 2020). Climate Action Plan 2030 compiles existing and potential actions that the City's government and the community can take to address climate change. Climate Action Plan 2030 includes the following actions related to energy consumption and renewable energy:

- RE-1: GHG-Free Electricity. Support Silicon Valley Clean Energy in the continued delivery of 100% GHG free electricity and its 100% renewable electricity option (which is also 100% GHG-free).
- RE-2: Renewable Energy Generation and Storage. Accelerate installation of solar and other renewable energy installations and energy storage systems at residential and commercial buildings and sites and community facilities through the following provisions:
  - Provide solar permit streamlining and reduce or eliminate fees, as feasible.
  - Amend building codes, development codes, design guidelines, and zoning ordinances, as necessary, to facilitate small (up to 10 kilowatt [kW] direct current), medium (10 to 250 kW direct current), and large-scale (over 250 kW direct current) solar power installations.
  - Encourage installation of solar panels on rooftops and over parking areas on commercial projects, schools, and residential developments.
  - Identify and promote incentives and financing and loan programs for residential and nonresidential solar projects.
  - Encourage installation of battery storage in conjunction with renewable energy generation projects.
- RE-3: Building and Appliance Electrification. Promote electrification of building systems and appliances that currently use natural gas, including heating systems, hot water heaters, stoves, and clothes dryers. See also Action EE-1 in the Energy Efficiency section.
- RE-4: Innovative Technologies. Investigate and pursue or adopt policies to allow the commercial and residential sectors to pursue innovative technologies such as microgrids (a group of interconnected loads and distributed energy resources that can disconnect from the grid and operate independently in "island mode"), battery storage, and demand-response programs that will improve the electric grid's resiliency and help to balance demand and renewable energy production.
- RE-5: Municipal 100% Renewable Electricity. Continue to purchase Silicon Valley Clean Energy 100% GHG-free and renewable energy for all facilities.
- EE-1: Green Building Reach Code. Implement the City's green building ordinance that requires all new residential and non-residential buildings to use electric heat pump technology for their space and water heating and requires natural gas appliances, if installed, to be electric-ready.
- EE-2: Energy Efficiency. Promote and expand participation in residential and commercial energy efficiency and electrification programs.

- EE-3: Public Lighting. Replace energy-inefficient street, parking lot, and other municipal outdoor lights with light-emitting diode lights.
- EE-4: Municipal Energy Efficiency Audit and Retrofits. Identify and implement energy efficiency projects in municipal buildings and facilities and electrification of existing building systems and equipment that use natural gas.

4.7.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to energy:

- **Impact ENE-1:** Would the project result in wasteful, inefficient, or unnecessary consumption of energy resources?
- **Impact ENE-2:** Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Impact ENE-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources?

Impact ENE-1 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation.

Methodology

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction-related activities associated with the proposed project would consume energy resources in the form of gasoline and diesel fuel consumed by off-road equipment and haul truck and worker vehicles. Energy consumption was estimated using CO_2 emissions calculated in CalEEMod for the proposed construction activities and application of EIA CO_2 emissions coefficients (EIA 2023) to estimate fuel consumption for construction activities. Additional modeling assumptions and details are provided in the Air Quality methodology, Section 4.4.3, and Appendix C.

Operational activities associated with the proposed project would consume energy resources from employee and guest vehicle trips to and from the proposed project site, along with electricity consumed for operation of the tasting deck and wine cave, and indirect electricity associated with supplying, treating, and distributing water. For conservatism, existing operational electricity and water consumption were not subtracted from estimated post-project electricity and water consumption; instead, existing operational electricity and water consumption were considered in the analysis of operational energy resources associated with use of the tasting deck and wine cave as a result of the proposed project. Transportation energy demand was estimated based on the estimated the net increase in annual operational VMT associated with the proposed project compared to Baseline Scenario 1 and EMFAC2021 fleet mix data for Santa Clara County

in 2026. Based on EMFAC2021 fleet mix data, the analysis assumed approximately 87 percent of the vehicle trips to/from the proposed project would be gasoline-fueled, 6 percent would be electric, 5 percent would be diesel-fueled, and 2 percent would be plug-in hybrid. Refer to **Appendix C** for detailed model inputs, assumptions, and calculations.

Baseline Scenario #2: Conditions Prior to Unpermitted Development and Activities (2013)

Under Baseline Scenario 2, the methodology for determining impacts to energy resources during construction is the same as that described above for Baseline Scenario 1, with the exception of inclusion of energy resources consumed associated with construction activities in 2013 for the unpermitted tasting deck and restroom/office building.

The methodology for determining potential impacts to energy resources during operational activities under Baseline Scenario 2 is similar to that described above for Baseline Scenario 1. Existing operational electricity consumption was considered in the analysis of operational energy resources associated with use of the tasting deck and wine cave as a result of the proposed project as described above. Transportation energy demand was estimated based on the estimated the net increase in annual operational VMT associated with the proposed project compared to Baseline Scenario 2 and EMFAC2021 fleet mix data for Santa Clara County in 2026. The vehicle fleet mix and fuel type assumptions described above similarly apply to Baseline Scenario 2. Refer to **Appendix C** for detailed model inputs, assumptions, and calculations.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Project construction would consume energy associated with the use of transportation fuels (e.g., gasoline, diesel fuel) from construction equipment (off-road), delivery and haul trucks (on-road), and construction employee passenger vehicles and shuttles (on-road). Construction-related transportation energy use depends on the type and number of trips, VMT, fuel efficiency of vehicles, and travel mode. The majority of heavy-duty equipment during construction activities would be gas or diesel powered. The use of fuel by on-road and off-road vehicles would be temporary and would fluctuate according to the phase of construction. Construction fuel use for the proposed project would cease upon completion of the construction activities. The estimated total energy consumption as a result of fuel used during construction activities is shown in Table 4.7-1.

Table 4.7-1 Construction-Related Energy Consumption – Baseline Scenario 1

Fuel Type	Total Energy Requirement	
	(Gallons)	(MMBtu)
Diesel	11,446	1,581
Gasoline	1,177	147

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes: MMBtu = million British thermal units

Based on the anticipated phasing of the proposed project construction activities, short overall construction duration, the anticipated equipment and construction work staff, the temporary nature of construction, and the project type, the proposed project would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites. Therefore, this impact would be **less than significant.**

In addition, construction contractors are required, in accordance with the CARB Airborne Toxic Control Measure for Diesel-Fueled Commercial Motor Vehicle Idling, to minimize the idling time of construction equipment by shutting equipment off when it is not in use or reducing the idling time to 5 minutes. This requirement is also included in MM-AIR-1 (see Section 4.4.5). Per MM-AIR-1, construction contractors would also be required to maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Although not required to mitigate energy impacts, these required practices would further limit wasteful and unnecessary energy consumption.

Operation

Operation of the proposed project would result in energy consumption from building operations (e.g., lighting and appliances, and treatment, supply, and distribution of water) and transportation fuel (e.g., fuel usage for vehicle trips from employees and guests), similar to existing conditions. Building operations would rely solely on electricity for operational energy requirements (e.g., no natural gas consumption). As described in Section 4.7.3, *Methodology,* existing operational electricity and water consumption were conservatively considered in the analysis of operational energy resources associated with use of the tasting deck and wine cave as a result of the proposed project. To determine potential operational impacts on energy resources associated with transportation fuel demand as a result of the proposed project, the net increase in operational VMT under Baseline Scenario 1 was utilized.

The annual operational energy requirements associated with the proposed project under Baseline Scenario 1 are shown in Table 4.7-2.

Table 4.7-2 Estimated Annual Operational Energy Demand – Baseline Scenario 1

Operational Energy Resource	Energy Requirement	Unit	Annual Energy Consumption (MMBtu)
Building Electricity Consumption[1]	7,800	kWh	27
Water Electricity Consumption[1]	689	kWh	2
Transportation Electricity Consumption	14,658	kWh	50
Transportation Diesel Consumption	2,499	gallons	345
Transportation Gasoline Consumption	15,542	gallons	1,943
	Total Project Energy Requirement		**2,367**

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes:

"-" = not applicable; MMBtu = million British thermal units; kWh = kilowatt-hours; kBtu = thousand British thermal units; gal = gallons

[1] Conservatively represents existing operational building electricity consumption and water consumption, rather than net electricity consumption under Baseline Scenario 1.

Building operations would account for approximately one percent of the total energy consumption. The proposed project would be required to comply with energy efficiency standards set forth by Title 24 of the California Administrative Code and the Appliance Efficiency Regulations as directed by the City's Municipal Code, Chapter 16. Title 24 requires that the project meet a number of conservation standards, including installation of water-efficient fixtures and energy-efficient appliances. Electricity associated with the supply, conveyance, and distribution of water used at the project site was calculated based on CalEEMod defaults and conservatively does not account for any potential outdoor water efficiency requirements. Therefore, the proposed project would not result in inefficient, wasteful, and unnecessary consumption of energy, and this impact would be **less than significant.**

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, energy demand during construction would result in similar use of transportation fuels (e.g., gasoline, diesel fuel) from construction equipment (off-road), delivery and haul trucks (on-road), and construction employee passenger vehicles and shuttles (on-road) as described for Baseline Scenario 1. Energy demand associated with construction under Baseline Scenario 2 is higher than Baseline Scenario 1 due to the inclusion of construction associated with the unpermitted tasting deck and restroom/office building.

The estimated total energy consumption as a result of fuel used during construction activities is shown in Table 4.7-3.

Table 4.7-3 Construction-Related Energy Consumption – Baseline Scenario 2

Fuel Type	Total Energy Requirement (gallons)	Energy Consumption (MMBtu)
Diesel	12,230	1,689
Gasoline	1,403	175

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes:

NOP = Notice of Preparation; MMBtu = million British thermal units

Similar to Baseline Scenario 1, the proposed project would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites. Because the tasting deck was constructed without a grading permit, it is unknown if BMP to prevent wasteful and unnecessary energy consumption were undertaken. However, given the minimal amount of construction equipment used, the past unpermitted activities are unlikely to have caused wasteful and unnecessary energy consumption. In addition, consumption of energy resources would have been temporary and limited to the 2-month duration of construction activities. Therefore, this impact would be **less than significant.**

Similar to Baseline Scenario 1, compliance with the CARB Airborne Toxic Control Measure for Diesel-Fueled Commercial Motor Vehicle Idling (which is also included as part of MM-AIR-1) would further limit wasteful and unnecessary energy consumption.

Operation

Operation of the proposed project would be similar under Baseline Scenario 2 as described for Baseline Scenario 1. As described above, existing operational electricity and water consumption were conservatively considered in the analysis of operational energy resources associated with use of the tasting deck and wine cave as a result of the proposed project. To determine potential operational impacts on energy resources associated with transportation fuel demand as a result of the proposed project, the net increase in operational VMT under Baseline Scenario 2 was utilized.

The annual operational energy requirements associated with the proposed project under Baseline Scenario 2 are shown in Table 4.7-4.

Table 4.7-4 Estimated Annual Operational Energy Demand – Baseline Scenario 2

Operational Energy Resource	Energy Requirement	Unit	Annual Energy Consumption (MMBtu)
Building Electricity Consumption[1]	7,800	kWh	27
Water Electricity Consumption	689	kWh	2
Transportation Electricity Consumption	25,280	kWh	86
Transportation Diesel Consumption	4,310	gallons	595
Transportation Gasoline Consumption	26,805	gallons	3,351
		Total Project Energy Requirement	4,061

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.

Notes:

"-" = not applicable; MMBtu = million British thermal units; kWh = kilowatt-hours; kBtu = thousand British thermal units; gal = gallons

[1] Conservatively represents existing operational building electricity consumption, rather than net electricity consumption under Baseline Scenario 1.

Building operations would account for less than one percent of the net operational energy consumption under Baseline Scenario 2. Similar to Baseline Scenario 1, the proposed project would be required to comply with energy efficiency standards set forth by Title 24 of the California Administrative Code and the Appliance Efficiency Regulations as directed by the City's Municipal Code, Chapter 16. Electricity associated with the supply, conveyance, and distribution of water used at the project site was calculated based on CalEEMod defaults and conservatively does not account for any potential outdoor water efficiency requirements. Therefore, the proposed project would not result in inefficient, wasteful, and unnecessary consumption of energy, and this impact would be **less than significant.**

Impact ENE-2: *Conflict with or Obstruct a Renewable Energy or Energy Efficiency Plan?*

Impact ENE-2 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would conflict with or obstruct a state or local plan for renewable energy of energy efficiency.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction activities under the proposed project would use construction equipment and vehicles that are in compliance with federal and state standards for fuel efficiency. In addition, as described above, proposed construction and operational activities would not result in an inefficient or wasteful consumption of energy resources. Construction and operation of the proposed project would take place at the existing project site, which are not in an area that would otherwise be slated for renewable energy production.

Following construction, operational activities at the project site would continue similar to conditions under Baseline Scenario 1. Implementation of the proposed project would result in improvements to the existing tasting deck and construction and operation of a new wine cave, which would result in the consumption of electricity, as described and presented above in Impact ENE-1, as well as additional vehicle miles traveled that would result in the consumption of fossil fuels. However, design and construction of buildings would comply with the most recently adopted CALGreen standards, and the City's Municipal Code. Specifically, the proposed project would be all-electric (i.e., no natural gas infrastructure). As such, the proposed project would be consistent with the goals and objectives of the City's Climate Action Plan related to building electrification and energy efficiency. Additionally, standards related to transportation energy are promulgated through state and federal regulations and standards for fuel refineries, fuel products, and fuel efficiency, such as the LCFS and Corporate Average Fuel Economy standards. Transportation energy use associated with operational employee and visitor trips would not conflict with standards or regulations adopted for energy efficiency. The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, this impact is **less than significant**.

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

The evaluation of consistency with State or local plans for renewable energy or energy efficiency under Baseline Scenario 2 is the same as described above for Baseline Scenario 1 for construction. Fuel used for off-road equipment and vehicle trips during construction activities associated with the unpermitted tasting deck under Baseline Scenario 2 would have been subject to fuel efficiency regulations and standards in effect at the time of construction. Implementation of the proposed project would result in the same operational activities as described above. For the same reasons as presented for Baseline Scenario 1, this impact would be **less than significant.**

4.7.4 Cumulative Impacts and Mitigation

The following discussion analyzes the potential of the project to contribute to the following cumulative impacts[3] related to the use of gasoline and diesel energy:

- **Impact C-ENE-1:** Contribution to cumulative effects due to wasteful, inefficient, or unnecessary consumption of energy resources or conflict with an applicable state or local plan for renewable energy or energy efficiency.

Cumulative Impact C-ENE-1: Wasteful, Inefficient or Unnecessary Consumption of Energy or Conflict with Energy Plan?

The overall cumulative impact for C-ENE-1 would be **less than significant under** both baseline scenarios.

Cumulative Context

The study area for cumulative impacts on energy resources is the state of California, as standards for energy efficiency are promulgated at the state level.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Past, present, and probable future projects throughout the state would result in the irreversible use of diesel and gasoline resources during construction, as well as the incremental increase in energy consumption from operational building energy and traffic associated with those projects. However, the use of such resources would be subject to the same regulatory framework relating to energy and fuel efficiency as the proposed project and would be anticipated to become more energy efficient over time as regulatory requirements change and technological advancements are made. Future projects in the area surrounding the project site, which generally includes open space, agricultural, and a hillside residential neighborhood, are expected to result in a similar development pattern to existing conditions; however, while the overall use of electricity on the site and surrounding areas may increase, the energy use per square foot is expected to decrease due to compliance with modern standards and incorporation of modern technologies and design standards. Specifically, regarding petroleum use during construction, the proposed project and other future projects would consume energy associated with the off-road equipment, truck trips, and worker vehicle trips. However, construction of the proposed project and future projects would be temporary, and compliance with increasingly stringent local and state regulations for fleet efficiency and construction best practices limiting vehicle idling would help reduce construction-related fuel usage. During operation of the proposed project and future projects, increased land use intensity would result in additional vehicles miles traveled in the area. However, over the lifetime of the proposed project and past, present, and future projects, the fuel efficiency of vehicles is expected to increase. Similarly, with increasingly stringent local and state regulations for energy efficiency in buildings, such as Title 24 of the California Administrative Code and the Appliance Efficiency Regulations, operational building energy consumption is also expected to decrease. Therefore, the overall cumulative impact relating to energy consumption and consistency with energy plans would be **less than significant**.

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

For the same reasons as described above for Baseline Scenario 1, the overall cumulative impact relating to energy consumption and consistency with energy plans would be **less than significant**.

4.8 Geology and Soils

This section describes the existing geologic, soils, and paleontological resources setting of the project area and evaluates whether the proposed project would result in adverse effects on these resources.

The City received the following comments relating to Geology during the public scoping period in response to the NOP:

- Concerns regarding the possibility of fault lines or other geographically unstable areas that could potentially create dangerous situations for guests.
- Concerns related geological hazards at the project site, such as a moving landslide and hillside movement.
- Concerns related to the existing tasting deck being built to code and its safety.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.8.1 Environmental Setting

Information within this section is based on published information as well as site-specific geotechnical reports prepared by the project applicant's geotechnical consultants, LACO (2016, 2020a, 2020b, 2020c) and BAGG Engineers (2018, 2019, 2022, 2023a, 2023b). These site-specific reports were peer reviewed by the City's independent geotechnical consultant, Cotton Shires and Associates (2020a, 2020b, 2020c, 2022a, 2022b, 2023a, 2023b, 2023c). The site-specific reports and peer review memorandums are contained in **Appendix D** of this EIR.

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Geology

The project site is situated on the eastern foothills of Monte Bello Ridge, in the Santa Cruz Mountains. The project site is within the U.S. Geological Survey Cupertino 7.5-minute quadrangle, and elevations at the existing and proposed winery-related uses range between approximately 800 and 830 feet above sea level. Elevations at the quarry site where excess soil would be disposed range between approximately 640 and 646 feet above sea level.

The rocks that comprise the Santa Cruz Mountains have been divided into several different stratigraphic assemblages. The project site lies within the Woodside stratigraphic assemblage, which is present on the east side of the San Andreas Fault. The Woodside assemblage includes a sequence of Plio-Pleistocene through Eocene-age rocks (i.e., Tertiary Period, approximately 2.6 to 56 million years B.P.) that unconformably overlie a Mesozoic Era (65 to 251 million years B.P.) basement assemblage consisting of the Franciscan Complex, the Coast Range Ophiolite, and the Great Valley Sequence (CGS 2002, Brabb et al. 2000). The Tertiary marine and non-marine rocks of the Woodside assemblage are exposed primarily in a belt of the low foothills in the south and central portions of the Cupertino quadrangle adjacent to the western margin of

the Santa Clara Valley. These Tertiary formations include the Monterey Formation, unnamed marine sandstone and shale, and the Santa Clara Formation (CGS 2002).

Geological Hazards

Surface Fault Rupture

The greatest potential for surface fault rupture and strong seismic ground shaking is from active faults. The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) prohibits the construction of structures designed for human occupancy across the traces of active faults. The project site is not within an Alquist-Priolo Earthquake Fault Zone (CGS 2021a), a Santa Clara County Earthquake Fault Hazard Zone (County of Santa Clara 2015), or within or immediately adjacent to the trace of any other known fault (Jennings and Bryant 2010).

Strong Seismic Ground Shaking

Ground shaking—motion that occurs as a result of energy released during faulting—could potentially result in the damage or collapse of buildings and other structures, depending on the magnitude of the earthquake, the distance to the epicenter, and the character and duration of the ground motion. Other important factors to be considered are the characteristics of the underlying soil and rock and, where structures exist, the building materials used and the workmanship of the structures.

The project site is in a seismically active area. The U.S. Geological Survey indicates that the estimated probability of one or more magnitude 6.7 earthquakes occurring during the period 2014–2043 in the San Francisco Bay Area is 72 percent (Aagaard et al. 2016). In the project region, the faults with the highest estimated probability of generating damaging earthquakes are the Hayward (33 percent), Rodgers Creek (33 percent), Calaveras (26 percent), and San Andreas Faults (22 percent). During the period 2014–2043, the probability of an earthquake of magnitude 6.7 or larger occurring along the San Andreas Fault is 22 percent, 33 percent along the Hayward Fault, and 6 percent along the San Gregorio Fault. The distance from the project site to the nearest active faults is shown in Table 4.8-1.

Table 4.8-1 Active Faults in the Project Region

Fault Name	Distance and Direction from Project Site
Monte Vista-Shannon	1.0 mile northeast
San Andreas: Santa Cruz Mountains Section (1989)	2.5 miles southwest
Hayward (1868)	14 miles east
Calaveras	17 miles east
San Gregorio	17.5 miles west

Source: Jennings and Bryant 2010

In addition, there are several faults in the project vicinity where the age of last known activity occurred during the last 1.6 million years (i.e., mid to late Quaternary Period), but the exact age of activity is unknown. Although these faults are not classified as active, they may still be capable of strong seismic ground shaking (CGS 2018). The Berrocal Fault, which is commonly associated with the Monte Vista-Shannon Fault (Bryant 2000), is approximately 0.8 mile southwest of the project site. Santa Clara County (2015) has designated a fault rupture hazard

zone for the Berrocal Fault, which encompasses the fault trace and an area approximately 650 feet wide on both sides of the trace. This hazard zone is approximately 0.7 mile southwest of the project site.

Peak horizontal ground acceleration, which is a measure of the projected intensity of ground shaking from seismic events, can be estimated using a computer model. The project site is mapped with a moderately high earthquake shaking potential, based on a 2 percent probability of major earthquake occurrence in 50 years (Branum et al. 2016).

Liquefaction

Liquefaction is the process which causes soil to behave more like a liquid than a solid during an earthquake. During strong ground shaking, water-saturated granular materials are transformed from a solid state into a liquefied state as a result of increased pore-water pressure, resulting in loss of strength. Structures on soil that undergoes liquefaction may settle or suffer major structural damage. Liquefaction is most likely to occur in low-lying areas where the substrate consists of poorly consolidated to unconsolidated water-saturated sediments, recent Holocene-age sediments, or deposits of artificial fill. Additional factors that determine the liquefaction potential are the distance to an active seismic source and the depth to groundwater.

The project site is not in an Earthquake Zone of Required Investigation for liquefaction (CGS 2002, 2021b), nor is it within an area designated by the Santa Clara County Geologic Hazard Zone maps as a Liquefaction Hazard Zone (Santa Clara County 2012a). Soil borings conducted by LACO (2016, 2020) and BAGG Engineers (2019, 2023) at the project site including the proposed secondary access road to maximum depths ranging from 14 to 29 feet below the ground surface, did not encounter groundwater. Therefore, liquefaction at the project site is unlikely.

Landslides

Landslides triggered by earthquakes have historically caused substantial damage. In California, large earthquakes such as the 1971 San Fernando, 1989 Loma Prieta, and 1994 Northridge earthquakes triggered landslides that were responsible for destroying or damaging numerous structures, blocking major transportation corridors, and damaging life-line infrastructure. Areas that are most susceptible to earthquake-induced landslides are steep slopes in poorly cemented or highly fractured rocks, areas underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits.

The proposed wine cave and the existing wine tasting deck and existing dirt road are mapped as deep-seated landslide capability class III, which indicates a low potential for landslides based on regional estimates of slopes and rock strength (Wills, et al. 2011).

Most of the existing dirt road is located within a Landslide Zone of Required Investigation for seismically-induced landslides (CGS 2002, 2021c). The entire project site is located within an area designated by the Santa Clara County Geologic Hazard Zone maps as a Landslide Hazard Zone (Santa Clara County 2012b). The City of Saratoga's *Ground Movement Potential Map* (Cotton Shires and Associates, Inc. [Cotton Shires] 2013), identifies the proposed wine cave, existing wine tasting deck, and parts of the existing dirt road as Relatively Stable Ground (designated "Sbr"), defined as having stable bedrock within 3 feet of the ground surface. During

a site reconnaissance visit conducted by LACO in 2016, they observed no evidence of landslides in the vicinity of the proposed wine cave.

The northwestern half of the proposed secondary access road is situated within an area identified by CGS as a large 0.3- by 0.5-mile landslide. CGS indicates that it is a young dormant bedrock landslide over 50 feet in depth (BAGG Engineers 2023). A registered geologist from BAGG Engineers performed a site reconnaissance of the mapped landslide area and found that most of the area appeared to be stable, with no recent signs of slope failure. However, a relatively small, shallow landslide was found roughly at the central portion of the proposed secondary access road. The landslide is estimated to be about 5 feet deep and the head of the landslide encroaches on the existing dirt road.

Soils

Soil properties influence the development of building sites, including the engineering design, construction techniques, and site maintenance. On-site soil properties were ascertained based on soil borings and associated laboratory test results performed as part of the site-specific geotechnical reports. The one soil boring at the proposed wine cave location (obtained by LACO in 2016) indicated that this area consists of approximately two feet of artificial fill (from an existing dirt road), underlain by clayey sand, gravel, and moderately consolidated sandstone (i.e., the Santa Clara Formation) to the maximum depth explored of 14 feet. Four soil borings along the existing dirt road (obtained by BAGG Engineers in 2019), indicated that the existing roadway consists of aggregate base underlain by approximately 6 inches of artificial fill (lean clay). Below the artificial fill, native sandy clay underlain by moderately consolidated sandstone (i.e., the Santa Clara Formation) was encountered. Two soil borings at the existing wine tasting deck (obtained by LACO in 2020) indicated that the wine tasting deck is underlain by loose silty sand deposits less than 2 feet thick, which overlay poorly consolidated sandstone and moderately consolidated siltstone (i.e., the Santa Clara Formation) that extends to the maximum depth explored of 16.5 feet.

Soil borings obtained by BAGG Engineers (2023) for the proposed secondary access road found that the surface of the proposed road consists mostly of bare ground with the exception of the eastern side, where a gravel/baserock layer and patches of soil fill are present. The gravel/baserock materials on the eastern side appeared to be generally well compacted. The soil fill generally consisted of moist, stiff to very stiff, sandy lean clay with trace gravel. The young dormant landslide deposits on the western half of the proposed secondary access road consisted of a stiff to very stiff sandy lean clay matrix.

Soil Expansion

Expansive soils are composed largely of clays, which greatly increase in volume when saturated with water and shrink when dried (referred to as “shrink-swell” potential). Soils with a moderate to high expansion potential can result in cracked foundations, structural distortions, and warping of doors and windows. Underground pipelines can also be damaged.

Laboratory analyses of soil and rock samples from the project site indicate that the soil and rock underneath the existing wine tasting deck is not expansive (LACO 2020). On the upper cut slope above the proposed wine cave, the upper 2 feet of clayey soil is expansive, and therefore may not be used as fill material (LACO 2016). The artificial fill and upper layers of native material

underlying the dirt road contain clay (BAGG Engineers 2019); however, the existing roadbed was properly engineered and compacted when it was initially installed.

Laboratory analyses of soil and rock samples from the proposed secondary access road indicated that areas of artificial fill, patches of which are present in the eastern half of the existing road, have a moderate to high shrink-swell potential (BAGG Engineers 2023).

Settlement

When the soil is subjected to heavy loads from buildings, equipment, or vehicles, a low soil bearing strength can result in hazards from subsidence and settlement. Soil/rock strength is also a factor for underground excavations, such as the proposed wine cave. The results of stability analyses performed by LACO (2016, 2020) and BAGG Engineers (2019) determined that the proposed improvements would occur in areas already composed of properly engineered and compacted fill material, and/or native Santa Clara Formation Bedrock. Therefore, settlement is unlikely.

However, due to the anticipated weight of emergency vehicles (i.e., fire trucks) that may need to travel on the proposed secondary access road, BAGG Engineers (2023) determined that under existing conditions, settlement may occur to a degree that would exceed recommended industry standard safety factors if heavy fire trucks (i.e., 55,000 and 75,000 pounds) were allowed to travel within 1 foot of the base of existing steep slopes; therefore, a 4-foot setback from the toe of steep slopes would be required.

Paleontological Resources

Based on a review of relevant geologic maps (Brabb et al. 2000, Dibblee 2007), and the results of soil borings conducted for the on-site geotechnical reports (LACO 2016 and 2020, BAGG Engineers 2019), the proposed improvement areas are in areas composed of Holocene-age artificial fill at and near the surface, underlain by the late Pliocene- to early Pleistocene-age Santa Clara Formation (approximately 2 feet below the ground surface). The proposed secondary access road would also be located in the Santa Clara Formation (BAGG Engineers 2023).

Fill material excavated from the proposed wine cave and existing dirt road improvements would be deposited in a small old local “quarry” area south of Old Oak Way, next to an existing stable. This former quarry area consists of Holocene-age fill material imported from various sources, which has been graded flat.

Paleontological Sensitivity Criteria

The potential paleontological sensitivity of a project area can be assessed by identifying the paleontological importance of rock units that are exposed there. A paleontologically sensitive rock formation is one that is rated high for potential paleontological productivity (i.e., the recorded abundance and types of fossil specimens, and the number of previously recorded fossil sites) and is known to have produced unique, scientifically important fossils. Exposures of a specific rock formation at any given project site are most likely to yield fossil remains representing particular species or quantities similar to those previously recorded from the rock formation in other locations. Therefore, the paleontological sensitivity determination of a rock formation is

based primarily on the types and numbers of fossils that have been recorded previously from that rock unit.

An individual vertebrate fossil specimen may be considered unique or significant if it is identifiable and well preserved, and if it meets one of the following criteria:

- A type specimen (i.e., the individual from which a species or subspecies has been described);
- a member of a rare species;
- a species that is part of a diverse assemblage (i.e., a site where more than one fossil has been discovered) wherein other species are also identifiable, and important information regarding life history of individuals can be drawn;
- a skeletal element different from, or a specimen more complete than, those now available for its species; or
- a complete specimen (i.e., all or substantially all of the entire skeleton is present).

The value or importance of different fossil groups varies, depending on the age and depositional environment of the rock unit that contains the fossils, their rarity, the extent to which they already have been identified and documented, and the ability to recover similar materials under more controlled conditions (e.g., for a research project). Marine invertebrates generally are common; the fossil record is well developed and well documented, and they generally are not considered to be a unique paleontological resource. Identifiable vertebrate marine and terrestrial fossils generally are considered scientifically important because they are relatively rare.

In its standard guidelines for assessment and mitigation of adverse impacts on paleontological resources, the Society of Vertebrate Paleontology (SVP 2010) established four categories of sensitivity for paleontological resources: high, low, no, and undetermined. Areas where fossils have been found previously are considered to have a high sensitivity and a high potential to produce fossils. Areas that are not sedimentary in origin and have not been known to produce fossils in the past typically are considered to have low sensitivity. Areas consisting of high-grade metamorphic rocks (e.g., gneisses and schists) and plutonic igneous rocks (e.g., granites and diorites) are considered to have no sensitivity. Areas that have not had any previous paleontological resource surveys or fossil finds are considered to be of undetermined sensitivity until surveys and mapping are performed to determine their sensitivity. In keeping with the SVP significance criteria, all vertebrate fossils generally are categorized as being of potentially significant scientific value.

Paleontological Sensitivity Assessment

A paleontological sensitivity assessment was performed based on a review of geologic maps, a literature review, and a paleontological resources records search performed at the University of California, Berkeley Museum of Paleontology (UCMP) on February 9, 2022.

Table 4.8-2 Paleontological Sensitivity Assessment

Formation Name	Description	Fossils	Paleontological Sensitivity
Artificial Fill	Lean clay and sandy clay (underneath the existing dirt road); silty sandy (underneath the existing wine tasting deck); unknown (at the former quarry/soil disposal site). Holocene age.	Artificial fill is composed of soil/rock materials that were excavated from unknown sources, hauled to the site, and then graded and compacted. Therefore, any fossil remains that may have been present in the original, native materials would have been destroyed during the excavating, grading, and compacting processes.	No
Santa Clara Formation	Consists of non-marine, poorly indurated conglomerate, sandstone, and mudstone in lenticular beds. Conglomerate consists mainly of subangular to subrounded cobbles in a sandy matrix but locally includes pebbles and boulders. Cobbles and pebbles are mainly chert, greenstone, and graywacke with some schist, serpentinite, and limestone. Formation is late Pliocene to early Pleistocene age.	Vertebrate and plant fossils have been recovered from at least six localities in Santa Clara County, as well as Alameda and San Mateo counties. Fossil specimens include bison and horse.	High

Sources: Brabb et al. 2000; Jefferson 1991; Maguire and Holroyd 2016; UCMP 2022

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for geology and soil resources under Baseline Scenario #2 are identical to those described above, with the following exceptions:

In the vicinity of what is now the tasting deck, no structures were present and the slope to the west of the tasting deck was at its original grade, which is up to approximately 8 feet higher than the existing (2022) grade and with less steep slopes (Westfall Engineers, Inc. 2024, Sheet C5.1). The small vineyard to the east of the tasting deck had also not been developed at this time.

4.8.2 Regulatory Framework

Federal

Earthquake Hazards Reduction Act

In October 1977, the U.S. Congress passed the Earthquake Hazards Reduction Act to reduce the risks to life and property from future earthquakes in the U.S. through the establishment and maintenance of an effective earthquake hazards reduction program. To accomplish this goal, the act established the National Earthquake Hazards Reduction Program (NEHRP). This program was substantially amended in November 1990 by the National Earthquake Hazards Reduction Program Act (NEHRPA), which refined the description of agency responsibilities, program goals, and objectives.

The mission of NEHRP includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improved building codes and land use practices; risk reduction

through post-earthquake investigations and education; development and improvement of design and construction techniques; improved mitigation capacity; and accelerated application of research results. The NEHRPA designates the Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities. Other NEHRPA agencies include the National Institute of Standards and Technology, National Science Foundation, and U.S. Geological Survey (USGS).

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (California Public Resources Code [PRC] Sections 2621–2630) was passed in 1972 to reduce the hazard of surface faulting to structures designed for human occupancy. The main purpose of the law is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The law addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Alquist-Priolo Act requires the State Geologist to establish regulatory zones known as Earthquake Fault Zones around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning efforts. Before a project can be permitted in a designated Alquist-Priolo Earthquake Fault Zone, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (PRC Sections 2690–2699.6) addresses earthquake hazards from non-surface fault rupture, including liquefaction and seismically induced landslides. The act established a mapping program for areas that have the potential for liquefaction, landslide, strong ground shaking, or other earthquake and geologic hazards. The act also specifies that the lead agency for a project may withhold development permits until geologic or soils investigations are conducted for specific sites and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soils.

California Building Standards Code

The California Building Standards Commission coordinates, manages, adopts, and approves building codes in California. The CBC (Title 24 of the CCR) provides minimum standards for building design in California. The CBC applies to building design and construction in the state and is based on the federal Uniform Building Code (UBC), used widely throughout the country (generally adopted on a state-by-state or district-by-district basis). The CBC has been modified for California conditions with numerous more detailed or more stringent regulations, as compared to the UBC. Where no other building codes apply, Chapter 29 of the CBC regulates excavation, foundations, and retaining walls.

The State earthquake protection law (California Health and Safety Code, Section 19100 et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. The CBC requires that any structure designed for a project site undergo a seismic-design evaluation that assigns the structure to one of six categories, A–F; Category F structures require the most earthquake-resistant design. The CBC philosophy focuses on “collapse prevention,” meaning that structures are to be designed to prevent collapse during the

maximum level of ground shaking that could reasonably be expected to occur at a site. CBC Chapter 16 specifies exactly how each seismic-design category is to be determined on a site-specific basis, based on site-specific soil characteristics and proximity to potential seismic hazards.

Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, as well as the preparation of a preliminary soil report, engineering geologic report, geotechnical report, and supplemental ground-response report. Chapter 18 also regulates the analysis of expansive soils and the determination of depth to the groundwater table. For structures in Seismic Design Category C, Chapter 18 requires analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading. For structures in Seismic Design Categories D, E, and F, Chapter 18 requires these same analyses plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and loss of soil strength, and lateral movement or reduction of the foundation's soil-bearing capacity.

Chapter 18 also requires that mitigation measures be considered in structural design. Mitigation measures may include stabilizing the ground, selecting appropriate foundation types and depths, selecting appropriate structural systems to accommodate anticipated displacements, or using any combination of these measures. The potential for liquefaction and soil strength loss must be evaluated for site-specific peak-ground-acceleration magnitudes and source characteristics consistent with the design earthquake ground motions. The peak ground acceleration must be determined in a site-specific study, the contents of which are specified in CBC Chapter 18.

Finally, Appendix J of the CBC regulates grading activities, including drainage and erosion control and construction on expansive soils, areas subject to liquefaction, and other unstable soils.

National Pollutant Discharge Elimination System

In California, the State Water Resources Control Board (SWRCB) administers regulations promulgated by the USEPA (55 CFR 47990) requiring the permitting of stormwater-generated pollution under the NPDES. In turn, the SWRCB's jurisdiction is administered through nine regional water quality control boards. Under these federal regulations, an operator must obtain a general permit through the NPDES Stormwater Program for all construction activities with ground disturbance of 1 acre or more. The SWRCB's statewide NPDES Permit, Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ, NPDES Permit No. CAS000002) (Construction General Permit), requires preparation of a storm water pollution prevention plan (SWPPP) that addresses control of water pollution, including sediment, in runoff during construction. Best Management Practices (BMPs) must be identified in the SWPPP and implemented during construction to reduce sedimentation into surface waters and to control erosion. The Construction General Permit also includes post-construction stormwater performance standards that address water quality and hydromodification protection. (See Section 3.10, "Hydrology and Water Quality," for more information about the NPDES permit program and SWPPPs.)

Local

Saratoga Municipal Code Article 16-17, Excavation and Grading

Article 16-17 of the Saratoga Municipal Code sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

A grading permit is required for fills more than 1 foot deep and placed on a slope greater than 20 percent, or fills more than 3 feet deep, any of which would support structures; or fills that exceed 50 cubic yards on any one lot and may obstruct a drainage course. An application for a grading permit must include site plans, a soils engineering report, and an engineering geology report. Site plans must incorporate the recommendations of the soils and geotechnical engineer. In addition to site elevations, contours, and the amounts of cut and fill, site plans must also include the details of all planned surface and subsurface drainage facilities and the estimated stormwater runoff.

Saratoga Municipal Code Article 16-65, Ground Movement Regulations

Article 16-65 of the Saratoga Municipal Code establishes restrictions and requirements for development within areas of the City that have actual or potential for earth movement. Buildings are generally not permitted within areas identified on the adopted ground movement potential maps as marginally stable or with moderate or high potential for earth movement unless and until adequate precautionary measures are taken and professional option is obtained certifying that a site is safely developable.

Saratoga General Plan

The following policies from the Safety Element of the City's General Plan (City of Saratoga 2024a) are applicable to the proposed project:

- **Goal SAF-1:** A community protected from the impacts associated with land instability and geologic hazards.
    - **Policy SAF-1.1**: Require individual site-specific geotechnical investigations to determine the depth of bedrock, soil stability, location of rift zones, and other localized geotechnical problems as part of the environmental and/or development review process for all structures.
    - **Policy SAF-1.2**: Limit development in areas subject to natural hazards, where possible. When development occurs in these areas, ensure it is designed to protect the environment, inhabitants, and the general public. In areas that have been proven to be unsafe, structures developed for human habitation will be prohibited to the maximum extent permitted by law.
    - **Policy SAF-1.3**: Proposals for General Plan amendments, zone changes, use permits, variances, building site approvals, and all land development applications subject to environmental assessment according to CEQA guidelines will be reviewed for hazardous conditions utilizing the most current data.
    - **Policy SAF-2.1**: To mitigate the danger of earthquake damage, the City will enforce strict earthquake construction and soil-engineering standards, selecting the most stable areas

for development and requiring mitigation for soil instabilities through approved engineering and construction techniques.

4.8.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to geology and soils:

- **Impact GEO-1:** Would the project cause potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides?
- **Impact GEO-2:** Would the project result in substantial soil erosion or loss of topsoil?
- **Impact GEO-3:** Would the project be located on unstable or expansive soils?
- **Impact GEO-4:** Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems?
- **Impact GEO-5:** Would the project destroy a unique paleontological resource or site or unique geological feature?

Impact GEO-1: Substantial Adverse Effects from Seismic Hazards?

Impact GEO-1 would be **potentially significant**. Implementation of Mitigation Measure MM-GEO-1 would reduce the impact to **less than significant with mitigation** under both baseline scenarios.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would 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
- strong seismic ground shaking
- seismic-related ground failure, including liquefaction
- landslides

Impact Analysis

Fault Rupture

Baseline Scenario #1: Conditions at Time of NOP (2022)

The project site is not within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Hazard Zone, or within or immediately adjacent to the trace of any other known fault (CGS 2021a, Jennings and Bryant 2010, County of Santa Clara 2015). Thus, there would be **no impact** related to surface fault rupture from project construction or operation compared to Baseline Scenario 1.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Existing conditions under Baseline Scenario 2 relating to fault rupture would be identical to those described for Baseline Scenario 1, above. Thus, there would be **no impact** related to surface fault rupture from project construction or operation compared to Baseline Scenario 2.

Liquefaction

Baseline Scenario #1: Conditions at Time of NOP (2022)

LACO (2016) determined that because the project site is not in an Earthquake Zone of Required Investigation for liquefaction (CGS 2021b) or a Santa Clara County Liquefaction Hazard Zone (Santa Clara County 2012a), and because groundwater was not encountered in project site soil borings obtained from a depth of 29 feet below the ground surface, liquefaction is unlikely to occur at the project site. Because there are no creeks or open bodies of water adjacent to the construction areas, and because of the low probability for liquefaction, lateral spreading is also unlikely to occur. Finally, because there is no clay layer underneath the existing wine tasting deck, because the existing dirt road to the tasting deck and wine cave has been properly engineered and compacted, and because the clay material near the proposed wine cave would not be used as fill material per the requirements contained in the geotechnical report (LACO 2020), seismic settlement is unlikely. Thus, construction or operation of the proposed project would have a **less than significant** impact relating to liquefaction, lateral spreading, or seismically-induced settlement compared to Baseline Scenario 1.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Existing conditions under Baseline Scenario 2 relating to liquefaction would be identical to those described for Baseline Scenario 1, above. Thus, construction or operation of the proposed project would have a **less than significant** impact relating to liquefaction, lateral spreading, or seismically-induced settlement compared to Baseline Scenario 2.

Seismic Ground Shaking

Baseline Scenario #1: Conditions at Time of NOP (2022)

The proposed project would include modification of the existing unpermitted tasting deck to bring it into compliance with California Fire, Building, Mechanical and Electrical Codes, thus decreasing the likelihood of substantial adverse effects, including the risk of loss, injury, or death, from seismic ground shaking compared to Baseline Scenario 1, and therefore having a beneficial impact.

However, the proposed project would also include construction of a new wine cave and upgrade of the existing dirt road (including construction of retaining walls) to provide fire access to the tasting deck and wine cave, and construction of a new secondary access road across the Garrod Parcel for emergency access. These proposed project components have the potential to exacerbate existing impacts from seismic ground shaking compared with the Baseline Scenario 1 conditions.

The proposed project is required by law to comply with seismic safety standards of the CBC. The CBC requires an evaluation of seismic design that is focused on “collapse prevention,” meaning that structures are designed for prevention of collapse for the maximum level of ground

shaking that could reasonably be expected to occur at a site. Based on the seismic design category, the CBC requires an analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading, plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. It also requires that measures to reduce damage from seismic effects be incorporated in structural design. Measures may include ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements, or any combination of these measures.

A series of geotechnical reports have been prepared for the proposed project, which have been subjected to independent peer review by the City's geotechnical consultant (see Appendix D). The peer review identified the need for additional studies and recommendations relating to seismic design during the geotechnical plan review prior to issuance of building and/or geotechnical clearance permits (Cotton Shires 2023a). These recommendations include, but are not limited to, the following:

- Confirmation of the appropriate Site Class designation for the proposed project, as the recommendation for Site Class B designation (in LACO 2022) lacked the additional geotechnical justification (i.e., site specific testing, etc.) typically required for use of Site Class B designation.
- Evaluation and clarification of seismic lateral pressures for retaining walls greater than 12 feet, if applicable.
- Additional forensic evaluations to confirm the tasting room foundations were constructed in minimum conformance with the appropriate geotechnical criteria.

Because the specific seismic design criteria applicable to the site have not yet been determined, it is unclear if the current design of the existing tasting deck, proposed wine cave, wastewater tank and lift station and/or existing or proposed retaining walls are sufficient to withstand design-level seismic shaking anticipated at the project site without exacerbating the risk for future occupants. Therefore, there is potential that the proposed project could have a **potentially significant impact** related to seismic ground shaking compared to Baseline Scenario 1.

Mitigation Measure MM-GEO-1 (detailed at the end of Impact GEO-1 analysis) is recommended to reduce these potentially significant impacts.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Compared to Baseline Scenario 2 conditions, the proposed project would increase risks associated with seismic ground shaking by introducing new structures to the site (tasting deck and wine cave), upgrading the existing dirt road on the property (including construction of retaining walls) and constructing a new secondary access road on the Garrod Parcel for emergency access. In addition, the proposed project would include increased numbers of site guests utilizing the facility compared to the Baseline Scenario 2 conditions. These proposed project components and increased human presence have the potential to exacerbate existing impacts from seismic ground shaking compared with the Baseline Scenario 1 conditions.

As discussed for Baseline Scenario 1 above, the project is required by law to comply with seismic safety standards of the CBC, but because the specific seismic design criteria applicable to the

site have not yet been determined, it is unclear if the current design of the existing tasting deck, proposed wine cave, wastewater tank and lift station and/or existing or proposed retaining walls are sufficient to withstand design-level seismic shaking anticipated at the site without exacerbating the risk for future occupants. Therefore, there is potential that the proposed project could have a **potentially significant impact** related to seismic ground shaking compared to Baseline Scenario 2.

Mitigation Measure MM-GEO-1 (detailed at the end of Impact GEO-1 analysis) would reduce these potentially significant impacts to **less than significant with mitigation**..

Landslides

Baseline Scenario #1: Conditions at Time of NOP (2022)

As discussed previously, the site-specific geotechnical investigations (performed as required by the CBC) and associated peer reviews confirm there are no existing landslide deposits along the existing dirt road for the vineyard, tasting deck, and wine cave, and that the potential for landslides to occur in these areas is unlikely.

However, the proposed secondary access road is situated in an area mapped by CGS as a young dormant bedrock landslide over 50 feet in depth (BAGG Engineers 2023a). A registered geologist from BAGG Engineers performed a site reconnaissance of the mapped landslide area and found that most of the area appeared to be stable, with no recent signs of slope failure. However, a relatively small shallow landslide was found roughly at the central portion of the proposed secondary access road. The landslide is estimated to be about 5 feet deep and the head of the landslide encroaches on the existing dirt road. BAGG Engineers (2023a) found that the proposed secondary access road would be suitable for the intended purposes provided that cuts and fills do not exceed 5 feet in consideration of the dormant landslide, and that pier support must be used for retaining wall foundations. The City's independent peer review of the geotechnical report for the secondary access road identified the need for a supplemental subsurface investigation to characterize the active shallow landslide and subsequent revisions to the recommendations, as necessary, based on the findings of the supplemental investigation (Cotton Shires 2023b). Although the peer review stated that the landslide does not appear to affect the overall feasibility of the access road, if the final design of the roadway does not adequately incorporate the findings and recommendations of the supplemental subsurface investigation, there is potential that construction or operation of the proposed secondary access road could have a **potentially significant impact** compared to Baseline Scenario 1 by exacerbating the existing landslide hazards by creating new cut or fill surfaces and/or creating additional loads (i.e., heavy emergency vehicles) within the existing landslide footprint.

Mitigation Measure MM-GEO-1 (detailed at the end of Impact GEO-1 analysis) would reduce these potentially significant impacts to **less than significant with mitigation**.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Impacts compared to Baseline Scenario 2 with respect to landslides would be identical to those described above for Baseline Scenario 1, as the existing conditions at the proposed secondary access road are the same under both baselines. As such, the project could have a **potentially significant impact** compared to Baseline Scenario 2.

Mitigation Measure MM-GEO-1 (detailed at the end of Impact GEO-1 analysis) would reduce these potentially significant impacts to **less than significant with mitigation**.

The following mitigation measure is proposed to address the potentially significant impacts identified above in relation to seismic ground shaking and landslides (as well as impacts related to unstable and expansive soils, discussed in Impact GEO-3, below) for both baseline scenarios.

Mitigation Measure MM-GEO-1: Additional Geotechnical Investigations

A. Prior to issuance of geotechnical clearance or building permits for site grading, tasting deck, wine cave, or improvements to the existing dirt road, the project applicant and its Geotechnical Engineer of Record shall submit additional documentation to the City Engineer in the Public Works Department (City Engineer), including:

i. Confirmation of the appropriate Site Class designation for the proposed project under the applicable version of the California Building Code (CBC) in effect at the time of permitting, with site-specific justification for the recommended Site Class designation in accordance with the requirements of the CBC, to the satisfaction of the City Engineer;

ii. Calculations and/or other evidence demonstrating to the City's Public Works Engineer satisfaction that the design of proposed buildings and structures (including the wine cave and proposed retaining walls) meet the required standards for the Site Class designation recommended in subsection A.i. of this measure and that recommendations of the previous site-specific geotechnical reports and peer review memorandums have been updated and incorporated into the project design, as appropriate, to the City Engineer's satisfaction;

iii. Results of a forensic evaluation of the existing tasting deck foundations or other evidence to the City Engineer's satisfaction, confirming that the foundations meet the required standards for the Site Class designation recommended in subsection A.i. of this measure;

iv. Evaluation of the seismic lateral pressures for retaining walls greater than 12 feet, if applicable, and confirmation that the design of all existing and proposed retaining walls meet the required standards for the Site Class designation recommended in subsection A.i. of this measure;

B. If it cannot be demonstrated to the City Engineer's satisfaction that the project design meets the requirements of the Site Class designation recommended in subsection A.i.of this measure, the project applicant and the Geotechnical Engineer of Record shall submit revised designs for the proposed buildings or structures (including retaining walls) and/or revised design or upgrades for the existing tasting deck foundations or other existing structures, along with calculations and/or other evidence demonstrating to the City Engineer's satisfaction that the revised design meet the required standards and that previous geotechnical recommendations have been updated and incorporated into the final project design, as appropriate, to the City Engineer's satisfaction.

C. Prior to issuance of geotechnical clearance or building permits for site grading, tasting deck, wine cave, or improvements to the existing dirt road, the Geotechnical Engineer of Record shall review and approve all geotechnical aspects of the project building and

grading plans (e.g., site preparation and grading including temporary grading designs and shoring for the proposed wine cave, site surface and subsurface drainage improvements including back- and/or sub-drains as applicable, and design parameters for roadways, engineered fill, site and structure retaining walls, and as-built foundations) to ensure that their recommendations (or updated recommendations, if appropriate) have been property incorporated into the design and to ensure that they are referenced as the Geotechnical Engineer of Record. Evidence of such review and approval shall be documented in a letter submitted to the City Engineer, to their satisfaction. Specific items to be provided and approved include, but are not limited to, the following:

i. *The items listed in subsection A. i-iii of this measure, above;*

ii. *Specific grading and drainage recommendations for the remedial grading work in the vicinity of the tasting deck (i.e., appropriate materials for fill, compaction requirements, keys and benches, appropriate bearing materials, maximum slopes, etc.), and in particular:*

- *Mapping of existing fill materials in the vicinity of the restoration grading;*
- *Evaluation and analysis of potential side-cast artificial fill and prior natural; slope configurations*
- *Sections including an estimation of the natural slope.*

iii. *Review of final design for the wine cave to confirm that previous recommendations regarding excavation, stem walls, foundations, concrete slabs-on-grade, retaining walls, and subsurface drains are adequately incorporated and/or updated as necessary;*

iv. *Review of final proposed retaining wall heights, slope configurations (both site and those associated with the wine cave) and design;*

v. *Review of final design for existing dirt road improvements to confirm that previous recommendations regarding vehicle setback, grading and drainage, subgrade and surface materials and compaction, and retaining walls are adequately incorporated and/or updated as necessary;*

D. *Prior to issuance of geotechnical clearance or building permits for the proposed secondary access road, the project applicant and its Geotechnical Engineer of Record shall undertake a supplemental subsurface investigation to characterize the active shallow landslide identified in previous geotechnical investigations, in accordance with the recommendations of the Peer Review Memorandum by Cotton Shires and Associates, dated September 19, 2023. A supplemental report documenting the results of the supplemental investigation, including at a minimum:*

i. *Additional geotechnical recommendations (or revisions to previous recommendations) to prevent roadway construction or operation from exacerbating the risk of landslide movement.*

ii. *Additional geotechnical recommendations (or revisions to previous recommendations) to allow the design vehicle (a 75,000 pound emergency vehicle) to pass along the roadway with a minimum static safety factor of 1.25 (per Caltrans Geotechnical Design Manual 2014).*

E. The project applicant and the Geotechnical Engineer of Record shall submit final design plans for the secondary access road, along with calculations and/or other evidence demonstrating to the City Engineer's satisfaction that the final roadway design incorporates all recommendations from the supplemental report required by subsection A of this measure, above.

F. The project applicant and the Geotechnical Engineer of Record shall comply with the conditions of any building permits or geotechnical clearance permits, and any additional recommendations or requirements of the City Engineer, including but not limited to construction inspections and submittal of as-built documentation to confirm that all requirements and recommendations have been adequately implemented to the City Engineer's satisfaction.

G. The project applicant shall undertake annual maintenance and inspections of the existing dirt road and proposed secondary access road during the dry season of each year and shall submit evidence of the required maintenance and inspections to the City Engineer prior to October 1 of each year. If the required maintenance is not undertaken, or if required repairs are not undertaken in a reasonable timeframe (as determined by the City Engineer), project operations shall halt until such time as all outstanding requirements and repairs have been performed to the City Engineer's satisfaction. Annual maintenance and inspection requirements include, but are not limited to, the following:

i. *Annual addition of maintenance layers of class II base rock with compaction.*

ii. *Annual cleanout of culverts and catch basins, or more frequently if overflow occurs.*

iii. *Annual inspection of hardscape features such as retaining walls and energy dissipators for signs of movement or damage. If movement or damage is identified during inspections, repairs and/or remedial actions shall be made to the City Engineer's satisfaction.*

iv. *Annual inspection of drainage crossings and dissipation structures for signs of erosion or slope instability. If signs of erosion or slope instability are identified during inspections, repairs and/or remedial actions shall be made to the City Engineer's satisfaction.*

With implementation of Mitigation Measure MM-GEO-1, the City Engineer would confirm that the final project design is in accordance with the relevant and applicable seismic design criteria of the CBC, which were designed to protect human life and property from the effects of strong seismic ground shaking. The mitigation measure also requires that other geotechnical recommendations are incorporated into the final project design to the City Engineer's satisfaction. Therefore, the potentially significant impacts from strong seismic ground shaking under both baseline conditions would be reduced to **less than significant with mitigation.**

Implementation of Mitigation Measure MM-GEO-1 would also require additional studies and modifications to the project design to confirm that the final design of the secondary access road design does not exacerbate risks associated with the existing landslide and that other geotechnical recommendations are incorporated into the final road design to allow safe passage

of the design vehicle without causing localized shallow soil failures. Therefore, the potentially significant impacts from landslides under both baseline conditions would be reduced to **less than significant with mitigation**.

Impact GEO-2: Substantial Soil Erosion or Loss of Topsoil?

Impact GEO-2 would be **potentially significant**. Implementation of Mitigation Measure MM-GEO-2 would reduce the impact to **less than significant with mitigation** under both baseline scenarios.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would result in substantial soil erosion or loss of topsoil.

Impact Analysis

Construction

Baseline Scenario #1: Conditions at Time of NOP (2022)

The proposed project would require a variety of earthmoving activities, including excavating, trenching, grading, and compacting. Excavated soil materials would be placed at the former "quarry" site at the southern portion of Parcel A (see Figure 3.1-2. Existing Project Site). Disturbance of excavated areas or stockpiles of excavated soils would be exposed to rain events, which could result in soil erosion. Subsequent soil transport during storm events could result in sedimentation both within and downstream of the project site. Furthermore, earthmoving activities during the summer months could result in wind erosion.

However, prior to the start of earthmoving activities, the project applicant must obtain a grading permit from the City as required by Municipal Code Article 16-17, and must demonstrate as part of the permit application that all appropriate measures to reduce soil erosion would be implemented. The project plans submitted by the applicant (Westfall Engineers 2024) include a Grading and Erosion Control Plan for the proposed improvements, which includes stormwater drainage measures to reduce erosion from the hillsides above the primary access road. Because the proposed project would disturb more than 1 acre of land, the project applicant is also required by law to prepare a SWPPP and implement associated BMPs that are specifically designed to reduce construction-related erosion. A Notice of Intent (NOI), along with the SWPPP and BMPs, would be submitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB), in compliance with the statewide *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit) (Order WQ 2022-0057-DWQ, NPDES Permit No. CAS000002). BMPs that could be implemented to reduce erosion may include silt fences, staked straw bales/wattles, geofabric, trench plugs, terraces, water bars, soil stabilizers, mulching, and revegetation of disturbed areas. Construction techniques that could be implemented to reduce the potential for stormwater runoff include minimizing site disturbance, controlling water flow over the construction site, stabilizing bare soil, and ensuring proper site cleanup. The exact BMPs to be implemented at the project site during construction would be specified within the SWPPP,

which is required to be prepared by a Qualified SWPPP Developer (QSD[17]) and submitted to the San Francisco Bay RWQCB prior to the start of construction.

Implementation of the project in accordance with the mandatory SWPPP and associated industry-standard BMPs would result in less-than-significant impacts to soil erosion and loss of topsoil as such measures have been designed to control construction-related stormwater runoff and reduce stormwater-induced soil erosion, and the site-specific BMPs selected by the contractor would be reviewed and approved by the San Francisco Bay RWQCB prior to construction.

However, because the SWPPP has not yet been developed, it is unknown whether the SWPPP and proposed BMPs would meet the requirements of the NPDES General Construction Permit or adequately protect against soil erosion and loss of topsoil. For these reasons, the proposed project could have a **potentially significant impact** relating to soil erosion and topsoil loss compared to Baseline Scenario 1. Mitigation Measure MM-HYD-1A, Erosion and Sediment Control Plan for Construction (detailed in Section 3.10.3, Impact HYD-1) would require the applicant to prepare and implement an Erosion and Sedimentation Control Plan, as well as to demonstrate compliance with the requirements of the NDPES General Construction Permit. Therefore, with implementation of MM-HYD-1A stormwater runoff at the project site during construction would not result in substantial soil erosion or loss of topsoil. Therefore, the potentially significant impacts would be reduced to **less than significant with mitigation**.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Erosion-related impacts from future construction activities at the site would be identical to those described for Baseline Scenario 1 above, which would be **potentially significant**. Compared to 2013 conditions, the proposed project also includes the unpermitted construction of the existing tasting deck and associated grading activities. Because the tasting deck was constructed without a grading permit or any requirements for erosion and sediment control, it is unknown if BMP to prevent unnecessary erosion, such as silt fences, staked straw bales/wattles, geofabric, trench plugs, terraces, water bars, soil stabilizers, mulching, and revegetation of disturbed areas as soon as possible following completion of activities, were undertaken. However, given the relatively small area of disturbance associated with the past grading activities (less than 5,000 SF) and the lack of visible signs of erosion such as rills, gullies, or sedimentation downslope, the past unpermitted construction activities are unlikely to have caused substantial soil erosion and topsoil loss.

Implementation of mitigation measure MM-HYD-1A would reduce potential erosion impacts from future construction activities to **less than significant with mitigation**, for the same reasons described for Baseline Scenario 1 above.

[17] A Qualified SWPPP Developer (QSD) and/or Qualified SWPPP Practitioner (QSP) requires an underlying certification (e.g., CA Registered Professional Civil Engineer, Geologist, or Engineering Geologist; Professional Hydrologist registered through the American Institute of Hydrology; or other SWRCB-approved prerequisite certification/registration) as well as specific QSD/QSP training administered by the California Stormwater Quality Association in partnership with the Office of Water Programs at Sacramento State. Holistically, both the underlying certificate and the training are intended to ensure all QSDs and QSPs have a fundamental knowledge of erosion and sedimentation processes, BMP, and their implementation to control pollutants in stormwater discharges. https://www.casqa.org/resources/training/cgp-training-program/qsd-qsp-qualification.

Operation

Operational impacts related to soil erosion are addressed in Section 3.10, "Hydrology and Water Quality."

Impact GEO-3: Unstable or Expansive Soils?

Impact GEO-3 would be **potentially significant**. Implementation of Mitigation Measure MM-GEO-1 would reduce the impact to **less than significant with mitigation** under both baseline scenarios.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would:

- 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; or
- be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

The proposed project includes improvements to the existing dirt road, improvements to the existing tasting deck (constructed without the necessary building permits), excavation and construction of a proposed wine cave, and creation of a proposed secondary access road.

A series of geotechnical reports have been prepared for the proposed project, which have been subjected to independent peer review by the City's geotechnical consultant (see Appendix D). This iterative process has identified that the proposed site improvements are constrained by areas of undocumented road fill, steep slopes, and perched groundwater at the site, as well as potential for shallow landsliding and creep and very strong seismic ground shaking (as previously discussed under Impact GEO-1). The reports include multiple recommendations necessary to reduce potential impacts associated with unstable or expansive soils at the site. Although the peer review did not object to the general design concept for the various site improvements, if the final design does not adequately incorporate the findings and recommendations of the various geotechnical reports and associated peer review memorandums, there is potential that the project could have a **potentially significant impact** by exacerbating existing unstable or expansive soil conditions. The following section summarizes the findings and recommendations of the various geotechnical reports and peer reviews in relation to each of the proposed site improvements, which have been incorporated into mitigation measure MM-GEO-1 (detailed in discussion of Impact GEO-1, above).

The results of a stability analysis performed by BAGG Engineers (2019) determined that the existing dirt road to the vineyard, tasting deck, and wine cave will support the loads from heavy emergency vehicles, provided that 4-foot setbacks from the top of the existing slope are maintained to avoid localized shallow soil failures from the heaviest (i.e., 75,000 pound) fire

trucks. The artificial fill and upper layers of native material underlying the dirt road contain clay (BAGG Engineers 2019); however, the existing roadbed was properly engineered and compacted when it was initially installed. The BAGG Engineers (2019) report contains recommendations necessary to improve the access road for heavy vehicles, parking, and minimum City width requirements, including grading and drainage, compaction, and types of roadbed materials. A previous geotechnical report also prepared by BAGG Engineers (in 2018) contains detailed recommendations related to cut slopes and retaining walls for the dirt road.

The proposed wine cave would have a 15-foot headspace, 5 feet of soil cover, and allowances for floor slab and under slab drainage; therefore, the maximum excavation depth would exceed 20 feet. At a depth of 12 feet, a consolidated sandstone was encountered in the LACO (2016) soil boring. The planned cave would be excavated with conventional earthmoving equipment such as an excavator. Most of the materials encountered in the LACO (2016) test pit and exposed in the adjacent cut slope consisted of coarse-grained, slightly cemented conglomerate, that more precisely resembles a sandy gravel. No caving occurred during the LACO test pit excavation; however, for planning purposes, LACO recommended that the contractor assume that localized caving may occur, and provide for appropriate shoring during the construction process. Groundwater was not encountered during the geotechnical testing process. The results of the stability analysis performed by LACO determined that the native Santa Clara Formation will provide sufficient support for the wine cave. On the upper cut slope above the proposed wine cave, LACO determined that the upper 2 feet of clayey soil is expansive, and therefore may not be used as fill material. The LACO (2016) geotechnical report for the proposed wine cave includes recommendations for excavation, stem walls, foundations, concrete slabs-on-grade, retaining walls, and subsurface drains. The peer review consultant concurred that the proposed wine cave construction is feasible because the foundations will be supported by competent sandstone bedrock at depth, but recommended geotechnical plan review and construction inspections to confirm that recommendations have been property incorporated (Cotton Shires 2020a).

The results of the stability analysis performed by LACO (2020) for the wine tasting deck concluded that soil/rock conditions at the site are favorable to support the existing wine tasting deck because the native Santa Clara Formation is present at a depth of less than 2 feet below the ground surface, and the deck includes existing 18-inch-diameter pier foundations drilled into the Santa Clara Formation, which meet CBC requirements for bearing capacity of the structure. The results of laboratory analyses indicated that the soil and rock underneath the existing wine tasting deck is not expansive (LACO 2020).

LACO (2022) also provided a supplemental memorandum stating that conditions at the project site have not changed since their prior work was performed. The peer review consultant recommended additional investigations (e.g., forensic evaluations) to confirm that the tasting room foundations were constructed in conformance with their recommendations and appropriate geotechnical criteria (Cotton Shires 2023a).

For the proposed secondary access road, BAGG Engineers (2023a) stated that existing gabions help support the slope on the inboard side of the lower level and the outboard side of the turnaround area between the upper and lower levels on the existing 12- to 15-foot-wide gravel road, but that the outboard edge of the lower level requires periodic maintenance. BAGG Engineers (2023) also determined that existing railroad ties secured with spikes currently act as

a header to help retain baserock and appear to be functioning satisfactorily; however, some of them appeared displaced, either from vehicular traffic or soil creep. The same report recommended that long-term periodic maintenance of the outboard edge will be required for the old existing road to be utilized for the intended purposes of secondary emergency vehicle access. Alternately, a pier-supported concrete header/gradebeam may be embedded along the roadway edge with drilled pier foundations in order to provide more long-term confinement. In order to meet County standards for emergency vehicle access, portions of the existing dirt road will need to be widened, and retaining walls may be necessary. The stability analysis performed by BAGG Engineers (2023) also determined that the proposed secondary access road will support the anticipated loads from heavy emergency vehicles, on the condition that 4-foot setbacks from the top of the existing slope are provided, to avoid localized shallow soil failures from the heaviest (i.e., 75,000 pound) fire trucks. Patches of existing expansive artificial fill material may require additional treatment, such as incorporation of lime. The City's peer review consultant recommended that a supplemental investigation of an existing landslide near the center portion of the secondary access road be undertaken, as previously discussed in Impact GEO-1 (Cotton Shires 2023c).

Due to the various geotechnical recommendations that have not yet been incorporated into the project design, the impacts relating to unstable or expansive soils from project construction and operation are **potentially significant**.

Mitigation Measure MM-GEO-1 (detailed at the end of Impact GEO-1 analysis) would require the City Engineer to confirm that the final project design has incorporated the appropriate recommendations and/or been revised to meet applicable regulatory requirements and industry best practice relating to geotechnical design, including requirements of the CBC for proposed buildings and retaining walls, and that the fire access road and secondary access road would be maintained in adequate condition. Therefore, the potentially significant impacts of project construction from unstable or expansive soils would be reduced to **less than significant with mitigation**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Compared to Baseline Scenario 2 conditions, the proposed project would increase risks associated with unstable or expansive soils by introducing new structures to the site (tasting deck and wine cave), upgrading the existing dirt road on the property (including construction of retaining walls) and constructing a new secondary access road on the Garrod Parcel for emergency access. In addition, the proposed project would include increased numbers of site guests utilizing the facility compared to the Baseline Scenario 2 conditions. These proposed project components and the increased human presence have the potential to exacerbate existing impacts from unstable or expansive soil conditions compared with the Baseline Scenario 2 conditions.

As discussed for Baseline Scenario 1 above, the project is required by law to comply with the requirements of the CBC in relation to soil compaction and related design criteria, which requires site-specific geotechnical investigation and design. However, due to the various geotechnical recommendations that have not yet been incorporated into the project design, the impacts relating to unstable or expansive soils from project construction and operation are **potentially significant** compared to Baseline Scenario 2.

Mitigation Measure MM-GEO-1 (detailed at the end of Impact GEO-1 analysis) is recommended to reduce these potentially significant impacts. For the same reasons described above for Baseline Scenario 1, implementation of this mitigation measure would reduce the potentially significant impacts of project construction from unstable or expansive soils to **less than significant with mitigation**.

Impact GEO-4: Soil Suitability for Septic Systems?

Impact GEO-4 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction and operation of the proposed project would not include the use of septic systems or other alternative means of wastewater disposal. Portable toilets would be used during the construction process. Wastewater from proposed and existing structures during project operation would be disposed of via a connection to the Cupertino Sanitary District's sewer system, which conveys wastewater to the San Jose/Santa Clara Regional Wastewater Facility for treatment. Therefore, the proposed project would result in **no impact** related to soil suitability for septic tanks or alternative wastewater disposal systems. Impacts related to the adequacy of the proposed wastewater lift station are addressed in *Section 4.19, Utilities section.*

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Because conditions relating to septic suitability, and proposed project details (i.e., no proposed use of septic systems or other alternative wastewater disposal methods) are identical under both baseline scenarios, the impacts compared to Baseline Scenario 2 would be identical to those described for Baseline Scenario 1, above, and would result in **no impact.** Impacts related to the adequacy of the proposed wastewater lift station are addressed in Section 4.19*, Utilities section.*

Impact GEO-5: Damage or Destruction of Unique Paleontological Resources?

Impact GEO-5 would be **potentially significant**.

Under Baseline Scenario 1, implementation of Mitigation Measure MM-GEO-5 would reduce the impact to **less than significant with mitigation**.

Under Baseline Scenario 2, Impact GEO-5 would be **significant and unavoidable** because there are no mitigation measures available for impacts that have already occurred.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact Analysis

Unique Geologic Features

Baseline Scenario 1: Conditions at Time of NOP (2022)

Unique geologic features consist of outstanding natural landforms such as mountain peaks, deep scenic canyons and gorges, scenic rock formations, and large waterfalls. There are no unique geologic features within or adjacent to the project site. Thus, there would be **no impact** on unique geologic features from project construction or operation.

Baseline Scenario 2: Conditions prior to Unpermitted Activities (2013)

Because there are no unique geological features within or adjacent to the project site, the impacts compared to Baseline Scenario 2 would be identical to those described for Baseline Scenario 1, above, and would be **no impact.**

Unique Paleontological Resources

Baseline Scenario #1: Conditions at Time of NOP (2022)

Artificial fill (Holocene age) at the project site is composed of materials that were excavated from other locations, transported, and subsequently graded and compacted. Any fossil materials that may have been present in the native materials would have been destroyed during the excavating, grading, and compacting processes. Therefore, these deposits are not paleontologically sensitive.

The Plio-Pleistocene-age Santa Clara Formation is considered to be of high paleontological sensitivity, because numerous vertebrate fossil specimens have been recovered from this formation in various locations throughout Santa Clara County. This formation underlies surficial fill deposits at the existing tasting deck and existing dirt road, proposed wine cave, and proposed secondary access. Therefore, project-related earthmoving activities in these areas could result in accidental damage to, or destruction of unique paleontological resources. Thus, this impact would be **potentially significant**.

Mitigation Measure MM-GEO-5, detailed below, is recommended to address this potentially significant impact to unique paleontological resources:

> ***Mitigation Measure MM-GEO-5: Paleontological Resource Avoidance Measures***
>
> *Before the start of earthmoving activities, the project applicant shall require that all construction personnel involved with earthmoving activities be trained regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures if such fossils are encountered. This worker training shall be prepared and presented by an experienced field archaeologist and may be presented at the same time as construction worker education on cultural resources, or prepared and presented separately by a qualified paleontologist.*
>
> *If paleontological resources are discovered during earthmoving activities, all work within 100 feet of the find shall cease immediately, and the construction contractor shall notify the City of Saratoga Planning Division. The project applicant shall retain a qualified*

> *paleontologist to evaluate the resource and prepare a recovery plan, based on SVP guidelines (SVP 2010). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum curation for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City (as the CEQA lead agency) to be necessary and feasible shall be implemented before construction activities resume at the site where the paleontological resources were discovered.*

With the implementation of Mitigation Measure MM-GEO-5, unique paleontological resources would be protected because construction workers would be alerted to the possibility of encountering paleontological resources and, in the event that resources were discovered, construction would be halted, and fossil specimens would be recovered and recorded and would undergo appropriate curation. Therefore, with implementation of MM-GEO-5, potential impacts to unique paleontological resources would be reduced to **less than significant with mitigation**.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Impacts from future construction activities at the site would be identical to those described for Baseline Scenario 1 above, which would also be potentially significant. Compared to 2013 conditions, the proposed project also includes the unpermitted construction of the existing tasting deck and associated grading activities, including installation of cast-in-place drilled piers to approximately 8 feet bgs and steepening of the slope to the west of the tasting deck. Because the paleontologically sensitive Santa Clara Formation is present at approximately 2 feet bgs in this area, and because the tasting deck was constructed without any requirements for worker training or requirements to stop work if fossils were encountered, the project could have already caused a **potentially significant impact** to unique paleontological resources within the Santa Clara Formation.

Implementation of mitigation measure **MM-GEO-5** would reduce potential impacts from future construction to less than significant with mitigation, for the same reasons described for Baseline Scenario 1 above. However, such mitigation was not required for the previous unpermitted construction activities. Therefore, even with implementation of mitigation measure **MM-GEO-5**, the project could have had **significant and unavoidable** impact to unique paleontological resources, under Baseline Scenario 2**.** Because such potential impacts are associated with past activities at the site, there is no additional feasible mitigation that could be taken to reduce impacts. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428)

4.8.4 Cumulative Impacts and Mitigation

As discussed above, the project would have no impact related to surface fault rupture, liquefaction, lateral spreading, seismically-induced settlement, soil suitability for septic systems, or unique geological features. Therefore, the project would not contribute to any potential cumulative impacts for these issues. This section addresses the following potential cumulative impacts relating to geology, soils, and paleontological resources:

- **Impact C-GEO-1 and C-GEO-4:** Contribution to cumulative effects related to strong seismic ground shaking, landslides, and expansive or unstable soil.

- **Impact C-GEO-2:** Contribution to cumulative effects related to substantial soil erosion or loss of topsoil.
- **Impact C-GEO-5**: Contribution to cumulative effects related to paleontological resources.

Cumulative Impact C-GEO-1 and C-GEO-4: Hazards from Strong Seismic Ground Shaking, Landslides, and Expansive or Unstable Soil?

The overall cumulative impact for C-GEO-1 and C-GEO-4 would be **less than significant** under both baseline scenarios**.** No mitigation is required.

Cumulative Context

The geographic context for geology and soils encompasses the western San Francisco Bay area. The geologic formations and soil types vary widely depending on project location and are site specific.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

The majority of cumulative projects, listed in Table 4.1-1 in Section 4.1.3, are sufficiently distant from the proposed project such that potential impacts from those projects associated with seismic shaking, landslides, soil erosion and/or expansive or unstable soils would not combine with potential impacts from the proposed project to cause cumulative impacts. However, one of the cumulative projects, the Chadwick Heights Project, is located on a parcel (APN 503-15-084) that is immediately adjacent to and northeast of the proposed project's Parcel B. Access to the Chadwick Heights Project would be obtained via Chadwick Court and/or Comer Drive; therefore, traffic associated with that project would not utilize Old Oak Way or the existing dirt road on the proposed project site, such that increased erosion or instability of the access road would occur from cumulative traffic. Although the proposed project's existing tasting deck and proposed remedial grading would occur within close proximity to the boundary of the Chadwick Heights Project parcel, these project features are not within an area of identified landslide deposits, and previous geotechnical reports (and associated peer review) have not indicated any substantial geotechnical issues within that area of the project site that would indicate that the proposed remedial grading or tasting deck improvements would cause or exacerbate instability impacts that would extend off-site. The proposed remedial grading would occur on the western side of the minor ridge, and therefore would not have potential to cause or exacerbate instability on the eastern side of the minor ridge that is above the Chadwick Heights Project site.

Furthermore, all of the cumulative projects are required by law to implement the design and engineering requirements of the CBC, which include an analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading, plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. The CBC also regulates the analysis of expansive soils for foundations and grading work. The CBC requires that measures to reduce damage from seismic effects and expansive/unstable soils be incorporated in structural design. The City's geotechnical clearance and building permit processes, which requires review and approval of grading and building plans by the City's Engineer, would ensure that the requirements of the CBC are adequately incorporated into the final project design and/or

incorporated as conditions to the permit(s) for any cumulative projects. Moreover, any cumulative projects that would involve improvements to existing or creation of new roadways are required to comply with the City's Standard Details and Specifications (City of Saratoga 2024b), which include requirements related to cuts-and-fills on slopes, retaining walls, etc. Engineering plans for road improvements must be submitted to the City for review and approval prior to issuance of permits. Therefore, the overall cumulative impacts related to strong seismic ground shaking, landslides, and unstable soils would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts with respect to Baseline Scenario 2 are the same as described for Baseline Scenario 1 above.

Cumulative Impact C-GEO-2: Substantial Soil Erosion or Loss of Topsoil?

The overall cumulative impact for C-GEO-2 would be **less than significant** under both baseline scenarios**.** No mitigation is required.

Cumulative Context

The geographic context for geology and soils encompasses the western San Francisco Bay area. The geologic formations and soil types vary widely depending on project location and are site specific.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Cumulative projects that disturb one acre or more are required by law to prepare a SWPPP and implement site-specific BMPs that are specifically designed to prevent construction-related erosion, similar to those described for the proposed project. Cumulative projects would also be required to obtain a City grading permit, which requires submittal of a soils report and a geotechnical report, along with detailed grading plans for City review and approval, showing how erosion would be reduced. BMPs would be implemented, and permit conditions would be imposed to reduce potential erosion impacts. Therefore, substantial soil erosion or loss of topsoil would not be anticipated from construction of any of the cumulative projects or the proposed project, and the overall cumulative impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

As described above, the proposed project may have had a significant and unavoidable impact relating to soil erosion during earthworks associated with the unpermitted construction of the tasting deck, because appropriate measures to avoid potential impacts were not taken. However, the impacts of sediment-laden stormwater runoff from such past activities would have been limited to the general vicinity of the unpermitted earthworks as there are no surface water bodies are within close proximity to the tasting deck. As such, soil erosion impacts from past grading activities at the project site would not have combined with erosional impacts from other cumulative projects. Therefore, the overall cumulative impact would be **less than significant**.

Cumulative Impact C-GEO-5: Potential for Accidental Damage or Destruction of Unique Paleontological Resources?

The overall cumulative impact for C-GEO-5 would be **potentially significant.** With implementation of Mitigation Measure MM-GEO-5 the cumulative impact would be reduced to a **less-than-significant** level for Baseline Scenario 1**.**

Under Baseline Scenario 2, the overall cumulative impact would be **potentially significant** and the project's contribution to the cumulative impact could have been **cumulatively considerable**.

Cumulative Context

The geographic context for paleontological resources encompasses Santa Clara County.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Fossil discoveries resulting from excavation and earthmoving activities associated with development are occurring with increasing frequency throughout the state. The value or importance of different fossil groups varies depending on the age and depositional environment of the rock unit that contains the fossils, their rarity, the extent to which they have already been identified and documented, and the ability to recover similar materials under more controlled conditions (such as for a research project). Unique, scientifically-important fossil discoveries are relatively rare, and the likelihood of encountering them is site-specific and is based on the specific geologic rock formations that are present at any given project site. These geologic formations vary from location to location.

Santa Clara County is underlain by a variety of rock formations, including the Santa Clara Formation (among others). Due to the large number of vertebrate fossils and plant fossil assemblages that have been recovered from this rock formation, it is considered to be of high paleontological sensitivity. Therefore, earthmoving activities in the Santa Clara Formation associated with the projects considered in this cumulative analysis could damage or destroy unique paleontological resources. Therefore, the overall cumulative effect of the proposed project in combination with the cumulative projects could result in a **potentially significant** cumulative impact.

As discussed for project-specific Impact GEO-5 in Section 3.7.3 above, implementation of Mitigation Measure MM-GEO-5 for the proposed project would avoid damage or destruction of unique paleontological resources within the Santa Clara Formation as it would require education of construction workers about fossils prior to the start of earthmoving activities, and would require construction activities to be stopped if fossil evidence is encountered, until appropriate actions as determined by a qualified paleontologist are undertaken to protect and/or recover any specimens. Therefore, the proposed project's contribution to unique paleontological resources impacts would be **less than cumulatively considerable** and would be less than significant, compared to Baseline Scenario #1.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

As described above, compared to Baseline Scenario 2, the proposed project may have had a significant and unavoidable impact to unique paleontological resources during earthworks associated with the unpermitted construction of the tasting deck, because appropriate measures to avoid potential impacts were not taken. Therefore, under this baseline scenario, the proposed project's contribution to the cumulative impact on unique paleontological resources could have been **cumulatively considerable**.

Implementation of mitigation measure **MM-GEO-5** would reduce the potential contribution from future construction to less than significant with mitigation, for the same reasons described for Baseline Scenario 1 above. However, because the project's contribution to the cumulative impact is associated with past activities at the site, there is no additional feasible mitigation that could be taken to reduce the project's contribution to the cumulative impact; therefore, the cumulative impact is **significant and unavoidable**. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428)

4.9 Greenhouse Gas Emissions

This section describes the existing science related to greenhouse gases (GHGs), describes the existing setting of the project area, and evaluates the potential impacts of the proposed project related to GHG emissions. Because no single project is large enough individually to result in a measurable increase in global concentrations of GHG emissions, global warming impacts of a project are considered on a cumulative basis.

The City did not receive any comments relating to GHG emissions during the public scoping period in response to the NOP.

4.9.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Greenhouse *Gases and Climate Change*

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as GHGs, to the atmosphere. The primary source of these GHGs is fossil fuel use. The Intergovernmental Panel on Climate Change has identified four major GHGs— water vapor, CO_2, methane (CH_4), and ozone (O_3)—that are the likely cause of an increase in global average temperatures observed in the twentieth and twenty-first centuries. Other GHGs identified by the Intergovernmental Panel on Climate Change that contribute to global warming are nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons (Intergovernmental Panel on Climate Change 2014). The following are the principal GHG pollutants that contribute to climate change and their primary emission sources:

- **Carbon Dioxide (CO_2)** enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and respiration, and also as a result of other chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (sequestered) when it is absorbed by plants as part of the biological carbon cycle.
- **Methane (CH_4)** is emitted during the production and transport of coal, natural gas, and oil. CH_4 emissions also result from livestock and other agricultural practices and from the decay of organic waste in municipal solid waste landfills.
- **Nitrous Oxide (N_2O)** is produced by both natural and human-related sources. Primary human-related sources of nitrous oxide are agricultural soil management, sewage treatment, mobile and stationary combustion of fossil fuel, and production of adipic and nitric acid. Nitrous oxide is also produced naturally from a wide variety of biological sources in soil and water, particularly microbial action in wet tropical forests.
- **Sulfur Hexafluoride (SF_6)** is commonly used as an electrical insulator in high voltage electrical transmission and distribution equipment such as circuit breakers, substations, and transmission switchgear. Releases of SF_6 can occur during maintenance and servicing as well as from leaks of electrical equipment.

- **Hydrofluorocarbons** and **Perfluorocarbons** are generated in a variety of industrial processes. Although the amount of these gases emitted into the atmosphere is small in terms of their absolute mass, they are potent agents of climate change due to their high global warming potential.

Global warming potential is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to CO_2. The global warming potential of a GHG is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time (i.e., lifetime) that the gas remains in the atmosphere ("atmospheric lifetime"). The reference gas for global warming potential is CO_2; therefore, CO_2 has a global warming potential of 1. The other main GHGs that have been attributed to human activity include CH_4, which has a global warming potential of 28, and N_2O, which has a global warming potential of 265 (USEPA 2024). For example, one ton of CH_4 has the same contribution to the greenhouse effect as approximately 28 tons of CO_2. GHGs with lower emissions rates than CO_2 may still contribute to climate change because they are more effective at absorbing outgoing infrared radiation than CO_2 (i.e., high global warming potential). The concept of CO_2-equivalents (CO_2e) is used to account for the different global warming potentials of GHGs to absorb infrared radiation.

Although the exact lifetime of any particular GHG molecule is dependent on multiple variables, it is understood by scientists who study atmospheric chemistry that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. GHG emissions related to human activities have been determined as "extremely likely" to be responsible (indicating 95% certainty) for intensifying the greenhouse effect, and leading to a trend of unnatural warming of the Earth's atmosphere and oceans, with corresponding effects on global circulation patterns and climate (CARB 2014). The quantity of GHGs that it takes to ultimately result in climate change is not precisely known; however, no single project is expected to measurably contribute to a noticeable incremental change in the global average temperature, or to a global, local, or micro-climate.

GHG *Emission Inventories*

State

CARB performs an annual GHG inventory for emissions and sinks[18] of the six major GHGs. California produced 381.3 million metric tons (MMT) CO_2e in 2021 (CARB 2023). As shown in Figure 4.9-1, combustion of fossil fuel in the transportation category was the single largest source of California's GHG emissions in 2021 followed by the industrial and electric power (including in-state and out-of-state sources) categories (CARB 2023).

[18] A sink is a reduction in atmospheric GHGs by storing (sequestering) carbon in another non-gaseous form.

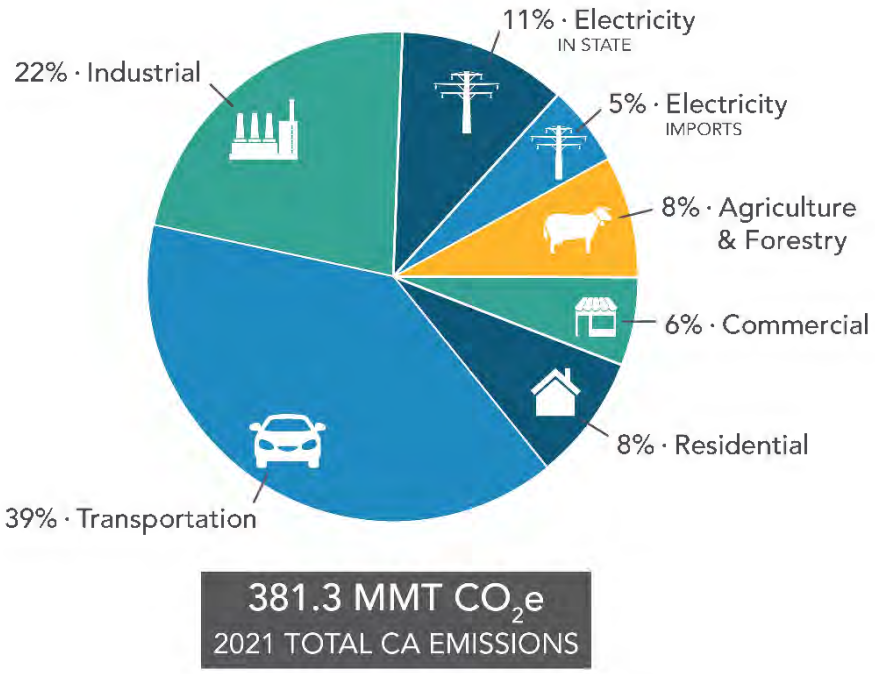

Figure 4.9-1 California 2021 GHG Inventory

Source: CARB 2023.

Regional

The BAAQMD GHG Inventory estimates direct and indirect emissions from sources within the BAAQMD's jurisdiction for the GHGs consistent with those considered for California Global Warming Solutions Act of 2006 (AB 32, refer Section 3.8.2, below), including CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (BAAQMD 2015).

Overall, the Bay Area's GHG emissions in 2011 were approximately 86.6 million $MTCO_2e$ (BAAQMD 2015). The transportation sector contributed approximately 39.7 percent of GHG emissions in the Bay Area. The industrial and commercial sector was the second largest contributor with 35.7 percent of total GHG emissions.

Local

In 2020, the City prepared a GHG emissions inventory as part of the development of the City's Climate Action Plan 2030. The inventory quantifies GHG emissions from a wide variety of sources, from the energy used to power, heat, and cool buildings, to the fuel used to move vehicles and power off-road equipment, to the decomposition of solid waste and treatment of wastewater for the years 2008 through 2017. Community GHG emissions totaled 179,893 MT CO2e in 2008 and 119,974 MT CO2e in 2017, falling 33 percent, or 59,919 MT CO2e in that period (City of Saratoga 2020). Figure 4.9-2 shows the community emissions by sector in 2008 and 2017.

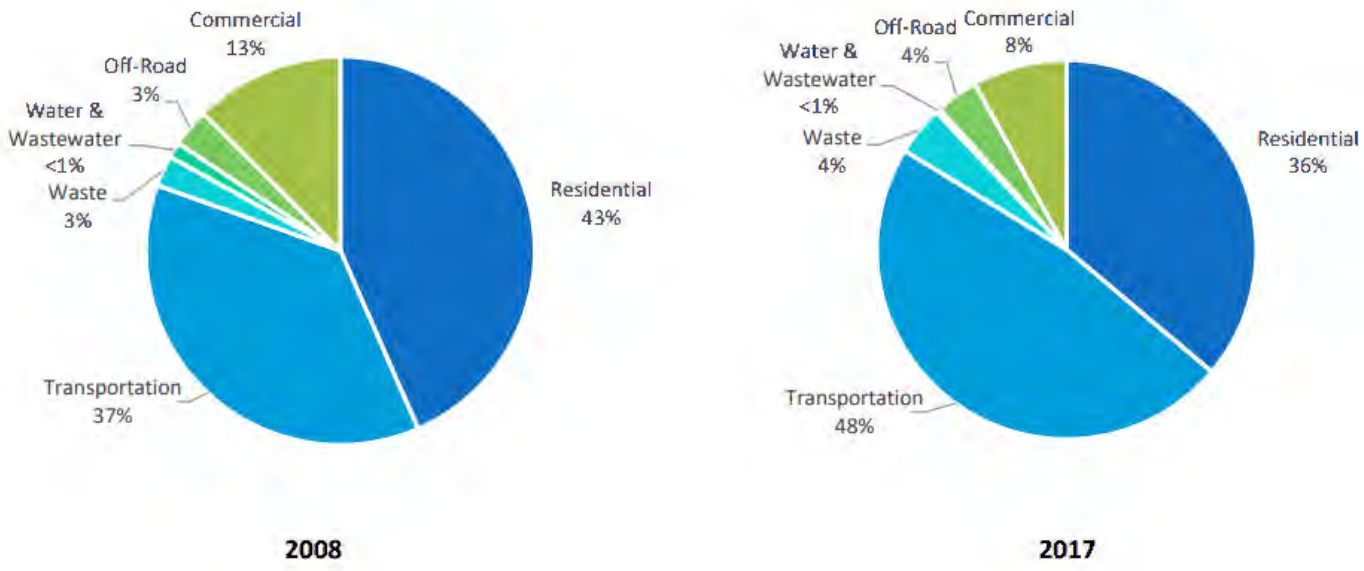

Figure 4.9-2 City of Saratoga GHG Emissions by Sector, 2008 and 2017

Source: City of Saratoga 2020

Project Site and Vicinity

As described in Section 3, *Project Description,* the project site consists of residential, open space and winery uses. As such, existing GHG emissions from the project site are typical of winery facilities, which include emissions from area, mobile, energy, waste, and water sources. Area source emissions are associated with activities such as the use of landscaping and agricultural equipment. Mobile source emissions include vehicle trips from employees and guests. Energy source emissions are associated with the use of onsite electricity. Waste generation results in indirect GHG emissions associated with the disposal of solid waste into landfills. Water consumption also results in indirect GHG emissions associated with supplying and treating water and wastewater.

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for GHG emissions under Baseline Scenario 2 is similar to that described above. The difference is that the tasting deck and adjacent office/restroom building were not present and GHG emissions associated with electricity consumption in these buildings, along with mobile emissions from guest vehicles, would be less under Baseline Scenario 2 than they would be under Baseline Scenario 1.

4.9.2 Regulatory Framework

Federal

Greenhouse Gas Findings under the Federal Clean Air Act

On December 7, 2009, USEPA made two distinct findings regarding GHG emissions under Section 202(a) of the federal Clean Air Act:

- Endangerment Finding: The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases—CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator found that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industries or other entities, this action was a prerequisite to finalizing the USEPA's Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles (USEPA 2009).

GHG Emission Standards for Light-Duty and Heavy-Duty Vehicles

On May 7, 2010, the final Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards were published in the Federal Register. Phase 1 of the emissions standards required model year 2012 through 2016 vehicles to meet an estimated combined average emissions level of 250 grams of CO_2 per mile, which is equivalent to 35.5 miles per gallon, if the automobile industry were to meet this CO_2 level solely through fuel economy improvements.

On August 28, 2012, the U.S. Department of Transportation and the USEPA issued a joint Final Rulemaking requiring additional federal GHG and fuel economy standards for Phase 2 of the emissions standards for model year 2017 through 2025 passenger cars and light-duty trucks. The standards would require these vehicles to meet an estimated combined average emissions level of 163 grams of CO_2 per mile in model year 2025, which is equivalent to 54.5 miles per gallon, if the improvements were made solely through fuel efficiency. However, on April 2, 2018, the USEPA issued a Mid-term Evaluation Final Determination, which finds that the model year 2022 through 2025 emissions standards are not appropriate and should be revised. This Mid-term Evaluation was not a final agency action; rather, this determination led to the rule making of the Safer Affordable Fuel-Efficient Vehicle Rule (described below) (USEPA 2018).

In addition to the standards for light-duty vehicles, the U.S. Department of Transportation and USEPA adopted complementary standards to reduce GHG emissions and improve the fuel efficiency of heavy-duty trucks and buses on September 15, 2011. The Phase 1 standards together form a comprehensive heavy-duty national program for all on-road vehicles rated at a gross vehicle weight at or above 8,500 pounds for model years 2014 through 2018. The standards phased in with increasing stringency in each model year from 2014 through 2018. Building on the success of the Phase 1 standards, USEPA and the National Highway Traffic Safety Administration finalized Phase 2 standards for medium- and heavy-duty vehicles through model year 2027. The Phase 2 standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons. On March 29, 2024, the US EPA finalized Phase 3 standards for heavy-duty vehicles beginning in model year 2027, which are expected to lower CO_2 emissions by approximately 1 billion metric tons.

Safer Affordable Fuel-Efficient Vehicle Rule

As discussed above in Section 4.4.2, in April 2020, the USEPA and NHTSA finalized the SAFE Vehicles Rule. This final rule was made effective on June 29, 2020. However, following an

Executive Order signed by President Biden in 2021 directing consideration of labor unions, States, and industry views to propose suspension, revision, or rescindment of the SAFE Vehicles Rule (The White House 2021), the NHTSA finalized the CAFE Preemption rulemaking to withdraw its portion of the SAFE Part One Rule (NHTSA 2021). On March 31, 2022, the NHTSA finalized CAFE Standards for model years 2024 through 2026. The final rule established standards that would require an industry-wide fleet average of approximately 49 miles per gallon for passenger cars and light trucks in model year 2026, by increasing fuel efficiency by 8 percent annually for model years 2024 and 2025, and 10 percent annually for model year 2026 (NHTSA 2022). The 2024-2026 standards are anticipated to save approximately 200 billion gallons of oil and reduce GHG emissions by 2.5 billion metric tons CO_2e. On June 7, 2024, the NHTSA finalized the Corporate Average Fuel Economy Standards for model years 2027 through 2031 (NHTSA 2024). The 2027-2031 standards are anticipated to save approximately 70 billion gallons of gasoline and reduce GHG emissions by 710 MMT CO_2e.

State

CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act.

Executive Order S-3-05

Executive Order S-3-05, signed in June 2005, proclaimed that California is vulnerable to the impacts of climate change. Executive Order S-3-05 declared that increased temperatures could reduce the Sierra Nevada's snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the executive order established total GHG emissions targets. Specifically, emissions were to be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below the 1990 levels by 2050.

Assembly Bill 32

In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.). AB 32 further details and puts into law the mid-term GHG reduction target established in Executive Order S-3-05: reduce GHG emissions to 1990 levels by 2020. AB 32 also identifies CARB as the state agency responsible for the design and implementation of emissions limits, regulations, and other measures to meet the target. AB 32 also established several programs to achieve GHG emission reductions, including the Low Carbon Fuel Standard and the Cap-and-Trade program. As of 2017, the state has reduced emissions below the revised AB 32 limit of 427 MMT CO_2e.[19]

Executive Order B-30-15, Senate Bill 32, and AB 197

Signed in 2015, EO B-30-15 establishes a statewide GHG emissions reduction goal of 40 percent below 1990 levels by 2030. The emission reduction target acts as an interim goal between the AB 32 goal (i.e., achieve 1990 emission levels by 2020) and the EO S-3-05 goal of reducing statewide emissions 80 percent below 1990 levels by 2050. In addition, the executive order aligns California's 2030 GHG reduction goal with the European Union's reduction target (i.e., 40 percent below 1990 levels by 2030) that was adopted in October 2014. EO B-30-15 also requires all state agencies with jurisdiction over sources of GHG emissions to implement

[19] For more detail, please see https://ww2.arb.ca.gov/ghg-2020-limit and https://ww2.arb.ca.gov/ghg-inventory-graphs.

measures within their statutory authority for achieving reductions in GHG emissions and meeting the 2030 and 2050 GHG emission reduction targets.

On August 24, 2016, the California Legislature passed Senate Bill (SB) 32 (California Health and Safety Code division 25.5, section 38566) thereby amending the California Global Warming Solutions Act of 2006. SB 32 directed ARB to adopt, to the extent technologically feasible and cost effective, the rules and regulations necessary to achieve a reduction in statewide GHG emissions (i.e., to 40 percent below 1990 levels by 2030). The passage of SB 32 codified the 2030 interim GHG emissions reduction target established by Executive Order B-30-15.

The companion bill to SB 32, AB 197, provides additional guidance on how to achieve the reduction targets established in EO B-30-15 and SB 32. AB 197 requires additional annual reporting of emissions, and requires Scoping Plan updates to include alternative compliance mechanisms for each statewide reduction measure, along with market-based compliance mechanisms and potential incentives.

Executive Order B-55-18 and Assembly Bill 1279

For the post-2030 period, EO B-55-18 establishes a new statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. The EO states that this new goal is in addition to the existing statewide targets of reduced GHG emissions.

Signed September 16, 2022, AB 1279, the California Climate Crisis Act, codified EO B-55-18. This bill declares the policy of the state both to achieve net zero GHG emissions as soon as possible, but no later than 2045, and achieve and maintain net negative GHG emissions thereafter. It as requires that by 2045 statewide anthropogenic GHG emissions are reduced to at least 85 percent below the 1990 levels.

CARB Climate Change Scoping Plans

In December 2008, CARB adopted its *Climate Change Scoping Plan: A Framework for Change* (Scoping Plan), which contains the main strategies California will implement to achieve the required GHG reductions required by AB 32 (CARB 2008). The Scoping Plan also includes CARB recommended GHG reductions for each emissions sector of California's GHG inventory. CARB further acknowledges that decisions about how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emissions sectors.

CARB is required to update the Scoping Plan at least once every 5 years to evaluate progress and develop future inventories that may guide this process. CARB approved *First Update to the Climate Change Scoping Plan: Building on the Framework* in June 2014 (CARB 2014). The Scoping Plan update includes a status of the 2008 Scoping Plan measures and other federal, state, and local efforts to reduce GHG emissions in California, and potential actions to further reduce GHG emissions by 2020.

In November 2017, CARB released the 2017 Climate Change Scoping Plan, which establishes a framework of action for California to reduce statewide emissions by 40 percent by 2030, compared to 1990 levels (CARB 2017). The 2017 Scoping Plan builds upon the framework established by the 2008 Scoping Plan and the 2014 Scoping Plan Update, while also identifying

new, technologically feasible and cost-effective strategies to ensure that California meets its GHG reduction targets.

The most current update, the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), was approved by CARB in December of 2022 (CARB 2022). The 2022 Scoping Plan lays out a path to achieve carbon neutrality by 2045 or earlier, outlining a technologically feasible, cost-effective, and equity-focused path to achieve the state's climate target. This plan extends and expands upon these earlier plans with a target of reducing anthropogenic emissions to 85 percent below 1990 levels by 2045, as directed by AB 1279. This plan also takes the step of adding carbon neutrality as a science-based guide and touchstone for California's climate work. The plan outlines how carbon neutrality can be achieved. The 2022 Scoping Plan Update focuses on actions needed to achieve carbon neutrality, including bold steps to reduce GHGs to meet the anthropogenic emissions target and by expanding actions to capture and store carbon through the state's natural and working lands and using a variety of mechanical approaches.

Executive Order S-1-07

Executive Order S-1-07, which was signed by then California Governor Arnold Schwarzenegger in 2007, proclaims that the transportation sector is the main source of GHG emissions in California, at more than 40 percent of statewide emissions. Executive Order S-1-07 establishes a goal that the carbon intensity of transportation fuels sold in California should be reduced by a minimum of 10 percent by 2020. CARB adopted the low carbon fuel standard (LCFS) on April 23, 2009. In November 2015, the Office of Administrative Law approved re-adoption of the LCFS.

Assembly Bill 1493

AB 1493, signed in July 2002, requires CARB to develop and implement regulations to reduce automobile and light truck GHG emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with model year 2009. In June 2009, the USEPA Administrator granted a Clean Air Act waiver of preemption to California. This waiver allowed California to implement its own GHG emissions standards for motor vehicles beginning with model year 2009. California agencies worked with federal agencies to conduct joint rulemaking to reduce GHG emissions for passenger car model years 2017 through 2025. However, as discussed under the federal regulatory setting above, the SAFE Part One revokes California's vehicle waiver and authority to set its own emissions standards. On September 19, 2019, the USEPA issued a press release announcing the formal waiver revocation. During the period the federal action is in effect, the CARB will administer the affected portions of its program on a voluntary basis.

Senate Bill 375

SB 375, signed by the Governor in September 2008, aligned regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocations. SB 375 required metropolitan planning organizations to adopt Sustainable Community Strategies that would prescribe land use allocation in that metropolitan planning organization's regional transportation plan. CARB adopted regional GHG targets for passenger vehicles and light trucks for 2020 and 2035 for the 18 metropolitan planning organizations in California. If the combination of measures in the Sustainable Community Strategies would not meet the regional targets, the metropolitan

planning organizations must prepare a separate "alternative planning strategy" to meet the targets.

CARB is required to update the targets for the metropolitan planning organizations every 5 years. In June 2017, CARB released updated targets and technical methodology. The updated targets consider the need to further reduce VMT, as identified in the 2017 Scoping Plan Update (for SB 32), while balancing the need for additional and more flexible revenue sources to incentivize positive planning and action toward sustainable communities. Like the 2010 targets, the updated SB 375 targets are in units of percent per capita reduction in GHG emissions from automobiles and light trucks relative to 2005; this excludes reductions anticipated from implementation of State technology and fuels strategies, and any potential future State strategies such as statewide road-user pricing. The proposed targets call for greater per capita GHG emission reductions from SB 375 than are currently in place. For 2035, the proposed targets either match or exceed the emission reduction levels contained in the metropolitan planning organizations' currently adopted Sustainable Community Strategies (discussed below) to achieve the SB 375 targets.

For the next round of Sustainable Community Strategy updates, CARB's updated targets for the Bay Area region are a 10% per capita GHG reduction in 2020 from 2005 levels, and a 19% per capita GHG reduction in 2035 from 2005 levels (CARB 2018). The updated targets and methodology took effect on October 1, 2018, and Sustainable Community Strategies adopted in 2018 and later would be subject to these new targets (CARB 2018).

Senate Bill 350

California's Renewable Portfolio Standard was established in 2002 under SB 1078 and accelerated in 2006 under SB 107, by requiring that 20 percent of electricity retail sales be served by renewable energy sources by 2010. Subsequent recommendations in California energy policy reports advocated a goal of 33 percent by 2020, and on November 17, 2008, then governor Arnold Schwarzenegger signed Executive Order S-14-08 requiring retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. In April 2011, SB X1-2 codified Executive Order S-14-08, setting the new Renewable Portfolio Standard targets at 20 percent by the end of 2013, 25 percent by the end of 2016, and 33 percent by the end of 2020 for all electricity retailers. In October 2015, Governor Edmund Brown signed SB 350, which extended the Renewable Portfolio Standard target by requiring retail sellers to procure 50 percent of their electricity from renewable energy resources by 2030. This was followed by SB 100 in 2018, which further increased the Renewable Portfolio Standard target to 60 percent by 2030 along with the requirement that all of the state's electricity come from carbon-free resources by 2045.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050, adopted on October 21, 2021, is a long-range plan developed by the Bay Area's two regional planning agencies, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). Plan Bay Area 2050 addresses the requirements of SB 375 and contains strategies addressing housing, transportation, the environment, and the economy. Environmental strategies aimed at reducing climate emissions

include expanding commute trip reduction programs, clean vehicle initiatives, and transportation demand management initiatives.

County of Santa Clara – U.S. Cool Counties Climate Stabilization Declaration

In 2007, the County of Santa Clara Board of Supervisors signed the U.S. Cool Counties Climate Stabilization Declaration and established a set of aggressive goals for GHG emissions reductions that would reduce the county's GHG emissions by 80 percent before 2050. By adopting the Declaration, the County agrees to take inventory of County government operations and countywide community GHG emissions as well as reduce County government GHGs by 80 percent below current levels by 2050 through a 10 percent reduction every five years (County of Santa Clara 2009).

County of Santa Clara – Sustainability Master Plan

In January 2021, the County of Santa Clara Board of Supervisors adopted a Sustainability Master Plan which integrates the County's many existing policies, programs, practices, and countywide initiatives that promote the three core elements of sustainability: Environment, Economy, and Equity. The Sustainability Master Plan includes eight goals, 30 strategies and 90 targets to monitor the implementation of the County's sustainability vision. The eight goals focus on four priority areas: climate protection and defense, natural resources and environment, community health and well-being, and prosperous and just economy (County of Santa Clara 2021). The County has committed to achieving carbon neutrality by 2045.

County of Santa Clara – Community Climate Roadmap 2035

The County released the Draft Climate Roadmap 2035 (Roadmap), which outlines actions the County and partners will take to reduce GHG emissions. Through the Roadmap, the County hopes to achieve coordinated collaboration to get one step closer to reaching shared sustainability goals. The Roadmap will include a 1) countywide GHG emissions inventory and forecast, 2) an online interactive map tool that will provide a comprehensive overview of the cities, organizations, institutions, and companies working on climate action in Santa Clara County, 3) community and partner input, and 4) an implementation roadmap (County of Santa Clara 2024).

Silicon Valley 2.0

Silicon Valley 2.0 (SV 2.0), funded through a grant from the Strategic Growth Council and designed and managed by the County of Santa Clara Office of Sustainability, is a regional effort to minimize the anticipated impacts of climate change within the boundary of Santa Clara County. In May 2015, the County released the Climate Adaptation Guidebook. The Guidebook was designed to provide a recommended set of strategies that can be implemented by individual agencies, cities or regional partnerships to identify potential pathways, technologies, strategies, and policy mechanisms needed to both reduce GHG emissions and increase resiliency in Santa Clara County.

City of Saratoga General Plan

The Land Use and Circulation Elements of the City's General Plan contain policies pertaining to improving air quality and transportation strategies, as detailed in Sections 4.4 and 4.17 of this EIR, respectively, many of which would also result in co-benefits with reducing GHG emissions.

Specifically, the Land Use Element (City of Saratoga 2024a) includes goals and policies designed to help improve air quality within the City. The Circulation Element (City of Saratoga 2024b) includes policies to encourage the use of alternative forms of transportation and strategies including promoting bicycling, walking, and transit use. Many of these air quality and transportation policies would also result in co-benefits with reducing GHG emissions.

City of Saratoga Municipal Code

Chapter 17, Article 17-05, Greenhouse Gas Reduction Policies. Section 17-05.010 cross-references various sections of the Municipal Code that seek to reduce emissions of GHG es. Pertinent sections include, but are not limited to: 6-15.070 Discharge of pollutants into storm drains and watercourses; 9-70 Transportation demand management; 15-47 Water-efficient landscapes; 15-48 Limitations on wood-burning fireplaces; 15-50 Tree regulations; 16- 47 Green building regulations; 16-49 Green Building Standards Code (including CALGreen sections 4.408, 5.408, 301.1.1, and 301.3); 6-75.030 Water conservation devices. In addition, Article 16-51 adopts the California Energy Code and requires all newly constructed buildings to use electricity for space and water heating instead of natural gas.

City of Saratoga Climate Action Plan

In December 2020, the City adopted Climate Action Plan 2030. Climate Action Plan 2030 compiles existing and potential actions that the City's government and the community can take to address climate change. This Climate Action Plan establishes targets similar to the State's goals to reduce emissions 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050. In Saratoga, that means emissions would need to drop to 91,745 MT CO2e by 2030 and 30,582 MT CO2e by 2050 (City of Saratoga 2020). Climate Action Plan 2030 includes actions to reduce GHG emissions and adapt to climate change in the categories of: renewable energy, energy efficiency, waste reduction, water conservation, carbon sequestration, adaptation, and community engagement.

4.9.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to GHG emissions:

- **Impact GHG-1:** Would the project generate GHG emissions that may have a significant impact on the environment?
- **Impact GHG-2:** Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions?

Impact GHG-1: GHG Emissions?

Impact GHG-1 would be **significant and unavoidable** under both baseline scenarios, even with implementation of Mitigation Measure MM-TRA-1.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. As discussed previously, a project's global warming impacts are considered on a cumulative basis.

Lead agencies have flexibility to develop their own significance thresholds or to determine significance thresholds on a case-by-case basis. They may also consider thresholds of significance adopted or recommended by other public agencies or experts, provided that the thresholds are supported by substantial evidence (CEQA Guidelines, Sections 15064, 15064.7.) The City has not established thresholds for determining whether a project's GHG emissions would be significant.

In April 2022, BAAQMD adopted revised CEQA Thresholds for Evaluating the Significance of Climate Impacts for land use development projects (BAAQMD 2023). For land use development projects, the BAAQMD recommends using the approach endorsed by the California Supreme Court in Center for Biological Diversity v. Department of Fish & Wildlife (2015) (62 Cal.4th 204), commonly referred to as "Newhall Ranch", which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

Applying this approach, the BAAQMD analyzed what will be required of new land use development projects to achieve California's long-term climate goal of carbon neutrality by 2045 as articulated in Executive Order B-55-18 and AB 1279. The BAAQMD found that a new land use development project being built today needs to either incorporate design elements (listed below) to do its "fair share" of implementing the goal of carbon neutrality by 2045 or be consistent with a local GHG reduction strategy that meets the criteria under the State CEQA Guidelines Section 15183.5(b).

Since the City has not adopted a local GHG reduction strategy meeting the criteria under the State CEQA Guidelines Section 15183.5(b), the applicable threshold of significance under the BAAQMD's current approach to evaluate the proposed project's GHG emissions is based on whether the project would include, at a minimum, the following project design elements (BAAQMD 2023):

1. Buildings
    a. The project would not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
2. Transportation
    a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts on CEQA:

i. Residential projects: 15 percent below the existing VMT per capita

ii. Office projects: 15 percent below the existing VMT per employee

iii. Retail projects: no net increase in existing VMT

b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

Under the recently adopted BAAQMD-recommended thresholds for evaluating land use development projects, there is no proposed construction-related climate impact threshold at this time. BAAQMD states that GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The recommended thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions (BAAQMD 2023).

In summary, while the current BAAQMD approach to the GHG threshold of implementation of operational project design features is not explicitly contained within the City's planning documents, the BAAQMD guidance is relevant for consideration in an analysis of GHG-related impacts for projects within BAAQMD's jurisdiction and this threshold is considered to demonstrate consistency with California's long-term goal of carbon neutrality by 2045.

It is not the intent of this document to cause the adoption of these thresholds as bases for other projects, but rather to provide this additional information to put the project generated GHG emissions in the appropriate statewide context.

Methodology

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction-related and operational GHG emissions were modeled using the same methods and assumptions as those described in Section 4.4, *Air Quality.* In addition to criteria air pollutants, CalEEMod also estimates GHG emissions associated with construction and operational activities. For construction, GHG emissions were estimated for off-road construction equipment, material delivery trucks, onsite haul trucks, and construction worker vehicles. For operational activities, CalEEMod estimates GHG emissions associated with mobile, area, and energy sources, similar to criteria air pollutant emissions. The proposed project would generate approximately 69 net daily vehicle trips[20] compared to existing conditions under Baseline Scenario 1. CalEEMod also estimates indirect GHG emissions associated with electricity consumption, solid waste disposal and water consumption. GHG emissions from solid waste are associated with the decomposition of solid waste, which was also based on CalEEMod defaults. Total annual indoor water demand was based on applicant-provided information; while total outdoor water demand was based on CalEEMod defaults and conservatively did not account for outdoor water efficiency requirements. Similar to the energy impact analysis, existing operational electricity and water consumption were not subtracted from estimated post-project electricity and water consumption; instead, existing operational electricity and water consumption were considered in the operational GHG analysis associated with use of the tasting deck and wine cave as a result of the proposed project.

[20] Net daily trips calculated by the difference between project annual average daily trips (127) and Baseline Scenario 1 average daily trips (58).

Baseline Scenario #2: Conditions Prior to Unpermitted Development and Activities (2013)

The methodology used for the construction and operational GHG emissions analysis under Baseline Scenario 2 is similar to that described for Baseline Scenario 1 above, with the exception that Baseline Scenario 2 includes additional construction GHG emissions associated with construction of the unpermitted tasting deck and restroom/office building. Additionally, the proposed project would generate approximately 119 net daily vehicle trips[21] compared to existing conditions under Baseline Scenario 2.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction activities associated with the proposed project would result in the generation of GHG emissions. Heavy-duty off-road equipment, materials transport, and worker commutes during construction of the proposed project would result in exhaust related GHG emissions. Construction of the proposed project is anticipated to begin in 2025 and last approximately 7 months.

After construction, day-to-day activities associated with operation of the proposed project would generate emissions from area, mobile, energy, solid waste, water and wastewater sources. Area-source emissions typically include the use of landscaping and maintenance equipment. Mobile sources would involve vehicle trips associated with employee and guest trips. Energy-related GHG emissions would be generated from electricity consumption. Indirect GHG emissions from treatment, supply, and conveyance of solid waste, water, and wastewater would also be generated by the proposed project. Similar to the energy impact analysis, existing operational electricity and water consumption were not subtracted from estimated post-project electricity and water consumption; instead, existing operational electricity and water consumption were conservatively considered in the operational GHG analysis associated with use of the tasting deck and wine cave as a result of the proposed project.

Table 4.9-1 evaluates the proposed project's proposed design features against the project design elements recommended by the BAAQMD to evaluate land use development projects.

[21] Net daily trips calculated by the difference between project annual average daily trips (127) and Baseline Scenario 2 average daily trips (8).

Table 4.9-1 Project Consistency with BAAQMD-Recommended Design Elements

BAAQMD-Recommended Design Element	Included in the Project Design?
Buildings: (a) The project will not include natural gas appliances or natural gas plumbing (in both residential and non-development). State GHG Emissions Target for 2030.	Not applicable, there is no natural gas infrastructure at the project site or proposed as part of the project.
Buildings: (b) The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.	Yes, as detailed in Section 4.7, Energy, the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage.
Transportation: (a) Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent), Or, meet locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's OPR Technical Advisory on Evaluating Transportation Impacts in CEQA: - Residential: 15 percent below existing VMT per capita - Office: 15 percent below existing VMT per capita - Retail: no net increase in existing VMT	No, as detailed in Section 4.17, Transportation and in Appendix F, the proposed project would exceed the OPR Technical Advisory VMT limit for retail projects, the most applicable land use type for the proposed project and would have a significant and unavoidable VMT impact, even after implementation of feasible mitigation measures.
Transportation: (b) Achieve compliance with off-street electric vehicle requirements for nonresidential in the most recently adopted version of CALGreen Tier 2.	Not applicable. The parking improvements proposed are on-street parking.

Acronyms: CALGreen = California Green Building Standards Code; VMT = vehicle miles traveled

For informational purposes, this analysis reviewed climate impact thresholds of significance adopted by other experts and public agencies to establish additional context in which to consider the proposed project's GHG emissions. The Sacramento Metropolitan Air Quality Management District (SMAQMD) has adopted a significance threshold for GHG emissions of 1,100 MT CO_2e per year that applies to construction and operational emissions (SMAQMD 2020). This significance threshold was developed to assess the consistency of a project's emissions with the statewide framework for reducing GHG emissions. While this threshold is not directly applicable to projects within the jurisdiction of BAAQMD, in the absence of a numerical threshold recommended by BAAQMD for evaluating project-level climate impacts, evaluation of the proposed project's GHG emissions against the SMAQMD-recommended threshold is provided for informational purposes to put the project-generated GHG emissions in the appropriate statewide context.

Construction and operations-related GHG emissions associated with the proposed project under Baseline Scenario 1 are shown in Table 4.9-2 below. As shown in Table 4.9-2, the project GHG construction-related and operational emissions are well-below the SMAQMD-recommended threshold of 1,100 MT CO_2e per year from construction and operations.

Table 4.9-2 Project Construction and Operation GHG Emissions – Baseline Scenario 1

Project Component	GHG Emissions
Total Construction GHG Emissions (2025) (MT CO2e)	126.95
Annual Operational Emissions (MT CO2e per year)	
Mobile	152.02
Area	0.06
Energy	0.73
Water	0.28
Waste	2.43
Refrigerants	0.31
Annual Operational Emissions	155.83

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.
GHG = greenhouse gas; MT = metric tons; CO2e = carbon dioxide equivalents

However, as summarized in Table 4.9-1, the proposed project's design features would be consistent with the BAAQMD's recommended project design elements used to evaluate a project's climate change impacts with the exception of Transportation (a), meet locally adopted Senate Bill 743 VMT target. Therefore, when assessed against the project design elements recommended by BAAQMD to evaluate land use development projects, the proposed project would not contribute its "fair share" of what will be required to achieve the State's long-term climate goals and the project's contribution to GHG impacts would be **potentially significant**.

As discussed in Section 4.17*, Transportation*, with implementation of **Mitigation Measure MM-TRA-1: VMT Reduction**, the proposed project VMT and daily trips would be reduced through prohibiting tastings from occurring on the same day as special events, limiting parking, and an optional shuttle service that would take guests from a centralized location to and from the project site for private tastings and events. With mitigation, the total daily trip rate could still exceed the OPR Technical Advisory small project screening threshold of 110 trips per day on busy days. Furthermore, even with limited parking supply and the optional shuttle service, there is no way to guarantee that guests would not use ride share services to get to and from the project site. These services would still generate individual vehicle trips that could potentially generate a greater number of vehicle trips because separate roundtrips would be required for guests to travel both to and from the project site. Therefore, while project trips and VMT may be reduced with implementation of MM-TRA-1, it is conservatively assumed that VMT impacts would not be reduced to a level that would meet the BAAQMD design criteria. As discussed in Section 4.17, *Transportation,* no other feasible mitigation to reduce the proposed project's VMT has been identified. Therefore, the proposed project's GHG impact would be **significant and unavoidable.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Similar to Baseline Scenario 1, construction and operational activities of the proposed project would result in the generation of direct and indirect GHG emissions. Construction activities were modeled for the 2-month construction duration of the unpermitted tasting deck and restroom/office building that occurred in 2013, in addition to the proposed construction activities anticipated to begin in 2025 and last approximately 7 months. Construction-related GHG emissions of the proposed project were estimated using the methodology discussed in Section 4.4, *Air Quality*.

Sources of operational GHG emissions would be the same as described above under Baseline Scenario 1, with the exception that the proposed project would generate approximately 47 net daily vehicle trips compared to existing conditions under Baseline Scenario 2.

Construction and operations-related GHG emissions associated with the proposed project under Baseline Scenario 2 are shown in Table 4.9-3 below. As shown in Table 4.9-3, the project construction-related and operational GHG emissions are well-below the SMAQMD-recommended threshold[22] of 1,100 MT CO_2e per year from construction and operations.

Table 4.9-3 Project Construction and Operation GHG Emissions – Baseline 2

Project Component	Annual GHG Emissions
Construction (2013)	9.94
Construction (2025)	126.95
Total Construction Emissions (MT CO2e)	137.89
Annual Operational Emissions (MT CO2e per year)	
Mobile	262.18
Area	0.06
Energy	0.73
Water	0.28
Waste	2.43
Refrigerants	0.31
Annual Operational Emissions	265.99

Source: Estimated by AECOM in 2024. See Appendix C for detailed modeling assumptions, outputs, and results.
GHG = greenhouse gas; MT = metric tons; CO2e = carbon dioxide equivalents

Evaluation of the project's proposed design features against the design elements recommended by the BAAQMD is the same under Baseline Scenario 2 as shown in Table 4.9-1 above. Because the proposed project would not meet the BAAQMD criteria for VMT, it would not contribute its "fair share" of what will be required to achieve the State's long-term climate goals. Therefore, the project's contribution to GHG impacts would be **potentially significant**.

[22] Similar to Baseline Scenario 1, project GHG emissions are compared to the SMAQMD-recommended climate impact threshold of 1,100 MT CO2e per year for construction and operation, for informational purposes only.

Under Baseline Condition 2, implementation of MM-TRA-1 would similarly have the potential to reduce project VMT and trips but would not guarantee compliance with the transportation design feature included in the BAAQMD climate impact threshold of significance. For the same reasons as described above for Baseline Condition 1, the project would therefore have a significant and unavoidable GHG impact**.**

Impact GHG-2: GHG Plan, Policy, or Regulation Conflicts?

Impact GHG-2 would be **significant and unavoidable** under both baseline scenarios, even with implementation of Mitigation Measure MM-TRA-1.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

As discussed in Section 4.9.2, *Regulatory Framework,* the City adopted Climate Action Plan 2030, which includes actions to reduce GHG emissions and adapt to climate change in the categories of: renewable energy, energy efficiency, waste reduction, water conservation. Because the proposed project would be all-electric (i.e., no natural gas infrastructure), the proposed project would be consistent with the actions and strategies included in the City's Climate Action Plan for renewable energy and energy efficiency, including RE-3 (Building and Appliance Electrification). As required by the current version of the CALGreen, the proposed project would ensure that a minimum of 65 percent of the solid waste generated during construction activities would be diverted from landfill disposal, which would also be consistent with Climate Action Plan action for waste reduction, WR-4, which calls for all loads of construction and demolition debris to be processed for recovery of materials as required by law and to the maximum extent feasible.

As discussed in Section 4.9.2, *Regulatory Framework*, CARB developed the State's Climate Change Scoping Plan (2008) and Scoping Plan updates (2014, 2017, and 2022) to outline the State's strategy to reduce California's GHG emissions per AB 32, SB 32, and AB 1279. As detailed for Impact GHG-1, the proposed project would comply with the most current Building Energy Efficiency Standards and CALGreen mandatory measures. The Building Standards and CALGreen requirements include mandatory measures for all new building construction, which would result in energy conservation, and make a major contribution in meeting the State's goals established by AB 32 and SB 32 for reduction in GHG emissions. In addition, the proposed project would be all-electric (no natural gas infrastructure), consistent with the State's 2022 Scoping Plan goals of building electrification of end uses in the residential sector.

As also discussed in Section 4.9.2, *Regulatory Framework*, the 2022 Scoping Plan identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030 and identifies a technologically feasible, cost-effective path to achieve carbon neutrality by 2045 or earlier. As described previously for Impact GHG-1, the BAAQMD-recommended project design features are the measures that are required of new land

use development projects to achieve California's long-term climate goal of carbon neutrality by 2045 as articulated in EO B-55-18 and AB 1279. As shown in Table 4.9-1, the proposed project would not comply with all applicable BAAQMD-recommended design features and therefore, would potentially conflict with California's long-term climate goal of carbon neutrality by 2045 and the 2022 Scoping Plan. However, as shown in Table 4.9-2 for informational purposes, proposed project construction and operational GHG emissions would be well-below the SMAQMD-recommended threshold of significance for climate impacts, which was developed to demonstrate compliance with GHG reduction targets outlined in SB 32.

Because the proposed project would conflict with the BAAQMD-recommended project design feature Transportation (a), meet locally adopted Senate Bill 743 VMT target, the impact would be **potentially significant**.

As discussed above for Impact GHG-1, implementation of mitigation measure MM-TRA-1 would help to reduce VMT, but would not guarantee compliance with BAAQMD's transportation design features. Therefore, the project would still conflict with California's long-term climate goal of carbon neutrality by 2045 and the 2022 Scoping Plan, and the impact would be **significant and unavoidable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The evaluation of consistency with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions under Baseline Scenario 2 is the same as described above for Baseline Scenario 1. The proposed project would similarly be consistent with applicable BAAQMD-recommended design features under Baseline Scenario 2, except for Transportation (a), meet locally adopted Senate Bill 743 VMT target, as discussed in Impact GHG-1, and therefore would potentially conflict with California's long-term climate goal of carbon neutrality by 2045 and the 2022 Scoping Plan. However, as shown in Table 4.9-3 for informational purposes, proposed project construction and operational GHG emissions would be well-below the SMAQMD-recommended threshold of significance for climate impacts. For the same reasons as presented for Baseline Scenario 1, this impact would be **potentially significant.**

Under Baseline Condition 2, implementation of MM-TRA-1 would similarly have the potential to reduce project VMT and trips but would not guarantee compliance with the transportation design feature included in the BAAQMD climate impact threshold of significance. For the same reasons as described above for Baseline Condition 1, this impact would be **significant and unavoidable.**

4.9.4 Cumulative Impacts and Mitigation

This section analyzes the potential of the Project to contribute to the following cumulative GHG impacts:[23]

- **Impact C-GHG-1 and C-GHG-2:** Contribution to cumulative effects related to generation of GHG emissions or conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

[23] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-GHG-1 addresses the same issues as project-level impacts GHG-1 and GHG-2.

Cumulative Impact C-GHG-1 and C-GHG-2: Contribution to Cumulative GHG Impacts or GHG Plan, Policy, or Regulation Conflicts?

The overall cumulative impact for C-GHG-1 would be **potentially significant** and the project's contribution would be **cumulatively considerable,** under both baseline scenarios, even with implementation of MM-TRA-1.

Cumulative Context

As previously described, the geographic scope of consideration for GHG emissions is on a global scale, because such emissions contribute, on a cumulative basis, to global climate change. Given the nature of environmental consequences from GHGs and global climate change, CEQA requires that lead agencies evaluate the cumulative impacts of GHGs, even relatively small additions, on a global basis.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, statewide, and regional projections of GHG emissions, as well as the contribution of the proposed project, to GHG emission impacts. Therefore, the significance conclusions reached above for project-level impact GHG-1 also constitutes the significance conclusions of this EIR with respect to cumulative GHG emissions impacts under Baseline Scenario 1. As discussed in Section 4.9.3, the overall cumulative impact for GHG emissions is **potentially significant** and the proposed project's incremental contribution to GHG emissions would be **cumulatively considerable**, even with implementation of mitigation measure MM-TRA-1. No additional feasible mitigation measures have been identified to reduce the project's contribution.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

For the same reasons as described above for Baseline Scenario 1, the significance conclusions reached above for project-level impact GHG-1 also constitutes the significance conclusions of this EIR with respect to cumulative GHG emissions impacts for Baseline Scenario 2. The overall cumulative impact for GHG emissions is **potentially significant** and the proposed project's incremental contribution to GHG emissions would be **cumulatively considerable**, even with implementation of mitigation measure MM-TRA-1. No additional feasible mitigation measures have been identified to reduce the project's contribution.

4.10 Hazards and Hazardous Materials

This section describes the existing hazards and hazardous materials setting of the project area and evaluates whether the project would result in adverse effects related to these topics.

The City received the following comments relating to Hazards and Hazardous Materials (emergency evacuation plan and wildfire hazards) during the public scoping period in response to the NOP:

- Concerns related to the proposed project impeding evacuation routes in the event of an emergency such as a wildfire, due to increased traffic.
- Concerns related to increased wildfire risks with the proposed project.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.10.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Hazardous Material Use at Project Site

Uses of hazardous materials associated with the site operations that were in effect at the time of the NOP release in 2022 include use of small quantities of typical household cleaning, landscaping, and pool maintenance products, as well as the storage and application of agricultural-related products such as fertilizers, herbicides and pesticides, use of fuels/lubricants for vehicles and equipment, and other maintenance-related hazardous substances such as paints and adhesives. Agricultural-related hazardous substances are stored in sealed containers in an on-site chemical storage shed.

Known Hazardous Materials Sites

Several publicly available databases maintained under Public Resources Code Section 65962.5 (i.e., the “Cortese List”) were reviewed to determine whether known hazardous materials release sites are present either at or within a half mile of the project site. These databases included the Hazardous Waste and Substances Site List (the “EnviroStor” database) maintained by the California Department of Toxic Substances Control (DTSC), and the GeoTracker database maintained by the State Water Resources Control Board (SWRCB). In addition, AECOM performed a search of the U.S. Environmental Protection Agency’s (USEPA) National Priorities List (Superfund) database.

The nearest hazardous material sites for which DTSC has oversight are approximately 2.6 miles northeast of the project site (DTSC 2024).

There are three closed hazardous materials sites for which SWRCB has oversight, which are approximately half a mile to the west and southeast of the project site (SWRCB 2024), respectively. All three sites involved leaking underground storage tanks that resulted in soil contamination (no groundwater contamination). The tanks were removed after the leaks were

detected, and the contaminated soil was excavated and removed. The cases were closed in 1994 (Landtech site No. T0608501720), 1995 (Binkley Property Site No. T0608501781), and 1996 (Liu Residence Site No. T0608529337).

The nearest Superfund site is approximately 4.75 miles northeast of the project site, in Cupertino (USEPA 2023).

Schools

There are no K–12 schools within 0.25 mile of the project site. The closest K–12 school is Foothill Elementary, approximately 1 mile to the southeast.

Airports

The nearest airport is the San Jose International Airport, approximately 9 miles northeast of the project site.

Wildfire

Please see Section 3.20, “Wildfire,” of this EIR for a discussion of wildland fire hazards.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting relating to hazards and hazardous materials under Baseline Scenario #2 is identical to those described above, except that any use of cleaning or maintenance products associated with the tasting deck and restroom/office building would not be present, as those structures had not been developed at the time of Baseline Scenario 2. Similarly, no application of agricultural-related products such as fertilizers, herbicides and pesticides would occur in the area to the east of the tasting deck as the vineyard in this area had not been established.

4.10.2 Regulatory Framework

Federal

U.S. Environmental Protection Agency

The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by US Environmental Protection Agency (USEPA) for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes. The use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for clean up when no responsible party could be identified. CERCLA also

enabled the revision of the National Contingency Plan. The National Contingency Plan provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List, which is a list of contaminated sites warranting further investigation by the USEPA. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Federal Emergency Management Agency

The primary mission of the Federal Emergency Management Agency is to reduce the loss of life and property and to protect the nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

Emergency Planning and Community Right-To-Know Act

The Emergency Planning Community Right-to-Know Act of 1986 was included under the Superfund Amendments and Reauthorization Act (SARA) law and is commonly referred to as SARA Title III. The Act was passed in response to concerns regarding the environmental and safety hazards proposed by the storage and handling of toxic chemicals. The Act establishes requirements for federal, state, and local governments, Indian Tribes, and industry regarding emergency planning and Community Right-to-Know reporting on hazardous and toxic chemicals. SARA Title III requires states and local emergency planning groups to develop community emergency response plans for protection from a list of Extremely Hazardous Substances (40 CFR Appendix B). The Community Right-to-Know provisions help increase the public's knowledge of and access to information on chemicals at individual facilities, their uses, and their release into the environment.

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 was created to provide adequate protection from the risks to life and property related to the transportation of hazardous materials in commerce by improving regulatory enforcement authority of the Secretary of Transportation.

United States Department of Transportation

Transportation of chemicals and hazardous materials is governed by the U.S. Department of Transportation, which stipulates the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways.

Federal Insecticide, Fungicide, and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the Federal statute that governs the registration, distribution, sale, and use of pesticides in the United States. Before EPA may register a pesticide under FIFRA, the applicant must show, among other things that using the pesticide according to specifications "will not generally cause unreasonable adverse effects on the environment." FIFRA includes provisions that require EPA to establish several programs, including Labeling (40 CFR Part 156); Packaging (40 CFR Part 157); Worker Protection Standards (40 CFR Part 170); Registration of Pesticides (Section 3); Experimental

Use Permits (Section 5); Use of Restricted Use Pesticides—Applicators (Section 11); and Storage, Disposal, Transportation, and Recall (Section 19; EPA 2024).

Occupational Safety and Health Administration

The Occupational Safety and Health Administration is the federal agency responsible for enforcing and implementing federal laws and regulations pertaining to worker health and safety. The administration's Hazardous Waste Operations and Emergency Response regulations require training and medical supervision for workers at hazardous waste sites (29 CFR § 1910.120). Additional regulations have been developed regarding exposure to lead (29 CFR § 1926.62) and asbestos (29 CFR § 1926.1101) to protect construction workers.

State

Department of Toxic Substances Control

The California Department of Toxic Substances (DTSC) has primary regulatory responsibility, with delegation of enforcement to local jurisdictions that enter into agreements with the State agency, for the management of hazardous materials and the generation, transport and disposal of hazardous waste under the authority of the Hazardous Waste Control Law. Since August 1, 1992, DTSC has been authorized to implement the state's hazardous waste management program for CalEPA.

California Occupational Safety and Health Administration

California Occupational Safety and Health Administration assumes primary responsibility for developing and enforcing workplace safety regulations within California. Regulations pertaining to the use of hazardous materials in the workplace (Title 8 of the CCR) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and preparation of emergency action and fire prevention plans. The California Occupational Safety and Health Administration enforces hazard communication program regulations that contain training and information requirements, including procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees at hazardous-waste sites. The hazard communication program requires that employers make Safety Data Sheets available to employees, and requires documentation of informational and training programs for employees.

The California Occupational Safety and Health Administration regulations also include requirements for protective clothing, training, and limits on exposure to hazardous materials. The California Occupational Safety and Health Administration also enforces occupational health and safety regulations specific to lead and asbestos investigation and abatement. These regulations equal or exceed their federal counterparts. Specific worker safety measures for excavation hazards (e.g., falling or cave-in of excavation walls) are described in the Title 8 CCR Section 1541.

State Water Resources Control Board

The SWRCB was established in 1967. The San Francisco Bay RWQCB is authorized by the SWRCB to enforce provisions of the Porter-Cologne Water Quality Control Act of 1969 for the San Francisco Bay region. This Act gives the San Francisco Bay RWQCB authority to require

groundwater investigations when the quality of groundwater or surface waters of the state is threatened and to require remediation of the site, if necessary.

Cortese List, California Government Code Section 65962.5

The provisions of Section 65962.5 of the California Government Code are commonly referred to as the "Cortese List" (after the legislator who authored the legislation that enacted it). The Cortese List is a planning document used by state and local agencies to comply with CEQA's requirement to provide information about the location of hazardous-materials release sites. Government Code Section 65962.5 requires CalEPA to develop an updated Cortese List at least annually. DTSC and SWRCB are responsible for most of the information contained on the Cortese List. Other state and local government agencies, the RWQCBs and local cities and counties, are required to provide additional information for the Cortese List about releases of hazardous materials.

In addition, Section 65962.5 requires all project applicants to consult the Cortese List and determine whether any site-specific project is within a hazardous materials site on the list. If so, the project applicant is required to notify the lead agency in writing prior to the issuance of a building permit, so the lead agency can determine the appropriate course of action (which generally would include preparation of Phase I and, if necessary, Phase II environmental site assessment, along with site-specific remediation).

Local

Emergency Response or Emergency Evacuation Plans

There are several regional and local emergency plans that cover the project area, including the Saratoga Annex to the *Santa Clara Operational Area Hazard Mitigation Plan* (County of Santa Clara 2017), the *Public Draft Multi-Jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area* (Metropolitan Transportation Commission 2021), and the *Plan Bay Area 2050* (Association of Bay Area Governments 2021). These plans provide an overview of emergency operations within the City, County, and San Francisco Bay Area. They identify emergency response policies, describe the responses, identify lead agencies and organizations, and assign specific roles and responsibilities to departments, agencies, and community partners. These plans strive to facilitate emergency response and recovery activities in an efficient and effective way.

Santa Clara County Department of Environmental Health

The Santa Clara County Department of Environmental Health (2013), Hazardous Materials Compliance Division, serves as the local Certified Unified Program Agency for Saratoga and regulates hazardous waste, aboveground petroleum storage and risk management plans, hazardous materials business plans and chemical inventories, risk management plans, and underground storage tanks.

The Saratoga Fire Protection District and Santa Clara County Fire Department work cooperatively with the Santa Clara County Department of Environmental Health to regulate hazardous materials in the City.

City of Saratoga General Plan

The Safety Element of the City's General Plan (City of Saratoga 2024) does not contain any policies specifically relating to hazardous materials, as it states that Saratoga does not have an identified problem with hazardous materials storage and handling. General Plan policies relating to emergency response and evacuation are detailed in Section 4.20*, Wildfire*.

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.

4.10.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to hazards and hazardous materials:

- **Impact HAZ-1:** Would the project create a significant hazard through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials?
- **Impact HAZ-2:** Would the project emit hazardous emissions or handle hazardous emissions within a quarter mile of a school?
- **Impact HAZ-3:** Would the project create a significant hazard to the public or the environment due to the site being a known hazardous materials site?
- **Impact HAZ-4:** Would the project result in airport-related safety or noise hazards?

Note that Appendix G of the CEQA Guidelines also includes thresholds within the Hazards and Hazardous Materials section relating to whether the project would impair implementation of or physically impair implementation of an emergency response plan or emergency evacuation plan, or if would expose people or structures to significant risk of loss, injury, or death involving wildland fires. These significance thresholds are addressed in Section 3.20, "Wildfire," of this document.

Impact HAZ-1: Hazards from Routine Use, Transport, Disposal, or Accidental Release of Hazardous Materials?

Impact HAZ-1 would be **potentially significant.** With the implementation of Mitigation Measure MM-HYD-1A, the impact would be reduced to **less than significant with mitigation** under both baseline scenarios.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or the reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

Project-related construction would involve the use of heavy equipment and vehicles containing fuel, oil, and grease, as well as use and transport of these materials. Fluids such as oil or grease could leak from construction vehicles or could be released inadvertently in the event of an accident, potentially releasing petroleum compounds containing metals, volatile organic compounds, and other pollutants. However, given the small size and the nature of the proposed construction activities the proposed project (i.e., an estimated 7-month construction duration with an average of 4-6 construction workers onsite daily), there is a low likelihood that substantial quantities of hazardous materials would result in spills at the site and only small quantities would be temporarily stored at the site during construction. The types and amounts of hazardous materials used for the project would be similar to other small construction projects in the City.

As indicated in Section 4.10.2, "Regulatory Framework," there is an established, comprehensive framework, independent of the CEQA process, that is intended to reduce the risks associated with the use, transport, and disposal of hazardous materials. Transportation of hazardous materials on area roadways is regulated by the California Highway Patrol and the Caltrans. The use and disposal of hazardous materials is regulated at both the federal and state level; these regulations are promulgated and enforced by agencies such as the USEPA, SWRCB, and DTSC, and Santa Clara County Hazardous Materials Compliance Division.

As discussed in more detail in Section 4.11, *Hydrology and Water Quality*, coverage under the SWRCB's Construction General Permit is required for the project, which would require preparation and implementation of a SWPPP. The SWPPP would include BMPs and is required by SWRCB to include measures to minimize the risk of accidental spills of hazardous materials during construction. These measures would include: proper maintenance of vehicles and equipment; refueling and equipment washing only in designated areas where a spill would not flow into drainages; and prompt cleanup and disposal at a licensed facility if any spills do occur.

For all of the above reasons, the project could result in **potentially significant** impacts from accidental spills of hazardous materials.

Implementation of **Mitigation Measure MM-HYD-1A** (detailed in Section 4.11.3, Impact HYD-1) would require the applicant to prepare and implement a SWPPP and associated BMPs and demonstrate compliance with the requirements of the NDPES General Construction Permit, the risk of accidental spills at the project site during construction would be reduced and would not result in substantial risk to the public or the environment. Therefore, the potentially significant impacts from construction-related use of hazardous materials would be reduced to **less than significant with mitigation**.

Operation

Compared to Baseline Scenario 1 conditions, project operation would not result in new or increased routine transport, use, storage, or disposal of hazardous materials, except for a small increase in the amount of typical commercial cleaning products associated with the increased frequency of use of the tasting deck and associated restrooms, and minor amounts of pesticides

for weed control within areas of the open space easement that would be replanted with native species as part of the project. Other hazardous materials use on the project site (e.g., associated with household use and vineyard operations) would be unchanged by the project.

Because the increase in chemical use would be small compared to baseline conditions, and because chemical use would be limited to the use of commercial products for their intended on-label purposes, project operation would not be expected to create a significant hazard to the public or the environment. Therefore, the impact from project operation related to use, transport, disposal, and accidental spills of hazardous materials would be **less than significant.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Construction

Spill-related impacts from future construction activities at the site would be identical to those described for Baseline Scenario 1 above, which would be **potentially significant**. Compared to 2013 conditions, the proposed project also includes the unpermitted construction of the existing tasting deck and associated grading activities. Because the tasting deck was constructed without appropriate permits, it is unknown if BMP to reduce the risk of accidental spills were undertaken. However, given the relatively small construction area associated with the tasting deck and associated grading (less than 5,000 SF) and the lack of visible signs of previous spills (such as staining or stressed vegetation) in the area, the past unpermitted construction activities do not appear to have resulted in any spills that adversely affected the environment.

Implementation of mitigation measure MM-HYD-1A would reduce potential impacts from future construction-related use of hazardous materials to **less than significant with mitigation**, for the same reasons described for Baseline Scenario 1 above.

Operation

Compared to Baseline Scenario 2 conditions, the proposed project would introduce new use and storage of small amounts of typical commercial cleaning products associated with events at the tasting room and associated restrooms, that were not present in 2013, and minor amounts of pesticides for weed control. For the same reasons described above for Baseline Scenario 1, impacts from project operations related to the use, transport, disposal, and accidental spills of hazardous materials would be **less than significant.**

Impact HAZ-2: Result in Hazardous Emissions within One-Quarter Mile of a School?

Impact HAZ-2 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

There are no K–12 schools within 0.25 mile of the project site. The closest K–12 school is Foothill Elementary, approximately 1 mile to the southeast. Thus, construction and operation of the project would have **no impact** related to handling or emissions of hazardous materials within 0.25 mile of a school.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

The distance from the project site to the nearest school is identical to that described for Baseline Scenario 1 above. Therefore, for the same reasons described above, construction and operation of the project would have **no impact** related to handling or emissions of hazardous materials within 0.25 mile of a school.

Impact HAZ-3: Result in Hazards from a Cortese-Listed Site?

Impact HAZ-3 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would 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, would it create a significant hazard to the public or the environment.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

The project site is not located on a Cortese-list site. There are three former Cortese-listed sites within a half mile of the project, which involved soil contamination only (no groundwater contamination). The leaking underground storage tanks that caused the contamination issues were removed, contaminated soil was excavated and removed, and all three sites were closed during the period 1994–1996. Because the project site is located approximately a half mile from all three sites, and because these hazardous materials sites have been fully remediated, there would be **no impact** from project construction or operation.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Conditions relating to nearby Cortese-listed sites under Baseline Scenario 2 are identical to that described for Baseline Scenario 1 above. Therefore, for the same reasons described above, construction and operation of the proposed project would have **no impact** related to Cortese-listed sites.

Impact HAZ-4: Airport-related Safety or Noise Hazards?

Impact HAZ-4 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would result in a safety hazard or excessive noise for people residing or working in the project area 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.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

The nearest airport is the San Jose International Airport, approximately 9 miles northeast of the project site. Thus, there would be **no impact** from airport safety or noise hazards from project construction or operation.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Conditions relating to nearby airports under Baseline Scenario 2 are identical to that described for Baseline Scenario 1 above. Therefore, for the same reasons described above, construction and operation of the project would have **no impact** related to airport safety or noise hazards.

4.10.4 Cumulative Impacts and Mitigation

As discussed above, the proposed project would have no impact related to hazards from hazardous emissions near schools (Impact HAZ-2), Cortese-listed site (Impact HAZ-3), or airport safety or noise hazards (Impact HAZ-4). Therefore, the project would not contribute to any potential cumulative impacts for these issues. The following section analyzes the potential of the project to contribute to cumulative impacts for the following hazards and hazardous materials issues where the project would have a less-than-significant or greater impact:

- **Impact C-HAZ-1:** Contribution to cumulative effects related to hazards from routine use, transport, and disposal or accidental releases of hazardous materials.

Cumulative Impact C-HAZ-1: Hazards from Routine Use, Transport, and Disposal, or Accidental Releases of Hazardous Materials?

The overall cumulative impact for C-HAZ-1 would be **less than significant** under both baseline scenarios. No mitigation is required.

Cumulative Context

With respect to hazards from the use or release of hazardous materials, the geographic context would be limited to those cumulative projects in the vicinity of the project site, with the potential to result in hazardous emissions exposure to the same populations that would potentially be exposed by the project. Because health effects from hazardous substances can result from both acute or chronic exposures, the temporal context for cumulative effects relating to hazardous materials would include any past, present, or probable future projects.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

The potential for hazardous materials issues to occur is specific to each project site and is dependent on the nature of prior activities both on- and off-site; therefore, hazardous materials issues generally do not combine to form cumulative impacts. None of the cumulative projects identified in Table 4.1-1 in *Section 4.1.3* involve the use of large quantities of hazardous substances, or use of hazardous substances in ways that are outside of typical use for similar land uses and activities, and are therefore not anticipated to increase the risk of accidental release or spill that would create a significant hazard to the public or the environment.

With respect to accidental releases of hazardous materials, all cumulative projects, including the proposed project, are required to comply with local, state, and federal regulations for transport, use, disposal, and accidental release of hazardous materials, which would address impacts associated with both construction- and operation-related handling of hazardous materials. As described in Section 4.10.2, *Regulatory Framework*, transportation of hazardous materials on area roadways is regulated at the state level, and the use and disposal of hazardous materials are regulated and enforced by multiple agencies at the federal, state, and local level. Therefore, the overall cumulative impact relating to routine use, transport, and disposal, or accidental releases of hazardous materials would be **less than significant.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Under Baseline Scenario 2 it is assumed that the tasting deck (and associated use of cleaning and maintenance chemicals) were not occurring, therefore the project would result in slightly increased use of such projects under this baseline, compared to Baseline Scenario 1. However, the cumulative impacts discussed for Baseline Scenario 1 would be the same for cumulative projects, which would be in a manner consistent with on-label purposes, and in quantities that would be consistent to similar land uses and activities in the City. Therefore, even with the minor increase in chemical use at the project site under Baseline Scenario 2, the risk from cumulative projects is not anticipated to result in a significant hazard to the public or the environment. Therefore, for the same reasons described above, the overall cumulative impact relating to routine use, transport, and disposal, or accidental releases of hazardous materials would be **less than significant**.

4.11 Hydrology and Water Quality

This section describes the existing hydrology and water quality setting of the project area and evaluates whether the project would result in adverse effects on these resources.

The City received the following comments related to hydrology and water quality during the public scoping period in response to the NOP:

- Concerns related to existing and continued downhill flooding from the project site.
- Concerns related to how water drainage will be managed and contained onsite.
- Concerns related to water contaminants due to vegetation removal and winery operations at the site.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.11.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Hydrology

The project site is situated within the Santa Clara Valley Water District's West Valley Watershed, within the Middle Guadalupe Slough subwatershed. The West Valley Watershed encompasses an 85-square-mile area comprised of small creeks that flow northward out of the Santa Cruz Mountains to Guadalupe Slough and the south San Francisco Bay (Lowe 2019). As the streams flow out of the Santa Cruz foothills and onto the alluvial plains, they become wider and less steep, and typically have been modified, channelized, or routed underground through storm drains to accommodate residential and commercial land uses and to provide flood control.

The primary streams in the Middle Guadalupe Slough subwatershed include Calabazas Creek, Saratoga Creek, and San Tomas Aquino Creek (Givler et al. 2006). There are no surface waterbodies at the project site; but the site is within the catchment area of Calabazas Creek. Calabazas Creek is an approximately 13-mile-long stream originating on Table Mountain in Saratoga. Calabazas Creek flows northeastward and eventually discharges into the south San Francisco Bay at Guadalupe Slough. The main stem of Calabazas Creek follows the approximate alignment of Pierce Road (approximately 2,200 feet southeast of the project site), with tributaries extending into the hills northwest of the creek. Areas of the project site to the north of Old Oak Way generally drain to a tributary to the northeast, whereas areas to the south of Old Oak Way and on the Garrod Parcel generally drain to a tributary to the southwest.

Flooding

Downstream (northeast) of the project site, Calabazas Creek has a history of flooding during winter rain events. The Calabazas Creek Flood Protection project, completed by the Santa Clara Valley Water District in 2011, provided flood control improvements to achieve 100-year flood protection along the creek from Wardell Road (approximately 0.8-mile northeast of the project site) northeast to Miller Avenue.

The project site is not located in a 100-year flood zone as designated by the Federal Emergency Management Agency (FEMA 2009). Most of the project site is designated by FEMA as Zone X (shaded), which is generally located between the 100- and 500-year flood zones. Zone X (shaded) is defined as the 0.2% annual exceedance probability (AEP) flood hazard, areas of 1% AEP with average flood depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% AEP flood. The southern half of the proposed secondary access road is designated by FEMA as Zone D, defined as areas where no flood hazard analysis has been conducted and therefore flood hazards are possible but undetermined.

A tsunami is an ocean wave usually created by undersea fault movement or by a coastal or submerged landslide. As the displaced water moves to regain equilibrium, waves are formed and radiate across the open water. When the waveform reaches the coastline, it quickly raises the water level, with accompanying highwater velocities that can damage structures and sweep away objects and people. The project site is not on the coast and, therefore, is not in a tsunami inundation zone (California Governor's Office of Emergency Services et al. 2021).

A seismic seiche causes standing waves to set up on rivers, reservoirs, ponds, and lakes when seismic waves from an earthquake pass through the area. Because they occur in an enclosed waterbody, standing waves continue to slosh back and forth over a period of time that may range from a few minutes to several hours. The nearest waterbody with potential for seiches is Stevens Creek Reservoir, approximately 1.8 miles northwest of the project site. All California dams are engineered to resist dam failure and overtopping resulting from seismic events, including seiches. The reservoir is in a mountainous area. The Stevens Creek Reservoir Dam, owned by the Santa Clara Valley Water District, is at the north end of the reservoir, where Stevens Creek drains northward towards the San Francisco Bay. Therefore, even if a seiche did occur, the resulting flood hazard would be north of the dam, towards Cupertino, in the opposite direction from the project site (DWR 2022). The project site is separated from the reservoir by a 1,000-foot-tall ridge of the Santa Cruz Mountains. Furthermore, the Stevens Creek drainage west of the project site, south of the reservoir, is approximately 50 feet lower in elevation as compared to the project site. Therefore, a flooding hazard at the project site from seismic seiche activity is unlikely.

Surface Water Quality

As previously described, the project site is within the catchment area of Calabazas Creek, which flows to the San Francisco Bay via Guadalupe Slough. Water quality in the San Francisco Bay and its tributaries is regulated primarily by the San Francisco Bay RWQCB, which has established narrative and numeric standards for Calabazas Creek, Guadalupe Slough, and the South San Francisco Bay in its *Water Quality Control Plan for the San Francisco Bay Basin* (San Francisco Bay RWQCB 2023).

Table 4.11-1 lists the existing and potential beneficial uses designated in the San Francisco Bay Basin Plan for surface waters that could receive runoff from the project. Applying the San Francisco Bay Water Board’s “tributary rule,” the beneficial uses of a specifically identified water body generally apply to all its tributaries. In some cases, a beneficial use may not be applicable to the entire body of water; in these cases, the San Francisco Bay Water Board’s judgment regarding water quality control measures necessary to protect beneficial uses will be applied. In

addition, beneficial uses of streams that only have intermittent flows must also be protected throughout the year (San Francisco Bay RWQCB 2023).

Table 4.11-1 Beneficial Uses of Surface Waters in the Project Area

Beneficial Use	Water Bodies in Project Area with Existing Beneficial Use
Agricultural Supply	Calabazas Creek
Groundwater Supply	Calabazas Creek
Industrial Process Supply	San Francisco Bay, Lower
Commercial and Sport Fishing	San Francisco Bay, Lower
Shellfish Harvesting	San Francisco Bay, Lower
Cold Freshwater Habitat	Calabazas Creek
Estuarine Habitat	Guadalupe Slough San Francisco Bay, Lower
Fish Migration	San Francisco Bay, Lower
Rare & Endangered Species Preservation	Guadalupe Slough San Francisco Bay, Lower
Fish Spawning	San Francisco Bay, Lower
Warm Freshwater Habitat	Calabazas Creek
Wildlife Habitat	Calabazas Creek Guadalupe Slough San Francisco Bay, Lower
Water Contact Recreation	Calabazas Creek Guadalupe Slough San Francisco Bay, Lower
Non-Contact Water Recreation	Calabazas Creek Guadalupe Slough San Francisco Bay, Lower
Navigation	San Francisco Bay, Lower

Source: San Francisco Bay RWQCB 2023

Section 303(d) of the CWA requires states to identify waters where the permit standards, any other enforceable limits, or adopted water quality standards are still unattained. The CWA requires states to develop total maximum daily loads (TMDLs) to improve the water quality of impaired water bodies. TMDLs are the quantities of pollutants that can be safely assimilated by a water body without violating water quality standards. TMDLs are developed for impaired water bodies to maintain beneficial uses as designated in the applicable Basin Plan, achieve water quality objectives, and reduce the potential for future water quality degradation. National Pollutant Discharge Elimination System (NPDES) permits for water discharges must take into account the pollutants for which a water body is listed as impaired.

Table 4.11-2 lists impaired water bodies included in the State Water Resources Control Board's (SWRCB) 303(d) list that could receive runoff from the project, the pollutants of concern, and whether they have approved TMDLs. Even if a stream is not included in the SWRCB's 303(d) list, any upstream tributary to a 303(d)-listed stream could contribute pollutants to the listed segment.

Table 4.11-2 Section 303(d) List of Impaired Water Bodies

Impaired Water Body	Pollutant	Pollutant Source	TMDL Status
Calabazas Creek	Diazinon	Unknown	Approved in 2007
Guadalupe Slough	Toxicity	Unknown	Expected in 2029
San Francisco Bay, South	Chlordane	Unknown	Expected in 2013; still in process
	Dichlorodiphenyltrichloroethane (DDT)	Unknown	Expected in 2013; still in process
	Dieldrin	Unknown	Expected in 2013; still in process
	Dioxin compounds	Unknown	Expected in 2019; still in process
	Furan compounds	Unknown	Expected in 2019; still in process
	Invasive species	Unknown	Expected in 2019; still in process
	Mercury	Unknown	Approved in 2008
	Polychlorinated biphenyls (PCBs) (non-dioxin-like)	Unknown	Approved in 2010
	Polychlorinated biphenyls (PCBs) (dioxin-like)	Unknown	Approved in 2010
	Selenium	Unknown	Expected in 2021; still in process

Notes: TMDL = total maximum daily load

Source: SWRCB 2022a

Stormwater Drainage

Through a combination of overland flow, pump stations, and gravity outfalls, stormwater runoff in the City is conveyed through a storm drain network and discharged to several creeks and unnamed tributaries, which eventually discharge into San Francisco Bay at Guadalupe Slough.

There are no formal stormwater drainage facilities within the project site that connect to the storm drain network (City of Saratoga 2015). Four catch basins in Old Oak Way south of the project site discharge stormwater overland from two outfalls, on the hillside above Calabazas Creek. Two of these catch basins are at the gated end of Old Oak Way, and two are on Old Oak Way approximately 600 feet southeast of the gate. The associated outfalls are each approximately 200 feet northeast of the catch basins. Approximately 1,200 feet southeast of the project site, stormwater runoff from Old Oak Way is diverted via two additional catch basins into an underground storm drainage line east of the roadway. This stormwater drainage line traverses down the hillside (to the east) and discharges via an outfall into Calabazas Creek (City of Saratoga 2015).

Impervious and semi-pervious surfaces present at the project site are shown in Table 4.11-3.

Table 4.11-3 Existing Impervious Surfaces

Description	Lot	Impervious Area
Existing Residence	Parcel A	3,526 SF
Existing Stable	Parcel A	906 SF
Existing Driveway to Residence (excluding Old Oak Way access easement)	Parcel A	1,615 SF
Existing Tasting Deck & Restroom/Office	Parcel B	1,307 SF
Total	**Project Site**	**7,354**

Acronyms: SF = Square Feet

Source: Westfall Engineers Inc. 2024.

Groundwater

The project site is in the Santa Clara Valley Groundwater Basin (Basin No. 2-009.02) which is managed by the Santa Clara Valley Water District (Valley Water). Although most of the groundwater pumped from the basin is a result of District-managed recharge programs, the basin provides some groundwater supply resulting from the percolation of rainfall in the recharge areas and natural seepage through local creeks and streams. In addition, the groundwater basin serves as an extensive conveyance network, allowing water to move from the recharge areas to individual groundwater wells. The groundwater basin also provides some natural filtration of surface water as it percolates through the soil and rock. Finally, the groundwater basin provides water storage, allowing water to be carried over from the wet season to the dry season and from wet years to dry years. Due to the District's comprehensive groundwater management programs, the basin is in long-term balance (Santa Clara Valley Water District 2021b). Currently, inflows generally exceed outflows in the Santa Clara Valley Groundwater Basin, resulting in a net increase in groundwater storage of 3,500 acre-feet (Santa Clara Valley Water District 2021b).

The exact depth to groundwater at the project site is unknown. However, based on seasonal groundwater contours provided by Valley Water for 2020, the depth to groundwater in the project vicinity ranges from 260 to 280 feet elevation above mean sea level (i.e., approximately 520 feet below the ground surface in the improvement areas north of Old Oak Way, and approximately 360 feet below the ground surface in the soil disposal area) (Santa Clara Valley Water District 2021a). Soil borings obtained at the project site to depths of up to 29 feet below the ground surface, for geotechnical investigations, did not encounter groundwater (LACO 2016 and 2020, BAGG Engineers 2019 and 2023). There are no known wells present on the project site, but there is an active water supply well near the southwest corner of the adjacent Garrod Parcel (SCVWD 2024).

The Santa Clara Valley Groundwater Basin is a high priority basin as designated by the California Department of Water Resources (DWR) under the Sustainable Groundwater Management Act (SGMA); however, this basin is not in a state of critical overdraft (DWR 2020). Valley Water serves as the Groundwater Sustainability Agency for this basin.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for hydrology and water quality under Baseline Scenario #2 are identical to those described above, with the following exceptions:

- In the vicinity of what is now the tasting deck, no structures were present; therefore, there were no impervious surfaces present in this area and the total impervious surfaces present under Baseline Scenario 2 was 1,307 SF less than under Baseline Scenario 1 (see Table 3.10-3 above).

4.11.2 Regulatory Framework

Federal

Clean Water Act

The primary federal law governing water quality is the CWA, enacted in 1972. The CWA provides for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. The CWA emphasizes technology-based (end-of-pipe) control strategies and requires discharge permits to allow use of public resources for waste discharge. The CWA also limits the amount of pollutants that may be discharged and requires wastewater to be treated with the best treatment technology economically achievable regardless of receiving water conditions. The control of pollutant discharge is established through NPDES permits that contain effluent limitations and standards. The USEPA has delegated responsibility for implementation of portions of the CWA, such as Sections 303 and 402 (discussed below), to the SWRCB.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act is the basic water quality control law for California. The Porter-Cologne Water Quality Control Act authorizes the state to implement the provisions of the CWA and establishes a regulatory program to protect the water quality of the state and the beneficial uses of state waters.

The act requires project proponents whose projects would result in discharge of wastes that could affect the quality of the state's water to file a report of waste discharge with the appropriate RWQCB. The Porter-Cologne Water Quality Control Act also requires that the SWRCB or a RWQCB adopt basin plans for the protection of water quality. Basin plans are updated and reviewed every 3 years and provide the technical basis for determining waste discharge requirements (WDRs), taking enforcement actions, and evaluating clean water grant proposals. As required by the Porter-Cologne Water Quality Control Act and the CWA, basin plans include the following information:

- designated beneficial water uses;
- water quality objectives needed to protect the designated beneficial water uses; and
- strategies and time schedules for achieving the water quality objectives.

RWQCBs designate beneficial uses for all water body segments in their jurisdictions, and then set criteria necessary to protect these uses. Consequently, the water quality objectives

developed for particular water segments are based on the designated use and vary depending on such use. Basin Plans specify region-wide and water body-specific beneficial uses. RWQCBs set numeric and narrative water quality objectives for constituents of concern for surface waters in their regions. Specific objectives for concentrations of chemical constituents are applied to bodies of water based on their designated beneficial uses.

Clean Water Act Section 303(d) and Total Maximum Daily Loads

California adopts water quality standards to protect beneficial uses of waters of the state as required by Section 303(d) of the CWA and the Porter-Cologne Water Quality Control Act. The SWRCB identifies waters failing to meet standards for specific pollutants, which are then state-listed in accordance with CWA Section 303(d). If it is determined that waters of the state are impaired for one or more constituents, and the standards cannot be met through point-source or nonpoint-source controls (NPDES permits or waste discharge requirements [WDRs]), the CWA requires the establishment of TMDLs. Implementation of this program in the Bay Area is conducted by the San Francisco Bay RWQCB. To identify candidate water bodies for TMDL analysis, a list of water quality-impaired segments is generated by the SWRCB. These stream or river segments are impaired by the presence of pollutants and are more sensitive to disturbance because of this impairment.

In addition to the impaired water body list required by CWA Section 303(d), Section 305(b) requires states to develop a report assessing statewide surface water quality. For the current listing cycles, the State Water Board has combined its 303(d) list and the 305(b) report into the 2020-2022 California Integrated Report (SWRCB 2022a), which was approved by the USEPA in 2022.

Clean Water Act Section 402—National Pollutant Discharge Elimination System

The 1972 amendments to the Federal Water Pollutant Control Act established the NPDES permit program to control discharges of pollutants from point sources (Section 402). The 1987 amendments to the CWA created a new section of the act devoted to stormwater permitting (Section 402[p]). USEPA has granted primary administration and enforcement of the provisions of the CWA and NPDES to the SWRCB and the nine RWQCBs. NPDES is the primary federal program that regulates point-source and nonpoint-source discharges to waters of the United States. CWA Section 402 also includes waste discharge requirements (WDRs) for dewatering activities.

NPDES permit regulations have been established for broad categories of discharges, including point source municipal waste discharges and nonpoint source stormwater runoff. NPDES permits generally identify limits on the concentrations and/or mass emissions of pollutants in effluent discharged into receiving waters; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

In November 1990, USEPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000

persons.[24] Phase II of the NPDES stormwater permit regulations became effective in March 2003 and required small municipality areas of less than 100,000 persons to develop stormwater management programs.

National Pollutant Discharge Elimination System Construction General Permit

The SWRCB's statewide NPDES Permit, Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ, NPDES Permit No. CAS000002) (Construction General Permit), is applicable to all construction activities that would disturb 1 acre of land or more (SWRCB 2022b). Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR process, SWRCB seeks to ensure that the construction and post-construction conditions at a project site do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, project applicants must file a Notice of Intent with the SWRCB to obtain coverage under the permit; prepare a Stormwater Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level as specified in the SWPPP. The SWPPP must include a site map, describe construction activities and potential pollutants, and identify BMPs that would be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. The permit also requires dischargers to consider the use of post-construction permanent BMPs that will remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

The San Francisco Bay RWQCB also has the authority to issue waivers to WDRs for "low threat" discharge activities that have minimal potential for adverse water quality effects when implemented according to prescribed terms and conditions. This includes minor discharges of uncontaminated groundwater during construction dewatering, which is regulated by the San Francisco Bay RWQCB under the Construction General Permit.

Sustainable Groundwater Management Act

In 2014, the California Legislature enacted a three-bill law (AB 1739, SB 1168, and SB 1319), known as the Groundwater Management Act. The act was created to provide a framework for the sustainable management of groundwater supplies, and to strengthen local control and management of groundwater basins throughout the state with little state intervention. The Sustainable Groundwater Management Act is intended to empower local agencies to adopt groundwater sustainability plans (GSP) (that are tailored to the resources and needs of their communities, such that sustainable management would provide a buffer against drought and climate change, and ensure reliable water supplies regardless of weather patterns.

[24] Phase I also applies to storm water discharges from a large variety of industrial activities, including general construction activity if the project would disturb more than 5 acres.

The Sustainable Groundwater Management Act and corresponding regulations require that each high and medium priority groundwater basin is operated to a sustainable yield, balancing natural and artificial groundwater recharge with groundwater use to ensure undesirable results such as chronic lowering of groundwater levels, loss of storage, water quality impacts, land subsidence, and impacts to hydraulically connected streams do not occur. The Sustainable Groundwater Management Act is considered part of the statewide, comprehensive California Water Action Plan that includes water conservation, water recycling, expanded water storage, safe drinking water, and wetlands and watershed restoration. The Act protects existing surface water and groundwater rights and does not affect current drought response measures.

The Sustainable Groundwater Management Act required that local agencies form one or more groundwater sustainability agencies (GSAs) within 2 years (i.e., by June 30, 2017). Agencies located within high- or medium-priority basins must adopt a GSP or Alternative GSP.

GSPs must define the sustainable yield of the basin, identify what would constitute undesirable results in the basin, and identify the projects and actions (including monitoring) that will be implemented to ensure the basin is managed to avoid undesirable results. DWR evaluates the GSP and provides the GSA with an assessment of the plan and any necessary recommendations every 5 years following its establishment. Reports by the GSA that include monitoring data and information are due annually to DWR. GSAs may choose to submit an Alternative GSP, which may consist of an existing groundwater management plan that demonstrates a reasonable expectation of achieving sustainability within 20 years. An Alternative GSP may also consist of a basin adjudication with existing governance and oversight, or a 10-year analysis of basin conditions showing sustainable operations with no undesirable results such as subsidence, saltwater intrusion, or degraded water quality.

Local

San Francisco Bay Basin Plan

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the San Francisco Bay RWQCB's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives (RWQCB 2023).

County Drainage Manual

Section C12-562 of the County Drainage Ordinance requires drainage structures and devices to be designed and constructed in accordance with the County Drainage Manual. This manual provides a framework for the various hydraulic and hydrologic analyses necessary to plan and design storm drainage and flood control facilities. The manual includes multiple design standards, methods of analyses, and engineering tools required for the planning and design of stormwater drainage systems and flood control facilities. The manual requires all projects subject to the County Drainage Ordinance to be designed such that the stormwater runoff generated from the 10-year design storm is conveyed in the storm drainage system (underground pipes and/or stable open channels) and the stormwater runoff generated from the 100-year design storm is safely conveyed away from the project site without creating and/or contributing to downstream or upstream flooding conditions (County of Santa Clara 2007).

Santa Clara Valley Urban Runoff Pollution Prevention Program

The project site lies within the jurisdiction of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). SCVURPPP is an association of the County of Santa Clara, the Santa Clara Valley Water District, and the 13 cities and towns in Santa Clara County that are in the jurisdiction of the San Francisco Bay RWQCB (including the City of Saratoga). The SCVURPPP operates under an NPDES/WDR permit to discharge stormwater from municipal separate storm sewer systems (MS4 Permit) issued by the San Francisco Bay RWQCB (Order No. R2-2022-0018) (San Francisco Bay RWQCB 2022). The MS4 permit covers municipal stormwater discharges from entities in Alameda, Contra Costa, San Mateo, Santa Clara, and Solano counties, including the SCVURPPP.

The MS4 Permit requires the SCVURPPP and its member agencies (including the City of Saratoga) to reduce pollutants in stormwater discharges to the maximum extent practicable and to effectively prohibit non-stormwater discharges. The MS4 Permit contains requirements for implementing urban runoff controls consistent with the TMDLs that apply to specific watershed boundaries. Project proponents are required to incorporate site design measures, specific treatment measures, hydromodification management measures, and operations and maintenance requirements, all of which are specifically intended to reduce erosion and the transport of sediment and other pollutants in stormwater. Site design requirements related to water quality are provided in the *C.3 Stormwater Handbook* produced by the SCVURPPP, which contains guidelines for implementing stormwater requirements for new development and redevelopment projects (SCVURPPP 2016).

Project proponents are also required to incorporate planning for Green Stormwater Infrastructure as part of the *Santa Clara Basin Stormwater Resource Plan* (SCVURPPP 2019). Green Stormwater Infrastructure projects use vegetation, soils, and natural processes to capture stormwater and dry weather runoff from impervious surfaces throughout the urban landscape. Green Stormwater Infrastructure helps to reduce the quantity of pollutants and runoff entering the storm drain system, recharge groundwater and augment potable water supply, and reduce local flooding. “Regulated projects”, which includes most non-residential private development or redevelopment projects creating more than 5,000 SF of new or replacement impervious surfaces, are required to comply with the C.3 requirements for low impact design or approved alternative compliance measures.

One Water Plan

The Santa Clara Valley Water District, in cooperation with a variety of stakeholders and interested parties, adopted the One Water Plan. The One Water – Santa Clara Countywide Framework (Santa Clara Valley Water District 2022) provides a vision, goals, and objectives to guide future individual watershed plans (including the West Valley Water Watershed, where the project site is located). The One Water Framework includes goals and objectives to achieve the vision for sustainable management of Valley Water’s water resources, including protection and improvement of surface and groundwater quality.

Groundwater Management Plan

Valley Water is the Groundwater Sustainability Agency for the Santa Clara Subbasin. The 2021 *Groundwater Management Plan* (GWMP or Alternative GSP) prepared by Valley Water (Valley Water 2021b) has been accepted by the DWR as an Alternative GSP (DWR 2020).

The GWMP includes sustainability goals including management of groundwater supplies to optimize water supply reliability and minimize land subsidence; and to protect groundwater from contamination. The GWMP also contains a variety of programs to be implemented by Valley Water as tools to meet groundwater supply sustainability goals, including managed recharge, in-lieu recharge, protecting natural recharge, groundwater production management, water accounting, and asset management.

West Valley Clean Water Program Authority

The West Valley Clean Water Program Authority (Authority) serves as the Stormwater Pollution Prevention Authority for the cities of Saratoga, Campbell, Monte Sereno, and the Town of Los Gatos. The Authority was created to maximize the effectiveness, efficiency, and cost-benefit from collective stormwater pollution prevention efforts of the four West Valley communities. The Authority was formally established in February 2018 but has been operating as a collaborative stormwater management program since 1992. The Authority develops an annual work plan to fulfill the requirements of the MS4 Permit and to reduce the amount of pollutants discharged in urban runoff. The plan is a comprehensive program that is designed to reduce the discharge of pollutants to the maximum extent practicable and encompasses best practices. The Authority also has adopted a set of Strategic Priorities that consist of specific actions intended to support stormwater permit compliance, finance and administration, stormwater education, and technology/innovation (West Valley Clean Water Authority 2022).

City of Saratoga Drainage Design Standards

The City requires all development to design drainage systems using the methods described in the 2007 Santa Clara County Drainage Manual. The City's C.3 Low Impact Development (LID) Checklist (City of Saratoga 2021) provides guidance to determine the application of LID features in project design, depending on the type of project and the amount of impervious surfaces. Development projects that create or replace 10,000 square feet or more of impervious surfaces are considered regulated projects, which must treat stormwater using only LID features. Site design requirements related to water quality are provided in the *C.3 Stormwater Handbook* produced by the SCVURPP (2016), and may include measures such as bioretention basins, flow-through planters, bioswales, permeable pavement, rainwater harvesting and use, and tree preservation and planting (among others).

Saratoga Municipal Code

Article 15-13.080 of the Saratoga Municipal Code limits site coverage (i.e., total impervious surface) on lots within the Hillside Residential zoning district to a maximum of 25 percent or 15,000 square feet, whichever is less.

Article 16-17 of the Saratoga Municipal Code regulates drainage facilities and terracing for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3 percent slope), including requirements for swales, ditches, subsurface drainage, disposal of drainage water, and

interceptor drains. Drainage plans must be submitted to the building department for review and approval, and must include both existing and proposed grades, and all proposed drainage facilities. Section 16-17.120, subd. (f), of the Saratoga Municipal Code also requires that disposition of all on-site stormwater must be consistent with the requirements of the SCVURPPP.

Saratoga General Plan

The following policies from the Opens Space and Conservation Element of the City's General Plan (City of Saratoga 2024) are applicable to the proposed project:

- **Goal OSC-8:** Protect existing watercourses in the community and maintain water quality in surface and subsurface water sources.
  - **Policy OSC-8.1**: Retain surface watercourses in their natural condition to the greatest extent possible.
  - **Policy OSC-8.2:** 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-8.3:** Comply with all current National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit requirements.
  - **Policy OSC-8.4:** Implement Saratoga's Green Stormwater Infrastructure (GSI) Plan.
- **Goal OSC-9:** Maximize efficiencies in the use of the City's water supply.
  - **Policy OSC-9.1**: Implement water conservation provisions of the San Jose Water Company's Urban Water Management Plan.

4.11.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to hydrology and 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?
- **Impact HYD-2:** Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge?
- **Impact HYD-3:** Would the project substantially alter drainage patterns resulting in erosion or siltation, flooding, pollution, or redirection of flood flows?
- **Impact HYD-4:** Would the project risk release of pollutants in flood, tsunami, or seiche hazard zones?
- **Impact HYD-5:** Would the project conflict with a water quality control plan or sustainable groundwater management plan?

Impact HYD-1: Violate Water Quality Standards?

Impact HYD-1 would be **potentially significant**. Implementation of Mitigation Measures MM-HYD-1A and MM-HYD-1B, would reduce the impact to **less than significant with mitigation** under both baseline scenarios.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

Project construction activities would require vegetation removal, excavating, grading, material stockpiling, soil disposal at the former on-site quarry area, and staging within the project footprint, all of which would temporarily disturb surface soils.

As discussed previously, depth to groundwater at the project site likely ranges from approximately 520 feet below the ground surface in the improvement areas north of Old Oak Way, to approximately 360 feet below the ground surface in the soil disposal area (Santa Clara Valley Water District 2021). Soil borings obtained at the project site to depths of up to 29 feet below the ground surface did not encounter groundwater (LACO 2016 and 2020, BAGG Engineers 2019 and 2023). The maximum depth of excavation for the project (associated with the wine cave) would be approximately 25 feet below the ground surface, and therefore it is unlikely that groundwater would be encountered during construction. As such, degradation of groundwater quality during construction would not be anticipated.

Project construction and excavation activities would expose soil to the erosive forces of wind and water. The soil ultimately could be transported via overland sheet flow or the storm drainage system to Calabazas Creek and downstream waterbodies including Guadalupe Slough and the South San Francisco Bay, thereby increasing turbidity and degrading water quality.

The potential for accidental releases of chemicals also would be present during construction. After being released, substances such as fuels, oils, paints, concrete, and solvents could be transported to the storm drain system or overland flow into creeks in stormwater runoff, wash water, and dust-control water, potentially reducing the quality of the receiving waters. Erosion and construction-related wastes would have the potential to degrade water quality and beneficial uses, if they enter runoff and flow into waterways, potentially altering the dissolved oxygen content, temperature, pH, suspended sediment, turbidity levels, and/or nutrient content of receiving waters, or cause toxic effects on the aquatic environment. Therefore, project construction activities without proper stormwater management measures could violate water quality standards or otherwise substantially degrade water quality.

The project applicant is required by law to comply with the provisions of the SWRCB's NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ) (Construction General Permit). The Construction General Permit regulates stormwater discharges for construction activities under the federal CWA. The Construction General Permit applies to all land-disturbing construction activities that would disturb 1 acre or more. To comply with the provisions of the NPDES Construction General Permit, the Project applicant or its construction contractor are required to submit a Notice of Intent to discharge to the San Francisco Bay RWQCB and are required to prepare and

implement a SWPPP, which would include BMPs to minimize stormwater runoff and protect water quality. Examples of the types of BMPs that would be implemented as part of the SWPPP are listed below.

- Silt fencing, fiber rolls, or gravel bags
- Street sweeping and vacuuming
- Storm drain inlet protection
- Stabilized construction entrance/exit
- Vehicle and equipment maintenance, cleaning, and fueling
- Hydroseeding
- Material delivery and storage
- Stockpile management
- Spill prevention and control
- Solid waste management
- Concrete waste management

Construction of the project in accordance with the NPDES General Construction Permit (through implementation of a SWPPP and associated industry-standard BMPs) would result in less-than-significant impacts to surface water, as the SWPPP would be prepared by a qualified stormwater professional, as required by the NPDES, and site-specific BMPs would be selected to control construction-related stormwater runoff and reduce stormwater-induced soil erosion. The SWPPP would be submitted to the San Francisco Bay RWQCB prior to construction.

The preliminary project plans include a requirement that the construction contractor winterize all construction sites with appropriate erosion control measures from October 15 to April 15 of each year, which would help to reduce the potential for erosion during the winter months. However, because the SWPPP has not yet been developed, it is unknown whether the SWPPP and proposed BMPs would meet the requirements of the NPDES General Construction Permit or be adequately protective of water quality standards. As such, the proposed project could have a **potentially significant impact** to surface water quality that could violate water quality standards. Mitigation Measure MM-HYD-1A is proposed to address this potentially significant impact.

Mitigation Measure MM-HYD-1A: Erosion and Sedimentation Control Plan for Construction

1) *The project applicant shall submit an Erosion and Sedimentation Control Plan for all project components to the City Engineer in the Public Works Department (City Engineer) for review and approval prior to issuance of grading permits. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be*

limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City.

2) *The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the City Engineer.*

3) *The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City Engineer.*

MM-HYD-1A requires the applicant to prepare and implement an Erosion and Sedimentation Control Plan, as well as to demonstrate compliance with the requirements of the NDPES General Construction Permit, which were developed by the SWQCB to protect water quality from typical construction-related pollutants. For these reasons, stormwater runoff and erosion at the project site during construction would not result in degradation of surface water quality such that water quality standards would be violated. Therefore, with implementation of MM-HYD-1A the potentially significant impacts would be reduced to **less than significant with mitigation**.

Operation

The proposed project would include wine tasting, events, and associated uses such as landscape and building maintenance on the project site that could generate pollutants, such as suspended solids, nutrients, pesticides, oil and grease, trash, and debris. These pollutants could potentially contaminant stormwater runoff and result in degradation of surface or groundwater quality.

Project operation would not include the use of substantial quantities of hazardous substances or chemicals. Minor non-point source pollutants at the project site (i.e., small amounts of herbicides and insecticides to maintain the native vegetation where the vineyard is removed within the open space and other areas where weed control would be needed) would be controlled by adhering to manufacturer's use, storage, and disposal recommendations.

The grading and erosion control plans and utility plans for the project (Westfall Engineers, Inc. 2024) show the proposed installation of four, 12-inch corrugated metal pipe drainage lines that would collect stormwater sheet flows from the primary access road. Each pipe would be routed underneath the access road and the outfalls would be equipped with energy dissipators. Energy dissipators prevent erosion, turbulence, and turbidity where stormwater pipes or ditches discharge to unprotected areas, such as channel banks, slopes, or upslope outfall locations.

Energy dissipators may consist of a structural apron lining fabricated from riprap, concrete, turf reinforcement mats, or other materials.

For the secondary fire access road, portions exceeding 15 percent slope would be paved with a semi-pervious pavement surface, which would result in increased stormwater runoff. Drainage details for the secondary fire access road have not been determined but could include installing a shallow drainage ditch alongside the road, and/or installing drainage lines with outfalls underneath the road and energy dissipators similar to the primary access road described above.

The proposed project would also include improvements to the existing tasting deck and associated office and restroom structures that were constructed without building or grading permits or consideration of the City's requirements for stormwater drainage. The overall square footage of the tasting deck would not change, but the roof would be replaced with a fire-resistant material. Downspouts from the building roofs would discharge onto splash blocks and would be directed way from the buildings and foundations.

Prior to issuance of grading and building permits, the City requires that final grading and stormwater drainage plans be prepared and submitted for City review and approval to confirm that the requirements of the Santa Clara County Drainage Manual (Santa Clara County 2007) and San Francisco Bay RWQCB MS4 Permit are met. The County Drainage Manual requires calculation of post-project stormwater runoff volumes and design of an appropriate modification to the on-site system to appropriately detain, pre-treat, and convey stormwater using methods as required by the City and the SCVURPP. Based on the preliminary plans submitted with the Use Permit application, the project would include approximately 7,800 SF of new or replacement impervious surfaces compared to Baseline Scenario 1, as summarized in Table 4.11-4, below.

Table 4.11-4 New & Replacement Impervious Surfaces

Description	Lot	Impervious Area
Widening of Old Oak Way/existing driveway (portions) Secondary Access Road (portions greater than 15% slope)*	Parcel A	2,150 SF (new)
Tasting Deck & Restroom/Office Roof Wine Cave Green Roof* Wine Cave Turnaround*	Parcel B	1,307 SF (replaced) 1,302 SF (new) 1,500 SF (new)
Secondary Access Road (portions greater than 15% slope)*	Olsen Property	990 SF (new)
Secondary Access Road (portions greater than 15% slope)* and widening of portions of Garrod Road	Garrod Property	550 SF (new)
Total	**Project Site**	**7,799 SF**

Source: Westfall Engineers Inc. 2024.

Acronyms: SF = Square Feet

*Notes: * the square footage for semipervious surfaces marked with an asterisk (*) represents 50% of the total area of this surface, as they are considered 50% impervious.*

The MS4 Permit requires the SCVURPPP and its member agencies (including the City and all project applicants therein) to reduce pollutants in stormwater discharges to the maximum extent practicable and to prohibit non-stormwater discharges effectively.

Because the stormwater drainage details for the site have not yet been determined, it is unclear if the current design would meet the requirements of the County Drainage Manual or MS4 Permit. Therefore, there is potential that the proposed project could have a **potentially significant impact** related to degradation of water quality. Mitigation Measure MM-HYD-1B is recommended to reduce this potentially significant impact.

Mitigation Measure MM-HYD-1B: Post-Construction Stormwater Management Plan and Maintenance Agreement

1) *The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES) and the Santa Clara County Drainage Manual, as applicable. The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan. The Post-Construction Stormwater Management Plan shall include and identify the following:*

    a. *Location and size of all new and replaced impervious surfaces associated with the proposed project;*

    b. *Directional surface flow of stormwater runoff;*

    c. *Location of proposed on-site storm drain lines;*

    d. *Site design measures to reduce the amount of impervious surface area;*

    e. *Details of on-site infiltration measures;*

    f. *Source control measures to limit stormwater pollution;*

    g. *Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and*

    h. *Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.*

MM-HYD-1B requires the applicant to demonstrate compliance with the applicable requirements of Provision C.3 of the Municipal Regional Stormwater Permit and relevant provisions of the Santa Clara County Drainage Manual, as well as to prepare and implement a Post-Construction Stormwater Management Plan. Because the requirements of the MRSP and County Drainage Manual were designed to protect water quality standards, stormwater runoff from the post-construction project site would not result in degradation of surface water quality such that water quality standards would be violated. Therefore, with implementation of MM-HYD-1B the potentially significant impacts would be reduced to **less than significant with mitigation**.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Construction

Impacts from future construction activities at the site would be identical to those described for Baseline Scenario 1 above, which would be potentially significant. Compared to 2013 conditions,

the proposed project also includes the unpermitted construction of the existing tasting deck and associated grading activities. Because the tasting deck was constructed without a grading permit or any requirements for erosion and sediment control, it is unknown if BMP to prevent unnecessary erosion and sediment-laden runoff, such as silt fences, staked straw bales/wattles, geofabric, trench plugs, terraces, water bars, soil stabilizers, mulching, and revegetation of disturbed areas as soon as possible following completion of activities, were undertaken. However, given the relatively small area of disturbance associated with the past grading activities (less than 10,000 SF) the presence of vegetated, permeable surfaces downgradient of the construction area into which stormwater runoff would have dissipated, the lack of nearby surface water bodies, and the lack of visible signs of erosion such as rills, gullies, or sedimentation downslope, sediment-laden runoff from past unpermitted construction activities is unlikely to have caused substantial degradation of water quality or violation of water quality standards.

Implementation of mitigation measure MM-HYD-1A would reduce potential water quality impacts from future construction activities to less than significant with mitigation, for the same reasons described for Baseline Scenario 1 above.

Operation

Operational impacts compared to Baseline Scenario 2 would be similar to those described for Baseline Scenario 1 above, although the increased number of visitors for winetasting and events at the site compared to 2013 numbers would likely result in a corresponding increase in the potential for generation of pollutants, such as suspended solids, nutrients, oil and grease, trash, and debris. Compared to Baseline Scenario 2, the proposed project would introduce the same total quantity of new and replacement impervious surfaces as shown in Table 4.11-5 above, except that compared to this baseline, the roofs of the tasting deck and associated restroom/office structures would be considered new impervious surfaces rather than replacement impervious surfaces. For the same reasons described for Baseline Scenario 1 above, the impacts to water quality under Baseline Scenario 2 would be **potentially significant**.

However, with implementation of mitigation measure **MM-HYD-1B**, the applicant would be required to demonstrate that the entire project site, including past unpermitted structures, would be compliant with the applicable requirements of Provision C.3 of the Municipal Regional Stormwater Permit and relevant provisions of the Santa Clara County Drainage Manual. Therefore, for the same reasons described for Baseline Scenario 1, with implementation of **MM-HYD-1B** the potentially significant impacts would be reduced to **less than significant with mitigation**.

Impact HYD-2: Substantially Decrease Groundwater Supplies or Interfere with Groundwater Recharge?

Impact HYD-2 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

During construction activities, the proposed project would not use groundwater. Water that is necessary for temporary construction activities (e.g., for dust control and soil compaction) would be supplied by trucks. Therefore, construction of the proposed project would result in **no impact** related to substantial decreases in groundwater supplies or interference with groundwater recharge compared to Baseline Scenario 1.

Operation

Potable water for project operation consists of surface water that is purchased by the applicant from the Mt. Eden Water Cooperative, which is a small, local water retailer. The Mt. Eden Water Cooperative obtains its water for resale from surface water supplies provided by the San Jose Water Company. Therefore, project operation would not involve the use of groundwater. Because the project would not use groundwater as a source of water supply, operation of the proposed project would result in **no impact** related to substantial decreases in groundwater supplies.

Table 4.11-5 below presents the total area of existing (under Baseline Scenario 1) and net new (proposed) impervious surfaces on each of the project site parcels and other parcels where project activities would occur (excluding impervious areas associated with access easements).

Table 4.11-5 Existing and New Impervious Surfaces – Baseline Scenario 1

Parcel	Lot Size (acres)	Existing Impervious Area (SF)	Net New Impervious Area (SF)	Total Impervious Area (SF)	Percentage Impervious (SF)
Parcel A	12.422	6,047	2,150	8,197	1.5%
Parcel B	10.374	1,307	1,302	2,609	0.6%
Project Site Subtotal	22.796	7,354	3,452	10,806	1.1%
APN 503-15-075 (Olsen)	12.693	9,800	990	10,790	2.0%
Garrod Property	51.528	not calculated	550	550 (new)	not calculated

Acronyms: SF = Square Feet

Source: Estimated from Westfall Engineers Inc. 2024.

** Impervious area for semi-pervious surfaces such as compacted gravel and wine cave roof is calculated at 50% of total area.*

Existing impervious surfaces within ingress/egress easements are not included in calculations for maximum site coverage, per SMC 15-06-620(b).

The total area of impervious surfaces on the project site (Parcels A and B combined) would increase from approximately 7,300 SF under Baseline 1 conditions to nearly 11,000 SF under post-project conditions, an increase of approximately 150 percent; however, the total post-project impervious area represents less than 2 percent of the total project site area. As discussed in the Regulatory Setting section above, the Municipal Code includes requirements that limit the

amount of new impervious surfaces; which, for Parcels A and B, is a maximum lot coverage of 15,000 SF per parcel. Although the proposed project would increase the amount of impervious surface area on Parcels A and B, the total post-project impervious surface area on these parcels would be substantially less than the City's maximum site coverage for each parcel.

The maximum lot coverage limits in the City's Municipal Code were adopted, in part, to preserve and protect sensitive watershed areas (City General Plan Policy LU-6.1) and to ensure that groundwater recharge can continue to occur on individual parcels. Therefore, because the project would include substantially less site coverage than allowed by the City's Municipal Code, and because the total impervious area represents only a small percentage (less than 2 percent) of the total site area, the effect of the project on groundwater recharge would be **less than significant.**

Furthermore, implementation of MM-HYD-1B (detailed in Impact HYD-1 above) would also act to further reduce the project's already less-than-significant impact to groundwater recharge by requiring that the applicant to demonstrate compliance with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit and relevant provisions of the Santa Clara County Drainage Manual. These provisions encourage the use of stormwater infiltration systems and require that post-development runoff peak flows match pre-development conditions for projects that exceed a certain threshold of new or replacement impervious surfaces, which is typically achieved through stormwater infiltration systems.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Construction

Water use for future construction activities would be identical to that described for Baseline Scenario 1 and would not include the use of groundwater. Although the water supply for construction-related water use during the unpermitted construction of the tasting deck and associated grading is unknown, because there are no water supply wells on the project site or adjacent House Family Vineyard parcels, it is unlikely that groundwater would have been used. Thus, there would be **no impact** to groundwater supply or recharge from project construction compared to Baseline Scenario 2.

Operation

As described for Baseline Scenario 1 above, project operations would not use groundwater and therefore there would be **no impact** relating to depletion of groundwater supplies.

Table 4.11-6 below presents the total area of existing (under Baseline Scenario 2) and net new (proposed) impervious surfaces on each of the project site parcels and other parcels where project activities would occur (excluding impervious areas associated with access easements).

Table 4.11-6 Existing and New Impervious Surfaces – Baseline Scenario 2

Parcel	Lot Size (acres)	Existing Impervious Area (SF)	Net New Impervious Area (SF)	Total Impervious Area (SF)	Percentage Impervious (SF)
Parcel A	12.422	6,047	2,150	8,197	1.5%
Parcel B	10.374	0	2,609	2,609	0.6%
Project Site Subtotal	***22.796***	***6,047***	***4,759***	***10,806***	***1.1%***
APN 503-15-075 (Olsen)	12.693	9,800	990	10,790	2.0%
Garrod Property	51.528	not calculated	550	550 (new)	not calculated

Acronyms: SF = Square Feet

Source: Estimated from Westfall Engineers Inc. 2024.

** Impervious area for semi-pervious surfaces such as compacted gravel and wine cave roof is calculated at 50% of total area.Existing impervious surfaces within ingress/egress easements are not included in calculations for maximum site coverage, per SMC 15-06-620(b).*

The total area of impervious surfaces on the project site (Parcels A and B combined) would increase from approximately 6,000 SF under Baseline 2 conditions to nearly 11,000 SF under post-project conditions, an increase of approximately 180 percent; however, the total post-project impervious area represents less than 2 percent of the total project site area and would be well below the City's maximum site coverage of 15,000 SF per parcel.

Therefore, for the same reasons as discussed for Baseline Scenario 1 above, the proposed project would have a less than significant impact on groundwater recharge under Baseline Scenario 2, and implementation of MM-HYD-1B, would further reduce the already **less than significant impact**.

Impact HYD-3: Substantially Alter Drainage Patterns Resulting in Erosion and Sedimentation, Flooding, Pollution, or Impedance of Flood Flows?

Impact HYD-3 would be **potentially significant.** Implementation of MM-HYD-1A and MM-HYD-1B would reduce the impact to **less than significant with mitigation** under both baseline scenarios.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would 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:

- result in substantial erosion or siltation on- or off-site,
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite,
- 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.
- impede or redirect flood flows.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

Construction of the project would result in excavation, trenching, and grading activities, along with excavated soil disposal at the former on-site quarry area, which would alter the existing on-site drainage patterns.

As discussed for Impact HYD-1, construction of the project in accordance with the mandatory SWPPP and associated industry-standard BMPs would mean that impacts from such alterations on erosion, flooding, or stormwater drainage capacity would be less than significant, because such measures have been designed to control construction-related stormwater runoff and reduce stormwater-induced soil erosion during construction.

However, because the SWPPP has not yet been developed, it is unknown whether the SWPPP and proposed BMPs would meet the requirements of the NPDES General Construction Permit. As such, the proposed project could have a **potentially significant impact** related to erosion, flooding, or stormwater drainage capacity.

Mitigation Measure MM-HYD-1A, detailed in Impact HYD-1 above, is proposed to address this potentially significant impact.

Because MM-HYD-1A requires the applicant to prepare and implement an Erosion and Sedimentation Control Plan, as well as to demonstrate compliance with the requirements of the NDPES General Construction Permit, alterations to drainage patterns at the project site during construction would not result in substantial stormwater runoff and erosion, flooding or drainage capacity issues. Therefore, with implementation of MM-HYD-1A the potentially significant impacts would be reduced to **less than significant with mitigation**.

Operation

As described above in Impact HYD-2, the project would permanently alter the topography of the site due to construction of the proposed wine cave, restoration of the original grade near the tasting deck, modification of the existing dirt access road, construction of the secondary access road, and from the stockpiling of excess soils within the quarry area. These activities would result in permanent changes to the topography of the site which would alter drainage patterns in the immediate vicinity of the proposed grading.

The project site is not classified as a FEMA 100-year flood hazard zone. Although the western half of the proposed secondary access road is situated in area that has not been classified for flood hazards by FEMA, the road area is located on a hillside with moderate to steep slopes, and therefore would not be subject to substantial flooding. Because substantial flooding at the project site is unlikely to occur, and because the majority of project improvements would be situated near in upland areas with minimal contributing watershed, the proposed changes to topography would not impede flood flows, but could alter the way in which stormwater runs off from the site.

In addition, the project would result in a net increase of approximately 3,452 square feet of impervious surfaces on the project site parcels compared to Baseline Scenario 1 (and an

additional 1,540 SF on adjacent parcels, see Table 3.10-4 above), which would increase the amount of stormwater runoff generated at the site. A preliminary grading and erosion control plan for the proposed improvements and the soil disposal area was prepared by Westfall Engineers (2024) for the applicant (see Appendix D).

Prior to issuance of grading and building permits, the City requires that final grading and stormwater drainage plans be prepared and submitted for City review and approval to confirm that the requirements of the Santa Clara County Drainage Manual (Santa Clara County 2007) and San Francisco Bay RWQCB MS4 Permit are met. The County Drainage Manual requires calculation of post-project stormwater runoff volumes and design of an appropriate modification to the on-site system to appropriately detain, pre-treat, and convey stormwater using methods as required by the City and the SCVURPP. The County Drainage Manual requires calculation of post-project stormwater runoff volumes and design of an appropriate modification to the on-site system to appropriately detain, pre-treat, and convey stormwater using methods as required by the City and the SCVURPP.

Because the stormwater drainage details for the site have not yet been determined, it is unclear if the current design would meet the requirements of the County Drainage Manual or MS4 Permit. Therefore, there is potential that the proposed project could have a **potentially significant impact** related to alteration of drainage patterns resulting in erosion and sedimentation, flooding, pollution, or impedance of flood flows.

Mitigation Measure **MM-HYD-1B** (detailed in Impact HYD-1 above) is recommended to reduce this potentially significant impact.

Because MM-HYD-1B requires the applicant to demonstrate compliance with the applicable requirements of Provision C.3 of the Municipal Regional Stormwater Permit and relevant provisions of the Santa Clara County Drainage Manual, as well as to prepare and implement a Post-Construction Stormwater Management Plan, and because the requirements of the MRSP and County Drainage Manual were designed to minimize the potential for downstream impacts such as erosion and sedimentation, flooding, pollution and impedance of flood flows, the proposed alterations to local drainage patterns at the project site would not result in substantial erosion and sedimentation, flooding, pollution and impedance of flood flows. Therefore, with implementation of MM-HYD-1B the potentially significant impacts would be reduced to **less than significant with mitigation**.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Construction

Impacts from future construction activities at the site would be identical to those described for Baseline Scenario 1 above, which would be **potentially significant**.

Compared to 2013 conditions, the proposed project also includes the unpermitted construction of the existing tasting deck and associated grading activities. Because the tasting deck was constructed without a grading permit or any requirements for erosion and sediment control, it is unknown if BMP to prevent unnecessary erosion and sediment-laden runoff, flooding, or stormwater drainage capacity were undertaken. However, given the relatively small area of disturbance associated with the past grading activities (less than 10,000 SF), the presence of

vegetated, permeable surfaces downgradient of the construction area into which stormwater runoff would have dissipated, the lack of nearby surface water bodies, and the lack of visible signs of erosion such as rills, gullies, or sedimentation downslope, past unpermitted construction activities is unlikely to have caused substantial erosion, flooding, or stormwater drainage capacity issues.

Mitigation Measure MM-HYD-1A, detailed in Impact HYD-1 above, is proposed to address this potentially significant impact.

Implementation of mitigation measure MM-HYD-1A would reduce potential impacts from future construction activities to **less than significant with mitigation**, for the same reasons described for Baseline Scenario 1 above.

Operation

Under Baseline Scenario 2, the tasting deck had not been constructed and associated grading activities in that area of the site had not occurred; therefore, because the project would restore the original grade to Baseline 2 conditions, there would be limited net change to the topography in the vicinity of the tasting deck. However, the project would introduce a new structure (the tasting deck) that could potentially alter drainage patterns in the area, and the project would still include other earthwork activities associated with the wine cave, modified fire access road, secondary access road and quarry fill, as described for Baseline 1 above.

For the same reasons described for Baseline Scenario 1, the project would have a **potentially significant impact** related to alteration of drainage patterns resulting in erosion and sedimentation, flooding, pollution, or impedance of flood flows. However, implementation of Mitigation Measure **MM-HYD-1B** (detailed in Impact HYD-1 above) would reduce the impact to **less than significant with mitigation**.

Impact HYD-4: Release of Pollutants in Flood, Tsunami, or Seiche Hazard Zones?

Impact HYD-4 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would risk release of pollutants due to project inundation.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

The project site is more than 10 miles inland from San Francisco Bay at elevations ranging from 640 to 830 feet above mean sea level, and is not located in a tsunami inundation zone (California Governor's Office of Emergency Services et al. 2021). Furthermore, given the distance of the project site from the Stevens Creek Reservoir, and the fact that the project site is separated from the reservoir by a ridge of the Santa Cruz Mountains that is 1,000 feet high, seiches would also not represent a hazard at the project site.

As noted in Section 3.10.1, "Environmental Setting," the project site is not within a 100-year (1% Baseline Scenarios [AEP]) flood hazard zone, but is within Zone X (shaded), which is defined by FEMA as having a potential for moderate flood hazards including a 0.2% AEP flood hazard or a 1% AEP flood with average depths of less than 1 foot (FEMA 2009). The western half of the proposed secondary access road is in an area that has not been classified for flood hazards by FEMA, but the road is on a hillside with moderate to steep slopes. Calabazas Creek is approximately 2,200 feet southeast of the project site. The proposed improvement areas are approximately 340 feet above Calabazas Creek, and the proposed soil disposal area is approximately 180 feet above Calabazas Creek. Thus, inundation of the project site is unlikely to occur, and the likelihood of substantial flooding is extremely low. Therefore, construction-related impacts on water quality from transport of pollutants during inundation of the project site would be **less than significant.**

Operation

Project operation would only involve the storage of minor amounts of hazardous materials such as fertilizers and pesticides to maintain the on-site landscaping, along with household cleaning materials. Because the risk of flooding at the project site is extremely low as described above, project operation would have a **less than significant** impact on water quality from transport of pollutants during inundation of the site.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Construction

The construction impacts under Baseline Scenario 2 would be the same as described in Baseline Scenario 1, which would be **less than significant**.

Operation

The operational impacts under Baseline Scenario 2 would be the same as described in Baseline Scenario 1, which would be **less than significant**.

Impact HYD-5: Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan

Impact HYD-5 would be **potentially significant.** Implementation of MM-HYD-1A and MM-HYD-1B would reduce the impact to **less than significant with mitigation** under both baseline scenarios.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

As discussed in Impact HYD-2, construction and operation of the project would not substantially decrease groundwater supply or interfere with groundwater recharge compared to Baseline

Condition 1, and therefore, would not obstruct implementation of the Santa Clara Valley Water District's Groundwater Management Plan.

As discussed in Impacts HYD-1 and HYD-3, construction and operation of the proposed project could result in sedimentation or erosion or release of other pollutants, or could alter drainage patterns, all of which could adversely affect water quality. These impacts could potentially obstruct the implementation of the San Francisco Bay Basin Plan by violating water quality standards or conflicting with Basin Plan policies. Therefore, the impact would be **potentially significant**.

Mitigation Measures MM-HYD-1A and MM-HYD-1B, detailed in Impact HYD-1 above, are proposed to address this potentially significant impact.

MM-HYD-1A requires the applicant to prepare and implement an Erosion and Sedimentation Control Plan and demonstrate compliance with the requirements of the NDPES General Construction Permit, and MM-HYD-1B requires the applicant to prepare and implement a Post-Construction Stormwater Management Plan and demonstrate compliance with the applicable requirements of Provision C.3 of the Municipal Regional Stormwater Permit and relevant provisions of the Santa Clara County Drainage Manual. Because the conditions and requirements of these permits were developed, in part, to be protective of water quality, implementation of MM-HYD-1A and MM-HYD-1B would reduce the potentially significant impacts to **less than significant with mitigation**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

For the same reasons described above for Baseline Scenario 1, the proposed project would have a **potentially significant** impact under Baseline Scenario 2, which would be mitigated to **less than significant** with implementation of MM-HYD-1A and MM-HYD-1B.

4.11.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts relating to water quality and hydrology:

- **Impact C-HYD-1, C-HYD-2, C-HYD-3, C-HYD-4 and C-HYD-5:** Contribution to cumulative effects related to violation of water quality standards, decrease in groundwater recharge, alteration of drainage patterns, increase in stormwater runoff, exceedance of stormwater drainage capacity, and degradation of water quality from flood inundation.

Cumulative Impact C-HYD-1, C-HYD-2, C-HYD-3, C-HYD-4 and C-HYD-5: Impacts to Water Quality and Hydrology

The overall cumulative impact for C-HYD-1 would be **potentially significant**. Implementation of MM-HYD-1A and MM-HYD-1B would reduce the project's contribution to **less than cumulatively considerable with mitigation** for both baseline scenarios.

Cumulative Context

The geographic context for cumulative impacts related to violations of water quality standards and substantial degradation of water quality is the West Valley Watershed.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Past and present development within the West Valley Watershed has contributed to several of the creeks in the watershed, including Calabazas Creek, being listed as Section 303(d) impaired waterbodies and may have contributed to impairment of Guadalupe Slough and the south San Francisco Bay. However, implementation and requirements of the Basin Plan, the NPDES permits, the West Valley Clean Water Program Authority, and the SCVURPPP have helped to address water quality in the West Valley Watershed.

All present and future foreseeable development projects that would disturb 1 acre or more would be required to comply with the provisions of the SWRCB's NPDES Construction General Permit, which regulates stormwater discharges for construction activities and requires implementation of a SWPPP and appropriate BMPs to prevent violations of water quality standards and substantial degradation of water quality. Cumulative projects that involve more than 50 cubic feet of cut and fill are required to obtain a City excavation and grading permit, which requires submittal of an erosion control plan and drainage plan for City review and approval (Saratoga Municipal Code Article 16-17). Permit conditions would be imposed to reduce potential erosion impacts.

Pursuant to the Construction General Permit, cumulative projects would be required to protect water quality in downstream waterbodies by implementing BMPs designed to control erosion and the transport of sediment and other pollutants; implement construction and operational design features and BMPs specifically intended to reduce the potential for downstream hydromodification; implement BMPs designed to prevent accidental spills of hazardous materials during the construction phase to the maximum extent practicable, and include procedures for immediate cleanup if any releases occur.

Cumulative projects would also be required to implement the requirements of the SCVURPPP's MS4 Permit, incorporating site design measures (including LID design features based on the City's C.3 checklist, as required), specific treatment measures, hydromodification management measures, and operations and maintenance requirements, all of which are specifically intended to reduce erosion and the transport of sediment and other pollutants in stormwater. The cumulative projects also would be required to design and engineer stormwater drainage systems according to standard engineering methods so that stormwater runoff does not exceed drainage system capacity and flooding does not occur, and where such projects are in 100-year flood zones would be required to store hazardous materials out of the floodplain based on City General Plans, Municipal Codes, Stormwater Drainage Design Manuals, and Standard Specifications.

The City is urbanized and is primarily covered with impervious surfaces (e.g., buildings, parking lots, and roadways). Therefore, individual cumulative projects would likely result in minor changes in impervious surfaces at any individual project site. However, the cumulative projects, considered together, would result in an increase in the amount of impervious surfaces and therefore a decrease in the area available for rainfall to provide groundwater recharge. These new and existing unpermitted impervious surfaces would result in a minor decrease in the area available for groundwater recharge. However, the Santa Clara Valley Water District's Alternative Groundwater Sustainability Plan (Santa Clara Valley Water District 2021b) accounts for cumulative decreases in regional recharge resulting from future development that is projected in

the general plans of jurisdictions within the Santa Clara Valley Groundwater Basin, including the City. Furthermore, the groundwater basin is currently in balance (in terms of groundwater supply vs. groundwater demand). Chapters 5 and 6 of the Alternative Groundwater Sustainability Plan sets forth Valley Water's groundwater sustainability goals and includes policies and basin management strategies designed to ensure that groundwater supplies are managed to optimize water supply reliability.

Like the project, the majority of cumulative projects listed in Table 4.1-1 in Section 4.1.3 have not yet prepared or submitted SWPPPs or determined which BMPs would be used to attain compliance with the NPDES Construction General Permit and have not demonstrated compliance with the SCVURPPP's MS4 Permit or City and other agency requirements for stormwater and water quality. Therefore, the overall cumulative impact to hydrology could be **potentially significant.**

The proposed project would reduce its cumulative contribution to the overall cumulative impact through implementation of MM-HYD-1A and MM-HYD-1B, which would require the project applicant to prepare and implement an Erosion and Sedimentation Control Plan and Post-Construction Stormwater Management Plan and to demonstrate compliance with the requirements of the NDPES General Construction Permit, Provision C.3 of the Municipal Regional Stormwater Permit and relevant provisions of the Santa Clara County Drainage Manual. Because the conditions and requirements of these permits were developed, in part, to be protective of hydrological resources and water quality, implementation of MM-HYD-1A and MM-HYD-1B would reduce the project's contribution to the overall cumulative impact to **less than cumulatively considerable with mitigation**.

Baseline Scenario #2: Conditions at Time of NOP (2022)

The overall cumulative impact under Baseline Scenario 2 would be the same as described for Baseline Scenario 1, which would be **potentially significant**. The proposed project's future contribution to the overall cumulative impact would similarly be reduced through implementation of MM-HYD-1A and MM-HYD-1B, for the same reasons described previously. Although the past construction activities at the project site were undertaken without appropriate stormwater and erosion control measures, as described in Impact HYD-1 above, due to the relatively small area of disturbance associated with the past grading activities (less than 5,000 SF), the presence of vegetated, permeable surfaces downgradient of the construction area into which stormwater runoff would have dissipated, the lack of nearby surface water bodies, and the lack of visible signs of erosion such as rills, gullies, or sedimentation downslope, sediment-laden runoff from past unpermitted construction activities is unlikely to have contributed to the impaired status of Calabazas Creek, Guadalupe Slough or south San Fransisco Bay. Therefore, the project's contribution to the overall cumulative impact would be **less than cumulatively considerable with mitigation**.

4.12 Land Use and Planning

This section describes the existing land use and setting of the proposed project area and evaluates whether the proposed project would result in a physical division of an established community or adverse effects to land use and planning. This section further assesses the proposed project's consistency with state, regional, and local plans that are not already addressed in the other resource sections of this EIR.

The City received the following comments relating to land use and planning during the public scoping period in response to the NOP:

- Concerns related to the City's Land Use policies and ordinances being violated by existing winery activities at the project site.
- Concerns related to the applicant not first obtaining CUP before winery operations commenced.
- Concerns related to the applicant increasing winery operations over the CUP limits once obtained.
- Concerns related to the winery uses not being consistent with residential uses, such as impacts of traffic and noise from tastings and special events.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.12.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The project site is a family-owned and operated winery on an approximately 48-acre property at the end of Old Oak Way. The project location is shown in Figure 3.1-1, Project Location in *Chapter 2, Project Description.*

The House Family Vineyards project site is 23 acres consisting of two adjacent parcels, Parcel A and Parcel B. On Parcel A, there is a stable and quarry in the southern portion of the parcel and a single-family house on the northwest portion of the parcel. On Parcel B, there are several vineyards, sheds, a tasting deck, and an outdoor seating area. The vineyard, tasting deck and outdoor seating area are sited within a portion of the open space easement on Parcel B. The tasting deck and outdoor seating area occupy a 0.2-acre area called Vineyard Point where wine tasting activities and events occurred prior to the City's enforcement actions. The project site is shown in Figure 3.1-2: Existing Project Site in Chapter 3. The project area encompasses the project site (Parcels A and B), House Family Vineyards APNs 503-15-075 and 503-15-078 and Garrod Parcel to the west.

An existing dirt access road traverses both Parcels A and B beginning at Old Oak Way to the south and curving northward through the two parcels. The existing dirt road dead-ends at a

turnaround area just southwest of the tasting deck. The surface is compacted dirt with a thin layer of gravel sporadically covering portions of the road.

The project site hosts wine tastings for wine club members only by appointment. Approximately 71 guests per day come to the project site.

The site is within in an area of the City that is largely open space, agricultural, and hillside residential uses, which are predominantly single-family homes on large parcels. The House Family Vineyards project site is bounded by single-family residences to the north, east, and south and the Cooper-Garrod Vineyards to the west.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2 there was not a tasting deck on Parcel B and no grading had occurred in that area. There was an outdoor seating area where the applicant hosted up to 10 daily guests. Based on review of historic aerial photographs, the area where the tasting deck would be constructed was a dirt area with outdoor tables and umbrellas. The small vineyard area to the southeast of the tasting deck area (within the open space easement) had not been developed. This area was grassed with scattered oak trees. All the other land uses described in Baseline Scenario 1 are the same under Baseline Scenario 2.

4.12.2 Regulatory Framework

Federal

There are no federal regulations regarding land use and planning applicable to the proposed project.

State

There are no state regulations regarding land use and planning applicable to the proposed project.

Local

City of Saratoga General Plan

Land Use Element

Land use and planning decisions within and adjacent to the project site are guided and regulated by the City's General Plan, and in particular the Land Use Element (City of Saratoga 2024). The City's General Plan guides the growth and land development of the community while preserving open space areas and enhancing the quality of life for residents.

The following General Plan policies relating to land use apply to the proposed project:

- **Goal LU-5**: Maintain and enhance the character of residential neighborhoods by reviewing new development proposals for potential adverse impacts.
    - **Policy LU-5.1:** Development proposals shall be evaluated against City standards and guidelines to ensure 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-5.2:** 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.
- **Goal LU-8:** The natural beauty of the West Valley hillsides area shall be maintained and protected for its contribution to the overall quality of life of current and future generations.
  - **Policy LU-8.1:** Development proposals shall minimize impacts to ridgelines, significant natural hillside features, including but not limited to steep topography, major stands of vegetation, especially native vegetation, oak trees, and watercourses.
  - **Policy LU-8.2:** Adhere to the Hillside Specific Plan (derived from Measure A).
- **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.
- **Goal LU-10:** Minimize the visual impacts of hillside development, especially on ridgelines.
  - **Policy LU-10.1:** Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts, especially to ridgelines.
- **Goal LU-13:** The City shall use the design review process to ensure 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 CEQA 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 uses, and to minimize environmental impacts. Special attention shall be given to ensuring compatibility between residential and non-residential uses (e.g., land use buffering).

Hillside Specific Plan

The project site is in the Hillside Specific Plan area, which provides guidelines for the development of the northwestern hillsides, including policies and action programs with land use maps that are more detailed than the General Plan. It is intended to better link the Saratoga General Plan with subdivision and zoning regulations, while not being a site-specific development plan. The Specific Plan was reviewed and updated by the Saratoga City Council in 1994, and was incorporated by reference into the Land Use Element of the City's General Plan 2040 (City of Saratoga 2024).

The following policy from the Hillside Specific Plan is relevant to the proposed project:

- Land use in the western hillside should be limited to agricultural and residential uses. Plant nurseries, wineries, and recreational facilities are subject to the granting of a conditional use permit.

Land Use Designation

The project site is designated as Residential Hillside Conservation (RHC) in the City's General Plan. This designation allows for single-family dwelling units with a maximum density of 0.5 dwelling unit per acre at a maximum site coverage on any lot of 15,000 square feet or 25 percent, whichever is less (City of Saratoga 2024).

City of Saratoga Zoning Ordinance

The project site is zoned as Hillside Residential (HR). This zone allows for development, while maintaining the natural environmental and existing rural character of the area; encouraging development on gently sloping sites to have natural screening features; and preventing significant geotechnical or flood hazards. The HR zone permits single-family dwellings, transitional and supportive housing, accessory structures and uses, raising of vegetables, field crops, fruit and nut trees and horticultural specialties, and the processing of such products raised or grown on the premises, home occupations, stables, and corrals. Per Section 15-13.040 of the City Code, conditional uses allowable in this district include wineries, plant nurseries, public buildings, daycare facilities, and nursing homes, among others.

Per Section 15-13.080, the maximum site coverage on any lot in the HR district shall not exceed 25 percent or 15,000 square feet, whichever is less. Per Section 15-13.090, the front setback is a minimum of 30 feet; the side setback is a minimum of 20 feet; and rear setback is a minimum of 50 feet for single story and 60 feet for multi-story structures. Per Section 15-13.100, no structure shall extend to an elevation within 12 feet above the nearest adjacent minor ridge that does not have dense tree cover and no single-family dwelling shall exceed 26 feet in height without approval from the City Planning Commission. No accessory structure shall exceed 12 feet in height without approval from the City Planning Commission. All structures requiring design review shall comply with the floor area standards and setback requirements in the City Code Sections 15-13.085 and 15-13.090.

4.12.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to land use and planning:

- **Impact LUP-1:** Would the project physically divide an established community?
- **Impact LUP-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?

Impact LUP-1: Physically Divide an Established Community?

Impact LUP-1 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project may have a significant impact if it would physically divide an established community.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

The division of an established community during construction could result from road closures that create a physical barrier to neighborhood access or that remove a means of access. All construction and staging activities associated with the proposed project would occur onsite at House Family Vineyards project site and the Garrod Parcel. There would be no closure of any publicly accessible roadway that provides connectivity between the existing neighborhoods and roadways in the vicinity of the project site. Access to residential neighborhoods in the vicinity of the project site would be maintained during construction. Depending on the work occurring to implement the secondary access road, partial or full closure of a public trail on the Garrod Parcel may be needed temporarily during construction of the road. This impact is discussed in more detail in *Section 4.16, Recreation*. This closure is not expected to physically divide the community because impacts would be temporary and other trails in the hillside community would be available for use while construction activities are occurring here. Furthermore, because all roadways in the project vicinity would be maintained during construction and construction activities would take place on the project site and on the Garrod Parcel, construction of the proposed project would not introduce a physical feature that would create a barrier, divide, or separate the neighborhood during construction. Therefore, **no impact** associated with physical division of an established community would occur during construction.

Operation

Operation of the proposed project would involve winery operations, as described in *Section 2.5.8. Project Description*. All the existing residences along Pierce Road and Old Oak Way would remain accessible. The proposed project would not implement any barriers to existing residential and open space uses. All visitor parking would occur along the private section of Old Oak Way such that there would not be any visitor parking on public roads that would create a barrier to the existing community. Although a 1,510-foot-long secondary access road would be constructed to provide secondary emergency access from Garrod Road to the project site, this road would not intersect or result in closure of any existing roadways or create a barrier to existing uses in the project vicinity. The secondary access road would intersect the public trail on the Garrod Parcel at three different locations. However, this would not affect the use of the trail. Therefore, the proposed project's uses would not introduce any physical feature that would create a barrier, divide, or separate adjacent uses. Thus, **no impact** associated with physical division of an established community would occur due to operation of the proposed project.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, construction impacts would be similar to those described in Baseline Scenario 1. Although construction of the tasting deck and associated restroom/office building would have resulted in a temporary increase in truck traffic, roadways in the project vicinity would have remained open such that no barriers to existing uses would have occurred. Therefore, **no impact** associated with physical division of an established community would occur during construction.

Operation

Operation of the proposed project, as described in Section 2.5.8 above, would result in a substantially larger number of guests to the site compared to the existing guests numbers under Baseline Scenario 2 (approximately 10 per day). However, similar to Baseline Scenario 1, all visitor parking would occur along the private section of Old Oak Way such that there would not be any visitor parking on public roads that would create a barrier to the existing community. All the existing residences along Pierce Road and Old Oak Way would remain accessible. The proposed project would not implement any barriers to existing residential and open space uses. Thus, **no impact** associated with physical division of an established community would occur due to operation of the proposed project.

Impact LUP-2: Conflict with Land Use Plan, Policy, or Regulation?

Impact LUP-2 would be **less than significant** under Baseline Scenario 1.

Impact LUP-2 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would 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.

For an impact to be considered significant under this threshold, any inconsistency would also need to result in a significant adverse change in the environment not already addressed in the other resource sections of this EIR.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The proposed project would modify the existing tasting deck and the existing dirt road; construct a subterranean wine cave and a secondary access road; and result in an open space easement swap (see Figure 3.6-1 in *Section 3.6, Proposed Characteristics*). Other improvements to the project area would include construction of parking for winery guests and utility extensions and connections.

As discussed in the City Zoning Ordinance section above, the project site is zoned as HR, and one of the conditional uses of HR are wineries. The applicant is seeking a CUP to entitle winery

operations at the project site that would include public and private tastings, and private special events, as described in *Chapter 3, Project Description*. The CUP requires approval from the City. The City may deny a CUP or impose conditions if it finds that the proposed conditional use will adversely affect existing or anticipated uses in the immediate neighborhood or will adversely affect surrounding properties or occupants.

The proposed project would generally comply with the City's land use policies, as discussed in Table 4.12-1 below, which seek to utilize the City's design review process and the CEQA guidelines to promote high quality design; to ensure compliance with applicable regulations and City standards and guidelines; to ensure compatibility with surrounding properties and use; to ensure new development is designed to minimize disruption to the area caused by an increase in through or heavy traffic; to ensure stormwater quality features are incorporated to protect surface and subsurface water quality; and to assure that the related traffic, noise, light, appearance, and intensity of the proposed use have limited adverse impacts on the area and can be fully mitigated. The proposed project would also conform to allowable building standards as specified in the Municipal Code (see Section 4.2, *Aesthetics*).

Specific impacts and project consistency issues associated with other resource and issue areas are addressed in each technical section of this EIR, as appropriate. These technical sections provide a detailed analysis of other relevant physical environmental effects that could result from implementation of the proposed project and identify mitigation measures, as necessary, to reduce impacts. Implementation of the proposed project would not conflict with adopted City General Plan policies or other land use plan, policy, or regulation that would generate any adverse physical impacts beyond those addressed in detail in the environmental sections of this EIR. In particular, light and appearance are described in Section 4.2, *Aesthetics; Air Quality, Energy,* and *Greenhouse Gas impacts* are described in Sections 4.4, 4.7 and 4.9, respectively; noise impacts are described in Section 4.13; and traffic impacts are described in Section 4.17, *Transportation*.

The proposed project would be generally consistent with City's zoning ordinance, General Plan policies and the land use designation of the project site. Although the project would not fully comply with General Plan policies LU-5.1 and LU-5.2 (as discussed in Table 4.12-1 below), no additional impacts associated with conflicts with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would occur as a result of construction or operation of the proposed project that are not already addressed within this EIR. Therefore, the proposed project would have a **less than significant impact**.

Table 4.12-1 Land Use Conformance Evaluation

City's Land Use Policies	Conformance Evaluation
LU-5.1: Development proposals shall be evaluated against City standards and guidelines to ensure 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.	As part of the environmental and developmental review process, the project has been evaluated against City standards and guidelines. Potential impacts have also been evaluated in the appropriate sections of this EIR. Where appropriate, the City will impose Conditions of Approval on the project to ensure compliance with standards and guidelines and/or require that the applicant implement mitigation measures to reduce potentially significant impacts. Impacts related to noise and aesthetics (light and appearance) can be mitigated to less than significant levels, as discussed in Sections 4.2, Aesthetics and 4.13, Noise, respectively. However, GHG impacts (see Impacts GHG-1 and GHG-2 in Section 4.9) and traffic impacts, in particular impacts related to VMT (see Impact TRA-2 in Section 4.17) cannot be fully mitigated. Therefore, the proposed project does not fully comply with LU-5.1.
LU-5.2: 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.	With the exception of VMT impacts discussed above, the proposed project would be in compliance with LU-5.2 as all noise, light, glare and other impacts of the project would be less than significant or could be mitigated to a less than significant level. See LU-5.1 evaluation above.
LU-6.1: Incorporate specific standards and requirements into the Zoning Ordinance to preserve and protect sensitive watershed areas on hillsides within the community.	Standards and requirements in the zoning ordinance would be adhered to, as the proposed project would implement mitigation requiring attainment of a NPDES General Construction Permit for construction stormwater discharges (including preparation of a SWPPP), and compliance with Provision C.3 of the Municipal Regional Stormwater Permit and the Santa Clara County Drainage Manual. Therefore, the proposed project is in compliance with LU-6.1. See Section 4.11 Hydrology and Water Quality for more detail.
LU-8.1: Development proposals shall minimize impacts to ridgelines, significant natural hillside features, including but not limited to steep topography, major stands of vegetation, especially native vegetation, oak trees, and watercourses.	As part of the proposed project the existing vineyard along the ridgeline would be removed and replaced with native vegetation, which would minimize visual impacts to the ridgeline. Also, as part of the proposed project a smaller area of the open space easement would be swapped with a larger area along the ridgeline and an area behind the tasting deck would be restored to its original grade. Furthermore, the proposed parking area would have a hedge to screen out impacts from parked vehicles. A minimal number of oak trees would be removed from the project site. See Section 4.2, Aesthetics for more details. Therefore, the proposed project is in compliance with LU-8.1.
LU-10.1: Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts, especially to ridgelines.	Visual impacts of the proposed project are analyzed in Section 4.2, Aesthetics, therefore, the project would be in compliance with LU-10.1. See also the response to LU-8.1 above. See Section 4.2, Aesthetics for more details.
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 uses, and to minimize environmental impacts.	Preparation of this EIR has been undertaken in accordance with the CEQA, and mitigation measures would be implemented to minimize potentially significant environmental impacts, to the extent feasible. The project will also be subject to the City's standard design review process. Therefore, the proposed project is in compliance with LU-13.1.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The project impacts described under Baseline Condition 1 would be similar in Baseline Condition 2. Implementation of the City's land use policies and regulations, and implementation of the recommended mitigation measures identified within this EIR, would reduce potential impacts from future construction and operation of the project to less than significant, with the exception of VMT impacts which cannot be fully mitigated, for the same reasons described for Baseline Scenario 1 above.

In addition, since the tasting deck was built without the appropriate building permits and City approvals, this aspect of the project did not go through the City's development and design review process, and was not evaluated under CEQA prior to construction, and therefore would have conflicted with several of the City's land use policies described in Table 4.12-1.

Although the tasting deck and associated building and wastewater tank were constructed without the City's approval and do not meet the City's design requirements under this baseline, they would be modified as part of the project to comply with the City's design requirements and conform to allowable building standards as specified in the Municipal Code. For example, the tasting deck would be fully enclosed and re-roofed to comply with applicable fire protection standards from Chapter 7A of the California Building Code, and the wastewater tank would be upgraded to meet SCCDEH and CuSD standards for use as a lift station to connect the restrooms to the municipal sanitary sewer system. The proposed project would be generally consistent with City's zoning ordinance, General Plan policies and the land use designation of the project site, as discussed in Table 4.12-1 above, and the only impact associated with conflicts with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be due to the increase in vehicle miles traveled, which cannot be fully mitigated and therefore would conflict with policies LU-5.1 and LU-5.2. However, no additional impacts associated with these policy conflicts would occur as a result of construction or operation of the proposed project that are not already addressed within this EIR, therefore, these impacts would be less than significant.

However, since the City's land use policies were not implemented in the previous unpermitted construction activities, proposed project could have had a significant and unavoidable impact under Baseline Scenario 2. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (Riverwatch *v. County of San Diego* (1999) 76 Cal.App.4th 1428).

4.12.4 Cumulative Impacts and Mitigation

As discussed in Impact LUP-1 above, the proposed project would have no impact related to the physical division of an established community and therefore would not contribute to any potential cumulative impacts for this issue. This section analyzes the potential of the project to contribute to cumulative impacts for the following land use and planning issues where the proposed project would have a less-than-significant impact with mitigation.

- **Impact C-LUP-2**: Contribution to cumulative effects related to conflicts with land use plans, policies, or regulations.

Cumulative Impact C-LUP-2: Conflict with Land Use Plan, Policy, or Regulation?

The overall cumulative impact for C-LUP-2 would be **less than significant** under both baseline scenarios.

Cumulative Context

The geographic context for cumulative impacts related to conflicts with land use plans, policies, or regulations is the City.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects are described in Table 4.1-1 in Section 4.1.3. These projects consist of residential developments including multi-family and single-family housing units and a hotel. Several of the proposals request subdivisions. All cumulative projects would be required to submit applications and plans to be reviewed and approved by the City. They would be subject to separate environmental analyses; and would be required to mitigate any impacts, to the extent feasible, through the CEQA process. As discussed above, the proposed project does not contribute to inconsistency with land use plans or policies because impacts related to consistency with plans and policies are either less-than-significant or no impact as discussed above. As such, the project's contribution to cumulative impact is minimal and not cumulatively considerable. Therefore, the overall cumulative projects are expected to have a **less than significant impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The project impacts under Baseline 2 would be potentially significant since the tasting deck was implemented without the City's approval and implementation of land use policies to avoid potentially significant impacts. However, for the same reason described above, the overall cumulative impact would be **less than significant**.

4.13 Noise

This section describes the existing noise setting of the project area and evaluates whether the proposed project would result in adverse effects related to noise and vibration. **Appendix E** of this EIR contains the results of noise monitoring and modeling conducted in support of this analysis. The information in this section is based, in part, on Outdoor Noise Analysis (Salter 2021, with additional clarifications provided in 2024, see Appendix E), a traffic analysis memorandum (Hexagon Transportation Consultants 2021, see Appendix F) and a vehicle miles traveled (VMT) assessment (Fehr & Peers 2024, see Appendix F).

The City received the following comments relating to noise and vibration during the public scoping period in response to the NOP:

- Concerns related to noise from tasting deck and special events, such as noise from guests' voices and live or recorded music.
- Concerns related to noise from increased traffic on the residential roadways, such as noise from guest's vehicles, trucks, buses and heavy equipment traffic to the winery.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.13.1 Environmental Setting

Acoustic Fundamentals

Noise is generally defined as sound that is loud, disagreeable, or unexpected. Sound, as described in more detail below, is mechanical energy transmitted through a medium (e.g., air) in the form of a wave from its source.

Sound Properties

A sound wave is introduced into a medium by a vibrating object. The source could be vibrating vocal cords, soundboard of a guitar, diaphragm of a radio speaker, or vibrating parts of machinery or equipment. Regardless of the source creating the sound wave, the particles of the medium through which the sound moves vibrate in a back-and-forth motion at a given frequency (i.e., pitch).

The frequency of a wave is determined by how often the particles vibrate when a wave passes through the medium. It is measured as the number of complete back-and-forth vibrations of a particle per unit of time. If a particle of air undergoes 1,000 longitudinal vibrations in 2 seconds, then the frequency of the wave would be 500 vibrations per second. Frequency, or pitch, is commonly quantified in cycles per second, or Hertz (Hz). For sounds normally heard in the environment, low frequencies (below 250 Hz) and high frequencies (above 10,000 Hz) are generally less audible than the frequencies in between.

In addition to the frequency of the sound wave, its amplitude (i.e., loudness or the energy transported by the wave) is important to what the human ear hears. A high-energy wave is

characterized by high amplitude; a low-energy wave is characterized by low amplitude. The energy transported by a wave is directly proportional to the square of the amplitude of the wave. In other words, a doubling of the amplitude of a wave corresponds to a quadrupling of the energy transported by the wave; and a tripling of the amplitude of a wave corresponds to a nine-fold increase in the amount of energy transported by the wave.

Sound and the Human Ear

Because of the ability of the human ear to detect a wide range of sound pressure fluctuations, sound pressure levels are expressed in logarithmic units called decibels (dB). Because the human ear is not equally sensitive to all sound frequencies, a specific frequency-dependent rating scale was devised to relate noise to human sensitivity. The A-weighted dB (dBA) scale is used to approximate the sensitivity of the human ear and is used by most authorities for regulation of environmental noise. Figure 4.13-1 lists dBA values for typical indoor and outdoor noise sources.

It is generally accepted that for environmental noise exposure the average healthy ear can barely perceive changes of 3 dB or less (increase or decrease) and that a change of 5 dB is readily perceptible (Caltrans 2013a). A noise level that increases by 10 dB is typically perceived as being twice as loud as what was previously heard, and a noise level that decreases by 10 dB is perceived as being half as loud.

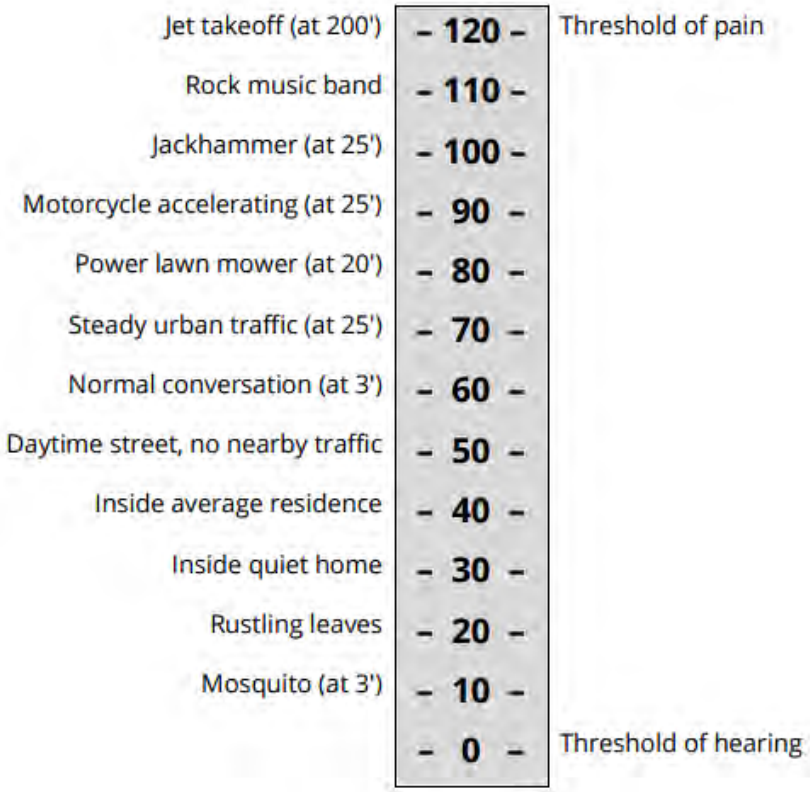

Figure 4.13-3 Typical Indoor/Outdoor Sound Levels in A-Weighted Decibels (dBA)

Source: City of Saratoga 2024

Sound Propagation

As sound (noise) propagates from the source to the receptor, the attenuation—the manner of noise reduction over distance—depends on such factors as acoustical energy diminishing over distance (energy spreading), surface characteristics, atmospheric conditions, and the presence of physical barriers. Energy spreading describes the attenuation attributable to the pattern in which sound travels from the source to the receptor. Sound travels uniformly outward from a point source (e.g., construction equipment) in a spherical pattern with an attenuation rate, generally, of 6 dBA per doubling of distance. In other words, sound decreases by 6 dBA each time the distance between the noise source and the receptor is doubled. From a line source (e.g., traffic noise along a road), sound travels uniformly outward in a cylindrical pattern with an attenuation rate, generally, of 3 dBA per doubling of distance.

The characteristics of the surface between the source and the receptor may further absorb and/or reflect sound, thus resulting in a different attenuation rate. “Hard” surfaces, such as pavement, would not absorb the wave energy, but “soft” surfaces, such as vegetation-covered ground, can absorb a portion of the sound energy and only the remaining energy travels to the receptor. Atmospheric conditions such as wind speed, temperature, and humidity may also affect noise levels. Furthermore, the presence of a barrier between the source and the receptor may attenuate noise levels. The actual amount of attenuation depends on the barrier size and the frequency of the noise. A noise barrier may be any natural or human-made feature, such as a hill, tree, building, wall, or berm (Caltrans 2013a).

Structures can provide noise reduction by insulating interior spaces from outdoor noise. The outside-to-inside noise attenuation provided by typical structures in California ranges between 17 to 30 dBA with open and closed windows, respectively (USEPA, 1971).

Decibel Addition

Decibels are measured on a logarithmic scale that quantifies sound intensity, similar to the Richter scale used for earthquake magnitudes. Therefore, decibels cannot be added or subtracted through ordinary arithmetic. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; a halving of the energy would result in a 3 dB decrease. For example, if an existing noise source at a particular location is 60 dB, and a new source of sound with a similar spectrum is introduced that also measures 60 dB, the result is not 120 dB, it is 63 dB (City of Saratoga 2024).

Noise Descriptors

The proper descriptor for noise from a specific source depends on the spatial and temporal distribution, duration, and fluctuation of the noise. The following are the noise descriptors most often encountered when dealing with traffic, community, and environmental noise (Caltrans 2013a):

- L_{max} (maximum noise level): The maximum instantaneous noise level during a specific period of time. The L_{max} may also be referred to as the “peak (noise) level.”
- L_{min} (minimum noise level): The minimum instantaneous noise level during a specific period of time.
- L_n (statistical descriptor): The noise level exceeded “n” percent of a specific period of time.

- L_{eq} (equivalent continuous noise level): The average noise level that describes the cumulative noise exposure from all sources as a constant sound level containing the same overall sound energy as the actual varying sound energy for a specified period of time.
- L_{dn} (day-night noise level): The 24-hour L_{eq} with a 10 dBA "penalty" for the noise-sensitive hours between 10:00 p.m. and 7:00 a.m. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.
- CNEL (community noise equivalent level): The CNEL is similar to the L_{dn} described above, but with an additional 4.77 dBA "penalty" for the noise-sensitive hours between 7:00 p.m. and 10:00 p.m., which are typically reserved for relaxation, conversation, reading, and television. If using the same 24-hour noise data, the CNEL is typically about 0.5 dBA higher than the L_{dn}.

Negative Effects of Noise on Humans

Negative effects of noise exposure include physical damage to the human auditory system; interference with speech, communications, sleep, and other routine interactions; and disease. Exposure to noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is attributable to sustained exposure to moderately high noise levels over a period of time, while traumatic hearing loss is attributable to sudden exposure to extremely high noise levels over a short period. However, both gradual and traumatic hearing loss may result in permanent hearing damage.

In addition, noise may interfere with or interrupt sleep, relaxation, recreation, and communication. Although most interference may be classified as annoying, the inability to hear a warning signal may be considered dangerous.

Noise may also contribute to diseases associated with stress, such as hypertension, anxiety, and heart disease. The degree to which noise contributes to such diseases depends on the noise frequency, bandwidth, level, and exposure time (Caltrans 2013a). In an occupational setting, hearing protection is typically required where employee noise exposures equal or exceed an 8-hour time-weighted average of 85 dBA and above (Title 8 CCR Section 5097).

Vibration Fundamentals

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Sources of vibration include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides) and human activity (explosions; traffic; and operation of machinery, trains, or construction equipment). Vibration sources may be continuous (e.g., operating factory machinery) or transient (e.g., explosions). The effects of groundborne vibration include movement of building floors, rattling of windows, shaking of items that sit on shelves or hang on walls, and rumbling sounds. In extreme cases, vibration can damage buildings. Human annoyance from groundborne vibration often occurs when vibration exceeds the threshold of perception by only a small margin. A vibration level that causes annoyance can be well below the damage threshold for normal buildings.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV is defined as the maximum instantaneous positive or

negative peak of a vibration signal. Root-mean-square is a measurement of the effective energy content in a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (FTA 2018; Caltrans 2020). PPV and RMS vibration velocity are normally described in inches per second (in/sec). Potential structural or architectural damage due to vibration depends on the type of building as well as to the nature of the vibration and surrounding soil conditions. For reinforced-concrete, steel, or timber buildings, potential damage would not be expected from vibrations of less than 0.5 in/sec PPV, whereas vibration levels above 0.3 in/sec PPV or 0.2 in/sec PPV could cause potential damage in engineered or non-engineered concrete and masonry buildings, respectively. Buildings that are extremely susceptible to vibration damage (e.g., historic buildings with fragile plasterwork, ancient monuments or ruins) could experience potential damage with vibration levels above 0.12 in/sec PPV (FTA 2018).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response to vibration. The response of the human body to vibration relates well to average vibration amplitude. Therefore, vibration impacts on humans are evaluated in terms of RMS vibration velocity, and like airborne sound impacts on humans, vibration velocity can be expressed as vibration decibels (VdB).[25]

Vibration levels below 65 VdB are typically not perceptible to humans, whereas vibration levels above 75 VdB are distinctly perceptible (FTA 2018). Human annoyance from groundborne vibration often occurs when vibration exceeds the threshold of perception by only a small margin. A vibration level that causes annoyance can be well below the damage threshold for normal buildings. 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 building damage.

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Sensitive Land Uses

Noise-sensitive land uses are those where quiet is essential to the purpose of the land use. Such land uses include residences and other buildings where people normally sleep (e.g., hospitals, hotels), and uses such as schools, libraries, theaters, and houses of worship, where it is important to avoid interference with such activities as speech, meditation, and concentration on reading material. Such land uses are also typically sensitive to vibration. Fragile buildings or buildings containing highly sensitive equipment, such as electron microscopes, are also typically considered to be vibration-sensitive land uses.

The nearest off-site noise- and vibration-sensitive receptors to the project area are the single-family residential properties along Chiquita Court to the north, Chadwick Court to the east, along Old Oak Way to the south, and Garrod Road to the west, which are all within 0.25-mile from the project site. These sensitive receptors are clustered around locations where short-term and long-term surveys were taken as listed in Table 4.13-1 and shown in Figure 4.13-2. In addition to off-site receptors, there are also existing noise- and vibration-sensitive uses within the House Family

[25] Vibration levels described in VdB are referenced to 1 microinch per second.

Vineyards site, which include three residences. However, the analysis focuses on sensitive receptors outside of House Family Vineyards' site.

Existing Noise Sources

Existing noise sources in the project area were identified based on review of available information (maps and aerial photographs) and site reconnaissance. The existing noise environment near the project site is influenced primarily by vehicular traffic using local roadways: Old Oak Way, Garrod Road, Chiquita Court, and Chadwick Court. Other noise sources in the project vicinity include the residential neighborhood activities surrounding the project site, such as noise from voices, pets, outdoor equipment like lawnmowers, hedge trimmers, vacuums and blowers, vineyard-related activities and noise from other rural-residential type activities.

To quantify the existing ambient noise levels at the project site, noise measurements were taken from Wednesday, December 13, 2023, to Thursday, December 14, 2023. Five short-term measurements (15 to 20 minutes) and three long-term measurements (24 hours) were conducted to document the existing noise environment for the Project area for the purposes of this analysis. Figure 4.13-2 shows the locations where measurements were taken and Table 4.13-1 summarizes the measurements of ambient noise levels at each survey location. Measurements LT-01 and ST-01 were conducted within the project site boundary.

Measured noise levels in the project area ranged from 41 to 55 dBA L_{eq} during the day, and from 34 to 46 dBA L_{eq} at night. Day-night noise levels in the project area ranged from 43 to 55 dBA, L_{dn}.

Existing Noise With Winery Operations

Existing noise sources are from residents at the House Family Vineyard site and winery operations at the project site would be from guests, employees, and delivery vehicles coming to and from the site, and other noises associated with rural residential activities. Under Baseline Scenario 1, up to 71 guests come to the project site each day, 4 days per week.

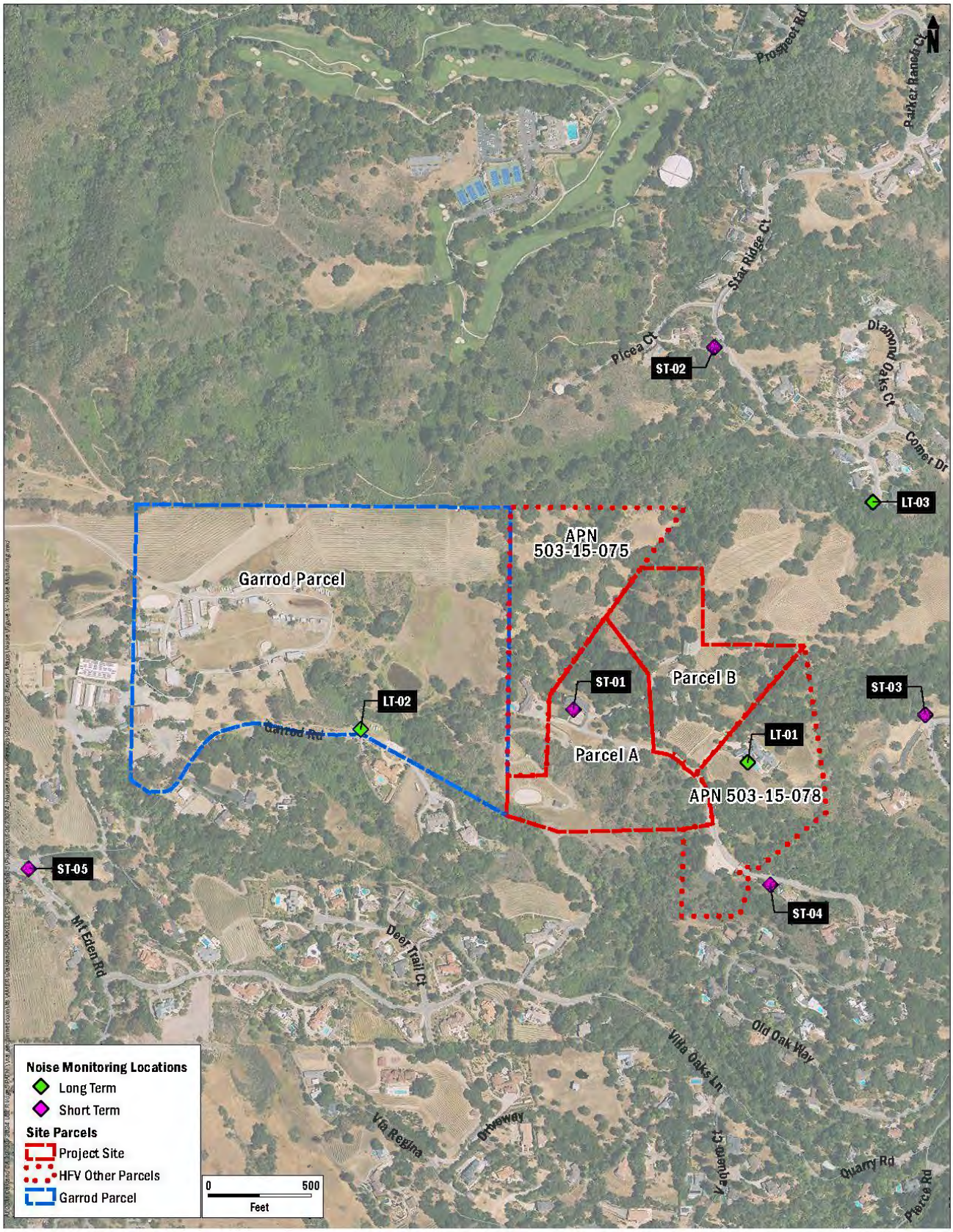

Figure 4.13-4 Ambient Noise Measurement Sites

Table 4.13-1 Summary of Ambient Noise-Level Survey Results – 2023

Survey Site	Address	Date	Start Time	Survey Period	L_{dn} (dB)	Daytime L_{eq} (dB)	Daytime L_{max} (dB)	Nighttime L_{eq} (dB)	Nighttime L_{max} (dB)
LT-01	13336 Old Oak Way	12/13/23	13:50	24 hours	55.3	54.9	63.5	45.8	52.1
LT-02	22657 Garrod Road	12/13/23	15:10	24 hours	45.6	46.4	60.5	33.8	46.2
LT-03	12906 Chiquita Court	12/13/23	15:35	24 hours	43.1	42.9	61.9	33.5	48.7
ST-01	13330 Old Oak Way	12/13/23	14:20	17 mins	N/A	53.7	80.3	N/A	N/A
ST-02	By 12777 Picea Court	12/14/23	13:02	20 mins	N/A	47.0	67.9	N/A	N/A
ST-03	By 21258 Chadwick Court	12/14/23	13:36	20 mins	N/A	41.0	52.6	N/A	N/A
ST-04	13341 Old Oak Way	12/14/23	14:12	20 mins	N/A	41.4	58.6	N/A	N/A
ST-05	22610 Garrod Road	12/14/23	14:44	20 mins	N/A	52.6	67.7	N/A	N/A

Source: Data collected and compiled by AECOM (2023).

Acronyms: N/A = not applicable for short-term measurements (see note below for explanation); dB = decibels; Ldn = day-night average noise level; Leq = equivalent continuous noise level; Lmax = maximum instantaneous noise level during a specific period of time; LT = long term; ST = short term

Notes: Long-term (LT) measurements are taken to measure noise levels continuously over a relatively long period of time (usually 24 hours or more) to determine the day, evening, and night (Ldn) levels for the Project site and the affected vicinity. Short-term (ST) measurements are spot checks in the study area used to calibrate the roadway noise model. Short-term measurements are taken for about 15–20 minutes (depending on traffic volumes) with concurrent traffic counts (for calibration) and during the daytime when ambient traffic noise is highest.

Existing Vibration

The existing vibration environment, like the noise environment, is dominated by transportation-related vibration. Heavy truck traffic can generate groundborne vibration, which varies considerably depending on vehicle type, weight, and pavement conditions. However, groundborne vibration levels generated from vehicular traffic are not typically perceptible outside of the road right-of-way. The primary source of existing groundborne vibration in the vicinity of the project site would be heavy trucks such as garbage trucks and delivery trucks operating on nearby roadways.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting for noise and vibration for Baseline Scenario 2 is similar to what was described in Baseline Scenario 1. The difference is that operations at the winery were smaller without the tasting deck. Only 10 guests per day visited the project site under Baseline Scenario 2. Therefore, existing noise levels under Baseline Scenario 2 would have been lower.

4.13.2 Regulatory Framework

Federal

There are no relevant federal regulations regarding noise applicable to the proposed project.

State

State of California General Plan Guidelines

In 1971, the State required cities and counties to include noise elements in their general plans (Government Code Section 65302 et seq.). The State of California General Plan Guidelines (Office of Planning and Research 2017) identify guidelines for the noise elements of local general plans, including a sound level/land-use compatibility chart. The noise element guidelines identify the "normally acceptable" range of noise exposure for low-density residential uses as less than 60 dB L_{dn}, and the "conditionally acceptable" range as 55–70 dB L_{dn}. The "normally acceptable" range for high-density residential uses is identified as below 65 dB L_{dn}, and the "conditionally acceptable" range is identified as 60–70 dB L_{dn}. For educational and medical facilities, levels below 70 dB L_{dn} are considered "normally acceptable," and levels of 60–70 dB L_{dn} are considered "conditionally acceptable." For office and commercial land uses, levels below 70 dB L_{dn} are considered "normally acceptable," and levels of 67.5–77.5 dB L_{dn} are considered "conditionally acceptable." Overlapping noise level ranges are intended to indicate that local conditions (existing sound levels and community attitudes toward dominant sound sources) should be considered in evaluating land use compatibility at specific locations.

State law intended that noise elements guide policymakers in making land use determinations and in preparing noise ordinances that would limit exposure of their populations to excessive noise levels. In 1984, State noise element provisions were revised to "recognize" guidelines prepared by the Office of Noise Control of the California Department of Health Services and to analyze and quantify, "to the extent practicable, as determined by the legislative body," noise from the following sources: highways and freeways; primary arterials and major local streets; passenger and freight on-line railroad operations and ground rapid transit systems; commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and other ground facilities and maintenance functions related to airport operation; local industrial plants, including, but not limited to, railroad classification yards; and other ground stationary noise sources identified by local agencies as contributing to the community noise environment. As noted in the draft update to the General Plan Guidelines, the Office of Planning and Research notes that the Department of Health Services Office of Noise Control no longer exists, and the guidelines have been incorporated into the General Plan Guidelines for Noise Elements (Governor's Office of Planning and Research 2017).

California Noise Control Act of 1973

Sections 46000 through 46080 of the California Health and Safety Code, known as the California Noise Control Act of 1973, declare that excessive noise is a serious hazard to the public health and welfare and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. The California Noise Control Act declares that the State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the policy of the state to provide an environment for all Californians free from noise that jeopardizes their health or welfare.

Local

City of Saratoga General Plan

The City's General Plan land use designation for the project site is Residential Hillside Conservation (RHC). The Noise Element of the City's General Plan includes policies, goals, and implementation measures regarding noise, listed below (City of Saratoga 2024).

- **Goal NOI-1**: Maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise.
  - **Policy NOI-1.2:** The City shall use the planning and code enforcement process to discourage activities, practices or land uses that create or result in excessive noise exposure.
- **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 levels standards of L_{eq}(h) 50 dB as the maximum allowable hourly average noise levels during any hour of operation.
  - **Policy NOI-2.5**: Parks and recreational areas should be protected from excessive noise to permit the enjoyment of sports and other leisure time activities. Parks and other recreational areas which are impacted by outside noise sources should be provided with noise protection devices, including barriers and landscaping. Park design should locate passive recreation areas away from noise sources.
  - **Policy NOI-2.7:** Noise generated by equipment, animals, and amplified sound shall meet adopted standards as amended from time to time.
- **Goal NOI-3:** Promote land-use compatibility by addressing noise exposure from 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.
- **Goal NOI-4:** Maintain or reduce noise levels generated by the ground transportation system.
  - **Policy 4.2:** The City should consider the implementation of alternative transportation methods in order to reduce cumulative traffic levels and noise generation.
  - **Policy 4.4:** The City should discourage through traffic in residential neighborhoods to reduce noise impacts.
  - **Policy 4.5:** The City should continue to designate truck routes in order to direct truck traffic away from noise-sensitive land uses.

City of Saratoga Code of Ordinances

Noise impacts are regulated through the City's Municipal Code. Chapter 7.30.040, Noise Standards, includes guidelines applicable to the Project's exterior noise levels. Chapter 7.30.040(a) stipulates (City of Saratoga 2014):

- Except as otherwise provided in Paragraph (b) of this Section, all uses and developments shall comply with the following noise standards for the various land uses and times of day as indicated below. No person shall cause, produce, or allow to be produced any noise that exceeds these noise standards at any point outside the property boundary on which the noise is generated.

Table 4.13-2 Maximum Permissible Outdoor Noise Levels Generated (dBA)

Adjacent Land Use	Daytime Average L_{eq}	Daytime Max L_{max}	Evening Average L_{eq}	Evening Max L_{max}	Nighttime Average L_{eq}	Nighttime Max L_{max}
Residential	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: Modified from City of Saratoga 2014.

Acronyms: dBA = A-weighted decibels; Leq = equivalent continuous noise level; Lmax = maximum instantaneous noise level during a specific period of time; Max = maximum.

Notes: Daytime = 7:00 a.m. to 7:00 p.m.; Evening is 7:00 p.m. to 10:00 p.m.; Nighttime is 10:00 p.m. to 7:00 a.m.

Chapter 7-30.060 of the noise ordinance, Exceptions for Specific Activities, include guidelines applicable to the Project's construction. Chapter 7-30.060(a) stipulates (City of Saratoga 2014):

- Construction activities. Construction, alteration, repair, and grading activities shall not exceed 100 dBA measured at any point 25 feet or more from the source of noise. Such activities may be conducted 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 Saturday. Construction activities shall be prohibited on Sundays and weekday holidays.

4.13.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to noise:

- **Impact NOI-1:** Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- **Impact NOI-2:** Would the project result in generation of excessive groundborne vibration or groundborne noise levels?
- **Impact NOI-3:** Would the project expose people to excessive noise levels from nearby airports?

Impact NOI-1: Increase in Ambient Noise Levels?

Impact NOI-1 would be **potentially significant.** Even with implementation of MM-NOI-1, the impact would remain **significant and unavoidable** under both baseline scenarios

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would generate a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The standards of significance applied in this analysis address the exterior noise standards established by the City. Unless otherwise stated, standards for interior noise levels would not be exceeded if exterior noise-level standards are achieved.

Based on the established standards in City's Ordinance Code applicable to construction activities, a significant construction noise impact would be identified if construction activities would:

- Occur outside the allowable construction 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 Saturday; or
- Cause noise levels exceeding 100 dBA at a distance of 25 feet from the noise source.

A significant operational noise impact would be identified if project operation would cause ambient noise levels outside of the project site boundary to exceed the standards established in Chapter 7.30.040(a) of the City's Ordinance Code (referenced above).

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

The proposed project would generate noise during the construction period from sources such as equipment, haul trucks, and worker vehicles traveling to and from the project site, and heavy machinery and equipment operating on the site. These are addressed in turn, below.

Construction-related Traffic Noise

Vehicular trips to and from the site would occur throughout the construction period at different levels and frequencies depending on the phase of construction. As described in Section 4.17, *Transportation*, the proposed project would result in some additional traffic in the project area because of the necessary transportation for construction workers, equipment, and materials to and from the project site.

Altogether, the worker trips are anticipated to be a maximum of 30 round trips per day (one per direction per worker in the morning and the evening), but on average this number is likely to be half of that or less.

Minimal equipment deliveries are anticipated for the tasting deck, since it is already constructed and would just be modified to meet the City and Fire Department standards. Two material deliveries by truck are anticipated for the tasting deck modifications. This number of trips would occur over 32 days of the construction period for tasting deck modifications.

Material import quantities (e.g., soil, material deliveries) for the wine cave include import of cave rock subgrade (89 yds, 7 transfer truck loads), cave concrete walls (141 yds, 15 trucks), cave

concrete floor (89 yds, 10 concrete trucks) and ceiling (45 yds, 5 concrete truck loads). These numbers of trips would occur over 98 days of the construction period for wine cave construction. All soil excavated soils from the wine cave are to remain on the project site, and would be stockpiled in the quarry area, such that no offsite trips would be required for soil off-haul.

The modifications to the private portion of Old Oak Way and dirt road and construction of the secondary access road, the dirt and rock require a grader, compactor, skip loader and roll (~4 weeks), road–crushed rock (925 Tons or 42 Truckloads in Bottom Dump Trucks), and no soil export for the access roads. This number of trips would occur over 36 days of the construction period for fire road modifications and 98 days of the construction period for the secondary access road.

Therefore, this analysis conservatively assumes up to eight construction truck trips per day (two truck trips for each construction site [wine cave and modifications to the tasting deck, fire access road, and secondary emergency access road], one truck trip per hour) and 15 worker trips per peak hour (15 worker trips in the morning and 15 worker trips in the afternoon when construction stops for the day).

As described in Section 4.17 *Transportation*, direct access to the project site is provided from Old Oak Way, which is a public right-of-way owned and managed by the City that becomes private at the entrance to the HFV property. Old Oak Way and Pierce Road provides access to the project site and other residential properties. Existing traffic volumes under Baseline Scenario 1 on Old Oak Way are 333 trips per day, and approximately 3,471 daily vehicles travel along Pierce Road[26].

As discussed in Section 4.13.1, *Environmental Setting*, the average healthy ear can barely perceive an increase of 3 dB or less, and an increase of 5 dB is readily perceptible; and a doubling of the energy of a noise source, such as doubling of peak-hour traffic volume, would increase the noise level by 3 dB (Caltrans 2013). Table 4.13-3 shows the estimated peak-hour traffic volumes on local roadway segments in the vicinity of the project site, as well as the anticipated peak-hour construction traffic that would be generated by the proposed project on each segment and the estimated increase in traffic noise from project-related construction traffic.[27]

[26] Pierce Road traffic volume is adjusted for 2022 Baseline Scenario 1 conditions from 2018 traffic counts reported in Hexagon 2021 based on population growth factor of 0.5166% growth per annum within City of Saratoga (USCB 2010, USCB 2020). Old Oak Way traffic volume assumes 264 trips from the 26 existing residences plus 12 employee trips and 57 trips from the 71 guests under Baseline 1 conditions.

[27] Peak-hour was utilized rather than daily trips because it analyzes the noisiest hour of truck traffic since construction is happening during the daytime and is evaluated hourly.

Table 4.13-3 Anticipated Peak Hour Construction-Related Traffic – Proposed Project

Roadway Segment	Existing Peak Hour Traffic (VPH)	Anticipated Construction Traffic (VPH by source)	Anticipated Construction Traffic (passenger equivalent (VPH)	Estimated Increase in Traffic Noise (dBA)
Pierce Road	347	1 heavy truck trip 15 worker commute trips	34	0.5
Old Oak Way	33	1 heavy truck trip 15 worker commute trips	34	3.3

*Source: Calculated by AECOM (2024) using formula where estimated noise increase in dB = 10*log ((Existing Traffic + Project Traffic)/Existing Traffic). Existing traffic volumes adjusted from Hexagon 2021 (see Footnote 4 and Appendix F). Truck trips were converted to passenger-car equivalents by applying an equivalence factor of 19.1, per Caltrans 2013.*

Acronyms: VPH = vehicles per hour calculated from daily trips divided by a peak hour factor of 10; dBA = decibels

As shown in Table 4.13-3, construction-related traffic from the project could cause traffic noise to increase by less than 1 dBA along Pierce Road (which would be imperceptible) and by up to 3.3 dBA along Old Oak Way, which could be perceptible to some people but is not considered to be a readily perceptible (5 dB or more) or significant increase in traffic noise. Therefore, traffic noise generated during project construction would have a **less than significant impact**.

Construction Equipment Noise

As discussed in *Section 3.7* of the *Project Description*, anticipated construction equipment for all phases of the project would include excavators, graders, soil compactors, cement and mortar mixers, dozers, forklifts, rollers, drill rigs, dump trucks, and skid steer loaders. During the start of each construction phase, heavy construction equipment listed be used near the upper limit of 8 hours per day. This extent of construction accounts for 45 out of 98 working days (46 percent). During the final stage of each construction phase, the use of heavy construction equipment would diminish to approximately 2.5 hours for the remaining 53 days. The aggregated average of heavy equipment use would be approximately 5 hours per day throughout the 7-month construction period. Equipment is expected to be tier 4 or higher including the excavator.

Federal Transit Administration's (FTA's) Transit Noise and Vibration Impact Assessment Manual methodology (FTA 2018) was used to predict noise levels that would be generated by construction equipment for the proposed project. The noise emission levels and usage factors were based on the FHWA Roadway Construction Noise Model (FHWA 2006). Noise levels were determined for the specific construction equipment that is anticipated to be used, and the resulting maximum and combined noise levels were calculated.

Table 4.13-4 presents the construction of the proposed improvement at the project site. Also presented are the reference L_{max} and calculated L_{eq} sound levels for each piece of equipment and the aggregate noise from all construction equipment, calculated using the FHWA Roadway Construction Noise Model (FHWA 2006). This combined noise level is considered a "worst case" scenario, as it assumes that the loudest pieces of equipment would be operated simultaneously, at full power, from the same location. In reality, construction equipment use would vary both spatially across each construction zone and temporally throughout the construction period.

Table 4.13-4 Construction Equipment and Reference Noise Levels

Anticipated Construction Equipment	Reference L_{max} Noise Level at 50 feet (dBA)	Calculated L_{eq} Noise Level at 50 feet (dBA)	Calculated L_{eq} Noise Level at 25 feet (dBA)
Excavator	81	77	85
Grader	85	81	89
Compactor (ground)	83	76	84
Concrete Mixer Truck	79	75	83
Dozer	82	78	86
Roller	80	73	81
Drill Rig Truck	79	72	80
Dump Truck	76	72	80
Front End Loader	79	75	83
Combined Predicted Noise Level		**86**	**92**

Source: Calculated by AECOM (2024) using reference "Actual Measured" noise levels and methodology from the FHWA Roadway Construction Noise Model (FHWA 2006) and FTA Noise and Vibration Impact Assessment (FTA 2018). Noise levels at 50 feet converted to noise levels at 25 feet using standard point-source attenuation rate of 6 dB per doubling of distance. Values rounded to nearest whole decibel.

Acronyms: dBA = A-weighted decibels; Leq = Equivalent Continuous Noise Level; Lmax = maximum instantaneous noise level during a specific period of time; - = not applicable.

Note: These calculated noise levels do not account for any screening or shielding effects from existing vegetation, buildings, walls, or other objects.

The City regulates construction noise by establishing a maximum allowable noise level (100 dBA at 25 feet from the source) and restricting the allowable hours of construction. As shown in Table 4.13-4, construction equipment proposed for use at each of the construction phases are anticipated to generate a combined noise level of 92 dBA L_{eq} at a distance of 25 feet, and therefore would not exceed the City's threshold of 100 dBA at 25 feet.

Because project construction would be limited to the allowable construction hours established by the City and would not exceed the City's maximum allowable noise level for construction noise of 100 dBA at a distance of 25 feet, project construction would not generate a substantial temporary or permanent increase in ambient noise levels in excess of applicable City standards.

CEQA case law (*King and Gardiner Farms v. County of Kern* (2020) 45 Cal.App.5th 814) indicates that in addition to evaluating compliance with applicable noise standards, lead agencies should also consider whether a project would result in substantial increase in ambient noise levels for nearby receptors, irrespective of whether a noise standard would be exceeded. Project construction activities would only occur during daytime hours and, therefore, would not disturb evening relaxation or overnight sleep periods. The City's threshold for the maximum level of acceptable daytime, temporary, construction noise exposure for residential receptors is equal or less than 100 dBA at 25 feet. However, the Federal Transit Authority[28] Transit Noise and Vibration Impact Assessment Manual (FTA 2018) acknowledges that local noise ordinances which specify allowable construction hours and maximum limits for construction equipment

[28] Although the FTA methodology and guidance was developed in relation to transit and highway-related construction activities, such guidance is commonly used to inform construction-related noise analysis for different types of construction and demolition activities, including residential development.

generally are not practical for assessing the noise impact of a construction project on nearby receptors and includes guidelines that may be considered reasonable criteria for assessment of construction noise depending on the degree of available detail for construction equipment and activities and the extensiveness of potentially affected receptors.

For detailed analysis, based on the combined construction equipment for each phase of construction, the recommended criterion for residential receptors is 80 dBA $L_{eq(8\ hour)}$ for daytime construction noise (FTA 2018). The FTA manual also indicates that consideration should be given to existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land use. Based on a combined predicted noise level for each construction zone of 86 dBA at 50 feet (per Table 4.13-4) and a standard attenuation rate of 6 dBA per doubling of distance, with no screening, exterior noise levels from each construction phase would be anticipated to dissipate to 80 dBA or less within approximately 100 feet from the source.

The closest offsite sensitive receptor to the proposed construction activities at the Tasting Deck and the Wine Cave is located approximately 1,000 feet to the Northeast at LT-03 (see Figure 4.13-2 and Table 4.13-1), and the anticipated exterior noise levels at those receptors during construction would be approximately 60 dBA L_{eq}. The closest sensitive receptors to the proposed Secondary Access Road construction activities are located approximately 200 feet away, and the anticipated exterior noise levels at those receptors during construction would be approximately 74 dBA L_{eq}. The estimated noise levels are conservative, based on simultaneous use of multiple pieces of equipment, and do not account for screening that might be provided by fences, vegetation, buildings, topography, or other objects between the source and receptor. Actual noise levels perceived by receptors would fluctuate over time and space, depending on the number and type of equipment used, the location of the equipment within the construction zone, and any screening or shielding from objects. Noise levels at receptors further from the construction zones would experience lower noise levels than those described above, due to the increased distance between source and receptor. Therefore, construction equipment associated with the project are anticipated to generate exterior noise levels below 80 dBA at the nearest residential receptors. Project compliance with City requirements for construction noise, and daytime construction noise levels at nearby residential receptors that would not exceed 80 dBA, would result in a **less than significant** impact.

Operation

The proposed project would introduce new permanent sources of noise to the existing environment, including operational traffic and stationary noise sources such as live or recorded music and guest voices associated with public wine tastings and private wine tastings/events. The following analysis examines each noise source and discusses the potential for environmental impacts. Potential noise impacts from long-term (operational) stationary sources (wine tastings and events) were assessed based on the technical noise study prepared for the proposed project by Salter in 2021, with additional clarifications provided by Salter in 2024 (see Appendix E). This analysis also included an evaluation of the proposed noise-generating uses that could affect noise-sensitive receptors near the project site.

Operational Traffic Noise

As discussed in Section 4.17*, Transportation*, the total trip generation for the project would vary day to day depending on whether or not the venue is open for public tastings and whether a private tasting or event would occur (and the size of the private event). Table 4.13-5 summarizes the estimated daily traffic trips that would occur at the site under various operational conditions. As shown in the table, The number of daily trips could vary from 8 trips per day (on days with only vineyard operations and no public or private tastings or private events) up to 426 trips per day (on a day with multiple public and private tastings and a large event), with an estimated annualized average of 127 trips per day (see Appendix E).

Table 4.13-5 Summary of Estimated Project Traffic

Operational Conditions	Description	Estimated Daily Trips
Non-Tasting, Non-Event Day (Vineyard Operations only)	No public or private tastings or events, only vineyard operations.	8
Typical Non-Event Day (Public and Private Tastings only)	Public and private tastings at average capacity, with no events.	154
Maximum Non-Event Day (Public and Private Tastings)	Public and private tastings at maximum capacity with no private events.	292
Typical tastings plus small event.	Public and private tastings at average capacity plus a small private event with up to 50 guests.	214
Typical tastings plus medium event.	Public and private tastings at average capacity plus a medium private event with up to 100 guests.	256
Typical tastings plus large event.	Public and private tastings at average capacity plus a large private event with up to 148 guests.	290
Maximum Capacity Day	Public and private tastings at full capacity, plus a large private event.	426
Annualized Average	*Average daily trips considering all variations throughout the year.*	*127*

Source: Based on information in Fehr & Peers 2024 (Appendix F).

As discussed above, existing traffic volumes on Old Oak Way are 337 trips per day[29], and approximately 3,471 daily vehicles travel along Pierce Road (adjusted from Hexagon 2021). Additionally, as noted in Section 4.13.1, *Environmental Setting*, the average healthy ear can hardly perceive an increase of 3 dB or less, while an increase of 5 dB is readily perceptible. A doubling of the energy of a noise source, such as a doubling of traffic volume, would result in a 3 dB increase in noise levels; conversely, halving the energy would result in a 3 dB decrease (Caltrans 2013).

Due to the existing traffic volume along Pierce Road, none of the operational conditions associated with the proposed project would result in a doubling of traffic volume along Pierce

[29] The estimated Old Oak Way traffic volume of 337 trips per day under Baseline Scenario 1 includes 264 daily trips associated with the 28 residences along Old Oak Way plus 73 visitor and employee trips per day from typical 2022 operations at House Family Vineyard. See Section 4.17, *Transportation*.

Road, and therefore the increase in traffic noise along that roadway would be less than 3 dB, which is imperceptible.

However, Old Oak Way has a much lower existing traffic volume and is therefore more sensitive to increased traffic volume. The average annualized traffic increase of 127 trips per day from the proposed project, when added to the existing 337 trips per day on Old Oak Way, would not result in a doubling of traffic volume, and therefore the increase in traffic noise would be less than 3 dB, which is imperceptible. Similarly, a typical day with both public and private tastings plus a large event (290 trips per day) would not double existing traffic volume on Old Oak Way and would not cause a perceptible increase in traffic noise.

However, on busy days with public and private wine tasting at full capacity plus a large event (426 trips per day), the estimated traffic volume along Old Oak Way could more than double, and therefore the increased traffic noise could be greater than 3 dB and could be perceptible.

Based on the existing traffic volume of 337 trips per day on Old Oak Way, an increase to 763 trips per day (accounting for an additional 426 trips from the project) would result in a noise level increase that can be calculated using the formula:

$$\Delta L = 10 \times \log(Q2/Q1)$$

where:

Q1 = 337 trips per day (existing traffic),

Q2 = 337 + 426 = 763 trips per day (new total traffic).

$$\mathbf{\Delta L = 10 \times \log(763/337) \approx 3.55\ dB}$$

Since the average healthy ear can barely perceive an increase of 3 dB or less, and an increase of 5 dB is readily perceptible, the estimated increase of 3.55 dB would be noticeable and could be perceptible to some residents in the area, but is not considered to be readily perceptible (5 dB or more) or a significant increase in traffic noise above baseline conditions. Therefore, because the proposed project, even under maximum capacity conditions, would not cause a readily perceptible increase in traffic noise, the impact would be **less than significant**.

Wine Tasting and Events Noise

The proposed project would result in operational noise related to the public and private wine tastings and private special events, such as guest voices, live or recorded music, etc., which would occur at the tasting deck at Vineyard Point, and an adjacent 0.2-acre outdoor area. The tasting deck is a 20-foot by 60-foot structure that would be fully enclosed – with windows and railings – and includes a solid roof. Under Baseline Scenario 1, the tasting deck was partially open rather than fully enclosed. Therefore, it is expected that by fully enclosing it would attenuate sound coming from within. Additional seating is located directly outside of the tasting deck, on the east side. There is no acoustically effective cover over the additional seating. The maximum seating capacity of the facility is 120 guests.

Noise associated with the public wine tastings would occur from Thursday to Sunday, between 11 am and 5 pm, and until 8 pm on Fridays. Attendance is expected to vary throughout the day, over the week, as well as seasonally. Because the facility has not operated with public (non-

appointment) tastings under "normal" conditions (i.e., with no restrictions due to temporary compliance agreements, COVID restrictions, etc.,) it is difficult to estimate how many public tasting guests might visit the site on any given day. To be conservative, it was estimated that up to 240 guests (i.e., twice the available seating capacity) could visit the site for public tastings over the course of a day, however, it is not expected that this many guests would all be on the site at the same time. Given the limited number of parking spaces proposed to be provided (55 spaces) and an average vehicle occupancy of 2.5 guests per vehicle, a maximum of approximately 137 guests could be present at one time for public tastings.

Private wine tastings (up to 25 guests) and private special events would occur by appointment only and would be limited to times between 8 am and 10 pm. Small private events (with up to 50 guests) would occur approximately 70 times per year, medium events (up to 100 guests) would occur approximately 20 times per year, and large events (up to 148 guests) would occur approximately 5 times per year.

At the tasting deck, typical background music is provided by speakers playing recorded music[30]. "Light" live music could occur during events, consisting of an acoustic guitarist and drummer (or similar) playing background music. Since all events will end by 10 pm, the noise ordinance criteria for "Daytime" (7am to 7pm) and "Evening" (7pm to 10pm) hours would apply to the project. The "Nighttime" criteria (10pm to 7am) would not apply as all events would end by 10pm.

As described in more detail in Appendix Z, the CadnaA® Noise Prediction Model was used to estimate the propagation of sound from the project site, and thereby predict noise levels at various distances from the project site, including representative noise-sensitive receptors and property lines. CadnaA is a software program that predicts and assesses sound levels of industrial sound sources and is based on International Organization for Standardization (ISO) 9613-2 algorithms for the calculation of sound propagation (ISO 1996).

The average hourly noise levels were modeled for the following three scenarios:

1. Typical Event[31]: Approximately 70 guests, with half speaking simultaneously at a raised voice level. A "raised" voice level was assumed to be 66 dB at 3 feet.
2. Large Event: Approximately 150 guests, with half speaking simultaneously at a raised voice level.
3. Large Event with Live Music: Same occupant counts as the "large event", but with additional noise sources for a guitarist and drummer. The modeling assumed the guitarist and drummer would generate noise levels of approximately 75 dB at 15 feet, which is consistent with "light" live music that can be used as background music.

[30] This is consistent with the noise ordinance definition of "background music", which is "prerecorded music played through permanently mounted speakers which is clearly incidental to the primary use, and (at any location five feet or more from the source of the sound) allows for normal conversation levels".

[31] The "typical" event (70 guests) assumed for noise modeling is larger than the "small" events (50 guests) that would most typically occur at the site, therefore the modeling is considered to be conservative.

For events, the model assumed that approximately 30 occupants were located inside the partially open tasting deck[32], with all additional occupants at the adjacent outdoor seating area. Noise sources were modeled as groups of point sources. Table 4.13-6 presents the estimated noise levels at the boundary of adjoining properties in each direction, resulting from each of the modeled events.

Table 4.13-6 Estimated Average Hourly (Leq(h)) Noise Levels (dB) at Property Line

Adjacent Property	Approx. Distance from Noise Source	Property Type	Typical Event (70 guests)	Large Event (150 guests)	Large Event with Live Music	Threshold Criteria (day/evening/night)
Northeast Boundary*	45 feet	Residential	**~54**	**~57**	**~66**	50 / 45 / 40
Northern Boundary	650 feet	Residential	30	32	35	50 / 45 / 40
Eastern Boundary	750 feet	Residential	30	34	38	50 / 45 / 40
Southern Boundary	870 feet	Residential	<20	<20	<20	50 / 45 / 40
Western Boundary	850 feet	Commercial	33	36	40	65 / 60 / 55

Source: Calculated by Salter (2021), with clarifications by Salter (2024), see Appendix E.

**Noise levels for the northeast boundary were estimated by AECOM by overlaying the updated property boundary on the sound propagation map for the "Large Event with Live Music" scenario (Figure 2 from Salter 2021) and also estimated using standard "decibel addition" and "doubling of distance" equations from FTA 2018 (AECOM 2024).*

*Noise levels exceeding one or more threshold criteria are shown in **bold**.*

As shown above, in Table 4.13-6, all three event scenarios are estimated to meet the Noise Ordinance $L_{eq(h)}$ criteria for daytime, evening, and nighttime hours at the residential property boundaries to the north, east and south of House Family Vineyards, and at the commercial property boundary to the west (Garrod Parcel).

However, for the property boundary to the northeast of the tasting deck, the estimated noise level for all three event scenarios would exceed the Noise Ordinance $L_{eq(h)}$ residential criteria for all times of day and therefore would not meet the standards of the Noise Ordinance. There are currently no residential dwellings on that property; therefore, there are no sensitive receptors that would be affected by the project's exceedance of the Noise Ordinance standards. The nearest residential dwelling to the tasting deck is approximately 1,100 feet away, at which distance the predicted noise levels from a large event with live music would attenuate to approximately 35-40 dBA, which is below the Noise Ordinance daytime and evening thresholds for residential use. However, because the Noise Ordinance standards specify that the thresholds apply at the receiving property boundary (not at the nearest residential structure), and because the project would generate noise levels that exceed those thresholds at said property boundary, the impact would be **potentially significant**.

[32] For indoor noise sources, the 2021 Salter Study assumed a partially enclosed tasting deck, which was the existing design of the tasting deck. The proposed project would fully enclose the tasting deck which would be expected to reduce the transmission of noise generated inside the tasting deck to outside. However, because noise sources would occur both inside and outside the tasting deck, the estimated noise levels presented in the table are still considered valid.

Mitigation measure MM-NOI-1 is recommended to reduce this impact:

Mitigation Measure MM-NOI-1: Monitor and Adjust Boundary Noise Levels

A. Prior to use of the tasting deck or adjacent outdoor seating area for public tastings or events, the applicant shall permanently install a sound level meter at the worst-case (i.e., closest without shielding) residential property boundary to the tasting deck. The City Community Development Director or their designee shall be provided real-time access to the monitoring system data. The meter shall be installed at a height of at least 4 feet above ground level. The meter shall be a rated Class I or II based on ANSI S1.4 standards, utilize the "A" weighting scale, and be set to a "slow" response. The monitoring system shall be actively measuring and logging sound pressure level data from at least one hour prior to event start until one hour after the event ends.

B. During events or tastings, the applicant shall review the measured sound pressure levels on a 30-minute recurring basis. If the measured sound pressure levels at the meter exceed the applicable limits described in paragraph C below, the applicant shall reduce the volume of the sound system (or other noise-generating sources) until the measured levels are below the paragraph C limits at the property line.

C. The applicable limits for the property boundary sound level meter (installed and operated in accordance with paragraphs A and B above) shall be selected from the options in the table below, based on the distance between the meter and the outdoor use area of the nearest off-site residential unit (or other nearest sensitive receptor, as determined by the City) at the time of the monitoring:

Distance between meter and outdoor use area of closest residence	***Daytime (7am - 7pm) noise limit at meter***	***Evening (7pm - 10pm) noise limit at meter***	***Nighttime (10pm - 7am)***
0-24 feet	*50 dBA Leq(h)*	*45 dBA Leq(h)*	*Events and tastings prohibited*
25-49 feet	*52 dBA Leq(h)*	*47 dBA Leq(h)*	
50-99 feet	*54 dBA Leq(h)*	*49 dBA Leq(h)*	
100-199 feet	*57 dBA Leq(h)*	*52 dBA Leq(h)*	
200-399 feet	*61 dBA Leq(h)*	*56 dBA Leq(h)*	
400-799 feet	*66 dBA Leq(h)*	*61 dBA Leq(h)*	
*800+ feet**	*71 dBA Leq(h)*	*66 dBA Leq(h)*	

** The closest residential unit at time of EIR preparation was approximately 1,100 feet from the tasting deck, therefore the row marked with an asterisk contains the current applicable limits, unless a closer sensitive receptor is identified by the City in the future.*

D. The limits specified in paragraph C above may be modified if, based on site-specific noise prediction modeling or calculations performed by a qualified acoustic engineer, it can be demonstrated to the satisfaction of the City's Community Development Director that the modified limits would not result in outdoor noise levels at outdoor use areas at the nearest residential unit (or other sensitive receptor) exceeding 50 dBA Leq(h) during daytime hours (7am to 7pm) or 45 dBA Leq(h) during evening hours (7pm to 10pm). Alternatively, the limits specified in paragraph C above may be

> *reduced by the City if it becomes apparent that the limits are not adequately protective of nearby sensitive receptors based on actual noise levels received at residential receptors.*

The noise limits specified in paragraph C of MM-NOI-1 were calculated by a qualified acoustic engineer to ensure that sound from proposed project noise-generating activities would attenuate to levels not exceeding 50 dBA Leq(h) (daytime) or 45 dBA Leq(h) (evening) at residential receptors.

Therefore, with implementation of MM-NOI-1, no sensitive receptors would be subject to unacceptable noise levels as a result of the proposed project. However, because the noise levels at the property boundary would still exceed the thresholds established by the Noise Ordinance, the impact would be **significant and unavoidable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, the project would include construction of the tasting deck and associated office and restroom structures. In 2013, construction of the tasting deck took place 5 days per week and included 4 days of preparation with two small pieces of equipment, and 5 days of piers being drilled with drill attached to one small support equipment, i.e. bobcat. Construction staff included four workers per day comprising approximately eight round trips per day (one per direction per worker in the morning and in the evening). Other deliveries included two cement truck deliveries and 10 material truck deliveries. This minimal level of construction-related traffic in 2013 would have caused a negligible increase in traffic noise along local roadways, as it would not have doubled the existing traffic volumes. Construction traffic from future project construction would have similar noise impacts as described under Baseline Scenario 1.

The construction activities for the tasting deck would have generated equipment noise that could have been audible to nearby noise-sensitive uses. However, as described in Baseline Condition 1, the types of construction equipment used for tasting deck construction and proposed for use as part of future construction activities at the site would comply with the criteria for construction equipment from the City Noise Ordinance and would not result in daytime construction noise levels at nearby residential receptors that would exceed 80 dBA.

Therefore, for the same reasons described for Baseline Scenario 1, the impact compared to Baseline Scenario 2 would also be **less than significant**.

Operation

Operational Traffic Noise

Under Baseline Condition 2, the proposed project operations represent a greater net increase in daily vehicle trips, winery operations, and number of guests than was discussed under Baseline Condition 1, because the number of guests visiting the site under Baseline Condition 2 was only 10 per day, compared to 71 per day under Baseline Condition 1. Therefore, baseline ambient noise levels at the site would have been lower under Baseline Condition 2, due to the lower number of guests utilizing the site and less frequent vehicular trips that create sources of noise.

In 2013, the estimated traffic on Old Oak Way was approximately 284 vehicles per day, with 3,314 vehicles per day using Pierce Road[33].

Table 4.13-7 below shows the estimated increase in traffic noise for each of the operational scenarios anticipated to result in a doubling (or more) of existing traffic on Old Oak Way, calculated using the formula:

$$\Delta L = 10 \times \log(Q2/Q1)$$

where:

Q1 = Existing Traffic (i.e., 284 trips per day for Old Oak Way under Baseline Scenario 2),

Q2 = New Total Traffic (i.e., 284 existing + proposed project traffic)

Table 4.13-7 Estimated Increase in Traffic Noise

Daily Activities	Proposed Project Traffic (estimated trips per day)	Estimated Increase in Traffic Noise (dBA)
Maximum Non-Event Day	292	3.07
Typical Tastings plus Large Event	290	3.06
Maximum Capacity Day	426	3.98

As described in Baseline Scenario 1, since the average healthy ear can barely perceive an increase of 3 dB or less, and an increase of 5 dB is readily perceptible, the estimated increase of between 3.06 and 3.98 dB from these operation conditions could be perceptible to some residents in the area, but is not considered to be readily perceptible (5 dB or more) or a significant increase in traffic noise above baseline conditions. Therefore, because the proposed project, even under maximum capacity conditions, would not cause a readily perceptible increase in traffic noise, the impact would be **less than significant**.

Winery Tasting and Event Noise

Similar to operational traffic, the noise generated by the proposed project would represent a greater increase above Baseline Scenario 2 conditions, because under this baseline there were very few existing visitors to the site for tastings and no large public events. Nonetheless, the modeling described above for Baseline Condition 1 was based on total noise generated by proposed future events (not the net increase in future event size from baseline conditions to with-project conditions). Therefore, the modeled on-site operational noise levels described for the project under Baseline Condition 1 above are also applicable to the project under Baseline Condition 2.

[33] Pierce Road traffic volume is adjusted for 2013 Baseline Scenario 2 conditions from 2018 traffic counts reported in Hexagon 2021 based on population growth factor of 0.5166% growth per annum within City of Saratoga (USCB 2010, USCB 2020). Old Oak Way traffic volume assumes 264 trips from the 28 existing residences plus 12 employee trips and 8 trips from the 10 guests under Baseline 2 conditions.

Because the modeled noise levels from the proposed project operations would exceed the City's criteria at the adjoining property boundaries, the proposed impact of the project on ambient noise levels would be **potentially significant.**

As discussed for Baseline Scenario 1, implementation of MM-NOI-1 would require the applicant to monitor noise levels during events and reduce the volume if noise levels exceed thresholds developed to ensure that sound from proposed project noise-generating activities would attenuate to levels not exceeding 50 dBA Leq(h) (daytime) or 45 dBA Leq(h) (evening) at the nearest residential receptor. However, because the proposed project would still conflict with the property boundary noise thresholds established in the City's noise ordinance, the impact would remain **significant and unavoidable**.

Impact NOI-2: Exposure of People to Groundborne Noise and Vibration Levels?

Impact NOI-2 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would generate excessive groundborne vibration or groundborne noise levels.

The City has not adopted specific numerical thresholds for groundborne vibration impacts. The FTA has developed guidance criteria that are commonly applied as an industry standard to determine the potential for impacts from vibration relative to building damage and human annoyance, as presented in Table 4.13-8 and Table 4.13-9, respectively (FTA 2018).

For building damage, the level of vibration that would cause a significant impact to structures depends on the structure type and condition. For human annoyance, the level of vibration that would cause a significant impact depends on the land use type and the frequency of vibration events.

Table 4.13-8 Structure Vibration Damage Criteria

Structure and Condition	Peak Vibration Threshold (in/sec, PPV)	Approximate Vibration Level (VdB)
Reinforced-concrete, steel or timber	0.5	102
Engineered concrete and masonry	0.3	98
Non-engineered timber and masonry buildings	0.2	94
Buildings extremely susceptible to vibration damage	0.12	90

Source: FTA 2018, adapted from Table 7-5.

Acronyms: in/sec = inches per second; PPV = peak particle velocity, VdB = vibration decibels

Table 4.13-9 Indoor Groundborne Vibration Criteria

Land Use	Peak Vibration Threshold for Frequent Events (VdB)	Peak Vibration Threshold for Occasional Events (VdB)	Peak Vibration Threshold for Infrequent Events (VdB)
Buildings where vibration would interfere with interior operations.	65 VdB	65 VdB	65 VdB
Residences and buildings where people sleep.	72 VdB	75 VdB	80 VdB
Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB

Source: FTA 2018, adapted from Table 6-3

Acronyms: in/sec = inches per second; PPV = peak particle velocity

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Project construction activities have the potential to result in varying degrees of temporary and short-term ground vibration, depending on the specific construction equipment used and the operations involved. In general, vibration-induced building damage occurs only when certain types of construction activity (e.g., pile driving, heavy earthmoving) and heavy truck travel occur very close to existing structures. Vibration-induced disruption/annoyance (to humans) could occur during more common types of construction activity (e.g., demolition, use of heavy earthmoving equipment, hauling of material) at a greater distance from the activity area.

Groundborne vibration impacts were assessed based on reference vibration levels produced by specific construction equipment and the distance of sensitive receptors from the given source. Table 4.13-10 provides reference vibration levels for typical construction equipment. Equipment in bold represents the types of equipment that would be utilized during project construction.

Table 4.13-10 Typical Construction Equipment Vibration Levels

Equipment	Reference Vibration Level PPV at 25 feet (in/sec)	Reference Vibration Level Lv at 25 feet (in VdB)
Vibratory Roller	0.21	94
Large Bulldozer/Hoe Ram	0.089	87
Drill (Caisson)	0.089	87
Truck	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: FTA 2018, Caltrans 2020.

Acronyms: in/sec = inches per second; Lv = velocity level in decibels, based on the root mean square velocity amplitude; PPV = peak particle velocity; VdB = velocity decibels.

Table 4.13-11 presents the various construction activity areas associated with the proposed project, the distance to the nearest vibration-sensitive receptor, and the estimated vibration level at that receptor (based on the worst-case vibration levels calculated using the reference value for vibratory rollers, which is the type of machinery that would generate the highest levels of vibration during project construction).

Table 4.13-11 Estimated Construction-Generated Vibration Levels at Nearest Receptors

Construction Area	Distance to Nearest Off-site Receptor	Estimated Maximum Vibration Level in VdB	Estimated Maximum Vibration Level in PPV
Fire Access Road	750 feet	50	0.001 in/sec
Wine Cave	>1,000 feet	<46	<0.0001 in/sec
Tasting Deck Modifications	>1,000 feet	<46	<0.0001 in/sec
Secondary Access Road	150 feet	71	0.014 in/sec
Soil Stockpile at Quarry	450 feet	56	0.003 in/sec
Applicable Thresholds	-	*80*	*0.2 in/sec*

Source: Vibration levels calculated by AECOM (2024) using formula from FTA 2018 and reference vibration level for vibratory roller (see Table 4.13-8, above).

Acronyms: in/sec = inches per second; Lv = velocity level in decibels, based on the root mean square velocity amplitude; PPV = peak particle velocity; VdB = velocity decibels.

The estimated maximum vibration levels that could occur for offsite receptors would be during the construction of the proposed Secondary Access Road. The estimated maximum vibration levels at the nearest residential receptor located approximately 150 feet from the construction activity, would be 0.014 in/sec PPV (71 VdB). These are worst-case vibration levels calculated using the reference value for vibrator rollers (0.21 in/sec PPV at 25 feet) which is the type of equipment that would generate the highest levels of vibration during project construction and calculated using the minimum distance between the closest area of the construction site to the building. Actual vibration levels at sensitive receptors would vary over time depending on the actual equipment being used and the distance between the vibration source and the receptor.

The threshold for building damage was conservatively used for a “non-engineered timber and masonry” buildings (0.2 in/sec PPV). For more modern buildings and residential properties, the threshold for “Engineered concrete and masonry” buildings (0.3 in/sec PPV) is used. The threshold for human annoyance used for all receptors is that for infrequent events at residences and buildings where people normally sleep (80 VdB).

As demonstrated in the table, vibration from the construction activities would not exceed the applicable building damage threshold of 0.3 in/sec PPV for “Engineered concrete and masonry” buildings and the criteria of 0.2 in/sec PPV for non-engineered timber and masonry buildings. Also, project construction activities would not result in levels of vibration that would exceed the applicable threshold of 80 VdB for human annoyance. Therefore, this impact would be **less than significant**.

Operation

There is no heavy traffic or other vibration-generating activities associated with ongoing project operations (i.e., tastings and events). Therefore, there would be **no impact.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, the estimated vibration from future construction activities would be the same as described above for Baseline Scenario 1. Construction of the tasting deck and associated office and restroom structures in 2013 would have also generated groundborne vibration levels similar to those shown in Table 4.13-8 above, because similar equipment would have been used during tasting deck construction. As described in Baseline Condition 1, vibration from the construction activities would not exceed the applicable building damage threshold of 0.3 in/sec PPV for "Engineered concrete and masonry" buildings and the criteria of 0.2 in/sec PPV for non-engineered timber and masonry buildings, due to the distance between the proposed construction areas and the nearest offsite receptors. Also, project construction activities would not result in levels of vibration that would exceed the applicable threshold of 80 VdB for human annoyance. Therefore, this impact would be **less than significant**.

Operation

There is no heavy traffic or other vibration-generating activities associated with ongoing project operations (i.e., tastings and events). Therefore, there would be **no impact.**

Impact NOI-3: Excessive Airport Noise?

Impact NOI-3 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it is 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 expose people residing or working in the project area to excessive noise levels.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The nearest airport is San Jose International Airport, approximately 9 miles to the northeast; therefore, the Project site is not located within an airport land use plan, within 2 miles of a public airport or public use airport, or within the vicinity of a private airstrip. Therefore, the project would not expose people residing or working in the Project area to excessive noise levels from airports. Therefore, **no impact** would occur.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The project site under Baseline Scenario #2, with respect to its proximity to the airports, would remain the same as evaluated under Baseline Scenario #1. Therefore, **no impact** would occur.

4.13.4 Cumulative Impacts and Mitigation

The following section analyzes the potential of the project to contribute to cumulative impacts for the following noise issues where the project would have a less-than-significant or potentially significant impact:

- **Impact C-NOI-1:** Contribution to cumulative effects related to generation of noise.
- **Impact C-NOI-2:** Contribution to cumulative effects related to generation of vibration.

Cumulative Impact C-NOI-1: Generation of Noise?

The overall cumulative impact for C-NOI-1 would be significant and unavoidable under both baseline scenarios.

Cumulative Context

The geographic context for analysis of cumulative impacts related to noise is the immediate vicinity of the project site and along roadways used to access the project site. Noise is a localized occurrence and attenuates rapidly with distance. For construction noise, the cumulative context would be limited to those cumulative projects that would have overlapping construction periods with the Project and are in close enough proximity for construction noise from both projects to be heard by the same receptors. For operational noise, the cumulative context would include any cumulative projects that introduce noise-generating equipment that could be heard by the same sensitive receptors as the project's operational noise, or that would increase traffic levels on the same local streets as project-generated traffic.

The geographic context for analysis of cumulative impacts related to vibration is the immediate project vicinity. Vibration is a localized occurrence and attenuates rapidly with distance. For vibration, the cumulative context would be limited to those cumulative projects that would have overlapping construction periods with the project and are in close enough proximity for construction vibration from both projects to be felt by the same receptors.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Table 4.1-1 includes cumulative projects within the vicinity of the proposed project. However, there is no specific information available regarding the schedule for other developments. Because all of the cumulative projects are in the beginning stages of submitting applications to the City, it is unlikely that construction of cumulative projects would overlap the proposed project. In the unlikely event that the construction periods of these cumulative projects were to overlap, noise and vibration generated from construction equipment operating would be short-term and temporary. The nearest cumulative project to the project site (Chadwick Heights) is immediately adjacent to the project site. However, because there are no sensitive receptors between the two project sites, and because both projects would be required to comply with the City's Noise Ordinance which limits construction activities to certain (daytime) hours and requires that construction equipment not generate noise that exceeds 100 dBA at a distance of 25 feet, construction noise from these two projects are not expected to substantially combine to cause an adverse cumulative impact. Other cumulative projects are 0.5 mile to 1 mile distance and therefore not expected to combine noise or vibration impacts with the proposed project. Therefore, the overall cumulative impact related to noise and vibration from construction of cumulative projects would be **less than significant**.

Operation

Cumulative Operational Traffic Noise

All of the cumulative projects would result in more people and vehicles to the hillside area. While the majority of the cumulative projects (other than the Mountain Winery project) are relatively small in scope and are not individually expected to substantially increase population and traffic volumes in the hillside area, the combined impact of these projects could result in a substantial increase in traffic volume on some local roadways. None of the cumulative projects are anticipated to result in additional traffic on Old Oak Way. However, almost all of the cumulative projects would result in additional traffic on Pierce Road. In total, the cumulative projects include 415 new residential units (single family and/or multifamily) and 80 hotel units, almost all of which would utilize Pierce Road for access. Based on standard trip generation rates for residential and hotel uses, the combined traffic generation of all the cumulative projects listed in Table 4.13-12 would be approximately 4,196 vehicle trips per day. Table 4.13-12 shows the estimated increase in traffic noise, based on the worst-case assumption that all traffic from the cumulative projects would utilize Pierce Road. Even under this worst-case scenario, the estimated increase in traffic noise from Baseline Scenario 1 would be less than 4 dBA; which, as discussed previously, would be perceptible but not significant. Therefore, the overall cumulative impact from traffic noise would be **less than significant**.

Table 4.13-12 Estimated Cumulative Traffic Noise – Baseline Scenario #1

Factor	Using project's annualized average traffic	Using project's max daily traffic
Existing Traffic Volume on Pierce Road (vpd)	3,471	3,471
Project Operational Traffic Volume (vpd)	127	426
Other Cumulative Project Traffic Volumes (vpd)	4196	4196
Cumulative Plus Project Traffic Volumes (vpd)	4,323	4,622
Future Traffic Volume (with Cum + Proj)	7,794	8,093
Percent Increase Above Existing (Cum + Proj)	125%	133%
Increased Noise due to Project + Cumulative Operations (dBA)	3.51	3.68
Project's Contribution to Cumulative Increase (%)	3%	9%

Calculated by AECOM (2024). Estimated cumulative traffic volume based on trip generation rates for single family residential, multifamily residential, and hotel land uses (ITE Trip Generation Manual, 11th Generation, 2021).

Cumulative On-Site Operational Noise

The majority of the cumulative projects are residential in nature, which do not typically generate substantial on-site operational noise. Although the Mountain Winery project includes a hotel, which could potentially generate on-site noise associated with large gatherings or events at the hotel, the proposed project is more than 1.5 miles from the Mountain Winery site, and on the opposite side of a minor ridge. Furthermore, the existing Mountain Winery facility already hosts large events such as concerts and the cumulative project does not include any changes to the capacity of the concert venue or the number of events per year. As such, on-site noise from that project is not expected to combine with on-site noise from the proposed project to cause a substantial increase in ambient noise for nearby receptors above that generated by the House Family Vineyard itself. However, because the project itself would cause a significant and

unavoidable noise impact (as discussed for Impact NOI-1 above) the overall cumulative impact would also be **significant and unavoidable**, and the project's contribution to the cumulative impact would be **cumulatively considerable.**

Although the Chadwick Heights cumulative project is not anticipated to generate substantial noise sources that would combine with the project's noise sources, that project would introduce new sensitive receptors that would be subjected to daytime and evening noise levels in exceedance of the City's Noise Ordinance Criteria from events at the tasting deck, because the nearest dwelling indicated on the preliminary site plan for that project would be constructed approximately 300 feet from the tasting deck. However, because mitigation measure MM-NOI-1 includes a variable performance standard based on the distance to the nearest residential structures that are present at the time of the noise-generating event, the future residents of dwellings built as part of this cumulative project would not be subject to noise levels in excess of 50 dBA Leq(h) during daytime hours or 45 dBA Leq(h) during evening hours due to wine tastings or events at the tasting deck.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

The cumulative impacts from construction noise for Baseline Scenario 2 would be similar to those described in Baseline Scenario 1 and would be **less than significant**.

Operation

Cumulative Operational Traffic Noise

Cumulative traffic noise impacts would also be similar to those described for Baseline Scenario 1, but existing traffic volumes would be less, as shown in Table 4.13-13. Even under this worst-case scenario, the estimated increase in traffic noise compared to Baseline Scenario 2 would be less than 4 dBA; which, as discussed previously, would be perceptible but not significant. Therefore, the overall cumulative impact from traffic noise would be less than significant.

Table 4.13-13 Estimated Cumulative Traffic Noise – Baseline Scenario #2

Factor	Using project's annualized average traffic	Using project's maximum daily traffic
Existing Traffic Volume on Pierce Road (vpd)	3,314	3,314
Project Operational Traffic Volume (vpd)	127	426
Other Cumulative Project Traffic Volumes (vpd)	4196	4196
Cumulative Plus Project Traffic Volumes (vpd)	4,323	4,622
Future Traffic Volume (with Cum + Proj)	7,637	7,936
Percent Increase Above Existing (Cum + Proj)	130%	139%
Increased Noise due to Project + Cumulative Operations (dBA)	3.63	3.79
Project's Contribution to Cumulative Increase (%)	3%	9%

Calculated by AECOM (2024). Estimated cumulative traffic volume based on trip generation rates for single family residential, multifamily residential, and hotel land uses (ITE Trip Generation Manual, 11th Generation, 2021).

Cumulative On-Site Operational Noise

Cumulative on-site operational noise impacts would also be similar to those described for Baseline Scenario 1. For the same reasons previously discussed, the overall cumulative impact would be significant and unavoidable and the project's contribution would be cumulatively considerable, even with implementation of MM-NOI-1.

Cumulative Impact C-NOI-2: Generation of Vibration?

The overall cumulative impact for C-NOI-2 would be **less than significant** under both baseline scenarios.

Cumulative Context

The geographic context for analysis of cumulative impacts related to vibration is the immediate project vicinity. Vibration is a localized occurrence and attenuates rapidly with distance. For vibration, the cumulative context would be limited to those cumulative projects that would have overlapping construction periods with the project and are in close enough proximity for construction vibration from both projects to be felt by the same receptors. Because the project would not generate any operational vibration, it would not contribute to any cumulative vibration impacts, therefore the cumulative discussion focuses on construction-related vibration.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Table 4.1-1 includes cumulative projects within the vicinity of the proposed project. However, there is no specific information available regarding the schedule for other developments. Because all of the cumulative projects are in the beginning stages of submitting applications to the City, it is unlikely that construction of cumulative projects would overlap the proposed project. In the unlikely event that the construction periods of these cumulative projects were to overlap, vibration generated from construction equipment operating would be short-term and temporary. The nearest cumulative project to the project site is adjacent to the project site. However, construction vibration impacts are not expected to substantially combine with the proposed project due to the relatively small scope of these projects. Other cumulative projects are 0.5 mile to 1 mile distance and therefore not expected to combine vibration impacts with the proposed project. Therefore, the overall cumulative impact would be **less than significant** for vibration.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The cumulative impacts for Baseline Scenario 2 would be the same as those described in Baseline Scenario 1, which would be **less than significant**.

4.14 Population and Housing

This section describes the existing setting of the project area related to population and housing and evaluates whether the proposed project would result in adverse effects on population and housing or would induce unplanned population growth in the City. The City did not receive comments relating to population and housing during the public scoping period in response to the NOP.

4.14.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Population

Between 2010 and 2020, Saratoga grew by a total of 3.7 percent compared to 9 percent population growth in Santa Clara County and 8 percent in the Bay Area. The population of Saratoga makes up 1.6 percent of Santa Clara County. Between 2010 and 2020 the City's population has exhibited an upward trend in residents aged 55-64 and 65- and over, and a downward trend in residents aged 5-14 and 35-44 (City of Saratoga 2024). As a result, the City's median age has risen from 46.51 years in 2010 to 50.5 years as of 2020 (US Census Bureau 2010; 2020). The California Department of Finance (DOF) estimates the City's total population was 30,567 persons in 2023 (DOF 2023).

Housing

As of January 1, 2023, the number of housing units in the City was 11,353, with approximately 90 percent of the housing units consisting of attached and detached single-family homes (DOF 2023). The City had an approximate vacancy rate of 4.0 percent, and an average of 2.79 persons per household (DOF 2023).

The City is largely built out with single-family homes (City of Saratoga 2024). Between 2010 and 2020, the number of housing units in Saratoga increased by 1.6 percent, from 11,123 to 11,301, compared to 6.7 percent in Santa Clara County from 631,920 to 674,558 (DOF 2021). The City's 2023-2031 General Plan Housing Element provides policies and programs to accommodate over 1,700 new housing units to be built through 2031 (City of Saratoga 2024).

The existing operations at project site are restricted to private tastings open by appointment only to wine club members as described Section 4.1.2 of this EIR. Under this baseline, approximately 71 guests come to the project site each day for wine tastings.[34] The project site is not open to the general public and no large private events (such as weddings or birthdays) occur. It is estimated that approximately 8 employees per day are needed for tastings.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The existing operations under Baseline Scenario 2 would be similar to Baseline Scenario 1. The difference is that only 10 guests per day visited the project site for wine tastings and no extra

employees were needed for wine tastings, because they were handled by the House Family Vineyards family.

4.14.2 Regulatory Framework

Federal

There are no relevant federal regulations regarding population and housing applicable to the proposed project.

State

Regional Housing Needs Assessment

The Regional Housing Needs Allocation (RHNA) process is mandated by the State Housing Law and is a precursor to the periodic process of updating local housing elements of the General Plan. The State determines the total housing needs in the region for the planning period, and ABAG distributes that need among local jurisdictions in the Bay Area, initiating each jurisdictions' housing element update.

Based on its allocation for the 2023 through 2031 period, the City is required to identify sites sufficient to accommodate 1,712 new housing units, with certain percentages assigned among different affordability levels. The City's housing needs allocation includes 454 units for very low-income households (0-50 percent of Area Median Income [AMI]), 261 for low-income households (50-80 percent of AMI), 278 for moderate income households (80-120 percent of AMI), and 719 for above moderate-income households (City of Saratoga 2024).

Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range transportation, land-use, and housing plan intended to support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2050 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified priority development areas (PDA).

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2050 (ABAG & MTC 2021).

City of Saratoga General Plan

The City's 2023-2031 General Plan Housing Element provides policies and programs to accommodate over 1,700 new housing units to be built through 2031 (City of Saratoga 2024). None of the Housing Element goals and policies are directly relevant to the proposed project.

4.14.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to population and housing:

- **Impact POP-1:** Inducement of Unplanned Population Growth?
- **Impact POP-2:** Displacement of People or Housing?

Impact POP-1: Inducement of Unplanned Population Growth?

Impact POP-1 would be **no impact** under both baseline scenarios**.** No mitigation is required.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines, the project is considered to have a significant impact on population and housing if it would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses or requiring the relocation of construction workers into an area for a large multi-year construction project) or indirectly (for example, through extension of roads or other infrastructure).

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Project construction is anticipated to begin in Spring 2025 and would require approximately 7 months to complete. Construction of the proposed project is estimated to require an average of 4-6 construction workers daily, 5 days a week.

Workers would be expected from the local labor pool and not relocate to the City from other areas for the relatively short construction period. The U.S. Census Bureau estimates that in 2022 there were 438 persons employed in the construction industry in the City and 50,828 persons employed in the construction industry in the County as a whole (U.S. Census Bureau 2020). Based on the small number of workers needed to construct the proposed project, the availability of local and nearby construction workers and the relatively short construction period, project construction would not cause a substantial influx of construction personnel that would result in unplanned population growth, and **no impact** would occur.

Operation

The proposed project is estimated to result in up to 463 daily guests[35] visiting the winery as a worse case condition, as discussed in *Section 3.6.8, Winery Operations*. This number of guests would be for all operations including public and private wine tastings and private special events. This conservative estimate of guests would be an increase of 392 guests per day, compared to the existing 71 guests per day under Baseline Scenario 1. Up to 22 winery staff would be associated with the proposed project operations, compared to the existing staff of 8 employees. This would be an increase of 14 staff.

[35] The number of guests per day is estimated at 463, which is a very conservative estimate. The estimate assumes that the winery would be at full capacity of 120 guests two times per day that could occur during the open tasting hours. As such, 240 guests per day for public tastings are estimated. The estimate adds the number of guests for larger events (148); even though these events are assumed to be only 5 times a year, this would be the worse-case condition. The estimate also adds three private tastings per day that could occur from 8am-10pm, which could have up to 25 guests. As such, private tastings would add 75 guests per day. 240 +148+75=463 of guests per day for the worse-case condition.

Although the proposed project would increase population in the City during wine tastings and events, the population increase is attributable to guests and not new permanent residents or induced population growth. Guests are expected to be existing residents of Saratoga or the surrounding areas or temporary visitors to the region from other areas; therefore, the proposed project would not result in any permanent population increase within the City. In addition, the 11 new staff associated with the proposed project would result in a negligible change in the City's employment or housing demand, because the new employees are expected to be residents of the City already or commuting from nearby cities.

The proposed project would not induce substantial unplanned population (through the development of housing units or the addition of significant long-term employment opportunities) or indirectly (through the extension of roads or other infrastructure into undeveloped areas) in the City. Additionally, the proposed project would not require extensions or construction of new roadways into undeveloped areas that could induce new growth because of improved access. The existing dirt access road improvements and new secondary emergency access road would be used only during emergencies and would not be open to regular traffic.

For these reasons, the proposed project would not directly or indirectly induce substantial growth in the City. Therefore, **no impact** would occur.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, future construction impacts would be similar to those described in Baseline Scenario 1 as the duration and number of workers for future construction activities (modifications to the tasting deck, fire access road improvements, wine cave construction and secondary access road construction) would be the same between both scenarios. The difference would be that compared to Baseline Scenario 2, the proposed project also includes the construction of the tasting deck and associated restroom/office buildings that occurred in 2013. These changes would be minimal and not expected to result in different impacts from what is discussed in Baseline Scenario 1. As such, there would be **no impact** related to inducing population.

Operation

Under Baseline Scenario 2, there were an average of 10 guests per day coming to the site, as existing uses under this scenario were limited to small wine tastings. The proposed project would therefore result in 453 additional guests and 22 new winery staff compared to existing conditions under Baseline Scenario 2. For the same reasons discussed under Baseline Scenario 1, the anticipated increase in guests and employees caused by the project would not result in a permanent increase in population with the City. Therefore, the proposed project would not directly or indirectly induce substantial growth in the City and there would be **no impact**.

Impact POP-2: Displacement of People or Housing?

Impact POP-2 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines, the project is considered to have a significant impact on population and housing if it would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The proposed project would involve winery operations at the project site in undeveloped areas or areas occupied by unpermitted structures or uses. The proposed project would not displace people or housing. Therefore, the proposed project would have **no impact** related to the displacement of substantial numbers of people or existing housing that would necessitate construction of or replacement housing elsewhere.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The proposed project's impact under Baseline Scenario 2 would be the same as those evaluated under Baseline Scenario 1. As such, there would be **no impact**.

4.14.4 Cumulative Impacts and Mitigation

As discussed in Impact POP-1 and POP-2 above, the proposed project would have no impact under both baseline scenarios related to the inducement of unplanned population growth or to physical displacement of people or housing. Therefore, the project would not contribute to any potential cumulative impacts to population and housing.

4.15 Public Services

This section describes the existing public services setting of the project vicinity and evaluates whether the proposed project would result in adverse effects to government services including fire protection, police protection, schools, parks, or other public facilities.

Comments related to evacuation and emergency access during an emergency or fire were raised during the scoping period in response to the NOP. These impacts are discussed in *Section 3.17, Transportation and Section 3.20, Wildfire* of this EIR.

4.15.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Fire Protection

Fire protection in the City is provided by both the Santa Clara County Fire Department (SCCFD) and the Saratoga Fire Protection District (District).

The SCCFD serves approximately 132 square miles within the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Redwood Estates, Saratoga, and the adjacent unincorporated areas of Santa Clara County. The SCCFD operates 15 fire stations, with 31 front-line fire apparatus and three command vehicles throughout Santa Clara County (SCCFD 2023). The Saratoga Fire District Station at 14380 Saratoga Avenue is 2.8 miles from the project site to the south. SCCFD is a County-dependent special fire district providing structure and wildland firefighting, emergency medical services, urban search and rescue, emergency management, fire prevention, community education and risk reduction, wildfire preparedness and prevention, and support services (SCCFD 2024a). Of the 334 SCCFD positions, 66 comprise the daily emergency response force. These personnel respond to more than 20,800 calls for service annually (SCCFD 2022). The SSCFD responds to urgent calls within seven minutes and 50 seconds (urban) or 11 minutes and 50 seconds (rural) 90 percent of the time (SCCFD 2023).

The City is also served by the Saratoga Fire Protection District, which provides fire protection services to approximately 12.5 square miles, encompassing half of the City and sections of the unincorporated areas to the south. Approximately 14,500 people reside within the District's service area. The District is co-located with the SCCFD in the Saratoga Fire Station at 14380 Saratoga Avenue (Saratoga Fire Protection District 2024). This 15,435-square-foot station was rebuilt in 2004 to accommodate the growing needs of the City and houses a staff of seven personnel, four engines (Nos. 73, 373, 173, and 178), and one rescue vehicle (No. 73) (SCCFD 2024b). SCCFD also provides advanced life support paramedic services to the City. They operate 19 fully equipped fire apparatus, which are each staffed with a minimum of one paramedic and two emergency medical technicians on board. Santa Clara County Emergency Medical Services has a contract with a third-party ambulance transport provider for the ground transport of all patients. SCCFD and the City are also supported by the Community Emergency Response Team (CERT). In time of disaster the operations of Saratoga CERT are coordinated from the City Emergency Operations Center (EOC) as pre-planned neighborhood divisions assess the damage in their neighborhoods, assist the injured, fight small fires, perform light search and rescue, and fulfill disaster related tasks as needed (City of Saratoga, No date).

Law Enforcement Services

Law enforcement services are provided by the Santa Clara County Sheriff's Office (SCCSO), West Valley Patrol Division, at 1601 S. De Anza Boulevard in the City of Cupertino. The West Valley Patrol Division of the SCCSO serves the cities of Saratoga, Cupertino, and Los Altos Hills, as well as the western unincorporated areas of Santa Clara County from Summit Road to Moffett Field. The project site is approximately three miles from the West Valley Patrol Division of the SCCSO to the south. In 2022, the average call response time was approximately 11 minutes (SCCSO 2022).

The Sheriff oversees the West Valley Patrol Division, which has 2,025 employees. Of those employees, 1,453 of them are sworn law enforcement officers and 572 are non-sworn, civilian support staff. The SCCSO has 83 sworn positions and 7 professional support staff assigned to the West Valley Patrol Division. Deputies provide a full range of law enforcement responsibilities including patrol, traffic enforcement, investigative services, school resource officers, neighborhood resource officers, K-9 services and special enforcement assignments. The West Valley Patrol Division employs strategies such as community-oriented policing and predictive policing, as well as innovative and progressive initiatives geared toward enhancing quality of life measures (SCCSO 2024).

Schools

The City is served by four elementary school districts, three high school districts, and two community college districts. Only one of the elementary school districts, Saratoga Union School District, is entirely within the City. All other elementary school districts serve other cities in addition to the City. There are also three private elementary (kindergarten through eighth grade) schools, and several nursery schools and daycare centers serving the Saratoga community (City of Saratoga 2024a).

Other Public Facilities

Other public facilities and services provided within the City include library services and community services. The Santa Clara County Library District governs and administers eight community libraries, bookmobiles, the Home Service Library, and the 24-7 online library for all library users. Under existing conditions in Baseline Scenario 1, approximately 71 guests visit the project site each day for wine tastings. Eight staff are onsite each day.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting under Baseline Scenario 2 would be similar to Baseline Scenario 1, with one exception. Under this baseline, only 10 guests per day were visiting the project site for wine tastings and no extra employees were needed for wine tastings, because they were staffed by the House Family Vineyards family.

4.15.2 Regulatory Framework

Federal

There are no federal regulations regarding the provision of local services.

State

California Occupational Safety and Health Administration

In accordance with Section 1270, Fire Prevention, and Section 6773, Fire Protection and Fire Equipment, of Title 8 of the CCR, the California Occupational Safety and Health Administration 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.

California State Assembly Bill 2926: School Facilities Act of 1986

In 1986, AB 2926 was enacted to authorize the levy of statutory fees on new residential and commercial/office development to pay for school facilities. AB 2926 was expanded and revised in 1987 through the passage of AB 1600, which added Sections 66000 et seq. to the Government Code. Under this statute, payment of statutory fees by developers serves as CEQA mitigation to satisfy the impact of development on school facilities.

California Senate Bill 50

The passage of SB 50 in 1998 defined the needs analysis process that is codified in Government Code Sections 65995.5 through 65998. Under the provisions of SB 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. Level I fees are assessed based upon the proposed square footage of residential, commercial/office, and/or parking structure uses. Level II fees require the developer to provide one-half of the costs of accommodating students in new schools, and the state provides the other half. Level III fees require the developer to pay the full cost of accommodating the students in new schools and are implemented at the time the funds available from Proposition 1A (approved by the voters in 1998) are expended. School districts must demonstrate to the state their long-term facilities needs and costs based on long-term population growth in order to qualify for this source of funding.

Government Code Section 65996

Section 65996 designates Section 17620 of the Education Code (the mitigation fees authorized by SB 50) and Section 65970 of the Government Code to be the exclusive method for considering and mitigating development impacts on school facilities.

Local

City of Saratoga Municipal Code

Chapter 16 of the City Code of Ordinances includes the most recently adopted state codes (Building Code, Fire Code, Residential Building Code, etc.) associated with fire regulations that affect development within the City. The requirements include the installation of early warning fire alarm systems and fire sprinkler systems.

City of Saratoga Emergency Operation Plan (EOP)

The City's Emergency Operations Plan provides an overview of prevention, protection, mitigation, response, and recovery strategies, identifies components of the City's emergency

management organization within the Standardized Emergency Management System and by extension, the National Incident Management System, and describes the overall responsibilities of the federal, state, and county entities and the City for protecting life and property and assuring the overall wellbeing of the population (City of Saratoga 2019).

City of Saratoga General Plan

City policies pertaining to public services are contained in the Safety Element of the City's General Plan (City of Saratoga 2024). The following General Plan policies relate to public services and apply to the proposed project:

- **Goal SAF-4:** Reduce the danger of property damage and loss of life due to urban and wild fires.
  - **Policy SAF-4.5:** Continue to enforce existing regulations pertaining to hazardous fire areas (wildland-urban interface), fire retardant construction and landscaping (fuel modification).
  - **Policy SAF-4.6:** The City shall coordinate with the Santa Clara County Fire Department on the need for additional fire prevention regulations for the built up, populated areas of the City.
  - **Policy SAF-4.7:** Encourage new development outside of the very high fire hazard severity zone. If development is proposed in the very high fire hazard severity zone, require fire safe design (including but not limited to; defensible space and home hardening) and compliance with fire safe regulations.
  - **Policy SAF-4.8:** Require new development to incorporate on-site design measures that enhance fire protection in areas of elevated fire risk (including the WUI and Fire Hazard Severity Zones). This shall include but is not limited to the incorporation of fire-resistant structural design, use of fire-resistant landscaping, home hardening, defensible space and fuel modification around the perimeter of structures.
  - **Policy SAF-4.18:** Coordinate with local and regional agencies (Santa Clara County Fire Department, CAL FIRE, Cal Trans, etc.) and require vegetation clearance and long-term maintenance of fire hazard reduction projects (including community fire breaks) on all private and public roads and properties in the WUI and in fire hazard severity zones.
- **Goal SAF-5:** A community that promotes a culture of preparedness and is ready to respond to future natural and human caused hazard events.
  - **Policy SAF-5.4:** Maintain a high level of emergency response capability.
  - **Policy SAF-5.9:** Require all new developments and redevelopments within fire hazard severity zones, and the WUI, provide a minimum of two points of access by means of public roads that can be used for emergency vehicle response and evacuation purposes, where practicable.

4.15.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to public services:

- **Impact PS-1:** Impacts associated with provision of or need for new or altered government facilities, the construction of which could cause significant environmental impacts, in order to

maintain acceptable service ratios, response times, or other performance objectives for any of the public services.

Impact PS-1: Impacts associated with provision of or need for new or altered government facilities?

Impact PS-1 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project would have a significant impact on public services if it would result in substantial adverse physical impacts associated with the provision of or need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

- Fire protection
- Law enforcement protection
- Schools
- Parks
- Other public facilities.

The analysis for this impact therefore focuses on whether any increased demand for public services resulting from the project would require new or expanded facilities to be constructed, and if so, whether there would be potential for adverse physical impacts on the environment.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

The construction of the proposed project could result in a small, temporary increase in the demand for fire suppression, emergency medical services and sheriff services, due the temporary presence of construction personnel in the area. An average of 4-6 construction workers onsite per day is expected. The project applicant is required to adhere to local, state and federal worker safety regulations, including regulations under the California Division of Occupational Safety and Health, to minimize the likelihood of workplace injuries and accidents requiring emergency medical attention. The proposed project is subject to all California Fire Code and the International Fire Code (IFC) requirements, such as maintaining appropriate emergency vehicle access and access to fire hydrants, to minimize potential hazards and risk during construction activities. As confirmed by the SCCFD, they would continue to provide emergency services to the project site. The approximate response time to the site is 6.1 minutes, assuming no traffic delays (Battalion Chief B. Murphy, 2024). Construction activities would not necessitate new or physically altered fire and police facilities or need for new or physical altered these facilities that could cause significant environmental impacts to maintain acceptable service ratios, response times, or other performance objectives for fire, emergency and sheriff services. Additionally, other public services are not expected to be affected during construction of the

project because the temporary nature and small numbers of construction workers required by the project would not permanently increase the residential population. Therefore, there would be **no impact** during construction.

Operation

Fire Protection

Santa Clara County Fire Department (SCCFD) and Saratoga Fire Protection District currently serve the project site and would continue to serve the project site. With implementation of the proposed project, response times from the Saratoga District Fire Station (which would serve the project site) may increase incrementally due to the additional traffic[36] on roadways in the vicinity of the site associated with the proposed increase in guests and employees. However, the Saratoga District Fire Station emergency response vehicles can override traffic controls with lights, sirens, and signal pre-emption, as well as travel in opposing travel lanes in congested conditions. A secondary access road is also proposed to provide secondary emergency access from Garrod Road to the project site and minimize potential disruptions for emergency vehicles. Additionally, the proposed project would incorporate applicable SCCFD and California Building Code Chapter 7A[37] requirements into the site design, such that the proposed increase in guest numbers is unlikely to result in an increased demand for fire protection services. For example, the existing tasting deck would be covered with noncombustible, ignition-resistant materials and existing fire sprinkler heads would be upgraded. See *Section 3.20, Wildfire*, for more information related to existing safety procedures, standards, and regulations related to managing fire risk that would be implemented as part of the proposed project.

Therefore, the proposed project would not substantially increase emergency response times such that existing fire protection service facilities would need to be expanded or new facilities constructed (Battalion Chief B. Murphy 2024). Because the proposed project would not substantially increase call volumes or increase response times such that new or expanded fire protection facilities would need to be constructed, the project impacts on fire protection services would be **less than significant.**

Law Enforcement Services

The project site is served by Santa Clara County Seriff's Office (SCCSO). As discussed in the Project Description, *Section 2.6.8, Winery Operations*, the proposed project would attract 392 additional guests and 14 new winery staff compared to existing conditions under Baseline Scenario 1. The addition of guests and winery staff to the project site during operational hours are not anticipated to result in a substantial increase in calls for service, as the West Valley Patrol Division of the SCCSO has indicated that there are several existing wineries within its jurisdiction, all of which have a relatively low call for service volume (Captain N. Valenzuela 2024). Furthermore, as discussed in Section 4.14*, Population and Housing*, the project would not permanently increase the residential population; therefore, the existing service ratio of sworn police officers to population within the SCCSO's jurisdiction would not be affected by the project. Thus, the additional demand on police protection services is anticipated to be minimal and would

[36] It is estimated in *Section 4.17, Transportation,* that the proposed project could generate up to 426 trips per day for the worse-case without mitigation incorporated.

[37] Section 702A of this code chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface Fire Area.

not affect the SCCSO's ability to maintain acceptable service ratios or response times and would not result in the need for new or expanded law enforcement facilities (Captain N. Valenzuela 2024). Therefore, the project would not result in any physical impacts related to the need for new or alteration of existing law enforcement facilities that could have a significant impact on the environment. As such, the project impact would be **less than significant**.

Schools

The project would not include any residential uses or directly generate new permanent residents. It is possible that winery staff would have school-aged children who could attend local schools in the City. However, the project is not expected to result in significant changes in local school enrollment or impacts to local school facilities because the maximum number of new winery staff would be 11 employees. Even if all 11 new winery staff were to locate to the City and enroll children local schools, the project would add an estimated 1.21 students[38]. Therefore, the proposed project would not result in any physical impacts related to the need for new or alteration of existing school facilities that could have significant impact on the environment. As such, the project's impact would be **less than significant**.

Parks and Recreation and other Public Services

As described in Section 4.14*, Population and Housing and* Section 4.16*, Recreation,* the proposed project would not contribute to a substantial increase in the population necessitating either construction of new or alteration of existing park facilities to maintain an adequate level of service. No physical impacts associated with the provision of park services would occur. Similarly, the proposed project would not substantially increase the demand for other public services such as post offices and libraries, because the winery at the project site would be the primary destination of the winery staff and guests. Furthermore, the proposed project would not induce population growth in the project vicinity, as the majority of guests would either be existing residents of the City or surrounding areas, or would be temporary visitors to the region that would likely be coming to the region even if the project were not implemented. Existing public services would continue to serve the project site. Therefore, the proposed project would not result in any physical impacts related to the need for new or alteration of existing parks and recreational facilities that could have significant impact on the environment. Thus, there would be **less than significant impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, future construction impacts to public services would be the same as those described in Baseline Scenario 1 as the duration and number of workers for future construction activities (modifications to the tasting deck, fire access road improvements, wine cave construction and secondary access road construction) would be the same in both scenarios. The difference would be that compared to Baseline Scenario 2, the proposed project also includes the construction of the tasting deck and associated restroom/office buildings that occurred in 2013. These past construction activities are not expected to have resulted in different

[38] Based on a student generation rate of 0.11 TK-12 students per Single-Family-Detached Homes and Townhouses provided in Santa Clara Unified School District Enrollment Projections Study provided here: https://resources.finalsite.net/images/v1678804742/santaclarausdorg/hulcqtwgbqitmxemsqqy/filedownloadashx_107.pdf, Table 6 at page 17.

impacts from what is discussed in Baseline Scenario 1. As such, impacts would be **less than significant** during construction of the proposed project.

Operation

Under Baseline Scenario 2, there were an average of 10 guests per day coming to the site. The proposed project would therefore result in 453 additional guests and 22 new winery staff compared to existing conditions under Baseline Scenario 2. This substantial increase in guest numbers is not expected to produce a higher demand on public services from what is evaluated in Baseline Scenario 1. As discussed above, SCCSO and SCCFD confirmed that the increased demand could be accommodated. Additionally, impacts to other public services such as parks, post offices and libraries would be similar to those described above, since the demand is expected not to change. Therefore, the proposed project would not result in any physical impacts related to the need for new facilities or alteration of existing public facilities that could have significant impact on the environment. Thus, there would be **less than significant impact.**

4.15.4 Cumulative Impacts and Mitigation

The following discussion analyzes the potential of the project to contribute to cumulative impacts for the following public service impacts:

- **Impact C-PS-1:** Contribution to cumulative effects related to public facilities

Cumulative Impact C-PS-1: Cumulative Impacts on Public Facilities?

The overall cumulative impact would be **potentially significant**. The proposed projects contribution would be **less than cumulatively considerable** under both baseline scenarios.

Cumulative Context

The geographic context for analysis of cumulative impacts related to public facilities are the respective service areas for SCCFD (fire protection services); SCCSO (law enforcement services; the school districts that serve the City; and parks and other public services within the City.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects are described in Table 4.1-1 in Section 4.1.3 and include a number of residential developments, including multi-family and single-family residences and a hotel that could induce population growth within the hillside community of the City and would result in increased demand for public services. Cumulative impacts could result in potentially significant impacts if the demand for public services increased to levels that would require need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. While new development would be subject to California Fire Code and City Municipal Code fire protection requirements; and would individually be required to contribute to the City's tax revenues, which would assist in financing additional facilities, equipment, and/or personnel as needed to meet additional law enforcement requirements in the City, it would not fully the cost of these services. However, through assessments of the City's capital improvement

needs and annual budget review process, the needs of SCCFD and SCCSO would be assessed, and budget allocations would be revised accordingly to ensure that adequate levels of fire protection and law enforcement services—including protection facilities, equipment, and/or personnel—are maintained throughout the City.

Cumulative projects would result in higher demands for public services due to the increase in residential population within the City, and this overall increase in demand could result in increased physical deterioration of existing public service facilities or require the construction of new facilities, which could cause significant environmental impacts. Therefore, the overall cumulative impact could be **potentially significant**.

The proposed project would not result in a substantial increase in demand for public services and would have a small contribution to cumulative projects in the City, per communication with the Fire Department and Police Department that would continue to serve the project site. The overall cumulative impact is largely due to the potential increase in permanent population within the City resulting from the past, present and foreseeable future projects that include new residential capacity. Because the project would not include any increase in permanent residential population, the project's contribution to the overall cumulative impact under Baseline Scenario 1 would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts with respect to Baseline Scenario 2 are the same as described for Baseline Scenario 1 above. The cumulative impact would be **potentially significant**. Although the proposed project would result in a substantial increase in guests and staff compared with existing conditions under Baseline Scenario 2, this would not result in a permanent increase in the residential population of the City. Therefore, for the same reasons described above under Baseline Scenario 1, the project's contribution to the overall cumulative impact under Baseline Scenario 2 would be **less than cumulatively considerable**.

4.16 Recreation

This section describes the existing Recreation setting of the project area and evaluates whether the proposed project would result in adverse effects on recreation.

The City received one comment during the public scoping period in response to the NOP related to recreational impacts due to light spill, visual resources, noise and traffic impacts. Impacts related to visual resources (light spill and removal of trees) are discussed in *Section 3.2, Aesthetics*; impacts related to noise are discussed in Section 4.13*, Noise and Vibration*; and impacts related to traffic are discussed in Section 4.17*, Transportation*.

4.16.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The Parks Division of the City's Public Works Department maintains the City's parks, trails, medians, rights-of-way, landscape districts, and City Hall landscaping. The Parks Division maintains and operates 189 acres of local parks. Three major regional parks exist within, partially within, or immediately adjacent to the City's Sphere of Influence and are accessible to City residents: Villa Montalvo, Stevens Creek Park, Sanborn Skyline County Park, and Fremont Older Open Space Preserve. These parks total approximately 1,815 acres (City of Saratoga 2024b).

The closest existing park to the project site is Foothill Park, approximately 2.1 miles southeast on Seaton Avenue. Foothill Park is 3 acres (0.8 acre is City-owned and 2.2 acres is school district owned) and features a 2-par course, fitness stations, and an open turf area (City of Saratoga 2024a).

In addition to parks, the City also maintains a network of trails and open wilderness spaces. The closest existing City trail to the project site is on the Garrod Parcel, where there is a trail easement for public, pedestrian and equestrian uses. The trail begins next to a paved parking lot on the southwest portion of the Garrod Parcel paralleling Garrod road to the east for approximately 850 feet before meandering to the northmost point of the parcel along areas with mature oak trees and through an existing vineyard. Additionally, Mount Eden Road Area Trail, which is a pedestrian and equestrian trail is approximately 0.3 mile south (City of Saratoga 2010).

The Midpeninsula Regional Open Space District (MROSD) includes over 320 acres within Saratoga's Planning Area (including land within the city and land in the city's Sphere of Influence). Among them is Fremont Older Open Space Preserve, approximately 4 miles from the project site to the north and east), a 739-acre preserve located on the urban fringe and extending to Upper Stevens Creek Park to the north and west. This open space resource offers recreational opportunities for hikers, bicyclists, and equestrians (City of Saratoga 2024b).

The environmental setting under Baseline Scenario 1 has approximately 71 guests come to the project site each day for wine tastings. It is assumed that eight staff are onsite each day.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Baseline Scenario 2 would have had similar conditions related to nearby recreational facilities and activities as Baseline Scenario 1. The difference under Baseline Scenario 2 is that only 10

people guests came to the site each day, as opposed to 71 guests. It is assumed that no additional staff were needed, as the House Family Vineyards family accommodated guests.

4.16.2 Regulatory Framework

Federal

There are no relevant federal regulations regarding recreation applicable to the proposed project.

State

Quimby Act

The Quimby Act (California Government Code Section 66477) authorizes local governments to preserve parkland and open space in the State. The Quimby Act allows local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two, at the discretion of the local government.

Local

City of Saratoga General Plan

The Open Space and Conservation Element of the City's General Plan provides objectives, policies, and programs regarding recreational facilities, including the following (City of Saratoga 2024b):

- **Goal OSC-4:** Maintain a ratio of 5 acres or more of high-quality park and open space area per 1,000 residents.
  - Policy OSC-4.1: Promote dedication of land for parks and recreational open space.
    - IM OSC-4.a: The City shall continue to encourage permanent dedication of recreational and open spaces through the subdivision entitlement process and other means.
    - IM OSC-4.b: The City shall continue to utilize the Park In-lieu Fee Program to assist in the acquisition and maintenance of parks.

City of Saratoga Municipal Code

Chapter 11, Parks and Recreation. The purpose of the Parks and Recreation chapter of the City's Municipal Code is to define acceptable and prohibited activities within City parks and recreational facilities. The chapter sets forth general regulations and permit requirements for special recreation activities, including sports and group uses.

Chapter 14, Subdivisions. *Section 14-25.080. Park and recreation dedication and fees.* As a condition of each final map approval, and to be detailed in the conditions of each tentative map, every 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 (City of Saratoga 2024c).

Midpeninsula Regional Open Space District (MROSD)

The MROSD is a non-enterprise special district that serves parts of Santa Clara, San Mateo, and Santa Cruz counties in order to form a continuous greenbelt of permanently preserved open space by linking public parklands. This governmental agency is dedicated to the acquisition and protection of open space lands. As a member of Together Bay Area, the MROSD participates in cooperative efforts to plan and preserve open space and public access to such areas as, the Bay Trail, Ridge Trail, and Skyline-to-the-Sea Trail, which are regional Bay Area trails running across MROSD's jurisdiction. The MROSD's basic policy document includes goals and policies that relate to open space land preservation and management, inter-agency relationships, and public involvement. MROSD's Saratoga Gap and Fremont Older Open Space Preserve are located in the vicinity of the City.

4.16.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to recreation:

- **Impact REC-1:** Would the project increase the use of existing neighborhood and regional parks or other recreational facilities?
- **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?

Impact REC-1: Increased Use of Recreational Facilities?

Impact REC-1 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would 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.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

There is a trail easement for public, pedestrian and equestrian uses on the Garrod Parcel, as described in the Project Description in *Section 2.1.2, Existing Site Conditions*. During the construction of the proposed project, this trail may be temporary affected because the proposed location of the secondary access road would intersect the trail at three different points. Depending on the work occurring to implement the secondary access road, partial or full closure of the trail may be needed temporarily during construction of the road. This may result in recreationist/users being redirected to other nearby trails, and thereby, increasing the demand on these trails. However, impacts would only be temporary and for a short period of time and the small number of recreationists being redirected to other nearby trails is not expected result in

substantial physical deterioration of these trails. Therefore, the impact would be **less than significant** during construction.

Operation

The project would involve winery uses and special events at the project site and would not include new residential units or the introduction of a substantial number of permanent residents that would utilize the existing recreational facilities in the vicinity of the project. As described in the Project Description, *Section 2.6.8, Winery Operations,* the proposed project would have up to 463 guests coming to the project site each day. This is a difference of 392 guests per day from existing conditions under Baseline Scenario 1. Up to 22 staff would be associated with operations for larger events such as weddings, compared to existing conditions of 8 (a difference of 14 staff from existing conditions under Baseline Scenario 1).

The proposed secondary access road would intersect the public trail at three different points. However, the secondary access road would not result in permanent deterioration of a recreational facility, but would allow for adequate emergency access and evacuation.

This increase in guests and winery staff would not substantially increase the demand for recreational facilities, because the winery at the project site would be the primary destination of the winery staff and guests. Although guests may partake in nearby recreational activities such as hiking in conjunction with their visit to the winery, the majority of visitors are expected to be existing residents of the City or surrounding areas, or to be out of region visitors that would have been visiting the area even if the project were not implemented. Given the wide range of nearby park and recreational areas, and the temporary nature of visits by winery guests, the proposed project is not anticipated to result in a direct or substantial increase in demand for public open space or physical deterioration of existing recreational facilities. Therefore, the proposed project would not substantially increase demand for, or use of, recreational facilities such that substantial physical deterioration of the facility would occur. This impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, construction impacts to recreational facilities would be the same as those described in the Baseline Scenario 1 construction section above. Construction of the secondary access road may require the partial or full closure of the trail on Garrod Parcel for a temporary period of time, which may result in recreationists using other nearby trails during this time. However, impacts would only be temporary and for a short period of time and the small number of recreationists being redirected to other nearby trails is not expected result in substantial physical deterioration of these trails. Therefore, the impact would be **less than significant** during construction.

Operation

Under Baseline Scenario 2, there were an average of 10 guests per day coming to the site. The proposed project would attract 453 additional guests and 22 new winery staff compared to existing conditions under Baseline Scenario 2. This increase in visitor and employee numbers is not expected to produce a substantially higher demand on recreational facilities, for the same reasons described in Baseline Scenario 1 under the operation section above. Therefore, the

proposed project would not substantially increase demand for, or use of, recreational facilities during the operation period such that substantial physical deterioration of the facility would occur. This impact would be **less than significant**.

Impact REC-2: Construction or Expansion of Recreational Facilities?

Impact REC-2 would be **no impact** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The project would not include new recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because demand as a result of the proposed project would not substantially increase, as described in Impact REC-1, above. Therefore, there would be **no impact.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, the project's impacts related to the construction and expansion of recreational facilities would be the same as those described in Baseline Scenario 1. Therefore, there would be **no impact.**

4.16.4 Cumulative Impacts and Mitigation

As discussed in Impact REC-2 above, the proposed project would have no impact under both baseline scenarios related to the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, the project would not contribute to any potential cumulative impacts for this topic.

This section analyzes the potential of the proposed project to contribute to cumulative recreational impacts where the proposed project would have a less than significant impact:

- **Impact C-REC-1:** Contribution to cumulative effects related to increased use of recreational facilities?

Cumulative Impact C-REC-1: Increased Use of Recreational Facilities?

The overall cumulative impact for C-REC-1 would be **potentially significant**. The project's contribution would be **less than cumulatively considerable** under both scenarios.

Cumulative Context

The geographic context for analysis of cumulative impacts related to recreational facilities is the City limits.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects are described in Table 4.1-1 in Section 4.1.3. Identified cumulative projects consist of residential developments including multi-family and single-family housing units, some of which include subdivisions and a hotel. These cumulative projects would further increase the population of the City, which would result in an associated incremental increase in the demand for public recreational facilities. Cumulative projects involving residential subdivision are required to comply with the City's requirements for parkland dedication (Saratoga Municipal Code, Section 14-25.080), which require dedication of land or payment of fees in lieu for the purpose of providing park or recreational facilities. However, because not all cumulative projects resulting in increased population would be subject to the parkland dedication requirements, the overall increase in demand could result in increased physical deterioration of existing recreational facilities or require the construction of new facilities. The overall cumulative impact could be **potentially significant**.

Although the proposed project would result in an increased number of guests and employees compared to existing conditions under Baseline Scenario 1, it would not result in new residential development. Further, as discussed in Section 4.14*, Population and Housing* the proposed project would not induce population growth in the City. Thus, the project would not contribute to a substantial permanent increase in demand for recreational services or to construction or expansion of recreational facilities that could result in substantial environmental impacts. Therefore, the project's contribution to the overall cumulative impact on recreational resources would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The overall cumulative impact with respect to Baseline Scenario 2 are the same as described for Baseline Scenario 1 above, and would be **potentially significant**. The proposed project would result in a substantial increase in guests and staff compared with Baseline Scenario 2. However, this increase is not expected to produce a higher demand on recreational facilities for the same reasons described for Baseline Scenario 1 and therefore the project's contribution to the overall cumulative impact on recreational resources would be **less than cumulatively considerable**.

4.17 Transportation

This section describes the existing transportation systems in the project area; the existing transportation facilities in the vicinity of the project site, including the roadway network, transit service, and bicycle and pedestrian facilities; and existing travel patterns at the project site. Additionally, the section describes the regulatory framework relevant to the project and the potential transportation impacts of the project. The information in this section is based, in part, on a traffic analysis memorandum (Hexagon Transportation Consultants 2021) and a vehicle miles traveled (VMT) assessment (Fehr & Peers 2024) prepared for the proposed project (Appendix F).[39]

The City received the following comments relating to transportation during the public scoping period in response to the NOP:

- Concerns related to safety issues from the added volume of traffic on community roadways including Old Oak Way and Pierce Road from the proposed project.
- Concerns related to vehicles coming to and from the project site driving too fast along narrow and winding roads with blind corners, especially if drivers have been consuming alcohol.
- Concerns related to hazards of vehicles having to drive further into the middle of the street and potentially crossing the double yellow line to avoid trash bins and parked vehicles along Old Oak Way.
- Concerns related to traffic from the project site increasing the risk for local residents trying to leave the hillside areas in the event of an emergency evacuation such as a wildfire, or project traffic otherwise blocking emergency vehicle access to the area.
- Concerns related to increased traffic along Pierce Road and Old Oak Way causing safety hazards for pedestrians and bicyclists, especially along areas of the road where there is no shoulder.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.17.1 Environmental Setting

The City's transportation system is largely based on a network of two-lane roadways without sidewalks or bicycle facilities that connect residential communities to larger four to six-lane arterials. The project site is located in a mountainous, hillside area of the City that is predominantly residential and agricultural and served by local and/or private roadways.

The existing transportation system, including roadways, bicycle, and pedestrian networks, and public transit services and facilities, is described below.

[39] Note that given the different baseline scenarios used for the analysis and the need to consider net change in trip generation, the final trip generation numbers used in this analysis differ slightly from those provided in the transportation assessments.

Existing Roadway Network

Regional access to the project site is provided by SR-85, a six-lane freeway linking US 101 in Mountain View to US 101 in south San Jose. The median lane in both directions is designated for use by High Occupancy Vehicles (HOVs) and motorcycles during peak periods. HOVs include carpools, vanpools, and buses. Full-access ramps to SR-85 are provided at Saratoga Avenue between Fruitvale and Cox Avenues. Just north of Saratoga Avenue, full-access ramps are also provided at De Anza Boulevard in Cupertino, with a direct connection via Saratoga-Sunnyvale Road.

Local access to the site from SR-85 to the east is provided via Saratoga Avenue to Cox Avenue to Pierce Avenue to Old Oak Way. Additionally, vehicles from the east can access the project site using local roads such as Surrey Lane and Sarahills Drive to connect to Pierce Road and then to Old Oak Way. Vehicles from the south would use Pierce Road to Old Oak Way. Vehicles from the west would use Mt. Eden Road to Villa Oaks Lane to Pierce Road to Old Oak Way. Vehicles from the north would use Comer Court to Pierce Road to Old Oak Way.

Local roadways and pedestrian facilities in the vicinity of the project site are described below:

- Old Oak Way is a windy, narrow north-south local road that connects Pierce Road to the south and the House Family Vineyard to the north. Old Oak Way provides direct access to residences along the road and terminates at the project site, where it becomes a private road. It has curbs along its sides but no parking or sidewalks and minimal shoulder space. The City has added a striped centerline in the middle of the road to enhance safety by delineating travel lanes for each direction. The speed limit on the public portion of Old Oak Way is 25 miles per hour.
- Pierce Road is an east-west, two-lane collector connecting Saratoga-Sunnyvale Road and Congress Springs Road (SR-9). Pierce Road provides direct access to Old Oak Way from the south. The speed limit varies along Pierce Road from 30 miles per hour near Saratoga-Sunnyvale Road to 14 miles per hour around curves. Street parking is not allowed on either side of the road.
- Saratoga-Sunnyvale Road is a north-south oriented, four-lane divided arterial that connects Interstate 280 in Cupertino and Big Basin Way (SR-9) in Saratoga. The roadway turns into SR-9 (Saratoga-Los Gatos Road) and is a boulevard street extending from Quito Road north to Saratoga Avenue. North of Fruitvale Avenue, the roadway has two travel lanes, and south of Fruitvale Avenue, the roadway continues into Monte Sereno and Los Gatos as a four-lane median divided boulevard, connecting to SR-17. The posted speed limit is 40 miles per hour and traffic signals are at the intersections of Saratoga-Sunnyvale Road with Prospect Road, Pierce Road, Cox Avenue, and Big Basin Way. Pierce Road terminates at this roadway to the east of the project site.
- Cox Avenue is an east-west street extending between Saratoga-Sunnyvale Road and Quito Road. Most of this roadway includes two travel lanes, with a four-lane segment between Saratoga Avenue and Paseo Presada providing access to commercial uses along this segment of Cox Avenue.
- Mt. Eden Road is a two-lane local road that travels east-west from Mt. Eden Court to Steven Canyons Road, intersecting Garrod Road (a private road) approximately halfway along its

length. It has no parking or sidewalks and minimal shoulder space. Mt. Eden Road is recognized as a scenic corridor in the City's Circulation Element. The speed limit is 30 miles per hour.

- Villa Oaks Lane is a two-way local road which extends east from Mt. Eden Road until becoming Quarry Road and ultimately Pierce Road. The roadway has curbs but no sidewalks or bike lanes. Residential driveways front directly on the roadway.
- Surrey Lane is a residential connector that travels roughly east-west. The centerline is double yellow, and the roadway has no curbs or sidewalks.
- Sarahills Drive is a residential connector that travels roughly east-west. The centerline is double yellow, and the roadway has curbs but no sidewalks, although some places along the roadway have a dirt pathway which a pedestrian could use to stay away from automobile traffic.
- 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.

Bicycle and Pedestrian Facilities

The City generally has bicycle facilities along its major roadways that include a mix of bicycle paths, bicycle lanes and bicycle routes. The City of Saratoga 2040 General Plan Circulation Element shows existing and proposed bicycle facilities (City of Saratoga 2024). Bikeway planning and design in California typically relies on guidelines and design standards established by the Caltrans in the Highway Design Manual (Chapter 1000: Bikeway Planning and Design). Caltrans standards define four distinct types of bikeway facilities that are comprised of shared-use paths (Class I), lanes (Class II), routes (Class III), and cycle tracks or "separated" bi-directional lanes (Class IV). Bicycle paths are paved trails that are separate from roadways and used exclusively by bicyclists, pedestrians, and other non-motorized modes of travel. Bicycle lanes are defined by pavement striping and signage used to allocate a portion of a roadway for exclusive or preferential bicycle travel. Bicycle routes provide shared use with motor vehicle traffic within the same travel lane, as designated by signage. Cycle tracks are a right-of-way within a roadway protected from other vehicle traffic by physical barriers including grade separation, flexible posts, inflexible vertical barriers such as raised curbs, or parked cars.

The following bicycle facilities are present in the vicinity of the project site:

- Class I bicycle paths:
  - Joe's Trail at Saratoga de Anza – approximately 2 miles east of the project site, extending from the northwest corner of the City to the southeast.
- Class II bicycle lanes in the project vicinity include:
  - Saratoga-Sunnyvale Road - along its entire length east of the project site
  - Cox Avenue between Saratoga Avenue and Saratoga-Los Gatos Road northeast of the project site
  - Prospect Road between Stelling Road and Lawrence Expressway

  - Saratoga Avenue – along its entire length east of the project site
  - Herriman Avenue between Saratoga Avenue and Saratoga-Sunnyvale Road east of the project site
- Class III bicycle routes in the project vicinity include:
  - A connected Class III route traveling north-south from Big Basin Way to Prospect Road is located approximately 0.5-mile east of the project site. A segment of the route is located on Pierce Road at its intersection with Surrey Lane and traveling north. The remainder of Pierce Road to the south is a planned bicycle route in the City's Circulation Element.
- Class IV Bikeways: none.

In the vicinity of the project site, there are almost no sidewalks.

Existing Transit Service

The Santa Clara Valley Transportation Authority (VTA) provides fixed-route bus and paratransit service. VTA operates bus, light rail transit, and paratransit service throughout Santa Clara County. As of February 2024, there are six fixed bus routes (Route 26, 37, 51, 51H, 56, and 57) and paratransit service (dial-a-ride service for qualified individuals) operating within Saratoga. Additionally, one route is on the northern edge of Saratoga (Route 101). The four fixed bus routes terminate at the West Valley College Transit Center and only provide service along Saratoga-Sunnyvale Road, Saratoga Avenue, Saratoga-Los Gatos Road, Quito Road, and Allendale Avenue. The closest bus stop to the project site is for Route 51 on Sunnyvale-Saratoga Road at the corner of Thelma Avenue, approximately two miles from the site.

Paratransit service is operated under contract with OUTREACH, a private, non-profit paratransit broker. This door-to-door service is provided to riders who meet the eligibility requirements established by the Americans with Disabilities Act (ADA). In 2016, the City launched a pilot program providing subsidized taxi service for seniors 65 years and older. In 2017, VTA launched RYDE (Reach Your Destination Easily), which offers rides to medical appointments, errands, and other activities around West Valley. Employers in the region also use shuttles to transport employees from Saratoga to their place of work.

The West Valley College Transit Center at West Valley College provides a park-and-ride lot for VTA bus riders and has other amenities such as shelters and restrooms for bus drivers. The Transit Center is strategically located at the corner of Fruitvale Avenue and Allendale Avenue, and driveway access is available on both roadways to facilitate bus movements in and out of the transit center. Sidewalks, trails and bike routes along Fruitvale Avenue and Allendale Avenue provide pedestrian and bicycle access to the transit center.

Patrons of the House Family Vineyard are unlikely to use the existing public transit network without special accommodation. Public transit access to the site is limited, and patrons are likely making one-time or infrequent recreational trips to a wine tasting or special event.

Existing/Baseline Traffic Volumes

As noted previously, the environmental analysis in this section includes assessment of project impacts relative to two baseline conditions. The traffic volumes under each of these scenarios is

described below. Aside from the differences in visitation and traffic volumes, discussed below, operational traffic conditions between the two scenarios would be similar.

Baseline Scenario #1 – Conditions at Time of NOP Circulation (2022)

Old Oak Way

In 2022, the project site was developed with the non-compliant tasting deck and only private tastings for wine club members were being held on-site. Baseline Scenario 1 conditions had an average of 71 daily guests visiting the winery. Assuming an average of 2.5 guests per car (Hexagon 2021), this equates to approximately 57 vehicle trips per day[40]. Additionally, employees at the winery would generate approximately 16 vehicle trips per day[41], for a total of 73 daily trips. These vehicle trips would occur Thursday through Sunday when the winery is open for tastings.

In addition to traffic associated with House Family Vineyards, Old Oak Way also serves 28 existing residences. Based on ITE trip generation rates for residential uses, these houses are estimated to generate approximately 264 trips per day (Hexagon 2021). Adding this existing residential traffic to the Baseline 1 project site traffic discussed above, the total traffic volume on Old Oak Way under Baseline Scenario 1 is estimated at 337 trips per day.

Pierce Road

Vehicle counts conducted for the 2040 General Plan Update indicate approximately 3,400 vehicles per day traveled along the roadway in 2018. Utilizing an annual growth factor of 0.52 percent per annum (based on the population growth rate in the City between 2010 and 2020), the estimated traffic volume under Baseline Condition 1 (2022) would be 3,471 vehicles per day.

Baseline Scenario 2: Conditions prior to Unpermitted Activities (2013)

Old Oak Way Baseline Scenario 2 represents conditions in 2013 prior to installation of the non-compliant tasting deck and the commencement of larger private events on-site. Only small group events were held at this time, estimated at up to 10 guests. Using an average of 1.5 guests per car as reported for private tastings of 1-10 people in the transportation study (Hexagon 2021), this equates to approximately 14 vehicle trips per day. Baseline Scenario 2 does not include any employee trips as tastings were hosted by family members who lived on site; thus, the total trip generation under Baseline Scenario 2 would be 14 daily vehicle trips.

Historic aerial photography indicates that the existing 28 residences on Old Oak Way under Baseline Scenario 1 were also present in 2013 for Baseline Scenario 2. Adding these 264 residential trips to the Baseline 2 project site traffic discussed above, the total traffic volume on Old Oak Way under Baseline Scenario 2 is estimated at 278 trips per day.

Pierce Road

Vehicle counts conducted for the 2040 General Plan Update indicate approximately 3,400 vehicles per day traveled along the roadway in 2018. Utilizing an annual growth factor of 0.52

[40] Daily guest trips = (Number of guests / 2.5 guests per vehicle) x 2

[41] Daily employee trips = Number of employees x 2

percent per annum (based on the population growth rate in the City between 2010 and 2020), the estimated traffic volume under Baseline Condition 1 (2022) would be 3,471 vehicles per day.

Vehicle Miles Traveled

VMT is a performance measure used to quantify the amount of City- or region-wide automobile travel. VMT is a useful performance measure, since the amount of travel and conditions under which the travel occurs directly relate to how much fuel vehicles burn.[42] One combusted gallon of gas from a vehicle is equal to approximately 24 pounds of CO_2. Given today's average fuel mileage of vehicles (i.e., approximately 22 miles per gallon), one mile of travel equates to about one pound of CO_2. As a result, increases in VMT directly cause increases in GHG emissions and air pollution. While the percentage of electric vehicles used in Saratoga is increasing, combustion engines still make up the large majority of vehicles on Saratoga roadways.

VMT measurement has one primary limitation: it is not directly observed. Methods do not exist that can measure the trip distances of all vehicles on a given day. VMT is typically an output of a calculation – one based on the number of vehicle trips multiplied by the distance traveled by each car. The volume and distance of traffic depend on land use types, density/intensity, and patterns as well as the supporting transportation system.

As part of the Circulation Element in the City's 2040 General Plan Update, daily VMT was estimated for full buildout through 2040 using VTA's travel demand forecasting model. The citywide residential VMT at buildout was estimated at 18.7 VMT per capita. The citywide employment VMT was estimated at 26.5 VMT per job. Total citywide VMT was estimated to be 32.2 VMT per service population (the sum of residents and workers within the City on a typical weekday).

4.17.2 Regulatory Framework

Federal

There are no relevant federal regulations regarding transportation applicable to the proposed project.

State

Congestion Management Program

California Statute, Government Code 65088 requires that all urbanized counties in California prepare a Congestion Management Program to obtain each county's share of the increased gas tax revenues. The legislation requires that each Congestion Management Program contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County Congestion Management Program includes the five mandated elements and three additional elements, including a county-wide transportation

[42] Conditions influencing the amount of fuel consumed per VMT include the speed of travel, congestion stops and starts, length of trip, layover between trips, and the vehicle type and fuel economy.

model and database element, annual monitoring and conformance element, and a deficiency plan element.

The intent of the Congestion Management Program legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land-use decision-making and air quality.

Senate Bill 743

SB 743, which became effective July 1, 2020, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directed the Governor's Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Natural Resources Agency for certification and adoption of proposed changes to the CEQA Guidelines to replace automobile delay—as described solely by Level of Service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. The intent of the change is to appropriately balance the needs of congestion management with statewide goals related to infill development, the promotion of public health through active transportation, and the reduction of GHG emissions.

SB 743 required OPR to identify new metrics for identifying and mitigating transportation impacts for CEQA purposes. To facilitate this change in analysis and to provide guidance to local agencies across the state, OPR published the Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018). For land-use projects, OPR identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis. For transportation projects, lead agencies for roadway capacity projects have discretion, consistent with CEQA and planning requirements, to choose which metric to use to evaluate transportation impacts.

VMT is the total miles of travel a project is expected to generate in a day during project operations. VMT is typically calculated using the Origin-Destination VMT method, which measures the full distance of motorized vehicle trips to and from the project site. When assessing a residential project, the project's VMT is divided by the number of residents expected to occupy the project to determine the VMT per capita of the project. When assessing an office or industrial project, the project's VMT is divided by the number of employees expected to occupy the project to determine the VMT per employee of the project. When assessing a retail, hotel, or school project, the project's total VMT, as opposed to a per-capita or per-employee VMT metric, is usually employed. The total VMT for the region with and without the project is calculated. The difference between the two scenarios is the net change in total VMT that is attributable to the project.

OPR adopted CEQA Guidelines implementing SB 743 on December 28, 2018, and statewide implementation began July 1, 2020. Section 15064.3 of the Guidelines provides discretion for a lead agency to determine how to evaluate a project's VMT impacts.

Local

Santa Clara Valley Transportation Authority

The VTA is an independent special district that provides transportation options throughout Santa Clara Valley and oversees several transportation programs such as the Congestion Management Program, Bicycle Program, and Pedestrian Program.

The Congestion Management Program describes the VTA's strategies for addressing congestion problems and monitoring compliance. It contains level of service (LOS) standards for highways and arterials, multimodal performance standards, a capital improvement program, and a travel demand management (TDM) program (VTA 2017). Although the primary focus of the congestion management program was originally envisioned as reducing congestion and thus improving mobility for persons and freight, it recognizes the inextricable links between transportation, land use, and air quality. Over time, congestion management programs in the Bay Area have evolved to emphasize an overall reduction in single-occupant vehicle trips and an increase in pedestrian, bicycle, and transit mode share in addition to managing congestion.

The VTA prepared the Santa Clara Countywide Bicycle Plan (SCCBP) and Bicycle Technical Guidelines (BTG). The SCCBP provides a foundation for maintaining and enhancing the countywide bicycle network, which contains over 800 miles of bikeways (VTA 2018). The BTG contains standards and provides guidance for planning, designing, operating, retrofitting, and maintaining roadways and bikeways throughout the county (VTA 2022).

The VTA's Pedestrian Program works to make walking a safer, more comfortable option for County residents and visitors, and recognizes that a safe and comfortable walking environment is important for everyone, but particularly important for transit riders and people with mobility limitations. The Pedestrian Program supports walking through countywide planning, development of pedestrian design guidelines and best practices, and focused studies.

To assist with implementation of SB 743 for cities within Santa Clara County, the VTA prepared the Santa Clara Countywide VMT Evaluation Tool. This tool was designed to assist in screening and estimating project-generated VMT for certain types of land use projects in Santa Clara County, and calculating VMT reductions associated with certain measures such as multimodal infrastructure or transit proximity.

City of Saratoga General Plan

The City published an updated Circulation Element in February 2024 as part of the 2040 General Plan Update process. Notably, the City does not have specific requirements regarding proposed special events venues or transportation impact analyses (TIA) of these projects on the current transportation system. Additionally, the City has not formally adopted a VMT threshold or updated TIA guidelines with recommended methodology for VMT impact assessments. However, City staff has the discretion to require focused studies regarding access, sight distance, and other operational and safety issues, in addition to or in lieu of roadway/intersection capacity analysis. The TIA process allows the City to request specific transportation improvements from private developers based on the relative impact of the project.

General Plan goals and policies relevant to transportation and the proposed project are included below:

- **Goal CI-1:** Provide a balanced, safe, and convenient multi-modal transportation system that accommodates all transportation modes and users of all abilities while maintaining the city's small-town character.
  - **Policy CI-1.3:** Improve the accessibility, capacity, safety, and convenience of existing and planned transit, bicycle, and pedestrian systems to promote the use of non-automobile modes of transportation as part of daily activities.
- **Goal CI.2:** Balance the safe and efficient movement of all modes of travel within and through the City, taking into consideration the environment, history and livability of residential areas, to maximize benefits and minimize adverse impacts and costs.
  - **Policy CI-2.1:** Make efficient use of existing transportation facilities and strive to reduce the total number of vehicle miles traveled (VMT) through the arrangement of land uses, improved facilities for non-automobile modes, and enhanced integration of current and future transportation systems.
  - **Policy CI-2.2:** Maintain and develop a Citywide street system that manages vehicular access and provides for emergency access.
  - **Policy CI-2.3:** Develop, implement, and update as necessary Citywide multi-modal transportation impact analysis (TIA) guidelines that comply with SB 743 requirements and require development projects to mitigate and reduce their VMT and multi-modal impacts. The TIA guidelines will include a set of practical and realistic transportation demand management (TDM) measures that can be used by employers and residents in the city to reduce the number of single-occupant vehicle trips. These measures would encourage ride-sharing and transit alternatives. The TIA guidelines will also define and provide guidance to maintain an acceptable vehicle level of service, as well as to evaluate pedestrian and bicycle facilities, access to transit, and safety.
  - **Policy CI-2.4:** 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-2.7:** Design new local streets to reduce travel distance, promote alternative modes, and provide a more even distribution of traffic.
  - **Policy CI-2.9:** Strive to maintain traffic volumes and speeds on residential and collector streets that are compatible with the character of the adjacent land uses, the function of the street, and bicycle and pedestrian use.
  - **Policy CI-2.10:** Protect the integrity of existing hillside streets by planning future development according to existing street function.
  - **Policy CI-2.12:** Coordinate with the Santa Clara VTA to comply with the Congestion Management Program Guidelines for CMP-designated facilities. Should the CMP-designated facilities degrade below the CMP standard of Level of Service E, the City will prepare a Deficiency Plan for the deficient facilities per the VTA's requirements.
- **Goal CI-3:** 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 CI-3.1:** Prior to project approval, the decision-making body shall consider the cumulative traffic impacts of 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 of transportation planners.

- **Goal CI-6a:** Support a safe pedestrian and bicycle network for people of all ages and abilities.
  - **Policy CI-6.5:** Promote safer and more direct connections between pedestrian and bicycle generators (i.e., schools, library, trails, parks, the Village, and other non-residential uses).
- **Goal CI-8a:** Protect the aesthetic, historic, and remaining rural qualities of Saratoga through street design and landscaping.
  - **Policy CI-8.2:** Adhere to minimum City street standards based on location, terrain, character of areas and the anticipated function of the roadway.
  - **Policy CI-8.3:** Permit variation of the conventional City street development standards in order to preserve environmentally sensitive roadside features where traffic safety will permit such variations.
  - **Policy CI-8.4:** Identify the function of a street in advance of construction, and apply design criteria to minimize disruption to the area caused by through or heavy vehicle traffic.
  - **Policy CI-8.9:** Approve designs for new hillside streets that maximize the use of natural terrain for roadbed construction and minimize “cuts and fills”.

City of Saratoga Municipal Code

Chapter 15, Article 15-35, *Off-Street Parking and Loading Facilities.* The purpose of this article is to alleviate or prevent traffic congestion and shortage of curb spaces through the provision of specific requirements for off-street parking and loading facilities.

Chapter 16, Article 16-20, Section 16-20.090, *Amendments to Chapter 5 of the Fire Code; Fire Service Features.* This section of the City’s municipal code states that fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulder. Requirements are also set forth for turning radii, vertical clearance, grade, and access.

City of Saratoga Local Roadway Safety Plan

The City prepared the Local Roadway Safety Plan (LRSP) in July 2022. The LRSP evaluated collision history throughout the City and recommended multi-modal transportation safety improvements to eliminate severe injuries and fatalities in Saratoga. Notably, the segment of Pierce Road between Old Oak Way and Saratoga Heights Drive was included in the LRSP for specific improvements, including speed feedback signs, intersection lighting, headlights on sign, curve ahead sign, addition of chevron road signs, and median rumble strips (City of Saratoga 2022).

City of Saratoga Standard Details and Specifications for Construction

All work within the City’s right-of-way is required to comply with the City Standard Details and Specifications for Construction. This includes guidance on temporary traffic control plans and general roadway improvements.

4.17.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to transportation in alignment with Appendix G of the CEQA Guidelines:

- **Impact TRA-1:** Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?
- **Impact TRA-2:** Would the project conflict with CEQA Guidelines section 15064.3, subdivision (b), related to vehicle miles traveled?
- **Impact TRA-3:** Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- **Impact TRA-4:** Would the project result in inadequate emergency access?

Impact TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy?

Impact TRA-1 would be **potentially significant**. Implementation of Mitigation Measure MM-TRA-2 would reduce the impact to **less than significant with mitigation** under Baseline Scenario 1.

Impact TRA-1 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

For example, significant impacts may occur if a project conflicts with a safety policy established in a General Plan, TIA guidelines, or municipal ordinance, such as deviating from required roadway widths or minimum sight distance. Significant impacts on pedestrian and bicycle facilities may occur if the project conflicts with an existing or planned pedestrian or bicycle facility, or conflicts with policies related to bicycle and pedestrian activity or safety. Significant impacts on transit facilities may occur if project traffic would increase the burden on local transit facilities beyond acceptable levels of service established in VTA's plans or policies, or remove or inhibit access to transit.

Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

Construction

The proposed project would result in some additional traffic in the general vicinity of the project site due to transportation of construction workers, equipment, and materials to and from the site. Construction haul routes are anticipated to use Old Oak Way, Pierce Road, Saratoga Avenue, and SR 85. The additional traffic would be temporary and for a short period of time while construction occurs (approximately seven months). Traffic generated during construction would

be for modifications to tasting room and existing onsite roads and construction of the proposed secondary emergency access road and wine cave. Construction would occur five days per week between 7:30am and 4:00pm, Monday through Friday, in accordance with Section 7-30.060 of the City Code of Ordinances.

Project construction could potentially conflict with General Plan policies related to safety and emergency access due to the narrow, winding nature of the roadway and potential for temporary lane closures as heavy equipment is brought to the project site. General Plan Policy CI-8.4 requires consideration of the function of the street in order to minimize disruptions from heavy construction traffic. Without appropriate controls prior to and during construction, construction activities could conflict with this policy and cause a **potentially significant impact**.

However, as part of project permitting and design review, the applicant would be required to prepare a temporary traffic control plan in alignment with the City's Standard Details and Specifications for Construction (see **Mitigation Measure MM-TRA-2** in Impact TRA-3 below). The temporary traffic control plan would include requirements for high-level warning devices, channeling cones, flashing arrow boards, and/or signage to direct construction traffic and roadway users. Consideration would be given to all travel modes along delivery routes to maintain access for bicyclists, pedestrians, and transit on the surrounding roadways. The City's Standard Details and Specifications for Construction for temporary traffic control would ensure that construction traffic occurs safely and in alignment with City standards. Upon compliance with these requirements, as required by Mitigation Measure MM-TRA-2 below, project construction relative to Baseline Condition 1 would not conflict with applicable transportation-related programs, plans, ordinances, or policies and the impact would be **less than significant with mitigation**.

Operation

Once operational, the proposed project would generate additional vehicle trips to and from the winery for special events and general visitation. Additionally, the proposed project would result in intermittent increases in attendance beyond the daily average when special events occur on-site (see *Section 3.6, Proposed Characteristics* for a full description of proposed special events and attendance, and Impact TRA-2 below for detailed trip generation estimates).

The City has established goals and policies in its Circulation Element that are relevant to the proposed project and its effect on the circulation system. Goal CI.2 speaks to balancing the safe and efficient movement of all modes of travel within the City while balancing the livability of residential areas. Additionally, Policy CI-2.2 requires maintenance of the citywide system for adequate vehicle and emergency access. The proposed project includes improvements to address safety concerns of nearby residents and from noncompliant roadway conditions; this includes modifications to the project driveway on Old Oak Way and a dirt road between Old Oak Way and the tasting deck and construction of a secondary emergency access road to meet emergency access standards. The existing onsite roads (project driveway on Old Oak Way and dirt road) would be improved to meet Santa Clara County Fire Department's requirements for road surfaces, load, and widths; fire hydrant siting; signage; and turning radii. The secondary access road would be constructed with turnout areas to allow emergency vehicles to pull over on the side of the road, compacted Class II Base Rock all-weather surface with the exception of those portions with over 15 percent slope, which would be paved (Figure 3.6-4).

By designing these project features to meet the applicable standards, the proposed project would meet the intent of these General Plan policies related to adequate vehicle and emergency access.

The General Plan also establishes policies relevant to hillside streets to ensure the location, terrain, character, and roadway function are considered during new development (Policies CI-2.10, CI-8.2, CI-8.9). The proposed project features would all be designed to meet City and/or County standards; therefore, there would be no conflict with these policies addressing the roadway system. The proposed project would not remove any bicycle lanes, transit facilities, or otherwise inhibit multimodal transportation in the vicinity. Therefore, it would not conflict with General Plan policies or standards relevant to these facilities. Further, the proposed project would not prevent implementation of the safety improvements identified for Pierce Road in the City's LRSP because these improvements are outside of the project area. For these reasons, operation of the proposed project relative to Baseline Condition 1 would not conflict with applicable transportation-related programs, plans, ordinances, or policies and the impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Under Baseline Scenario 2, potential conflicts with transportation policies and plans from future construction activities at the project site would be the same as those described for Baseline Scenario 1 above, which would be **potentially significant** but would be reduced to less than significant with mitigation through implementation of MM-TRA-2.

However, the project relative to this baseline would also include construction of the tasting deck and adjacent restroom/office. In 2013, construction of the tasting deck took place five days per week over a two-week period. Construction equipment included four days of preparation with two small pieces of equipment, and five days of piers being drilled with drill attached to one small support equipment (i.e., bobcat). Construction staff included four workers per day comprising approximately eight round trips per day (one per direction per worker in the morning and in the evening) and intermittent material deliveries.

Since the tasting deck and adjacent building were built without the appropriate building permits or City approvals and did not comply with City's Standard Details and Specifications for Construction, the proposed project relative to this baseline would conflict with transportation plans, programs, ordinances, or policies during construction. Furthermore, mitigation was not implemented to reduce transportation impacts related to construction vehicles and equipment. Therefore, the proposed project could have had a **potentially significant impact** related to conflicting with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Because these potentially significant impacts are associated with past activities, no additional mitigation is feasible, and the impact would be **significant and unavoidable**.

Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Operation

Operation of the proposed project relative to Baseline Condition 2 would generate a greater net increase in daily vehicle trips compared to Baseline Condition 1 because the baseline conditions included much lower guest numbers and no large private events. However, the project would include the same project features between both scenarios that would address emergency access and safety to comply with City and/or County standards. The final project condition would be the same between the two scenarios. Therefore, operation of the proposed project relative to Baseline Condition 2 would not conflict with applicable transportation-related programs, plans, ordinances, or policies and the impact would be **less than significant**.

Impact TRA-2: Consistency with CEQA Guidelines relating to Vehicle Miles Traveled?

Impact TRA-2 would be **significant and unavoidable** for both baseline scenarios, even with implementation of Mitigation Measure MM-TRA-1.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), which states that "vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." According to the Technical Advisory on Evaluating Transportation Impacts, published by the OPR in December 2018, a 15 percent reduction in VMT per capita from existing development is "generally achievable" and supportive of State goals to reduce GHG emissions (OPR 2018). However, State guidance allows localities to set their own VMT standards based on substantial supporting evidence and choose the most appropriate methodology to evaluate a project's vehicle miles traveled. The City has not set their own standard at the time of the writing of this report. Therefore, OPR's Technical Advisory is used to evaluate VMT.

OPR's Technical Advisory states that "for small projects that generate or attract an additional 110 trips per day or less generally may be assumed to cause a less-than-significant transportation impact". To determine if the proposed project meets this screening criteria, a trip generation assessment was conducted. The results of the trip generation assessment, and a comparison to the appropriate baseline condition, are described in the impact analysis below.

Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

Construction

OPR's Technical Advisory allows for qualitative analyses of VMT in the absence of approved models or quantitative methodologies, and states that "for many projects, a qualitative analysis of construction traffic may be appropriate". While project construction would generate vehicle trips to and from the project site and associated VMT during the construction period (approximately seven months), it would be temporary and cease upon completion of the project. Construction traffic would not generate permanent trips and associated emissions. The temporary effects on air quality from construction vehicle trips are assessed in Section 4.4*, Air Quality* and Section 4.9*, Greenhouse Gas Emissions*. Once construction is completed, VMT

associated with construction trips would be eliminated. Therefore, construction of the proposed project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b) and impacts would be **less than significant**.

Operation

Operational trip generation for the proposed project was calculated based on assumptions regarding the number of public and private tasting guests and the proposed frequencies and attendance of special events, as detailed in Appendix F and summarized in Table 4.17-1 below. Because demand for public and private wine tasting and special events varies substantially on a daily, weekly, and seasonal basis, trip generation for the following operational conditions were calculated to illustrate the range of traffic that might be generated by the project.

Table 4.17-1 House Family Vineyards Trip Generation Estimates

Operational Conditions	Description & Assumptions	Estimated Daily Trip Generation
Typical Non-Event Day	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 3.	156
Maximum Non-Event Day	Assumes three 25-guest private tastings per day plus up to 240 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 8.	292
Typical Tastings plus Small Event	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. Plus a small private event (50 guests) and associated staff. See Appendix F, Table 5.	214
Typical Tastings plus Medium Event	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. Plus a medium private event (100 guests) and associated staff. See Appendix F, Table 5.	256
Typical Tastings plus Large Event	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. Plus a large private event (148 guests) and associated staff. See Appendix F, Table 5.	290
Theoretical Maximum Capacity	Assumes three 25-guest private tastings per day plus up to 240 public tasting guests, plus vineyard operations and tasting staff. Plus a large private event (148 guests) and associated staff. See Appendix F, Table 9.	426
Average Annual Daily Trip Generation	Calculated by adding up the number of days per year of each operational condition and averaging total annual traffic over 365 days. See Appendix F, Table 6.	127

Source: Fehr & Peers 2024. See Appendix F.

Table 4.17-2 shows the net trip generation for these same operational conditions, accounting for the existing trip generation of 73 trips per day under Baseline Condition 1, discussed previously. As can be seen from the table, net trip generation due to the proposed project would exceed the VMT screening criteria for small projects of 110 daily trips under the majority of operational conditions, except for typical non-event days (net increase of 83 trips per day) or when trip generation is averaged over the entire year (net increase of 54 trips per day). Therefore, the project cannot be assumed to have a less than significant VMT impact and a project-specific VMT evaluation is required.

Table 4.17-2 House Family Vineyards Net Trip Generation – Baseline Scenario 1

Operational Conditions	Estimated Daily Trip Generation	Net Increase in Daily Trips Above Baseline 1 Conditions
Typical Non-Event Day	156	83
Maximum Non-Event Day	292	219
Typical Tastings plus Small Event	214	141
Typical Tastings plus Medium Event	256	183
Typical Tastings plus Large Event	290	217
Theoretical Maximum Capacity	426	353
Average Annual Daily Trip Generation	127	54

To evaluate VMT for the project, the appropriate VMT metric and threshold needs to be determined. OPR provides guidance for residential, office, and retail projects. The House Family Vineyards is not considered a residential or office project, but more similar to a retail project. Because retail uses generally redistribute existing trips rather than creating new trips, OPR recommends any net increase in total VMT as an impact threshold for retail projects (i.e., the difference in total VMT in the area affected with and without the project).

Because the project would attract trips from beyond Saratoga, it is reasonable to assume that the project would increase total VMT in the area. Therefore, the project is assumed to have a **potentially significant** VMT impact. This determination is conducted qualitatively and not based on quantitative analysis.

The proposed project would be required to implement the following mitigation measures to reduce operational VMT impacts[43]:

Mitigation Measure MM-TRA-1: VMT Reduction

- *Public and private tastings shall be prohibited from occurring on the same day as private events. Advance notification of upcoming events and closure of the winery to tastings shall be provided to wine club members and the general public by direct email, text message, social media, and/or website notification.*
- *Parking supply shall be limited to 55 spaces. All parking shall be on the House Family Vineyards site. No parking shall be allowed along public roadways. "No Parking" signage shall be permanently installed on the public portion of Old Oak Way to prevent spillover parking on the public roadways. On days with private*

[43] Because the net change relative to Baseline Condition 2 results in a greater net increase in trips and a greater impact, this baseline scenario is conservatively used as the basis for the mitigation measures.

events, additional bollards and/or cones shall also be placed to discourage illegal parking.

- *The project applicant shall provide an optional shuttle service for all private events and private tastings with more than 10 guests, that would collect guests from a centralized location such as West Valley College (with appropriate permissions) or at hotels where guests are staying and transport them to the project site. Organizers and attendees of private events or private tastings with more than 10 guests shall be notified of the shuttle service in advance of the event by direct email, text message, social media, and/or website notification. The applicant shall provide verification of outreach to a designated City contact annually, or upon request.*
- *The applicant shall set up a public outreach page on their website that encourages all guests to carpool or vanpool to and from the site. This website shall provide useful information about the environmental benefits of carpooling and provide links to resources where guests can arrange for vanpool services and ride share services such as Uber or Lyft.*

The mitigation measure MM-TRA-1 described above would limit the number of net daily vehicle trips generated by the proposed project. Prohibiting tastings from occurring on the same day as events would reduce the net increase in trips per day, as shown in Table 4.17-3 below.

Table 4.17-3 House Family Vineyards Net Trip Generation – Mitigated Baseline 1

Operational Conditions (for Mitigated Project)	Estimated Daily Trip Generation (for Mitigated Project)	Net Increase in Trips per Day from Baseline Scenario 1
Typical Non-Event Day	156	83
Maximum Non-Event Day	292	219
Small Event only*	58	-15
Medium Event only*	100	27
Large Event only*	134	61
Theoretical Maximum Capacity	N/A – theoretical maximum capacity under mitigated scenario would be the Maximum Non-Event Day	N/A
Average Annual Daily Trip Generation#	86	13

** These operating conditions assume only one event of the specified size occurring on a given day, plus 4 vineyard operations employees, with no private or public tastings. See Table 4 of* Appendix F. Although mitigation measure MM-TRA-1 requires the applicant to offer an optional shuttle service for events and private tastings with 10 or more guests, the estimated trip generation in the table conservatively does not account for any shuttle use.

 # Adjusted from Table 6 of Appendix F to account for public and private tastings not occurring on the 95 days per year that events would be held.

As demonstrated in the table, prohibiting tastings from occurring on the same day as events would reduce trip generation under most operating conditions (including days with large private events) to below the 110 daily trip VMT screening criteria, but if non-event days were to operate at maximum capacity (i.e., up to 3 private tastings with 25 guests each and up to 240 public tasting guests throughout the day) the criteria would still be exceeded.

The available parking supply would function to limit the number of vehicles able to access the site at one time. Based on the assumptions in Table 4 above, medium events would have a parking demand for 50 spaces and large events would have a demand for 67 parking spaces.[44] Thus, by necessity large events would need to provide shuttles or arrange other forms of transport to not cause overflow parking because only 55 parking spaces would be provided. The optional shuttle service could meet this need and would be reinforced by notifications sent to event and private tasting organizers and attendees in advance of the event and compliance reporting. However, even with an optional shuttle service, there is no way to guarantee that guests would not use ride share services such as Uber or Lyft to get to and from the site. These services would still generate individual vehicle trips and could potentially generate a greater number of vehicle trips because separate round trip rides would be required to transport guests both to and from the project site. For this reason, and the reasons described above, even with implementation of mitigation measure MM-TRA-1, the impact would be **significant and unavoidable** under Baseline Scenario 1.

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

Construction

Construction-related VMT under Baseline Scenario 2 would be similar to that described for Baseline Scenario 1 above, except that there would be additional construction-related trips associated with the past construction of the unpermitted tasting deck. For the same reasons described for Baseline Scenario 1, construction-related VMT impacts would be **less than significant**.

Operation

The existing trip generation under Baseline Condition 2 is 14 daily vehicle trips. Comparing the total daily trips for various operating conditions the proposed project (as described in Table 4.17-1) to existing traffic volumes under Baseline Scenario 2, the net increase in daily trips above Baseline 2 conditions would be as shown in Table 4.17-4 below.

As shown in the table, the net increase in daily vehicle trips under all operating conditions would exceed the VMT small project screening criteria of 110 daily trips, even when using the least conservative average annual daily trip generation. This would be a **potentially significant i**mpact.

[44] Parking demand is calculated based on one-way guest trips (daily guest trips from Table 4 divided by 2), plus the number of employees. This represents the maximum number of vehicles that would be on-site.

Table 4.17-4 House Family Vineyards Net Trip Generation – Baseline Scenario 2

Operational Conditions	Estimated Daily Trip Generation	Net Increase in Daily Trips Above Baseline 2 Conditions
Typical Non-Event Day	156	142
Maximum Non-Event Day	292	278
Typical Tastings plus Small Event	214	200
Typical Tastings plus Medium Event	256	242
Typical Tastings plus Large Event	290	276
Theoretical Maximum Capacity	426	412
Average Annual Daily Trip Generation	127	113

Source: Calculated by AECOM in 2024 based on Fehr & Peers (2024; see Appendix F).

Like Baseline Scenario 1, **Mitigation Measure MM-TRA-1: VMT Reduction** would be implemented. Prohibiting tastings from occurring on the same day as events would reduce the net increase in trips per day, as shown in Table 4.17-5 below.

Table 4.17-5 House Family Vineyards Net Trip Generation - Mitigated

Operational Conditions	Estimated Trips per Day	Net Increase in Trips per Day from Baseline Scenario 2
Typical Non-Event Day	156	142
Maximum Non-Event Day	292	278
Small Event only*	58	44
Medium Event only*	100	86
Large Event only*	134	120
Theoretical Maximum Capacity	N/A – theoretical maximum capacity under mitigated scenario would be the Maximum Non-Event Day	N/A
Average Annual Daily Trip Generation#	86	72

Source: Calculated by AECOM in 2024 based on Fehr & Peers (2024; see Appendix F).

** These operating conditions assume only one event of the specified size occurring on a given day, plus 4 vineyard operations employees, with no private or public tastings. See Table 4 of Appendix F.*

 # Adjusted from Table 6 of Appendix F to account for public and private tastings not occurring on the 95 days per year that events would be held.

As demonstrated in the table, prohibiting tastings from occurring on the same day as events would reduce trip generation under Baseline Scenario 2 for small and medium event days and the average annualized trips to below the 110 daily trip VMT screening criteria, but for large event days, and for non-event days (operating either at typical or maximum capacity, the screening criteria would still be exceeded).

Therefore, for the same reasons discussed for Baseline Scenario 1 above, the impact would be **significant and unavoidable** under Baseline Scenario 2.

Impact TRA-3: Potential for Creation of Substantial Traffic-Related Hazards?

Impact TRA-3 would be **potentially significant**. Implementation of Mitigation Measures MM-TRA-1 and MM-TRA-2 would reduce the impact to **less than significant** under both baseline scenarios.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

Construction

All construction and staging activities for the proposed project would be contained within the project site and turnouts along the proposed secondary access road on the Garrod Parcel. As described in Impact TRA-1, the proposed project would result in some additional traffic in the general vicinity of the project site due to transportation of construction workers, trucks carrying equipment, and materials to and from the site. The additional traffic would be temporary and for a short period of time while construction occurs (approximately seven months). Traffic generated during construction would be for modifications to the tasting room and fire access road and construction of the proposed secondary emergency access road and wine cave. Construction would be five days per week with four workers per day for the tasting room modifications.

Construction activities present risks related to ongoing use of Old Oak Way and other nearby access roads by residents and emergency access vehicles, especially given the steep, winding nature of the roadway and limited ingress/egress. These concerns have been raised by the community during scoping comments and in correspondence with the City. Without appropriate controls and pre-construction planning, construction activities could create significant hazards for users of the roadway, especially with the addition of trucks bringing equipment to the site. This would be a **potentially significant impact.**

The proposed project would be required to implement the following mitigation measure to reduce construction-related vehicle hazards:

Mitigation Measure MM-TRA-2: Temporary Traffic Control Plan

The applicant shall prepare a temporary traffic control plan in conformance with the City's Standard Details and Specifications for Construction. The plan shall be prepared prior to issuance of grading permits and include details on the use and placement of high-level warning devices, channeling cones, flashing arrow boards, and signage. Any temporary road or lane closures or reroutes (if required) shall also be detailed in the plan. The traffic control plan shall be reviewed and approved by the City's Public Works Department and emergency response officials prior to issuance of grading permits. The

temporary traffic control plan would also specify what construction traffic must do in an emergency situation requiring evacuation of the neighborhood, so that evacuation routes are kept clear for evacuating vehicles.

The traffic control plan would be focused on addressing safety risks during construction in the project area and maintaining access for all modes of travel. Therefore, by constructing the project in accordance with Mitigation Measure MM-TRA-2, the proposed project would not substantially increase hazards, and the impact would be reduced to **less than significant with mitigation.**

Operation

The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Various onsite improvements would be made to existing roads, including the private portion of Old Oak Way and the dirt road that would provide primary fire access to the tasting deck and wine cave, and construction of the secondary access road to provide safe access for emergency vehicles and guests in the case of an emergency or evacuation. The existing onsite road to the tasting deck would be widened from approximately 14 feet to 20 feet with approximately 14 feet vertical clearance from any overhead trees. An all-weather surface would be provided along the majority of the road and a paved turning area (with minimum 40-foot turning radius) would be provided at the end of the road. These proposed modifications, along with other additions along the road (fire hydrants, retaining walls), would bring the road up to Santa Clara County Fire Department standards and improve the safety of the road for emergency access (SCCFD 2024b).

The secondary access road is proposed to address the need for an additional emergency access point to the project site, as the only existing access is via Old Oak Way which terminates at the project site. The majority of the secondary access road would be 14 feet wide, except for one segment in a steep area where the road would be 10 feet wide, and several segments in the western portion that would be 20 feet wide. One 40- by 57-foot-wide turnaround would be constructed in the eastern portion of the road and four approximately 40-foot-wide turnouts would be constructed along the length of the road. The turnaround areas would provide fire trucks with enough room to turn around on the road. Modifications to Garrod Road would also be required such as widening it to 20 feet in areas where it is currently 16 to 17 feet wide. The proposed secondary access road is designed to meet Santa Clara County Fire Department standards (SCCFD 2024a), which would minimize hazards from geometric design features. The road would also be used for evacuation of guests and employees in the event of an emergency at the site or in the vicinity, and would reduce to hazards related to traffic coming onto Old Oak Way and Pierce Road during an evacuation.

Although the proposed project includes improvements for emergency access to the project site, there is still potential for traffic safety impacts related to increased vehicle traffic from regular wine tasting or highly attended special events at the project site. The project would not alter any existing public roads or intersections or add physical hazards to these roadways related to barriers and curves. However, it would add additional traffic volumes to residential roads (Old Oak Way and Pierce Road) that are narrow and winding. Due to the existing design features of these roads, adding higher traffic volumes could exacerbate dangerous conditions along the roadway, especially for pedestrians and bicyclists since there are no dedicated sidewalks and bike lanes on these roads.

Old Oak Way is a narrow, steep, and winding residential road that dead ends at the project site. There are approximately 26 residential homes along Old Oak Way. While the City has recorded very few, if any, collisions or speeding tickets on Old Oak Way, the addition of vehicle traffic from the proposed project would be noticeable along Old Oak Way and could exacerbate dangerous conditions along the roadway without additional safety measures. In response to this, the project applicant formed a neighborhood committee to suggest safety improvements along Old Oak Way. This group is part of the Firewise Old Oak Way organization and is overseen by the Firewise OOW Steering Committee.

Previous neighbor suggestions include the installation of a roadway centerline, roadway viewing mirrors for blind driveways, solar-powered speed feedback signs, speed humps, and landscaping improvements for improved visibility. The applicant has worked with neighbors and the City's Department of Public Works to implement neighbor and City traffic safety suggestions. Mirrors have been installed by the applicant at some driveway and sharp corners, but other residents have declined the installation of mirrors adjacent to their properties. The City added a double yellow line and yellow reflectors the full length on Old Oak Way as well as several pavement and curb improvements. The City has a policy against speed bumps in hills and preferred to paint the double yellow lines with reflectors first before considering solar powered speed feedback signs. The applicant has, with approval of adjacent property owners, removed vegetation that blocked visibility on curves on Old Oak Way and on Pierce Road at the intersection with Old Oak Way.

All of the above improvements would act to reduce the potential for traffic safety incidents associated with the increased project-related traffic along Old Oak Way and Pierce Road. However, because the project could host events with up to 148 guests, and because only 55 parking spaces would be provided at the site, there is potential for spillover parking to occur along Old Oak Way, which could cause temporary roadway hazards if not controlled, due to the narrow and windy nature of the road. This impact would be **potentially significant**.

As discussed in Impact TRA-1, the proposed project would be required to implement mitigation measures to limit spillover parking on to Old Oak Way. Specifically, during private events and tastings, shuttle services would be made available by the applicant to bring guests to and from the site, and permanent "No Parking" signs would be erected on Old Oak Way to prevent spillover parking. Therefore, it is expected with the implementation of MM-TRA-1, vehicle trips and illegal parking would be reduced and hazards related to more traffic on narrow and winding roads would be minimized. Therefore, the proposed project would not result in substantial traffic-related hazards. As such, this impact would be **less than significant with mitigation.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Construction of the proposed project relative to Baseline Scenario 2 would differ slightly from Baseline Condition 1, because the project would include the past construction of the tasting deck and adjacent restroom office building. Since the tasting deck and adjacent building were built without the appropriate building permits and City approvals, it is unlikely that a Traffic Control Plan was implemented during construction activities. Nonetheless, due to the smaller scale of those past construction activities, a smaller number of trucks and equipment would have been needed to construct these buildings. Therefore, it is assumed that these activities did not result

in substantial impacts related to hazards on the narrow and winding neighborhood roads. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Impacts from future construction activities would be the same as described for Baseline Condition 1 above, which would be **potentially significant**. Implementation of Mitigation Measure MM-TRA-2 would reduce the impact to **less than significant with mitigation.**

Operation

Operation of the proposed project relative to Baseline Scenario 2 would generate a greater net increase in vehicle trips compared to Baseline Scenario 1, as discussed for Impact TRA-2 above. However, the project would include the same project features between both scenarios that would address emergency access and safety to comply with City and/or County standards. The final project condition would be the same between the two scenarios. The proposed project would continue to implement measures in cooperation with the Firewise OOW Steering Committee and City's Department of Public Works to address community concerns and ensure the roadway provides safety features to accommodate the existing residential traffic and future winery traffic. As discussed for Baseline Scenario 1 above, due to the potential for spillover parking on Old Oak Way, the traffic safety impact would be **potentially significant**.

However, the implementation of MM-TRA-1 would reduce vehicle trips and minimize hazards related to more traffic on narrow and winding roads for the same reasons described for Baseline Scenario 1. Therefore, with implementation of MM-TRA-1, operation of the proposed project relative to Baseline Scenario 2 would not substantially increase hazards due to a geometric design feature or incompatible use, and the impact would be **less than significant with mitigation.**

Impact TRA-4: Project-Related Interference with Emergency Access?

Impact TRA-4 would be **potentially significant**. Implementation of Mitigation Measures MM-TRA-1 and MM-TRA-2 would reduce the impact to **less than significant** for both baseline scenarios.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would result in inadequate emergency access.

Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

This impact focuses on whether the project would directly or indirectly interfere with emergency access (e.g., police, fire, and/or ambulance services) to the site or the surrounding areas. For a discussion of project consistency with emergency response and evacuation plans and other wildfire risk issues, refer to Section 4.20*, Wildfire*.

Construction

As discussed in Impact TRA-3, construction of the proposed project could create hazards to roadway users as heavy construction equipment travels to and from the site on Old Oak Way

and Pierce Road. Construction vehicles could also temporarily interfere with emergency access to the site and surrounding area. This would be a **potentially significant impact.**

As part of project permitting and design review, the applicant would be required to prepare a temporary traffic control plan in alignment with the City Standard Details and Specifications for Construction (see **Mitigation Measure MM-TRA-2, Temporary Traffic Control Plan** above). The temporary traffic control plan would require high-level warning devices, channeling cones, flashing arrow boards, and/or signage to direct construction traffic and roadway users. Additionally, the temporary traffic control plan would be reviewed by emergency response officials for adequacy prior to construction commencing. Therefore, with implementation of MM-TRA-2, impacts of the proposed project related to interference with emergency access during construction would be **less than significant with mitigation.**

Operation

Under Baseline Scenario 1, the existing project site and access roads do not comply with local standards for emergency vehicle access. As described above under Impacts TRA-1 and TRA-3, the proposed project includes numerous improvements to address these deficiencies, including improving the project driveway from Old Oak Way to the tasting deck to meet Santa Clara County Fire Department's requirements for road surfaces, load, and widths; fire hydrant siting; signage; and turning radii (SCCFD 2024b). The proposed project also includes creation of a secondary access road from Garrod Road, which would be improved with turnout areas to allow emergency vehicles to pull over on the side of the road, and would be engineered to provide an all-weather surface for fire apparatus, with a paved surface in areas exceeding 15 percent slope, in accordance with SCFFD requirements (SCCFD 2024a). The secondary access road would be used primarily for emergency vehicle access and would improve accessibility of the site for emergency responders. All of the above improvements would act to reduce the potential for interference with emergency access to the project site and to nearby properties along Old Oak Way and Pierce Road. However, because the project could host events with up to 148 guests, and because only 55 parking spaces would be provided at the site, there is potential for spillover parking to occur along Old Oak Way, which could block or impede emergency response vehicles, due to the narrow and windy nature of the road. This impact would be **potentially significant**.

As discussed in Impact TRA-1, the proposed project would be required to implement mitigation measures to limit spillover parking on to Old Oak Way. Specifically, during events and private tastings with more than 10 guests, shuttle services would be made available by the applicant to bring guests to and from the site, and permanent "No Parking" signs would be erected on Old Oak Way to prevent spillover parking. Therefore, with the implementation of **MM-TRA-1, VMT Reduction**, there would be no spillover parking that could impede the passage of emergency response vehicles. As such, this impact would be **less than significant with mitigation.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Construction of the proposed project relative to Baseline Scenario 2 would differ slightly from Baseline Condition 1 because the project would include the past construction of the tasting deck and adjacent restroom/office building. Since the tasting deck and adjacent building were built without the appropriate building permits and City approvals, it is unlikely that a Traffic Control

Plan was implemented during construction activities. Nonetheless, due to the smaller scale of the project and a smaller number of trucks and equipment needed to construct these buildings, it is assumed that these activities did not result in substantial impacts related to emergency access.

For future construction activities, impacts to emergency access would be the same as described for Baseline Scenario 1 above, which would be **potentially significant.** However, with implementation of a temporary traffic control plan in alignment with the City Standard Details and Specifications for Construction (as required by **Mitigation Measure MM-TRA-2** above), the impacts of the proposed project related to interference with emergency access during construction would be reduced to **less than significant with mitigation.**

Operation

Impacts from the proposed project would be the same for Baseline Scenario 2 as described under Baseline Scenario 1. With implementation of **MM-TRA-1, VMT Reduction**, impacts would be **less than significant with mitigation.**

4.17.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts relating to transportation:

- **Impact C-TRA-1:** Contribution to cumulative effects related to conflict with applicable transportation plan or program?
- **Impact C-TRA-2:** Contribution to cumulative effects related to vehicle miles traveled?
- **Impact C-TRA-3:** Contribution to cumulative effects related to traffic-related hazards?
- **Impact C-TRA-4:** Contribution to cumulative effects related to inadequate emergency access?

Cumulative Impact C-TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy?

The overall cumulative impact for C-TRA-1 would be **potentially significant**. The project's contribution would be **less than cumulatively considerable** under both baseline scenarios. No mitigation is required.

Cumulative Context

The geographic context for analysis of cumulative impacts related to transportation plans, programs, ordinances, or policies is the transportation network which provides access to the project site for construction and operation. Cumulative transportation impacts could occur if adjacent proposed, planned, or under construction development were to impact the same roadway network as the proposed project, or if pedestrian, bicycle, and/or transit facilities would be removed or inhibited by the combined effects of the proposed project with nearby development. Table 4.1.4 in Section 4.1.3 lists cumulative projects in the project vicinity. Currently these projects are in the planning phase and there is no timeline for approval or construction.

Cumulative Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

Construction

Construction traffic from cumulative projects would be temporary and concentrated on the roadway network in the immediate vicinity of each project. Construction traffic would rapidly disperse with distance from the project site since most trips would be expected to use a few local streets to access the nearby freeways. None of the cumulative projects listed in Table 4.1-1 in Section 4.1.3 would result in construction traffic on Old Oak Way that could cause additional congestion or heavy-vehicle maneuvering that could combine with the potential project impacts to pedestrian and bicycle traffic on this road (discussed in Impact TRA-1 above). Although almost all the cumulative projects would result in construction traffic utilizing Pierce Road, this is a wider road than Old Oak Way, with larger turning radii. In any case, because all of the cumulative projects are still in the early planning stages, it is unlikely that construction of those projects would overlap with the construction period for the proposed project. Furthermore, cumulative projects would also be required to comply with *City Standard Details and Specifications for Construction*, which would reduce potential conflicts with applicable transportation policies.

Operation

All of the cumulative projects would result in more people and vehicles to the hillside area. While the majority of the cumulative projects (other than the Mountain Winery project) are relatively small in scope and are not individually expected to substantially increase population and traffic volumes in the hillside area, the combined impact of these projects could result in a substantial increase in traffic volume on some local roadways. None of the cumulative projects are anticipated to result in additional traffic on Old Oak Way. However, almost all of the cumulative projects would result in additional traffic on Pierce Road. In total, the cumulative projects include 415 new residential units (single family and/or multifamily) and 80 hotel units, almost all of which would utilize Pierce Road as their primary access route. Based on standard trip generation rates for residential and hotel uses, the combined traffic generation of all the cumulative projects would be approximately 4,196 vehicle trips per day, which would combine with the proposed project's annualized average of 127 trips per day (or maximum daily traffic of 426 trips per day) to more than double the existing traffic volume on Pierce Road (see Table 4.13-12). This increase in traffic could potentially conflict with applicable transportation plans, programs, ordinances, or policies by affecting the balance between safe and efficient movement of all modes of travel and the livability of residential areas (Goal CI.2) or by impeding implementation of the proposed safety improvements identified for Pierce Road in the City's LRSP. Therefore, the overall cumulative impact could be **potentially significant**.

However, the proposed project would only contribute approximately 3 percent (using annualized average project traffic) to 10.4 percent (using theoretical maximum project traffic) of the total cumulative traffic increase. Furthermore, the majority of project-related traffic would occur at non-peak hour times, whereas the majority of traffic associated with the cumulative projects would be from residential uses which tend to generate most traffic during peak commute hours. For all of the above reasons, the project's contribution to the overall cumulative impact would be **less than cumulatively considerable**.

Although not required to reduce the project's contribution to a less than cumulatively considerable level, the implementation of MM-TRA-1 would further reduce the project's contribution by reducing the number of vehicle trips during days with the largest private events.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts for Baseline Scenario 2 would be the same as those for Baseline Scenario 1, except that the existing level of traffic on Pierce Road was lower under Baseline Scenario 2, such that the combined cumulative increase in operational traffic would be even greater (see Table 4.13-13). For the same reasons described for Baseline Scenario 1 above, the overall cumulative impact would be **potentially significant**, but the project's contribution would be **less than cumulatively considerable**.

Cumulative Impact C-TRA-2: Vehicle Miles Traveled?

The overall cumulative impact for C-TRA-2 would be **significant and unavoidable**. The project's contribution would be **cumulatively considerable** under both baseline scenarios, even with implementation of MM-TRA-1.

Cumulative Context

The geographic context for analysis of cumulative impacts related to vehicle miles traveled is the local community from which visitors to the project site and project employees would travel from. Construction of the proposed project would generate temporary construction-related traffic, which would be concentrated on the roadway network in the immediate vicinity and would rapidly disperse with distance from the project site since most trips would be expected to use a few local streets to access the nearby freeways. Operation of the proposed project would result in a moderate increase in traffic volumes along the existing roadways in the project vicinity, relative to Baseline Scenarios 1 and 2. Cumulative projects that would also contribute to VMT in the same area are identified in Table 4.1-1 in Section 4.1.3.

Cumulative Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

Due to the large number of new residential units proposed by the cumulative projects, and because the majority of cumulative project sites are relatively remote from more urbanized areas where the majority of their residents would work and socialize, the overall increase in regional VMT resulting from the proposed project in conjunction with the cumulative projects could be a **potentially significant** impact.

The proposed project's contribution to this overall cumulative impact would be **cumulatively considerable**, because the proposed project would not be able to feasibly and reliably reduce the amount of vehicle trips to below OPR's small-project screening criteria of 110 daily vehicle trips. The proposed project includes mitigation measures (see MM-TRA-1) to limit available parking, encourage carpooling, and require the use of shuttles for events and private tastings with more than 10 guests in an effort to reduce the number of vehicle trips to the site. However, as discussed in Impact TRA-2 above, due to the limited control that the applicant has over the transportation methods that guests would ultimately use, the efficacy of the mitigation measures

cannot be assured. Therefore, even with implementation of MM-TRA-1, the project's contribution to the overall the cumulative VMT impact would be **significant and unavoidable.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts for Baseline Scenario 2 would be the same as those for Baseline Scenario 1. The overall cumulative impact related to operational VMT could be **potentially significant**. The proposed project's contribution would be **cumulatively considerable**, because the proposed project would not be able to feasible reduce the amount of vehicle trips to below OPR's small-project screening criteria of 110 daily vehicle trips.

Cumulative Impact C-TRA-3: Traffic Related Hazards?

The overall cumulative impact for C-TRA-3 would be **less than significant** under both baseline scenarios.

Cumulative Context

The geographic context for analysis of cumulative impacts related to traffic-related hazards is the transportation network which provides access to the project site for construction and operation. Cumulative impacts from traffic-related hazards could occur if the proposed project were to generate construction traffic that combines with traffic from other cumulative projects to create additional hazards, or if features of the project were to combine with those of other cumulative projects in the area to substantially increase hazards.

Cumulative Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

Construction

Construction traffic from cumulative projects would be temporary and concentrated on the roadway network in the immediate vicinity of each project. Construction traffic would rapidly disperse with distance from the project site since most trips would be expected to use a few local streets to access the nearby freeways. None of the cumulative projects listed in Table 4.1-1 would result in construction traffic on Old Oak Way that could cause additional congestion or heavy-vehicle maneuvering that could combine with the potential project impacts to pedestrian and bicycle traffic on this road (discussed in Impact TRA-1 above). Although almost all the cumulative projects would result in construction traffic utilizing Pierce Road, this is a wider road than Old Oak Way, with larger turning radii. In any case, because all of the cumulative projects are still in the early planning stages, it is unlikely that construction of those projects would overlap with the construction period for the proposed project. Furthermore, cumulative projects would also be required to prepare and implement a temporary traffic control plan, which would address temporary traffic safety issues associated with construction traffic congestion, heavy vehicle maneuvers, lane closures, or other temporary works. For all of these reasons, the overall cumulative impact on traffic safety would be **less than significant.**

Operation

None of the cumulative projects are anticipated to include permanent roadway modifications in the vicinity of the project site that would conflict with the roadway modifications that would be

made as part of the proposed project (e.g., increasing roadway width on the private portion of Old Oak Way and on Garrod Road, improving the turning radii at the entrance to the fire access road from Old Oak Way, and creation of the secondary access road). Therefore, the overall cumulative impact would be **less than significant.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts for Baseline Scenario 2 would be the same as those for Baseline Scenario 1. The overall cumulative impact would be **less than significant**.

Cumulative Impact C-TRA-4: Inadequate Emergency Access?

The overall cumulative impact for C-TRA-1 would be **less than significant** under both baseline scenarios.

Cumulative Context

The geographic context for analysis of cumulative impacts related to emergency access is the local transportation network which provides access to the project site for construction and operation. Cumulative impacts due to inadequate emergency access could occur if the proposed project were to generate construction traffic that combines with traffic from other cumulative projects to remove or inhibit emergency access, or if features of the project were to combine with those of other cumulative projects in the area to reduce emergency access.

Cumulative Impact Analysis

Baseline Conditions Scenario #1: Conditions at the Time of NOP (2022)

Construction

As discussed for cumulative impacts C-TRA-1 and C-TRA-2 above, none of the cumulative projects would result in construction traffic on Old Oak Way that could cause additional congestion or heavy-vehicle maneuvering that could combine with the proposed project's temporary impact on emergency access (discussed in Impact TRA-4 above). Although almost all the cumulative projects would result in construction traffic utilizing Pierce Road, this is a wider road than Old Oak Way, with larger turning radii. In any case, because all of the cumulative projects are still in the early planning stages, it is unlikely that construction of those projects would overlap with the construction period for the proposed project. Furthermore, cumulative projects would also be required to prepare and implement a temporary traffic control plan in accordance with City standards, which would reduce potential conflicts between construction activities and emergency vehicles and would require advance notice to emergency service providers of any detours or lane closures that could affect emergency response. Therefore, the overall cumulative impact would be **less than significant**.

Operation

None of the cumulative projects are anticipated to include permanent roadway modifications in the vicinity of the project site that would conflict with the emergency access improvements that would be made as part of the proposed project (discussed in Impact TRA-4, above). However, as discussed for Cumulative Impact C-TRA-1, the combined traffic from all cumulative projects could more than double the existing traffic on Pierce Road, especially during peak commute

hours, which could potentially cause delays for emergency response vehicles. However, emergency responders maintain response plans that include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. For all of these reasons, the overall cumulative impact to emergency access would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts for Baseline Scenario 2 would be the same as those for Baseline Scenario 1. The cumulative impacts would be **less than significant**.

4.18 Tribal Cultural Resources

This section describes the existing Tribal Cultural Resources setting of the project area—which encompasses all areas where project improvements have occurred or would occur, including the project site (Parcel A and B) and House Family Vineyards APNs 503-15-075 and 503-15-078 and Garrod Parcel— and evaluates whether the proposed project would result in adverse effects to tribal cultural resources.

The City received the following comments relating to Tribal Cultural Resources during the public scoping period in response to the NOP:

- Concerns that there may be Native American artifacts and they may be damaged as a result of the proposed project.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.18.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The project area is in the City, in the western portion of Santa Clara County. The City is bounded by the jurisdictions of Cupertino, San Jose, Campbell, Los Gatos, and Monte Sereno. The project site—where project improvements (i.e., tasting deck, fire access road, and wine cave) were made or are being made on two adjacent parcels, 13-acre Parcel A and 10.3-acre Parcel B is comprised of two adjacent parcels, Parcel A and Parcel B—contains an oak woodland environment, partially developed as vineyards, commercial uses related to a winery (including a tasting deck), and residences.

The project site is on a relatively steep northeast-southwest trending ridge with elevations ranging from 600 to 840 feet above mean sea level. Calabazas Creek is approximately 0.5-mile downslope to the east. Soils at the project site are comprised of Minlum-Airship-Literr complex soils, 40- to 65-percent slopes (SoilWeb 2022). Local soils are formed in colluvium and alluvium terrace deposits and the underlying geology is Pleistocene to Pliocene in age, which pre-date human migration into North America (circa 13,000 years B.P.). Due to the steep terrain and geological units, the project site has a low sensitivity for encountering precontact archaeological deposits. Further discussion on this topic can be found in Section 4.6*, Cultural Resources*.

Cultural Context

This section describes the cultural context for the project area.

Precontact Context

The following context is adapted from the Regional Research Context section of the *Caltrans District 4 Research Design and Treatment Plan for Native American Archaeological Resources in the San Francisco Bay-Delta Region* (Byrd et al. 2017). This previously developed context

provides broad background for the cultural processes and trends that shaped the archaeological record of the Bay-Delta area.

Terminal Pleistocene (13,500 – 11,700 calibrated years before present [cal BP])

The earliest evidence for human occupation in California, during the Terminal Pleistocene, is very sparse, consisting primarily of isolated fluted points, and therefore is poorly understood. This period is generally considered to be represented by multiple contemporaneous migrations into the New World, including nomadic hunters and gathers who used large game using fluted points, and more coastal-oriented peoples. Throughout California, the Terminal Pleistocene occupation is infrequently encountered; no fluted points or archaeological deposits dating to this time period have been documented in the San Francisco Bay Area. The absence of these archaeological sites can be partially attributed to the small mobile populations leaving only a marginal footprint on the landscape, in conjunction with the subsequent rise of sea levels and coastal erosion burying what limited sites were deposited during this time. During this period, modern-day San Francisco Bay would have been a large valley available for human occupation.

Early Holocene (11,700 – 8200 cal BP)

Early occupation of the San Francisco Bay region is characterized by the use of handstones and millingslabs, stemmed points, crescents, and steep-edged formed flaked tools that served a semi-mobile hunter-gatherer population who exploited a wide range of plants and animals from marine, lacustrine, and terrestrial environments (Byrd et al. 2017). Charred remains of acorn nutshell from CA-CCO-696 at Los Vaqueros, in the Diablo Range provide direct evidence for use of these nut crop during the Holocene (Meyer and Rosenthal 2007). Obsidian from eastern Sierra quarries make up a large portion of the non-local flaked stone tools and debris found in early Holocene sites in central California (e.g., CA-CCO-696).

Middle Holocene (8200 –4200 cal BP)

Middle Holocene archaeological deposits are represented with over 60 known sites in the San Francisco Bay-Delta Area (Byrd et al. 2017). Artifact assemblages are varied and characterized by groundstone (handstones and millingslabs, as well as mortars and pestles); side-notched dart points; cobble-based implements; and shell beads and ornaments (Byrd et al. 2017). Use of the mortar and pestle has been documented at sites dating as early as 6000 cal BP in lowland areas at various places in central California (Rosenthal and Meyer 2009). The Saratoga Site, CA-SCL-65, dates to 6000 cal BP where a large amount of groundstone was identified (Fitzgerald 1993). In the lowland valleys of the northern Diablo Range, mortars and pestles replaced handstones and millingslabs sometime between about 7000 and 6000 cal BP. Use of the mortar and pestle was likely part of an increased technological investment associated with a shift to greater residential stability around well-watered riparian ecosystems (e.g., CA-CCO-548).

Late Holocene (4200 – 180 cal BP)

Evidence for late Holocene occupation in central California is extensive; there are over 240 known archaeological sites that date to this time period in the Bay-Delta Area (Milliken et al. 2007, Rosenthal and Meyer 2009). In California, the late Holocene includes three primary chronological divisions: the Early, Middle, and Late periods. The Early Period is the least well understood, primarily due to a lack of data. Middle Period sites are more abundant and widely recorded in central California. The Late Period is similarly well represented with a number of excavated sites and well-dated assemblages (Meyer and Rosenthal 2007).

Residentially stable communities emerged through the Delta region no later than 4000 cal BP. Evidence for these communities include large, mounded settlements and smaller satellite villages found on levee ridges and other elevated landforms along major rivers and tributary streams, particularly the Sacramento River. Mortars and pestles became more common in central California sites but were not exclusive; fishing gear (e.g., hooks, net weights), and hunting equipment (e.g., projectile points, atlatl spurs) were also common in Early and Middle late Holocene settlements. The Middle Period is characterized by Fredrickson's Berkeley Pattern; this Pattern is recognized throughout the northern Diablo Range and in the major valleys and large drainage systems of the southern North Coast Ranges (Meyer and Rosenthal 2007).

The Late Period of the late Holocene is the best-documented era. Current data suggests that the Bay-Delta Area populations increased in size, sedentary villages flourished, and ritual activity increased (Byrd et al. 2017). Artifact assemblages include "clam disk beads, distinctive Haliotis [abalone] pendants, flanged steatite pipes, chevron-etched bone whistles and tubes, elaborately finished stone 'flowerpot' mortars, and needle-sharp coiled basketry awls" (Milliken et al. 2007:99). The bow and arrow make appear in the region around 700 cal BP, with a distinctive arrow style dubbed the Stockton Serrated. This arrow was almost exclusively manufactured from Napa Valley and Annadel obsidian during this time period, and the style development suggests that "ethnic continuity was present across the Bay region from Middle/Late Transition through Late 1 Period" (Byrd et al. 2017).

Ethnographic Context

Ethnographic literature (Kroeber 1925; Levy 1978; Milliken 1995) indicates the project area was the territory of Ohlone speakers of the Tamien dialect. The Ohlone language is one of the five mutually unintelligible languages that existed within the San Francisco Bay Area along with Bay Miwok, Plains Miwok, Patwin, and Wappo (Milliken 1995). These language groups are often treated as distinct and cohesive language units; however, Milliken indicates this can create a "misleading and overly simplistic view" of the cultural variation that existed in the aboriginal San Francisco Bay Area (Milliken 1995).

The project site was likely inhabited by either the Partacsi or the Lamaytu who lived in the vicinity of Saratoga Gap (Milliken et al. 2009). The Tribes who comprised the Ohlone language group—such as the Partacsi or the Lamaytu —had socio-cultural concepts unique to their territory and a dialect that reflected this. Some Tribes likely had more similarities with neighboring Tribes of a different linguistic group based upon a shared geographic and ecological environment than with other Tribes within their own language family. Given the lack of documented information, creating context statements for specific Tribes within a language group is difficult. While acknowledging the complex make-up of the Ohlone language group, there were likely also some shared traits, thus making general statements regarding Ohlone culture possible.

The basic Ohlone social unit was the family household, which was extended patrilineally (Harrington 1942). A household was made up of about 15 individuals. Households grouped together to form villages, which in turn combined to form "tribelets," "an aggregate of villages in the largest of which lived the tribelet chief" (Heizer and Elsasser 1980:41). Tribelets exchanged trade goods such as obsidian, shell beads, and baskets; participated in ceremonial and religious activities together; intermarried; and could have extensive reciprocal obligations to one another involving resource collection.

For the Ohlone, like many other native Californians, the acorn was a dietary staple and is attributed to high population densities and complex social and economic organizations in Central California (Bartelink 2006; Baumhoff 1963). Acorns were knocked from trees with poles, leached to remove bitter tannins, and eaten as mush or bread. The Ohlone used a range of other plant resources as food, medicine, soap, tools, and building materials, including buckeye, California laurel, elderberries, strawberries, manzanita berries, goose berries, toyon berries, wild grapes, wild onion, cattail, soap root, wild carrots, clover, and an herb called chuchupate. Animals eaten by the Ohlone and their neighbors included large fauna such as black-tailed deer, Roosevelt elk, antelope, and marine mammals; smaller mammals such as dog, skunk, raccoon, rabbit, and squirrel; birds, including geese and ducks; and fish such as salmon, sturgeon, and mollusks. Frogs, toads, owls, eagles, and ravens were not eaten (Levy 1988).

Besides providing sustenance, the Bay Area's flora and fauna provided the Ohlone with raw materials. For example, the Ohlone built dome-shaped shelters thatched with ferns, tule, grass, and reeds. The thatch was tied to the structure's frame with willow withes. The Ohlone also built small sweathouses, accommodating six to eight persons, which were dug into creek banks and roofed with brush; and circular dance areas, which were enclosed by fences woven from brush or laurel branches (Levy 1978:492). Plants, particularly sedge, were also woven into baskets. Basket making was generally done by women, who crafted cooking and storage containers, fish traps, and trays for leaching acorns. Tightly woven baskets, decorated with feathers or shell, were valued exchange items (Margolin 2003).

Animal bones, teeth, beaks, and claws were made into awls, pins, knives, and scrapers. Pelts and feathers became clothing and bedding, while sinews were used for cordage and bow strings. Feathers, bone, and shells were crafted into ornaments (Heizer and Elsasser 1980).

By the late eighteenth century, Spanish settlers moved into northern California, established the mission system, and dramatically transformed Ohlone culture. Many Ohlone were baptized by the Franciscan missionaries and made to work on mission farms. Throughout the mission period, the Ohlone people staged acts of resistance and escape in response to the brutality of the missions. Following secularization of the missions, the Gold Rush, and California's admission to the United States in 1850, Ohlone people continued to reinforce their connections to important sites and resist outside efforts to erase their history (Akins and Bauer 2021). Today, Ohlone people remain in their traditional territory, which includes Santa Clara County, and continue to engage in traditional cultural practices.

Records Search Results

As described earlier in Section 4.6*, Cultural Resources,* AECOM conducted a records search at the NWIC for an area within a 0.5-mile radius of the project area. A full summary of the records search results is provided in that earlier section of this EIR.

Three prior studies are on file at the NWIC that include the project area were described earlier in Section 4.6*, Cultural Resources*. None of these studies identified the presence of archaeological or Tribal Cultural Resources. The onsite pedestrian survey by an AECOM archaeologist did not result in any observations of Tribal Cultural Resources.

Tribal Coordination

AECOM submitted a Sacred Lands File (SLF) search at the California NAHC on January 10, 2022. The NAHC responded on January 28, 2022, indicating that no known Tribal Cultural Resources are recorded in the project area. The NAHC also provided a list of Tribal contacts who may have additional information regarding cultural resources in the project area. The proposed project was placed on hold in May 2022 until December 2023, when it was resumed. Tribal consultation was conducted by the City, who sent out Tribal outreach letters describing the project on March 5, 2024.

One response was received on March 19, 2024, from Chairperson Irenne Zwierlein, Amah Mutsun Tribal Band of San Juan Bautista. The response recommended a SLF search and records search, and if those searches were positive for cultural resources within one mile of the project area, that Cultural Sensitivity and Awareness training be conducted and an archaeological monitor and Native American monitor be present during ground disturbance activities.

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

The existing conditions under Baseline 2 are the same as under Baseline 1, except that the existing unpermitted 1,200-square-foot tasting deck and adjacent 107-square-foot building that contains an office space and two small restrooms, and a small area of vineyard to the east of the tasting room had not been developed in 2013.

4.18.2 Regulatory Framework

Federal

There are no federal regulations of relevance to Tribal cultural resources for the proposed project.

State

The overarching State regulation is the CEQA. Discussion of the CEQA Guidelines and other State regulations, as they pertain to cultural resources in general can be found in Section 4.6, *Cultural Resources*. Those regulations more pertinent to Tribal Cultural Resources are listed here.

Assembly Bill AB 52

AB 52 (effective July 1, 2015) added Public Resources Code Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA, relating to consultation with California Native American tribes, consideration of "Tribal Cultural Resources," and confidentiality. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of effects on Tribal Cultural Resources, as well as examples of mitigation measures to avoid or minimize impacts to Tribal Cultural Resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a Tribal Cultural Resource, that it may have a significant effect on the environment. Lead agencies must avoid damaging effects to Tribal Cultural Resources, when feasible, and shall keep information submitted by tribes confidential.

AB 52 requires a lead agency to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation. Section 21080.3.1.(d) states that within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project location and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to requests consultation pursuant to this section.

California Health and Safety Code

Human remains are protected by several laws in the State of California, including Health and Safety Codes (HRC) 7050.5, 7051, 7052, and 7055. Together these laws define criminal consequences for disturbing, disinterring, mutilating, or removing human remains from their place of rest or discovery.

If human remains are encountered, the remains must be treated in accordance with the requirements of Section 7050.5(b) of the California Health and Safety Code, which states that it is a misdemeanor to knowingly disturb a human burial. If human remains are encountered, work must halt in the vicinity of the remains; and as required by law, the Santa Clara County Coroner must be notified immediately. If human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of that determination. Pursuant to Public Resources Code (PRC) 5097.98, the NAHC will in turn immediately contact an individual who is the most likely to be descended from the remains (i.e., Most Likely Descendent). The most likely descendent has 48 hours to inspect the site and recommend treatment of the remains.

Section 7051 makes it a crime, punishable by imprisonment, to remove any human remains from the place where they have been interred or deposited without authority of law. Section 7052 protects human remains from mutilation and disinterment. Section 7055 makes it a crime to remove interred human remains from a cemetery.

Local

City of Saratoga General Plan

The Land Use Element provides guidance for the protection of cultural resources in Saratoga as set by its citizens and elected officials and includes objectives, goals, and policies regarding cultural resources (City of Saratoga 2024).

The following General Plan goal and policies relating to cultural resources are applicable to the proposed project:

- **Goal LU-12:** Recognize the heritage of the City by protecting historic and cultural resources, where feasible.
    - **Policy LU-12.9:** Protect significant archaeological, prehistoric, and paleontological Native American resources as required by CEQA.

4.18.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to Tribal Cultural Resources:

- **Impact TCR-1:** Would the proposed project cause a substantial adverse change in the significance of a Tribal Cultural Resource?

This impact is addressed below.

Impact TCR-1: Substantial Adverse Change to Tribal Cultural Resources?

Impact TCR-1 would be **potentially significant**.

Under Baseline Scenario 1, implementation of MM-CUL-1, would reduce the impact to **less than significant with mitigation**.

Under Baseline Scenario 2, the impact would be **significant and unavoidable** because there are no feasible mitigation measures for impacts that have already occurred.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it would cause a substantial adverse change in the significance of a Tribal Cultural Resource.

PRC Section 21074 defines a Tribal Cultural Resource 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 on the California Register for Historical Resources or in a local register of historical resources as defined in PRC Section 5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria in Section 5024.1(c), the lead agency shall consider significance of the resource to the relevant California Native tribe.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

The project area has low sensitivity for Tribal Cultural Resources based on the negative SLF search at the NAHC, the negative records search at the NWIC, and the negative pedestrian surveys. Consultation by the City with local Native American tribes resulted in a request by the Amah Mutsun Tribal Band of San Juan Bautista for incorporation of worker sensitivity training and tribal monitoring if the SLF search identified cultural resources within one mile of the project area. Although the potential for encountering Tribal Cultural Resources is generally low, implementation of the project could uncover as yet unrecorded Tribal Cultural Resources on the project site. Such impacts would be **potentially significant**.

Mitigation Measure **MM-CUL-1:** ***Inadvertent Discoveries*** is recommended to address this potentially significant impact. See details of mitigation measure in Section 4.6*, Cultural Resources.*

Mitigation Measure MM-CUL-1, which requires that specified procedures be followed if precontact or historic period archaeological resources are encountered during construction activities, is recommended to reduce impacts to subsurface Cultural and Tribal Cultural Resources on the project site. This mitigation measure would require stoppage of work while a qualified archaeologist evaluates the find to determine if it meets the definition of a historical or archaeological resource, and that the archaeologist's recommendations regarding the disposition of such finds be implemented. If the find is determined to be a Tribal Cultural Resource, consultation with recognized tribes would be undertaken.

Therefore, with implementation of MM-CUL-1, project impacts to Tribal Cultural Resources would be reduced to **less than significant with mitigation**.

Operation

Operation of the proposed project is not expected to involve any further ground disturbance following construction and, therefore, would not have a substantial adverse effect on potential buried Tribal Cultural Resources. There would be **no impact**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

Impacts from future construction activities at the site would be identical to those described for Baseline Scenario 1 above, which would be potentially significant but reduced to less than significant with mitigation through the implementation of MM-CUL-1. Compared to 2013 conditions, the proposed project includes the unpermitted construction of the existing tasting deck and associated grading activities, including installation of cast-in-place drilled piers to approximately 8 feet bgs and steepening of the slope to the west of the tasting deck. While the project area has low sensitivity for Tribal Cultural Resources, the construction of the tasting deck and associated buildings were constructed without implementing mitigation measures. It is possible that Tribal Cultural Resources were encountered and/or disturbed during the construction of these unpermitted buildings. Therefore, the project could have already caused a **potentially significant impact** to Tribal Cultural Resources. Because these potentially significant impacts are associated with past activities, no additional mitigation is feasible and the impact would be **significant and unavoidable**. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428)

Operation

Operational impacts compared to Baseline Scenario 2 would be the same as described for Baseline Scenario 1.

4.18.4 Cumulative Impacts and Mitigation

This section analyzes the potential of the proposed project to contribute to the following cumulative Tribal Cultural Resource impacts:

- **Impact C-TCR-1:** Contribution to cumulative effects on Tribal Cultural Resources.

Cumulative Impact C-TCR-1: Tribal Cultural Resources?

The overall cumulative impact for Impact TCR-1 would be **potentially significant**.

Under Baseline Scenario 1 implementation of MM-CUL-1 would reduce the project's contribution to **less than cumulatively considerable with mitigation**.

Under Baseline Scenario 2 the project's contribution would be **cumulatively considerable** because there are no feasible mitigation measures for impacts that have already occurred.

Cumulative Context

The cumulative context for Tribal Cultural Resources addresses the impacts of the proposed project along with other closely related past, present, and probable future projects, and specifically focuses on local planned developments within the City that could potentially change the environment by affecting Tribal Cultural Resources.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

According to CEQA, the importance of Tribal Cultural Resources is the value of the resource to California Native American tribes culturally affiliated with the project area. Past, present, and future development, in conjunction with the project, that involve ground disturbance, such as earth-moving construction activities or preconstruction geotechnical borings, or tunneling during construction for transportation, utility, and other projects requiring activities below the ground surface would have the potential to cumulatively impact Tribal Cultural Resources.

Cumulative projects are described in Table 4.1-1 in Section 4.1.3. These projects consist of residential developments including multi-family and single-family housing units and a hotel. All of these cumulative projects would involve soil disturbing activities including excavation and grading, and therefore have the potential to encounter Tribal Cultural Resources, even if in low sensitivity areas like the proposed project. If appropriate measures to avoid or reduce potential damage or destruction of Tribal Cultural Resources were not taken during construction of cumulative projects and/or the proposed project, the overall cumulative impact would be **potentially significant.**

As discussed for Impact TCR-1 above, the proposed project would be required to comply with HRC 7050.5, 7051, 7052, and 7055 and implement robust accidental discovery procedures such that if Tribal Cultural Resources were encountered, substantial adverse impacts would be avoided through proper treatment of resources, including consultation with local tribes if necessary, as detailed in mitigation measure MM-CUL-1. Therefore, with implementation of MM-CUL-1, the proposed project's contribution to the potentially significant cumulative impact would **less than cumulatively considerable with mitigation**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

The cumulative impact would be the same under Baseline 2 as described in Baseline 1, which would be **potentially significant**. However, while the project area has low sensitivity for Tribal cultural resources, the tasting deck and associated buildings were constructed without implementing mitigation measures. For future impacts the project would implement MM-CUL-1

and would be required to comply with HRC 7050.5, 7051, 7052, and 7055. However, the proposed project could have already had significant impacts if Tribal Cultural Resources were damaged during past construction activities. Because the project's contribution is associated with past activities at the site, there is no additional feasible mitigation that could be implemented to reduce the project's contribution. Therefore, the project could have already resulted in a **cumulatively considerable** contribution to the significant cumulative impact. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

4.19 Utility and Service Systems

This section describes the existing Utilities and Service Systems setting of the project area and evaluates whether the proposed project would result in adverse effects on existing Utilities and Service Systems or require new utilities and service systems that would result in adverse environmental effects.

The City received the following comment related to Utilities and Service Systems during the public scoping period in response to the NOP:

- Concerns about the capacity of a septic system in a low-density area.
- Questions on whether the applicant plans on connecting to a sewer system.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.19.1 Environmental Setting

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Water Supply

The House Family Vineyards receives their water from Mt. Eden Mutual Water Company, of which the applicant is a member. The source of the company's water comes from the San Jose Water Company (SJWC). SJWC provides water services to the city and surrounding areas. SJWC is an investor-owned public utility and serves over 1 million people in the greater San Jose metropolitan area. The SJWC also supplies domestic water to Los Gatos, Monte Sereno, San Jose, Campbell, and Cupertino, representing a 139-square-mile service area consisting of 231,00 municipal connections.

SJWC has three sources of potable water supply: purchased (imported) treated surface water from the Valley Water, groundwater from the Santa Clara Subbasin, and a small amount (typically less than 5 percent) of surface water from local watersheds (SJWC 2021). A fourth and growing source of supply is non-potable recycled water, which provided approximately 2 percent of total water supply in 2020.

SJWC is under a master contract with Santa Clara Valley Water District (Valley Water) expiring in 2051 for the purchase of just over 50 percent of the needed water supply. Valley Water is an independent special district that provides wholesale water supply, groundwater management, flood protection and stream stewardship, and is governed by an elected seven-member Board of Directors following the District Act and its own Board Governance Policies. The Valley Water imported surface water is from State Water Project and the federally funded Central Valley Project San Felipe Division. Water is piped into SJWC's system at various turnouts after it is treated at one of Valley Water's three water treatment plants.

On average, groundwater from the major water-bearing aquifers of the Santa Clara Subbasin comprise one third of SJWC's potable water supply. These aquifers are recharged naturally by

rainfall, streams and artificially through recharge ponds operated by Valley Water. SJWC's local surface water is from the Santa Cruz Mountains. Surface water typically provides about seven percent of total water supply depending on the amount of annual rainfall. A series of dams and automated intakes collect water released from SJWC's lakes. The water is then sent to SJWC's Montevina Filter Plant for treatment prior to entering the distribution system. SJWC's Saratoga Treatment Plant draws water from a local stream which collects water from the nearby Santa Cruz Mountains.

The SJWC prepares an Urban Water Management Plan (UWMP) every 5 years to project future water demand and evaluate the adequacy of existing and projected supply. The 2020 UWMP anticipates significant growth in water demand from 2020 to 2045 due to population growth in the SJWC service area. SJWC estimates that total water use (potable and non-potable) was 40,390 million gallons in 2020 and is projected to increase to 45,605 million gallons by 2045; while over the same period, the projected water supply across all sources is anticipated to increase from 44,201 million gallons in 2020 to 45,605 million gallons in 2045 (SJWC 2021).

The water reliability assessment within the 2020 UWMP states that SJWC anticipates adequate supplies to meet system demand under average water year, single dry year, and multiple dry year conditions through for years 2025 through 2045 (SJWC 2021).

As SJWC's wholesale water supplier, Valley Water provides or manages the majority (more than 50 percent) of SJWC's water supplies. Based on information provided in Valley Water's draft 2020 UWMP, SJWC's 2020 UWMP concluded that Valley Water will have sufficient supplies to meet SJWC's and other retailers' demands through 2045 under average year, single dry year, and five consecutive dry year conditions, and under a Drought Risk Assessment condition for a drought that lasts five consecutive years (SJWC 2021). There are increasing concerns about the reliability of imported treated surface water during average years, driven by risks associated with climate change, reductions in imported water supplies, revenue requirements, and threats to infrastructure. Valley Water has indicated to SJWC that they are in the process of planning, designing, and constructing various projects and programs that will increase water supply. These projects include dam improvements, pipeline restorations, potable reuse program, and recycled water programs. Additionally, Valley Water is refocusing their efforts towards water conservation, water recycling, and ensuring that the local water supply reduces reliance on imported water supplies.

Wastewater

The tasting deck and adjacent building are plumbed for a future connection to the Cupertino Sanitary District (CuSD) sewer system. There is also an existing wastewater holding tank behind the tasting deck that may have connected the tasting deck to the sewer system at one point. However, the CuSD conducted a site visit in May 2024 and found that the tank is no longer being used or connected to the sewer system. Under Baseline Scenario 1, it is assumed that wastewater from the tasting deck and adjacent building was not being stored in the wastewater tank and not connected to the sewer main. It is assumed that the 71 guests used porta potties.

There is an existing sanitary sewer line connected to CuSD sewer system within the Old Oak Way private roadway that serves one of House Family residences. The CuSD serves over 23,000 residential and business customers within the communities of Cupertino, portions of Saratoga, Sunnyvale, Los Altos and unincorporated areas in Santa Clara County. CuSD covers

approximately 15 square miles. They own and manage over 1 million linear feet of sewer mains, 0.5 million linear feet of sewer laterals, 17 pump stations, 4000 manholes and flushing inlets, and one equipment storage facility. CuSD conveys nearly 5 million gallons of wastewater daily from its customers for treatment at the San Jose/Santa Clara Water Pollution Control Plant (CuSD 2022).

The San Jose/Santa Clara Regional Wastewater Facility Plant, located in north San Jose, collects and treats wastewater from local municipalities and sanitation districts and discharges the treated wastewater into the San Francisco Bay. The facility is the largest advanced wastewater treatment facility in the western United States. CuSD contracts with this facility for all wastewater treatment and disposal. The facility treats an average of 110 million gallons per day (mgd) of wastewater, with a capacity of up to 167 mgd. The plant has a design capacity of 167 million gallon per day and treats an average of 110 million gallons of wastewater per day (San Jose/Santa Clara Water Pollution Control Plant, No date).

Storm Drainage

The public storm drain system is owned, operated, and maintained by the City. It consists of a network of storm drain inlets, manhole, pipes, outfalls, channels, and pump stations designed to protect the public and infrastructure from flood waters during storm events. Storm drains carry water from streets and yards to local creeks and on to the San Francisco Bay without wastewater treatment, also known as a Municipal Separate Storm Sewer System (MS4). MS4s are not combined sewers or part of sewage treatment plants. Stormwater pollution occurs when pollutants accumulate on streets or other surfaces, and they are washed off by rainfall or water. Residents contribute to stormwater pollution through everyday activities, like driving and gardening (City of Saratoga 2023).

Solid Waste

Solid waste, recycling, and green waste collection services in the City are provided by West Valley Collection & Recycling LLC (WVC&R) via contract with the West Valley Solid Waste Management Authority. WVC&R collects solid waste and green waste, which is transported directly to the Guadalupe Landfill, located in the City of San Jose. The Guadalupe Landfill is a Class III solid waste landfill. The total permitted capacity of the landfill is 28.2 million cubic yards, with a maximum throughput of 3,650 tons per day. As of January 2023, the landfill had a remaining capacity of 7.52 million cubic yards or 26.7 percent of its capacity. Currently, the landfill is expected to reach its capacity in 2043 (CALRecycle 2024a).

WVC&R provides single stream recycling to single-family and multi-family residences and commercial customers. Single stream recycling means all recyclables are placed in a single bin and do not need to be sorted based on the material type (i.e., paper, plastic, metal, etc.). All recyclable materials are sorted at WVCR's Materials Recovery Facility in the City of San Jose. WVC&R also collects green waste, or yard trimmings, from residential customers. According to CalRecycle, the City had disposal rates of 10.7 pounds per person per day in 2019 (CalRecycle 2023).

Electricity and Natural Gas

Pacific Gas & Electric (PG&E) provides electricity and natural gas service for Santa Clara County. PG&E charges connection and user fees for all new development, in addition to sliding

rates for electrical and natural gas service based on use. These services are currently available at the project site. No natural gas is being used at the project site and there is no gas connection.[45]

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Conditions 2, the environmental setting for utilities was similar to that described above for Baseline Scenario 1, except that the tasting deck and associated building that houses an office and restroom was not constructed and there was no wastewater tank. Portable toilets were provided onsite for winery guests.

4.19.2 Regulatory Framework

Federal

Federal Clean Water Act of 1987

The CWA is the primary federal law that protects our nation's waters, including lakes, rivers, aquifers, and coastal areas. Section 401 of the CWA requires that any applicant for a federal permit to conduct any activity, including the construction or operation of a facility that may result in the discharge of any pollutant, must obtain certification from the state.

Section 303 of the CWA requires states to identify surface waters that have been impaired. Under Section 303(d), states, territories, and authorized tribes are required to develop a list of water quality segments that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. Section 404 of the CWA established a permit program to regulate the discharge of dredged material into waters of the United States.

National Pollution Discharge Elimination System

Section 402 of the CWA established the National Pollutant Discharge Elimination System (NPDES) to regulate the discharge of pollutants from point sources. The U.S. Environmental Protection Agency (EPA) has authorized the State of California to administer its NPDES permitting program. The NPDES permitting program prohibits the unauthorized discharge of pollutants from a point source (pipe, ditch, well, etc.) into waters of the United States. The permitting program addresses municipal, commercial, and industrial wastewater discharges and discharges from large animal feeding operations. Permittees must verify compliance with permit requirements by monitoring their effluent, maintaining records, and filing periodic reports. The program is administered at the local level by the RWQCBs.

Resource Recovery and Conservation Act of 1976

The Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.) gives the EPA the authority to control hazardous waste from "cradle to grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of nonhazardous solid wastes. The 1986 amendments to RCRA

[45] During January 2022 data request applicant confirmed no natural gas is at the project site.

enabled the EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

The federal Hazardous and Solid Waste Amendments are the 1984 amendments to RCRA that focus on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

State

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) preserves, enhances, and restores the quality of California's water resources, and ensures the proper allocation and efficient use for the benefit of present and future generations. Wastewater generators must obtain a permit to discharge their wastewater. Pursuant to the federal CWA and California's Porter–Cologne Water Quality Control Act, the SWRCB regulates wastewater discharges to surface waters through the NPDES program. Some wastewater discharges are exempt from federal NPDES requirements, but California law may still apply. Under California law, the SWRCB requires Waste Discharge Requirements for some discharges in addition to those subject to NPDES permits. Permits contain specific requirements that limit the pollutants in discharges. They also require dischargers to monitor their wastewater to ensure that it meets all requirements. Wastewater dischargers must maintain their treatment facilities, and treatment plant operators must be certified. The SWRCB routinely inspects treatment facilities and strictly enforces permit requirements.

Urban Water Management Planning Act

The California Urban Water Management Planning Act (California Water Code, Sections 10610–10656) requires urban water suppliers that provide over 3,000 acre-feet of water annually or serve 3,000 or more connections to analyze the reliability of their water sources over a 20-year planning horizon. The act requires urban water suppliers to prepare and update urban water management plans (UWMPs) that analyze the availability of water supplies to meet demands during normal, single-dry, and multiple-dry years as a way to encourage water conservation programs and create long-term planning obligations.

Water Conservation Act of 2009

The Water Conservation Act of 2009, or SB X7-7, was enacted in November 2009 to require all water suppliers to increase water-use efficiency. The legislation sets an overall goal of reducing per capita urban water use by 20% by December 31, 2020 (California Water Code, Section 10608.20). In order to reach this goal, SB X7-7 requires each urban retail water supplier to report progress in meeting water-use targets (California Water Code, Section 10608.40). In their 2015 UWMPs, urban retail water suppliers must include the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates and references to the supporting data. Urban wholesale water suppliers must also include an assessment of present and proposed water conservation measures, programs, and policies needed to achieve the water use reductions required by this act. While it does not require existing customers to undertake

changes in product formulation, operations, or equipment that would reduce process water use, suppliers may provide technical assistance and financial incentives to those customers to implement efficiency measures for process water (California Department of Water Resources 2024).

State Agency Model Integrated Waste Management Act of 1999

AB 75 was passed in 1999, and the State Agency Model Integrated Waste Management Act took effect on January 1, 2000. The State Agency Model Integrated Waste Management Act mandated that state agencies develop and implement an integrated waste management plan. The act also mandated that community service districts providing solid waste services report disposal and diversion information to the city, county, or regional agency in which the community service district is located. Provisions of the act require each state agency and large state facility to divert at least 50% of solid waste from landfills after 2004 and to submit an annual report to the California Department of Resources Recycling and Recovery (CalRecycle) summarizing its yearly progress in implementing waste diversion programs.

Solid Waste Disposal Measurement Act of 2008

The purpose of the Solid Waste Disposal Measurement Act of 2008 (SB 1016) is to make the process of goal measurement (as established by AB 939) simpler, more timely, and more accurate. SB 1016 builds on the compliance requirements of AB 939 by implementing a simplified measure of a jurisdiction's performance. It accomplishes this by changing to a disposal-based indicator—the per capita disposal rate—which uses only two factors: (1) a jurisdiction's population (or in some cases employment) and (2) its disposal, as reported by disposal facilities.

Since 2008, CalRecycle calculates each jurisdiction's per capita (per resident or per employee) disposal rates each year. If business is the dominant source of a jurisdiction's waste generation, CalRecycle may use the per employee disposal rate. Each year's disposal rate will be compared to that jurisdiction's 50% per capita disposal target. As such, jurisdictions will not be compared to other jurisdictions or the statewide average, but they will only be compared to their own 50% per capita disposal target. Among other benefits, per capita disposal is an indicator that allows for jurisdiction growth because, as residents or employees increase, report year disposal tons can increase and still be consistent with the 50% per capita disposal target. A comparison of the reported annual per capita disposal rate to the 50% per capita disposal target will be useful for indicating progress or other changes over time.

Assembly Bill 341

On October 6, 2011, Governor Brown signed AB 341, establishing a state policy goal that no less than 75% of solid waste generated be source reduced, recycled, or composted by 2020, which is now in effect. AB 341 also mandated that local jurisdictions implement commercial recycling by July 1, 2012. CalRecycle will review each jurisdiction's commercial recycling program every 2 to 4 years for compliance. Businesses and public entities generating 4 cubic yards of trash or more per week and multi-family residential dwellings with five or more units are required to establish and maintain recycling service under AB 341.

California Energy Commission

The CEC is the state's primary energy policy and planning agency. Responsibilities of the CEC include, but are not limited to, forecasting future energy needs and keeping historical energy data, licensing thermal power plants 50 megawatts or larger, promoting energy efficiency, supporting renewable energy by providing market support, and planning for and directing state response to energy emergencies. SB 1389 requires the CEC to conduct "assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices." The CEC reports the results of these assessments and forecasts every 2 years to the governor, the legislature, and the California public in the Integrated Energy Policy Report.

Title 20 and Title 24, California Code of Regulations

New buildings constructed in California must comply with the standards contained in Title 20, Public Utilities and Energy, and Title 24, Building Standards Code, of the CCR. Title 20 contains standards ranging from power plant procedures and siting to energy efficiency standards for appliances to ensuring reliable energy sources are provided and diversified through energy efficiency and renewable energy resources.

The 2022 California Green Building Standards (24 CCR Part 11) contains green building principles and energy efficiency standards for site planning and building design of residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Also known as CALGreen, it contains a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs. Mandatory measures also include storm water pollution prevention, water conservation, and recycling and/or salvage of at least 50% of nonhazardous construction and demolition wastes. The City adopted CALGreen by reference, with specific amendments. Saratoga Municipal Code Chapter 17, Article 5.010.

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act (AB 939) was signed into law on September 29, 1989. The Act requires all California cities, counties, and approved regional solid waste management agencies, responsible for enacting plans and implementing programs, to divert 25 percent of their solid waste by 1995 and 50 percent by year 2000. Later legislation mandates the 50 percent diversion requirement be achieved every year. The CalRecycle oversees and provides assistance to local governments as they develop and implement plans to meet the mandates of AB 939 and subsequent legislation. Local assistance staff serves as a liaison between local governments and the department and its program areas, providing input for the development of policies concerning local planning and implementation issues.

Mandatory Organics Recycling AB 1826

In October 2014, Governor Brown signed AB 1826, requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste means

food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. This law phases in the mandatory recycling of commercial organics over time, while also offering an exemption process for rural counties. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector will be required to comply.

Local

City of Saratoga General Plan

City policies pertaining to utilities and service systems are contained in the Open Space and Conservation Element and the Land Use Element of the City's General Plan (City of Saratoga 2024a, 2024b).

- **Goal OSC-9:** Maximize efficiencies in the use of the City's water supply.
  - **Policy OSC-9.1**: Implement water conservation provisions of the San Jose Water Company's Urban Water Management Plan.
- **Goal LU-6:** Protect natural resources and amenities through appropriate land use and related programs.
  - **Policy LU-6.3:** Continue to implement the City's Construction Materials Recycling Program to reduce the quantity of construction debris in local landfills.
  - **Policy LU-6.2:** Development proposals shall incorporate stormwater quality features, including but not limited to grassy bioswales, to protect surface and subsurface water quality.
  - **Policy LU-6.5:** Encourage the use of renewable energy resources and energy conservation.

City of Saratoga Municipal Code

Chapter 7, Article 7-05, *Discarded Material Disposal*. The purpose of this article is to promote health, sanitary and safety measures necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City.

Chapter 7, Article 7-10, *Sewage Disposal*. The purpose of this article is to ensure that buildings in the City are connected to sewers in the most direct manner possible. In addition, this article establishes standards for the approval, installation, and operation of individual on-site sewage disposal systems consistent with the standards of the California Regional Water Quality Board as set out by the Santa Clara County Environmental Health Services and adopted by the Saratoga City Council.

Chapter 16, Article 16-47, *Green Building Regulations*. The purpose of this article is to promote the environmental sustainability of natural resources by efficiently redirecting the use of recyclable materials away from landfills, by encouraging recycled content materials in construction, by reducing the energy consumption needs of structures by making use of efficient construction methods and by promoting groundwater recharge and efficient preservation and use of water resources.

Chapter 16, Article 16-49, *Green Building Standards Code.* The purpose of this article is to adopt the 2022 CALGreen, Title 24, Part 11 as the Green Building Standards Code of the City.

San Francsico Bay Regional Water Quality Control Board

Stormwater or urban runoff discharges are regulated by the CWA, through the National Pollutant Discharge Elimination System (NPDES) permit program. The San Francisco Bay RWQCB (Water Board) regulates the discharge of pollutants in stormwater through NPDES stormwater discharge permits. The latest permit reissued in 2022 is referred to as the Municipal Regional Stormwater NPDES Permit (MRP). The Authority's member agencies must comply with the NPDES stormwater permit, which mandates certain activities including maintenance of the stormwater drain system (West Valley Clean Water Authority 2024).

Conditions of approval for development projects include the installation and maintenance of BMPs for site design and storm water treatment, which must be designed per approved numeric sizing criteria.

The West Valley Clean Water Program Authority (Authority) serves as the Stormwater Pollution Prevention Authority for the cities of Campbell, Monte Sereno, Saratoga and the Town of Los Gatos. The Authority was created to maximize the effectiveness, efficiency, and cost benefit from collective stormwater pollution prevention efforts of the four West Valley communities (West Valley Clean Water Authority 2024).

4.19.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to utilities and service systems:

- **Impact UTI-1:** Would the proposed project require new or expanded utility services that could cause significant environmental effects?
- **Impact UTI-2:** Would the proposed project have sufficient water supplies available?
- **Impact UTI-3:** Would the proposed project result in determination of inadequate wastewater treatment capacity?
- **Impact UTI-4:** Would the proposed project generate solid waste in excess of local standards or capacity of local infrastructure?
- **Impact UTI-5:** Would the proposed project comply with solid waste management and reduction statutes and regulations?

These impacts are addressed in turn below.

Impact UTI-1: New or Expanded Utility Services?

Impact UTI-1 would be **potentially significant** under both baseline scenarios. Implementation of Mitigation Measures GEO-1 and UTI-1 would reduce the impact to **less than significant with mitigation**.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, a project may have a significant impact if it would require or result in the relocation or construction of new or expanded water, wastewater

treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

The project site would be served by existing utilities infrastructure via improved and extended utility lines for water, wastewater, electrical power, telecommunication services and stormwater drainage, as described in the sections below.

Water

New water line extensions and/or replacement water lines would be implemented from an existing water main on the House Family Vineyards property to supply water to the tasting deck, adjacent building, wine cave and fire hydrant. As discussed in the Environmental Setting above, water is provided to House Family Vineyards by Mt. Eden Mutual Water Company via SJWC. SJWC would continue to provide water to the project site. As discussed in Impact UTI-2 below, although the proposed project would result in a higher demand for water due to the increased number of guests and events onsite, and water for irrigation, the operation of the proposed project would not generate substantial demand for water supplies that would necessitate the relocation or construction of new or expanded water treatment infrastructure or require upgrades to off-site water supply infrastructure.

As part of the proposed project, it is assumed that the removal and replacement of all existing water lines to the tasting deck and the adjacent building would be needed since the existing lines do not meet the building code standards. Additional water line extensions would be tied into the existing onsite water main to provide water to the wine cave, fire hydrant and irrigation system. The fire hydrant would be located within 295 feet of the tasting deck. The fire hydrant would provide additional fire protection to the tasting deck, residences on the property, and the adjacent natural areas north of these structures. These new water lines would be trenched underground.

Because the extent of the improvements required to bring the existing water infrastructure up to code is not currently known, this analysis conservatively assumes that all existing water supply lines and associated plumbing would need to be replaced, which would require additional grading in the vicinity of the tasting deck which would contribute to the potential erosion and water quality impacts discussed in *Sections 4.8, Geology and 4.11, Hydrology and Water Quality*. As discussed in those sections, because it is unknown if adequate stormwater control measures would be implemented during construction, the potential for soil erosion associated with the construction of these new utility connections and upgrades would be **potentially significant**. For the same reasons discussed in those sections, mitigation measure MM-GEO-1 would also serve to reduce the potential erosion and water quality impacts associated with replacement and upgrade of the existing water supply system and new water connections to **less than significant with mitigation**.

Wastewater

As discussed in Impact UTI-3 below, the proposed project would result higher wastewater generation due to increased guests and events onsite and drainage from the wine cave, but would not exceed the existing capacity of the regional wastewater treatment system. Therefore,

the project would not require the construction or relocation of new wastewater treatment facilities or improvements to offsite wastewater drainage infrastructure.

As discussed in the Environmental Settings, the tasting deck and adjacent building are plumbed for a future connection to the CuSD sewer system and there is an existing wastewater holding tank behind the tasting deck that is not connected but was probably being used. As part of the proposed project, all of the wastewater from the tasting deck, adjacent building and wine cave would flow into the wastewater holding tank, which would be converted into a lift station[46] that would be used to pump wastewater via a new connection to the existing sewer main that currently serves one of the onsite residences. All existing plumbing would be upgraded to meet CuSD and the City's requirements and the existing wastewater tank/proposed lift station would be upgraded to meet Santa Clara Department of Environmental Health standards.

Because the extent of the improvements required to achieve the CuSD/SCCDEH standards is not currently known, this analysis conservatively assumes that the entire wastewater tank and associated plumbing would need to be replaced, which would require additional grading in the vicinity of the tasting deck which would contribute to the potential erosion and water quality impacts discussed in in *Sections 4.8, Geology and 4.11, Hydrology and Water Quality*. As discussed in those sections, because it is unknown if adequate stormwater control measures would be implemented during construction, the potential for soil erosion associated with the construction of these new utility connections and upgrades would be **potentially significant**. For the same reasons discussed in those sections, mitigation measure MM-GEO-1 would also serve to reduce the potential erosion and water quality impacts associated with replacement and upgrade of the existing wastewater supply system and new wastewater connections to **less than significant with mitigation**.

Furthermore, if the wastewater lift station is not adequately maintained, there could be potential for additional environmental impacts such as adverse odors or public health impacts related to the pump failing and causing a sewage backup. Such impacts could affect guests and employees at the project site and future guests and employees near the proposed project. Therefore, impacts could be **potentially significant**, if the lift station is properly maintained.

Mitigation Measure UTI-1 is recommended to reduce this impact:

> ***Mitigation Measure MM-UTI-1: Lift Station Installation and Maintenance Agreement***
>
> *The applicant would be required to demonstrate that the lift station would meet the standards of and receive approval and permits from the City, Santa Clara County Environmental Health Services, and CuSD for the lift station.*
>
> *The applicant would be required to set up a maintenance agreement with the City to properly maintain the lift station so that impacts related to odors and a malfunctioning system do not arise. The maintenance agreement would require annual inspections of the system.*

Implementation of MM-UTI-1 would require the applicant to ensure that the lift station and sewer connection would meet all applicable standards and permit conditions and require ongoing maintenance to reduce the potential for malfunctions and associated impacts during operation.

[46] Lift stations are pump stations that transport wastewater from a lower to a higher area.

With implementation of this mitigation measure, the impact would be reduced to **less than significant with mitigation.**

Stormwater Drainage

As discussed in the Environmental Setting section above, the City has a MS4 system, which means the stormwater is separate from the wastewater system. Therefore, stormwater flows to local creeks and drainages and then out to the bay. The project is proposing to construct stormwater improvements that would include drainage control facilities such as a stormwater catchment and drain dissipator and additional stormwater connections. Since stormwater in the City is not treated in a facility, there is no facility that would need to be expanded or reconstructed to accommodate the proposed project.

It is unknown what upgrades would be needed to meet stormwater drainage requirements of the County Drainage Manual or MS4 Permit (e.g., detention basins, biofiltration, etc), therefore construction could cause erosion and water quality issues as discussed above for water/wastewater. This could be potentially significant impact. As such, the implementation of mitigation measure MM-GEO-1 would be needed to reduce the potential erosion and water quality impacts associated with implementation of a stormwater drainage system. Therefore, the project would have a **less than significant impact with mitigation**.

Electrical, Gas and Telecommunications

No new gas services are proposed as part of the project. PG&E would continue to provide electricity services to the project site. This analysis makes a conservation assumption that all existing electricity and telecommunication extension lines to the tasting deck and adjacent building would be replaced because they do not meet the building code. Additionally, new extension lines would be made to the wine cave. The implementation of these electrical lines would be done in accordance with PG&E specifications and accordance with City guidelines. Since it is unknown what upgrades would be needed to meet the electrical line requirements, construction could cause erosion and water quality issues. This could be potentially significant impact. As such, the implementation of mitigation measure MM-GEO-1 would be needed to reduce the potential erosion and water quality impacts associated with implementation of a stormwater drainage system. Therefore, the construction of the proposed project would have a **less than significant impact with mitigation**.

Operation of the proposed project would result in a greater demand for electricity. Energy usage from the project is discussed in more detail in Section 4.7*, Energy*. However, due to the relatively small scope of the project and energy conserving features, electricity would not be used to the extent to that would necessitate the relocation or construction of new electric power or telecommunications facilities, which could result in environmental effects. As discussed in the Regulatory section, the proposed project must comply with the standards contained in Title 20, Public Utilities and Energy, which contains a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning. Therefore, operational impacts would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

While the proposed project utility usage would be the same under both baselines, comparing increases to Baseline 2 would be slightly higher, since the number of guests were lower under

Baseline 2 than they are under Baseline 1. Nonetheless, this increase would not be substantial compared to existing capacity (see discussion of Impacts UTI-2 and UTI-3 below) and would not necessitate the relocation or construction of new or expanded off-site water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities that could have environmental effects.

The impact from construction of on-site infrastructure described in Baseline Conditions 1 would be similar under Baseline Conditions 2, except that the project would include installation of all the original utility connections to the tasting deck, as well as any future upgrades to bring those utilities up to code. The project site would be served by existing utilities infrastructure via new and extended utility lines for water, wastewater, electrical power and telecommunication services, as described in the sections above. For the same reasons discussed for Baseline 1 above, the construction of these new and upgraded utility connections could cause **potentially significant** erosion and water quality issues, that would be mitigated to **less than significant with mitigation** by implementation of MM-GEO-1 and MM-UTI-1.

Impact UTI-2: Sufficient Water Supplies?

Impact UTI-2 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if there would not be sufficient water supplies available to serve the project during normal, dry, and multiple dry years.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Water usage during the operation of the project would come from faucets, toilets and irrigation. Additionally, the tasting deck, adjacent building and wine cave would have fire sprinkler installed, which would need water supply.

The project site would receive water from SJWC via Mt. Eden Mutual Water Company, which has sufficient water available from its existing three water sources based on demand projections, as described in the Environmental setting section. Valley Water would be able to meet the demands of SJWC's service area during normal and single dry years, but in the event of multiple dry years, Valley Water would implement reductions in water to supply SJWC, as discussed in the Environmental Setting section.

The operation of proposed project would increase water demand in the City. However, this demand would only be during wine tastings and special events. The project would not induce population related to residential and commercial development that would result in permanent increased water demand. Senate Bill 610 requires a project-specific water supply assessment to determine the adequacy of existing supplies to serve a proposed project, if the project meets the definition of a "project" under California Water Code Section 10912. This definition, for business establishments, includes projects that employ more than 1,000 persons or have more than 500,000 square feet of floor space. Because the project is substantially smaller than these

thresholds, only employing a maximum of 22 persons and having less than 10,000 square feet of floor space (including the tasting deck, outdoor tasting space and wine cave), a formal water supply assessment is not required.

The projected water use from the proposed project per capita is estimated at 13.5 gallons per capita per day (gpcd).[47] Assuming a worst case that up to 463 guests could visit the facility on its busiest day, it is estimated that up to 6,291 gallons per day (gpd) of water use would occur. Under Baseline Condition 1, 71 guests were coming to the site each day. It is estimated that these guests would use about 959 gpd of water. Therefore, the maximum increase demand under this baseline would be 5,332 gpd or 0.005 million gallon per year (mgpy).

Additionally, water would be used by employees. Under Baseline Condition 1, there were 8 employees. It is estimated that 216 gpd of water would be used from these employees.[48] The proposed project would require up to 22 employees depending on what events are scheduled. These employees are estimated to use 594 gpd.[49] Therefore, the increase demand under this baseline would be 378 gpd or 0.0004 mgpy.

The increase in water demand of both guests and employees is 5,764 gpd or 0.006 mgpy. The overall water demand that SJWC anticipates in 2040 is 45,156 mgpy. As such, the proposed project would account for a tiny fraction of SJWC's anticipated total water demand.

Additionally, water would be used to irrigated proposed plants along the parking area. Currently, a drip system is installed along this area and the applicant proposes to use drip irrigation for the proposed hedge. This would account for a small amount of water use compared to the rest of the project.

The sufficiency of future water supplies and the efficacy of water conservation programs and drought contingency planning would not be impacted by the proposed project. The new facilities would involve the installation of water-saving fixtures that would comply with 2022 California Building Code (which the City has adopted) for water conservation and contribute to achieving community sustainability objectives as discussed in the Regulatory Section. Because the proposed project would include bringing existing plumbing up to code, the project would contribute to achieving the community sustainability objectives in the regulatory section.

Therefore, for all of the above reasons, it is anticipated that there would be sufficient water supply to serve the proposed project during normal, dry, and multiple dry years, and the impact would be **less than significant**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Similar to Baseline Condition 1, the proposed project under Baseline Condition 2 would increase water demand in the City during wine tastings and special events, but does not meet the threshold of development that would require a project-specific water supply assessment under

[47] According to SJWC, 75 gpcd across all water use sectors was applied to new population growth occurring after 2020 (SJWC 2020). Non-residential uses such as commercial uses account for roughly 18 percent of the water demand. Therefore, gpcd for the proposed project is estimated by taking 18 percent of 75 gpcd, which is 13.5 gpcd.

[48] 13.5 gpcd was for guests, which are expected to be present half the amount of time as an employee. Therefore, 27 gpcd for employees is estimated.

[49] Note this amount of water use is a conservative estimate as the number of employees would range from 12 to 22 employees with the higher number being during private events. 22 employees was used to estimate water use.

SB 610. As discussed under Baseline Condition 1, the projected future water use is estimated at 6,345 gpd. Under Baseline Condition 1, only 10 guests were coming to the site each day, which would have generated about 135 gpd of water use. Therefore, the project would increase water demand by guests by approximately 6,210 gpd or 0.006 mgpy from Baseline 2 conditions.

No employees related to wine tastings were present during this time because the 10 guests were accommodated by the House Family residents already onsite. There would have been four employees for vineyard operations; their estimated water use would have been 108 gpd of water. The proposed project would require up to 22 employees depending on what events are scheduled, which are estimated to use 594 gpd.[50] The difference in employee water demand between Baseline Conditions 2 and the proposed project is 486 gpd or 0.005 mgpy.

The increase in water demand from both guests and employees is therefore estimated at 6,804 gpd or 0.007 mgpy, which represents a negligible portion (less than a thousandth of one percent) of SJWC's anticipated total water demand in 2040 (45,156 mgpy). Therefore, for all of the above reasons, it is anticipated that there would be sufficient water supply to serve the proposed project during normal, dry, and multiple dry years, and the impact would be **less than significant**.

Impact UTI-3: Wastewater Treatment Capacity?

Impact UTI-2 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would result in a determination by the wastewater treatment provider that serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

As discussed in Impact UTI-1 above, the tasting deck, adjacent building, and wine cave would be connected to CuSD sewer system.

The operation of the proposed project would generate wastewater from toilets and sinks at the tasting deck restroom, and from drainage from the wine cave floor. The projected wastewater generation from the proposed project per capita is estimated at 10 gpcd.[51] Assuming that 463 guests are coming onsite per day, it is estimated that 4,660 gpd of wastewater would be generated. Under Baseline Condition 1, the 71 guests that were coming to the site each day would be estimated to generate 710 gpd of wastewater per day. Therefore, the proposed increase of wastewater generation compared to Baseline 1 would be 3,950 gpd or 0.003 million gpd of wastewater from guest use.

[50] Note this amount of water use is a conservative estimate as the number of employees would range from 12 to 22 employees with the higher number being during private events. 22 employees was used to estimate water use.

[51] It is estimated that 10 gpcd of wastewater is generated in a restaurant setting in which bathrooms are used (Maryland Department of the Environment Engineering and Capital Projects Program, 2013).

Additionally, wastewater would be generated by employees. Under Baseline Condition 1, there were 8 employees, who would be estimated to have generated 160 gpd of wastewater.[52] The proposed project would require up to 22 employees depending on what events are scheduled. These employees are estimated to use 440 gpd. Therefore, an increase of 280 gpd over Baseline 1 conditions is expected from employee use.

The anticipated increase in wastewater generation from employees and guests combined would therefore be 4,270 gpd of wastewater of 0.004 million gpd. The San José-Santa Clara Regional Wastewater Facility treats an average of 110 million gpd, with a capacity of up to 167 mgd. As such, the proposed project would represent a tiny fraction of wastewater compared to the overall capacity at San José-Santa Clara Regional Wastewater Facility. Furthermore, approval would be required by the CuSD before the facility is allowed to connect to the existing sanitary sewer, and the capacity of the system to accommodate the proposed increase in flow would be one of the factors considered during their consideration of the connection application.

Therefore, for all of the above reasons, the anticipated wastewater demand of the project would be accommodated within the existing wastewater treatment infrastructure. Therefore, the project would have a **less than significant impact** on existing municipal wastewater facilities.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Condition 2, the tasting deck, adjacent building and wine cave would be constructed and connected to the CuSD sewer system, and would generate the same total volume of wastewater from toilets and sinks and drainage from the wine cave floor as discussed for Baseline Scenario 1 above. However, under Baseline Condition 1, only 10 guests were coming to the site each day, which are estimated to have generated 100 gpd of wastewater per day. Therefore, the increase of water wastewater generation from guest use would be 4,560 gpd or 0.004 million gpd above Baseline Scenario 2 conditions.

No employees related to wine tastings were present during this time because the 10 guests were accommodated by the House Family residents already onsite. There would have been four employees for vineyard operations; their estimated wastewater generation would have been 80 gpd. The proposed project is estimated to generate up to 440 gpd of wastewater from the 22 employees, as discussed previously. Therefore, the increase in wastewater generation from employee use would be up to 360 gpd or 0.0003 million gpd above Baseline Scenario 2 conditions.

Increased wastewater generation from employees and guest combined would be 4,960 gpd of wastewater of 0.004 million gpd. The San José-Santa Clara Regional Wastewater Facility treats an average of 110 million gpd, with a capacity of up to 167 million gpd. As such, the proposed project would represent a tiny fraction of wastewater compared to the overall capacity at San José-Santa Clara Regional Wastewater Facility. Furthermore, approval would be required by the CuSD before the facility is allowed to connect to the existing sanitary sewer, and the capacity of the system to accommodate the proposed increase in flow would be one of the factors considered during their consideration of the connection application.

[52] According to EPA, it is estimated that employees in a commercial setting would generate 20 gpcd. This setting is for bathroom use (EPA 2023).

Therefore, for all the above reasons, the wastewater demand of the project would be accommodated within the existing wastewater treatment infrastructure and the project would have a **less than significant impact** on existing municipal wastewater facilities.

Impact UTI-4 & UTI-5: Solid Waste Capacity & Solid Waste Statutes and Regulations?

Impact UTI-4 & UTI-5 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would 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 may have a significant impact if it would not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Construction

Demolition of the existing tasting deck, pavement or concrete is not proposed; however, some solid waste materials would be generated during the proposed upgrade of the tasting deck to meet code requirements. As discussed in Section 3.7.2 of the Project Description, all excess native soil from construction of the wine cave, fire access road and secondary access road (approximately 2,261C.Y.) would be permanently stockpiled onsite in the existing quarry area at the southwest portion of Parcel A. Any other solid waste generated from the proposed project during construction activities is expected to be minimal and would be handled in accordance with solid waste regulations listed in the Regulatory Section above. This includes the City's Municipal Code (Chapter 7, Article 7-05, Discarded Material Disposal; and Chapter 16, Articles 16-47 and 16-49, Green Building Regulations) related to solid waste handling and disposal and recycling of construction and demolition debris to promote waste reduction and compliance with recycling regulations. The proposed project is also subject to Policy LU-6.3 of the City's General Plan, which requires the project to continue to implement the City's Construction Materials Recycling Program to reduce the quantity of construction debris in local landfills. Solid waste collected from the project site that could not be reused or recycled is anticipated to be hauled to landfill. Therefore, construction of the proposed project would not conflict with applicable solid waste policies, exceed the capacity of local solid waste infrastructure, or impair the attainment of solid waste reduction goals, and the impact would be **less than a significant impact**.

Operation

During the operation of the proposed project, solid waste would be generated by the addition of guests and employees during tastings and events. It is estimated that the average disposal rate for the winery would be 1 pounds/seat/day (CalRecycle 1992). Therefore, the operation of the

project is estimated to generate 463 pounds/day or 84 tons/year.[53] Under Baseline Condition 1, there would have been 71 pounds/day or 13 tons/year generated by the approximately 71 guests per day. Thus, the proposed project would generate 71 tons/year additional waste compared to Baseline 1 conditions. This amount is minimal compared to the remaining 7.52 million cubic yards capacity at Guadalupe Landfill. Thus, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and impacts related to landfill capacity would be **less than significant**.

The project would not conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. Operation of the proposed project is not anticipated to generate a significant amount of 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 would not conflict or interfere with the City's ability to implement its adopted solid waste management programs and policies, such as those defined in the General Plan and City's Municipal Code. The project would not conflict with any of the State regulations regarding solid waste such as SB 1016, AB 341, AB 939, AB 1826 and 2022 California Green Building Standards since the project would comply with State requirements. Therefore, there would be **no impact** related to compliance with regulations on solid waste.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Construction

The amount of construction waste generated under Baseline Conditions 2 would be similar or slightly higher than described under Baseline Conditions 1, as the project would still include the future modifications to the tasting deck (as described above) but would have also generated a small amount of construction debris during its original construction in 2013).

Construction of the project would not conflict with federal, state, and local management and reduction statutes and regulations related to solid waste, as any other solid waste generated from the proposed project during construction activities is expected to be minimal and would be handled in accordance with solid waste regulations listed in the Regulatory Section above. This includes the City's Municipal Code (Chapter 7, Article 7-05, Discarded Material Disposal; and Chapter 16, Articles 16-47 and 16-49, Green Building Regulations) related to solid waste handling and disposal and recycling of construction and demolition debris to promote waste reduction and compliance with recycling regulations. The proposed project is also subject to Policy LU-6.3 of the City's General Plan, which requires the project to continue to implement the City's Construction Materials Recycling Program to reduce the quantity of construction debris in local landfills.

Operation

During the operation of the proposed project, solid waste would be generated by the addition of guests and employees during tastings and events. As discussed for Baseline Scenario 1 above, the proposed operations are estimated to generate 1,122.4 pounds/day or 204.8 tons/year. However, under Baseline Conditions 2, there would have only been 23 pounds/day or 4.2 tons/year generated due to the smaller number of guests under this baseline. Thus, the proposed

project would generate 200.6 tons/year additional solid waste compared to Baseline Conditions 2. This amount is minimal compared to the remaining capacity at Guadalupe Landfill. Thus, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and impacts related to landfill capacity would be **less than significant**.

For the same reasons discussed in Baseline Scenario 1, the project would conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, there would be **no impact** related to compliance with regulations on solid waste.

4.19.4 Cumulative Impacts and Mitigation

The following analyzes the potential of the project to contribute to cumulative impacts for the following utility and service system impacts where the project would have a less-than-significant or potentially significant impact:

- **Impact C-UTI-1:** Contribution to cumulative effects relating to new or expanded utility services that could cause significant environmental effects?
- **Impact C-UTI-2:** Contribution to cumulative effects relating to sufficient water supplies available?
- **Impact C-UTI-3:** Contribution to cumulative effects relating to inadequate wastewater treatment capacity?
- **Impact C-UTI-4 and C-UTI-5:** Contribution to cumulative effects relating to generation of solid waste in excess of local standards or capacity of local infrastructure or conflicting with solid waste management and reduction statutes and regulations?

These cumulative impacts are addressed in turn, below.

Cumulative Impact C-UTI-1: New or Expanded Utility Services, Insufficient Water Supplies or Inadequate Wastewater Treatment Capacity?

The overall cumulative impact for C-UTI-1 would be **potentially significant**. The project's contribution would be **less than cumulatively considerable with mitigation** under both baseline scenarios.

Cumulative Context

The geographic context for cumulative impacts to utility services is the service area for the various providers of each utility service, i.e., SJWC (water supply), CuSD (wastewater), WVC&R (solid waste), and PG&E (electricity and gas). Cumulative impacts relating to stormwater drainage utilities area discussed in Section 3.10.4, *Hydrology*.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Cumulative projects are described in Table 4.1-1 in Section 4.1.3 and include a number of residential developments, including multi-family and single-family residences and a hotel that could induce population growth within the hillside community of the City and would result in

increased demand for utilities services. All cumulative projects would be evaluated at a project-level to determine increase in demand for utilities. Nonetheless, some of the cumulative projects are part of the Builder's Remedy, which could allow developers to propose housing projects that don't comply with local zoning or general plans such as density requirements. As such, these projects could result in population growth within the City exceeding the planned growth estimates that have been used by utility providers to plan for future utility capacity. Therefore, the overall cumulative impact could require the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause environmental effects that are **potentially significant**.

The proposed project would not result in a substantial increase in demand for utility services and would not permanently increase the population of the city like the other cumulative projects. The proposed project could have environmental impacts related to the implementation and operation of the lift station. As such, mitigation measures MM-GEO-1 and MM-UTI-1would be implemented to reduce impacts from the project down to a less than significant level. Therefore, the proposed project would have a negligible contribution to the overall cumulative impact. Thus, the project's impact would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts under Baseline Condition 2 would be the same as those described under Baseline Condition 1. There could be a **potentially significant impact**. The proposed project would not result in a substantial increase in demand for utility services and would not permanently increase the population of the city like the other cumulative projects. Therefore, the proposed project would have a negligible contribution to the overall cumulative impact. Thus, the project's impact would be **less than cumulatively considerable**.

Cumulative Impact C-UTI-2: Insufficient Water Supplies?

The overall cumulative impact for C-UTI-2 would be **potentially significant**. The project's contribution would be **less than cumulatively considerable** under both baseline scenarios.

Cumulative Context

The geographic context for cumulative water supply impacts is the area serviced by SJWC, as well as areas receiving water from Valley Water's surface water import program and/or groundwater from the Santa Clara subbasin.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

All cumulative projects would be evaluated at a project-level to determine increase in demand for utilities. Nonetheless, some of the cumulative projects are part of the Builder's Remedy, which could allow developers to propose housing projects that don't comply with local zoning or general plans. As such, these projects could be outside of the planned growth for the City. Therefore, this overall increase in water demand from these cumulative projects combined, could be above SJWC's anticipated future water demand.

The proposed project would not result in a substantial increase in demand for water supply compared to the other cumulative projects (which include multiple residential dwellings and would permanently increase the permanent population within SJWC's service area). The contribution of the project would be less than cumulatively considerable.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts under Baseline Condition 2 would be the same as those described under Baseline Condition 1. There could be a **potentially significant** cumulative impact. The proposed project would not result in a substantial increase in demand for water supply compared to the other cumulative projects and would not result in a permanent population increase within the SJWC's service area. Thus, the project's impact would be **less than cumulatively considerable**.

Cumulative Impact C-UTI-3: Inadequate Wastewater Treatment Capacity?

The overall cumulative impact for C-UTI-3 would be **potentially significant**. The project's contribution would be **less than cumulatively considerable** under both baseline scenarios.

Cumulative Context

The geographic context for cumulative wastewater impacts is the area served by San José-Santa Clara Regional Wastewater Facility.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

All cumulative projects would be evaluated at a project-level to determine increase in wastewater generation. Nonetheless, some of the cumulative projects are part of the Builder's Remedy, which could allow developers to propose housing projects that don't comply with local zoning or general plans. As such, these projects could induce population growth (and associated wastewater generation) that is above the planned growth for the City. Therefore, the combined overall increase in wastewater generation from these cumulative projects could potentially exceed the capacity of the San José-Santa Clara Regional Wastewater Facility. There could be a **potentially significant cumulative impact**.

The proposed project would not result in permanent population growth in the City or results in a substantial increase wastewater generation and would have a negligible contribution to the overall cumulative impact. Thus, the project's impact would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts under Baseline Condition 2 would be the same as those described under Baseline Condition 1. There could be a **potentially significant cumulative impact**. The proposed project would not result in permanent population growth or result in a substantial increase wastewater generation and would have a small contribution to the overall cumulative impact. Thus, the project's impact would be **less than cumulatively considerable**.

Cumulative Impact UTI-4 & UTI-5: Solid Waste Capacity & Solid Waste Statutes and Regulations?

The overall cumulative impact for C-UTI-4 and C-UTI-5 could be **potentially significant**. The project's contribution would be **less than cumulatively considerable** under both baseline scenarios.

Cumulative Context

The geographic scope for cumulative analysis of solid waste impacts is the service area for the Guadalupe Landfill, which serves the project area. The projection of future landfill capacity based on the entire projected waste stream going to this landfill is used for cumulative impact analysis. The geographic scope for cumulative analysis of impacts relating to solid waste statutes and regulations is statewide, as the majority of applicable regulations are promulgated by the State.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

As discussed in Impact UTI-4 and UTI-5 above, the Guadalupe Landfill the total permitted capacity of the landfill is 28.2 million cubic yards, with a maximum throughput of 3,650 tons per day. As of January 2023, the landfill had a remaining capacity of 7.52 million cubic yards or 26.7 percent of its capacity. The level of waste that would be generated by the cumulative projects listed in Table 4.1-1 is unlikely to exceed the future capacity of available landfills, as the future projects would be required to comply with relevant solid waste statutes and regulations, which have been adopted to protect the environment. Nonetheless, some of the cumulative projects are part of the Builder's Remedy, which could allow developers to propose housing projects that don't comply with local zoning or general plans. As such, these projects could be outside of the planned growth for the City. Therefore, this overall increase in demand of these cumulative projects could contribute to Guadalupe Landfill exceeding its total permitted capacity. There could be a **potentially significant cumulative impact**.

The proposed project would not increase permanent population in the service area and would not generate a substantial amount of solid waste compared to the other cumulative projects. Thus, the project's impact would be **less than cumulatively considerable**.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Cumulative impacts under Baseline Condition 2 would be the same as those described under Baseline Condition 1. There could be a **potentially significant cumulative impact**. The proposed project would not increase population within the service area and would not result in a result in a substantial increase solid waste generation. Thus, the project's impact would be **less than cumulatively considerable**.

4.20 Wildfire

This section describes wildfire conditions and wildfire behavior, identifies the California Department of Forestry and Fire Protection (CAL FIRE) fire hazard severity zones for the project site and vicinity, and describes first response to wildfires in the vicinity of the project, as well as impacts relating to emergency response and emergency evacuation (from wildfire and/or other reasons). Impacts are evaluated relative to the potential for the proposed project to exacerbate wildfire risks or expose people or structures to significant risks. In addition, this analysis identifies existing safety procedures, standards, and regulations related to managing fire risk that would be part of the proposed project.

The City received the following comments relating to wildfire during the public scoping period in response to the NOP:

- Concerns related to the proposed project impeding evacuation routes in the event of an emergency such as a wildfire, due to increased traffic on Pierce Road and Old Oak Way.
- Concerns related to increased wildfire risks because of the proposed project, especially in a Very High Fire Hazard Severity Zone.
- Concerns related to fire risks from an outdoor pizza oven and kitchens that were illegally used at the project site.
- Concerns related to the existing winery operating without a fire permit.

The intent of CEQA is to assess and disclose potential environmental impacts of the proposed project to decision-makers and the general public. To the extent that comments raised by the public during scoping are relevant to the environmental impacts of the project, they are considered in this analysis.

4.20.1 Environmental Setting

Baseline Scenario 1: Conditions at Time of NOP (2022)

Wildfire Classifications and Behavior

Fires are classified by where in the fuel strata they burn: surface fires, understory fires, and crown fires (California Forest Stewardship Program 2015). Surface fires are the most common. Depending on the fuels, weather, and topography, these fires can be low to high intensity. Understory fires have flame lengths up to 10 feet. They consume surface fuels, small trees, brush, and lower branches of overstory trees. Crown fires reach into the crowns of trees with flame lengths more than 10 feet.

Wildland fire behavior is based on four primary factors: topography, weather, fuels, and human influences. The following discussion briefly describes how each of these factors influences wildfire behavior within and in the vicinity of the project site. These same factors, in addition to information on fire history and other environmental factors, are considered in fire modeling used by CAL FIRE to define the severity zone of an area.

Topography

Topographic features such as slope and aspect influence a fire's intensity, direction, and rate of spread. Fires burning in flat or gently sloping areas tend to burn more slowly and spread in wider ellipses than fires on steep slopes. Streams, rivers, and canyons can channel local diurnal and general winds, which can accelerate a fire's speed and affect its direction, especially during foehn (warm, dry, and unusually strong) wind events (California Forest Stewardship Program 2015).

The Santa Clara Valley is surrounded by the rolling hills of the Diablo Range to the east and the Santa Cruz Mountains to the west. The Santa Cruz Mountains rise to a maximum elevation of 4,000 feet and are characterized by steep and rugged country that is carved by deep draws and drainages (SWCA Environmental Consultants 2023). The foothills of these mountains roll gently downslope to the alluvial fan geomorphology of the flatter valley below.

The project site is situated on the eastern foothills of Monte Bello Ridge, in the Santa Cruz Mountains. Elevations at the existing and proposed facilities range between approximately 800 and 830 feet above sea level. This type of topography is conducive to wildfires because of the steep slopes and hilly terrain.

Weather

Weather conditions influence the potential for fire ignition, rates of spread, intensity, and the direction(s) toward which a fire burns. Temperature, relative humidity, and wind are the variables used to predict fire behavior.

Santa Clara County has a Mediterranean climate, with most precipitation occurring during the winter months and virtually no precipitation from spring through autumn. July is typically the hottest month of the year in the county, with July maximum mean temperatures of 84.4 degrees Fahrenheit (ºF). December is usually the coldest month, with average December minimum temperatures of 40.6 ºF. Mean annual temperatures are consistent throughout the valley and into the base of the mountain range, with the valley experiencing more variability in extreme temperatures (SWCA Environmental Consultants 2023).

Mean annual precipitation within the county is moderate, at approximately 32.52 inches. The highest precipitation levels usually occur from late fall to early spring. The lowest precipitation levels occur from early summer to mid fall, meaning the driest period in the county occurs from June to September (SWCA Environmental Consultants 2023). However, precipitation levels are contingent on location. Areas closer to the mountains typically receive more precipitation than the valley.

Wind plays a role in the flammability of fuels by removing moisture through evaporation, preheating fuels in a fire's path, and increasing spotting distances (the distance at which a flying ember might ignite a spot fire). The topography of Santa Clara County, coupled with its proximity to the Pacific Ocean, greatly influences wind patterns. Spring and summer see the greatest wind speeds, with sometimes strong afternoon and evening winds on summer days. Summer "Diablo winds" can carry hot, dry air from the Central Valley over the Diablo Range and flow across Santa Clara Valley and then upslope over the Santa Cruz Mountains from a northerly direction toward the Monterey Bay (SWCA Environmental Consultants 2023).

Fuels

Fuel, in the context of wildland fire, refers to all combustible material available to burn on an area of land. Each fuel has its own burning characteristics based on factors such as moisture content, volume, arrangement, crown cover, size, and the plants genetic makeup (California Forest Stewardship Program 2015).

Vegetation at the project site is predominantly coastal oak woodland consisting of generally mature coast live oak trees, which is a fire-adapted ecosystem, and fire has likely played a large role in maintaining this community type in the county (SWCA Environmental Consultants 2023). Fire creates the vegetation structure and composition typical of oak woodlands, and this natural community has experienced frequent, low-severity fires that maintain woodland conditions (SWCA Environmental Consultants 2023).

There is a hillside area south of Old Oak Way on Parcel A that was a quarry in the past and over time has been regrown with a composition of Chamise-sage chaparral, small patches of California annual grassland and oak woodland on the edges. There are also little patches of landscaped vegetation including shrubs, hedges, and ornamental plantings at the project site that occur near the existing residence on Parcel A. Landscaped vegetation does not contribute significantly to the fuel loading in the area, which is primarily a result of the dense oak woodlands in and around the site.

Human Influence

Human influence on wildfire is broad and can be substantial. It includes direct influences such as the ignition and suppression of fires, and indirect influence through climate change and alterations in land use patterns that support modified vegetative regimes. Anthropogenic influence more directly controls fire frequency than area burned because anthropogenic ignitions are responsible for a large number of ignitions, but once started, fire spread and behavior become a function of fuel characteristics, terrain, and weather conditions. Areas where human influence is concentrated, but not so much so that the environment reflects an urban setting, greatly exacerbate the risk of wildfire due to the potential capacity for human-caused ignitions and fire spread (Balch et al. 2017).

Wildfire ignitions can be generated by either natural or human causes, the proportion of which depend on a variety of factors, including the presence of human activity and local climate and weather patterns. Human-induced wildfire ignitions have the ability to change fire characteristics in two ways: (1) changing the distribution and density of ignitions, and (2) changing the seasonality of burning activity (Balch et al. 2017). A study of wildfires in California concluded that humans account for starting approximately 95 percent of wildfires in the state (Isaacs-Thomas 2020). Circumstances in California have made the environment particularly vulnerable to human-caused fires with expansion of the wildland-urban interface and introduction of more people in areas susceptible to wildfire at all times of the year.

Human ignitions include a multitude of sources, including escapes from debris and brush-clearing fires, electrical equipment malfunctions, campfire escapes, smoking, fire play (e.g., fireworks), vehicles, and arson (Keeley and Syphard 2018). Areas near human development, especially areas near campgrounds and roads, consequently, generate fires at a more frequent rate than very remote or urban areas (Mann et al. 2016). Overall, CAL FIRE Santa Clara Unit

responded to 200 wildland fire incidents in 2022 that totaled 1,652.4 acres (CAL FIRE 2023a). The four primary ignition sources in 2022 were vehicle, arson, equipment, and undetermined (CAL FIRE 2023a). The remaining causes, which are almost insignificant in number, were campfire, smoking, and playing with fire.

Impacts of Wildfire on Air Quality

As wildfires burn fuel, large amounts of CO_2, black carbon, brown carbon, and ozone precursors are released into the atmosphere. Additionally, wildfires emit a substantial amount of volatile and semi-volatile organic materials and nitrogen oxides that form ozone and organic particulate matter. These emissions can lead to harmful exposures for first responders, nearby residents, and populations in regions which are farther from the wildfires (National Oceanic and Atmospheric Administration 2018). Exposure to these pollutants can cause asthma attacks, coughing, and shortness of breath. Chronic exposure to these pollutants can increase the risk of developing chronic health conditions such as heart disease, diabetes, and cancer (Hamers 2018). See Section 3.3, “Air Quality,” in this EIR for a general discussion of air contaminants.

California Department of Forestry and Fire Protection

Areas in the vicinity of the project site to the south and west of Mt. Eden Valley Road are within an SRA and wildfire protection is provided by CAL FIRE’s Santa Clara Unit Battalion 3. The unit is located between the San Francisco Bay and the San Joaquin River, encompassing the Counties of Contra Costa, Alameda, Santa Clara, and western portions of Stanislaus and San Joaquin. There are 1.34 million acres of direct protection area within the Unit with a combined population of 5.5 million people (CAL FIRE 2023a).

The Santa Clara Unit has twelve state-funded fire stations, one helitack base (Alma Helitack), and an Emergency Command Center (ECC) under its jurisdiction. These stations and the helitack base are fully staffed during the declared fire season with five of the stations staffed year-round. These stations combined provide staffing for 16 state-owned fire engines, one state-owned helicopter, three state-owned transports/bulldozers, two Firefighter Hand Crews, and two California National Guard Hand Crews (CAL FIRE 2023a).

Battalion 3 encompasses the eastern slope of the Santa Cruz Mountains from Los Altos right at the San Mateo County line south to Hecker Pass (Hwy 152) west of Gilroy. The large population centers of Palo Alto, Cupertino, Los Gatos, and Saratoga are all within the Local Responsibility Areas (LRA) but are treated as Mutual Threat Zones (areas between two or more jurisdictions where CAL FIRE cooperates with local agencies to respond to initial fire threats). The battalion has two fire stations: Alma Fire Station in Los Gatos at Lexington Reservoir (approximately 7.0 miles south of the project site) and Stevens Creek Fire Station in Cupertino on the Stevens Creek Reservoir (approximately 1.9 miles northwest of the project site). Both stations are staffed with one Type 3 Engine Company. The battalion is also home to the Alma Helitack Base which houses one S70i Fire Hawk helicopter, and one Helicopter Support Unit. During fire season the battalion responds to SRA wildland fires and responds with Santa Clara Central Fire Protection District to assist with their life/property mission. During winter months, Stevens Creek station is closed, and Alma station remains open to assist with Unit Vegetation Management projects and assist Santa Clara County with emergency incidents such as vehicle accidents, structure fires, medical aids, and any other emergency within their initiate response area. The helicopter is also staffed 7 days a week and is available for water dropping and rescue missions (CAL FIRE 2023a).

Local Fire Protection Services

Fire protection in the City is provided by the Santa Clara County Fire Department (SCCFD) and the Saratoga Fire Protection District (District). The SCCFD serves the eastern half of the City and the District serves the western half.

SCCFD is a County-dependent special fire district providing structure and wildland firefighting, emergency medical services, urban search and rescue, emergency management, fire prevention, community education and risk reduction, wildfire preparedness and prevention, and support services (SCCFD 2022). The SCCFD operates 15 fire stations, with 31 front-line fire apparatus and three command vehicles throughout Santa Clara County (SCCFD 2023). The Saratoga Fire District Station is 2.8 miles from the project site to the south, at 14380 Saratoga Avenue.

SCCFD operates 19 fully equipped fire apparatus, which are all staffed with a minimum of one paramedic and two emergency medical technicians on board. The District is co-located with the SCCFD in the Saratoga Fire Station. This 15,435-square-foot station was rebuilt in 2004 to accommodate the growing needs of the City and houses a staff of seven personnel, four engines (Nos. 73, 373, 173, and 178), and one rescue vehicle (No. 73) (SCCFD n.d.).

Given the wildland-urban interface condition within the City, the SCCFD trains and equips their personnel to provide structure protection and limited initial attack on wildland incidents (City of Saratoga 2024). The goal is to prevent a fire in wildland space from expanding into other high fire hazards areas.

Fire Hazard Severity Zones

Fire hazard severity zones are measured qualitatively, based on vegetation, topography, weather, crown fire potential (a fire's tendency to burn upward into trees and tall brush), and ember production and movement within the area in question.

Fire prevention areas within the jurisdiction of local entities are referred to as "local responsibility areas" (LRAs). Fire prevention areas considered to be under state jurisdiction are referred to as "state responsibility areas" or SRAs, and CAL FIRE is responsible for responding to vegetation fires within SRA lands.[54] In general, SRA lands contain trees producing, or capable of producing, forest products; timber, brush, undergrowth, and grass, whether of commercial value or not, that provide watershed protection for irrigation or for domestic or industrial use; or lands in areas that are principally used, or are useful for, range or forage purposes.

California Public Resources Code (PRC) Sections 4201–4204 and Government Code Sections 51175–51189 require identification of fire hazard severity zones within the State of California. In SRAs, CAL FIRE is required to delineate three wildfire hazard ranges: moderate, high, and very high.[55] Within LRAs, CAL FIRE identifies only Very High Fire Hazard Severity zones. "Fire

[54] California PRC Sections 4125–4127 define a SRA as lands in which the financial responsibility for preventing and suppressing wildland fire resides with the State of California.

[55] CAL FIRE has developed a Fire and Resource Assessment Program (FRAP) that uses a series of computer models to assess fire hazard. FRAP's data collection and models provide detailed analysis and mapping of fuels, fire weather, historical fire occurrences, and ignition location and frequency, all of which they have analyzed and modeled to develop fire hazard severity rankings for lands throughout California.

hazard" is based on the physical conditions that create a likelihood and expected fire behavior over a 30 to 50-year period without considering mitigation measures such as home hardening, recent wildfire, or fuel reduction efforts (CAL FIRE 2024). It is different than "risk", which is the potential damage a fire can do under existing conditions, accounting for site-specific or localized mitigations described above. As shown on Figure 4.20-1, areas in the vicinity of the project site south and west of Mt. Eden Valley Road are within an SRA and classified as Moderate and High Fire Hazard Severity Zones. The project site is approximately 0.6 mile from the SRA.

As shown on Figure 4.20-1, the project site is within an LRA, and fire service protection is provided by SCCFD and the District. As shown on Figure 4.20-2, the project site is identified as a Very High Fire Hazard Severity zone.

Wildland Urban Interface

The wildland urban interface (WUI) is composed of both interface and intermix communities and is defined as areas where human habitation and development meet or intermix with wildland fuels. Interface areas include housing developments that meet or are in the vicinity of continuous vegetation. Intermix areas are those areas where structures are scattered throughout a wildland area where the cover of continuous vegetation and fuels is often greater than cover by human habitation. The project site is within the WUI (City of Saratoga 2012).

Fire History

CAL FIRE's Fire and Resource Assessment Program (FRAP) assesses the amount and extent of California's forests and rangelands, analyzes their conditions, and identifies alternative fire management and policy guidelines. The FRAP also provides data on historic fire perimeters dating back to 1950 (CAL FIRE 2023b). Recent fire history was reviewed for the project site and surrounding area. The project site itself has not been subject to a wildland fire. Other nearby fire incidents include:

- 2007 Stevens Fire (166.2 acres)-approximately 3 miles west of the site.
- 2008 Castle Fire (19.2 acres) - approximately 5 miles southwest of the site.
- 2017 Bear Fire (317.2 acres) – approximately 6 miles southwest of the site.
- 1985 Lexington Fire (13,128.1 acres) – approximately 7 miles south of the site.
- 2021 Panther Ridge Fire (19.7 acres) – approximately 7 miles west of the site.
- 2020 CZU Lightning Complex Fire (86,553.5 acres) – approximately 8 miles west of the site.

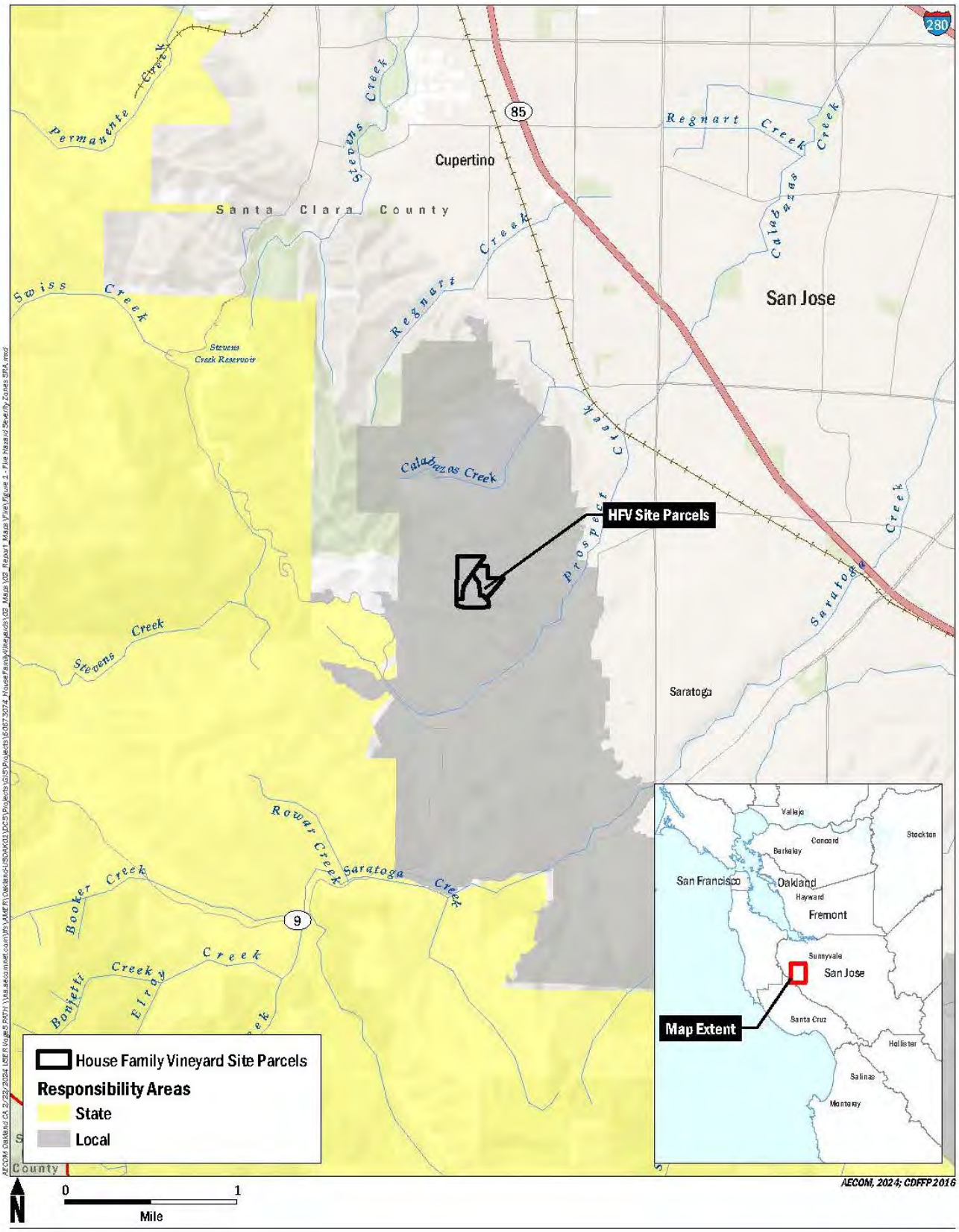

Figure 4.20-1 State and Local Responsibility Areas

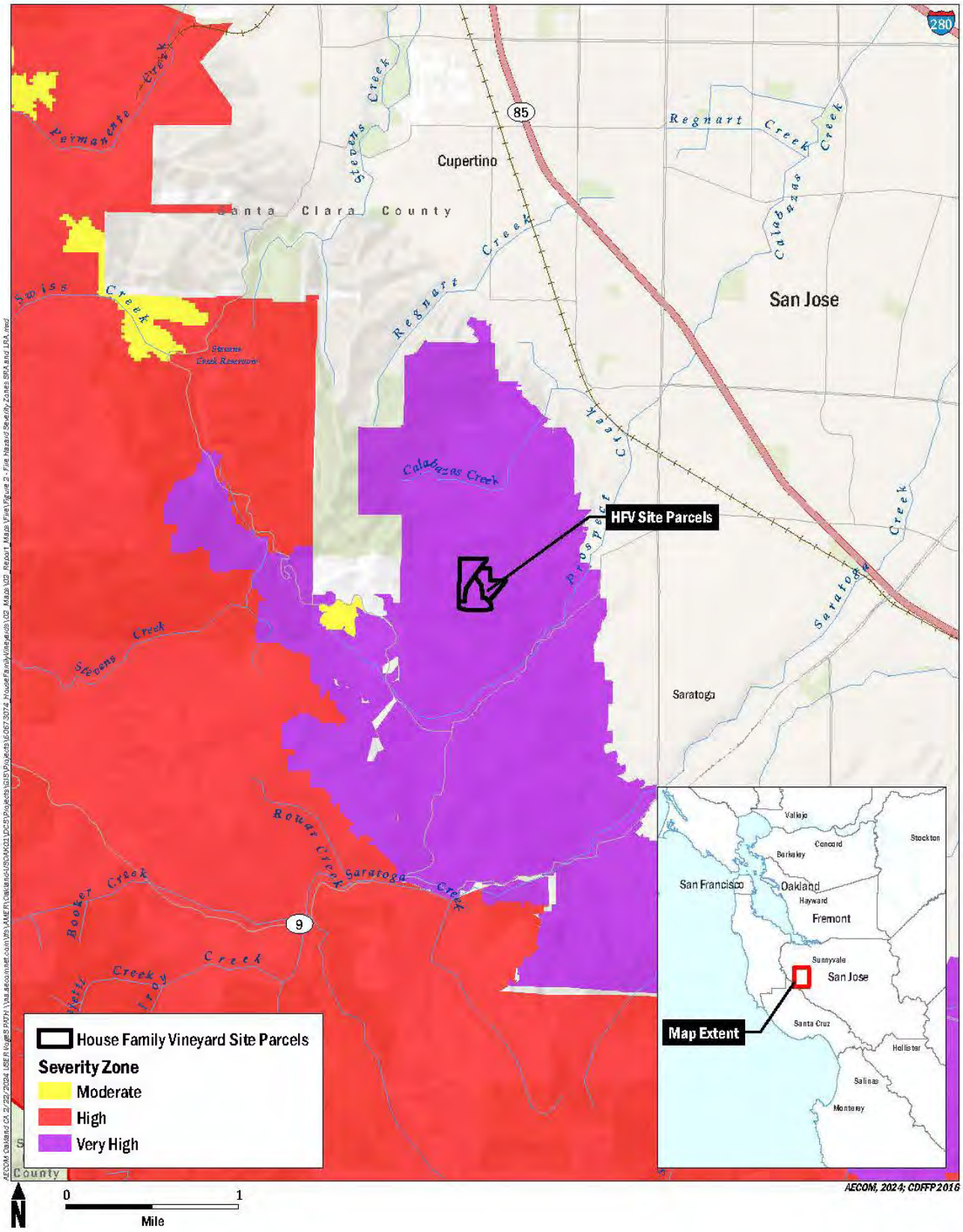

Figure 4.20-2 State and Local Severity Zones

Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013)

The environmental setting related to wildfire under Baseline Scenario 2 is identical to that describe for Baseline Scenario 1, above. The only difference is that the unpermitted tasting deck had not been constructed, and the level of wine tasting operations at the site were lower.

4.20.2 Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to wildfire are applicable to the proposed project.

State

California Public Resources Code (PRC)

Section 4290

Section 4290 of the PRC requires CAL FIRE to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to state responsibility area lands, and to lands classified and designated as very high fire hazard severity zones. These regulations include road standards for emergency vehicle access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fuel breaks and greenbelts.

Section 4291

Section 4291 of the PRC describes fire protection measures and responsibilities for people who own, lease, control, operate, or maintain buildings or structures in, upon, or adjoining mountainous, forest, shrub, and grass covered lands, or land that is covered with flammable material. These measures include, but are not limited to, the following:

- Maintenance of defensible space of 100 feet from each side and from the front or rear of a structure, but not beyond the property line.
- Removal of a portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- Maintenance of a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood. Construction or rebuilding of a structure must comply with all applicable state and local building standards.

California Building Standards Code

The State of California's minimum standards for structural design and construction are provided in the CBC (24 CCR). The standards set forth in the CBC are based on the International Building Code, which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for California conditions with numerous more detailed or more stringent regulations. The CBC provides standards for various aspects of construction, including (but not limited to) excavation, grading, and earthwork construction. In accordance with California law, certain aspects of the proposed project would be required to comply with all provisions of the CBC. The CBC includes building requirements to adhere to the

Fire Code (Part 9). Local agencies must ensure that development in their jurisdictions comply with standards contained in the CBC. Cities and counties can, however, adopt building standards beyond those provided in the code.

Chapter 7A of the CBC sets forth materials and construction methods for exterior wildfire exposure in the WUI. It applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a WUI. The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in a WUI to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

California Fire Code

CCR Title 24, Part 9 (2022 California Fire Code) contains regulations relating to construction and maintenance of buildings, the use of premises, and the management of WUI areas, among other fire prevention and protection issues. The California Fire Code is updated every three years by the California Building Standards Commission. 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.

California Fire Code, Chapter 49 Requirements for Wildland Urban Interface (WUI) Fire Areas

This code provides minimum standards to reduce the likelihood of life and property loss due to a wildfire through the use of performance and prescriptive requirements for construction and development in SRAs and LRAs designated as a Very High Fire Hazard Severity Zone. This includes development of fire protection plans; development of landscape plans and long-term vegetation management; and creation and maintenance of defensible space to protect structures and subdivisions. These requirements supplement other legally required fire protection methods, such as described above in Chapter 7A of the CBC.

- Fire Protection Plan: The fire code official is authorized to require the owner to provide a fire protection plan for projects in the WUI. The plan shall be prepared to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards for the property. It shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes. The plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history. Additional requirements apply in this code, including assessment of fire department access, egress, road and address signage, water supply, fuel reduction, and defensible space requirements in accordance with PRC 4291 and Government Code 51182. The final fire protection plan shall be reviewed and approved prior to start of construction.

- Vegetation Management: Planting of vegetation for new landscaping shall be selected to reduce non-fire-resistant vegetation in proximity to a structure and to maintain vegetation as it matures. The enforcing agency is authorized to require landscape plans. These plans shall include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.
- Defensible Space: Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.

California Fire Code, Chapter 33 Fire Safety During Demolition and Construction

This code provides general fire safety precautions for all structures and all occupancies during construction and demolition operations. In general, these requirements seek to maintain required levels of fire protection, limit fire spread, establish the appropriate operation of equipment and promote prompt response to fire emergencies. Applicable sections of the code are paraphrased below; this is not intended to be an all-inclusive list of requirements.

- Site Safety Plan: The owner shall prepare and implement a site safety plan establishing a fire prevention program at the project site applicable through all phases of construction, repair, alteration, or demolition work. The plan shall be submitted and approved before a building permit is issued. Plan components include, but are not limited to, a designated site safety director, documentation of training, emergency reporting procedures, fire department vehicle access routes, location of fire protection equipment, and materials storage.

Local

City of Saratoga Emergency Operations Plan

The City's Emergency Operations Plan (EOP) was adopted in 2019 and established an all-hazards document describing the City incident management organization, compliance with relevant legal statutes, other relevant guidelines, whole community engagement, continuity of government focus, and critical components of the incident management structure. It is not intended to address specific emergency responses, scenarios, hazards, or threats. Functional and hazard-specific annexes to the EOP will outline specific response activities for response organizations (e.g., Saratoga Fire District).

Emergency evacuation in the City is coordinated between numerous departments, including the Santa Clara County Sheriff's Office (West Valley Patrol Division), SCCFD, and the District. Prior to an actual "Evacuation Order", where residents must evacuate as soon as possible, there is an "Evacuation Warning" sent out by the Sheriff's Office to those residents that would be affected. The Sheriff's Office, upon notification to residents that there is an evacuation order, will begin going door to door to order the evacuation and provide the best route for evacuees to take from their residences. The Sheriff's Office would work with numerous other agencies, whether it is law enforcement, Department of Public Works, Roads Departments, or other assisting agencies, to coordinate evacuations, either through traffic control, signage, closures of roads, or other means. Evacuations proceed by specific zones which are determined most at-risk as

assessed by responding agencies, in order for evacuations to be staggered and avoid saturation of the roadway.[56]

Community Wildfire Protection Plan

The CWPP identifies specific wildfire risks in the City and strategies for minimizing those dangers. Since Saratoga is served by two separate fire protection agencies that operate independently of the City, the CWPP calls for a collaborative effort that includes Santa Clara County Fire, the Saratoga Fire Protection District, other local fire agencies, the City, the County, and other local government organizations, and local non-profit partners (SWCA Environmental Consultants 2016). Recommendations are provided for public outreach on wildfire safety, improving firefighting capabilities in Saratoga, reducing structural ignitability, and fuel reduction treatment.

City of Saratoga General Plan

The following goal and policies of the City's General Plan Safety Element (City of Saratoga 2024) are applicable to the proposed project:

- **Goal SAF-4:** Ensure the community is better equipped to address vulnerabilities associated with urban and wildland fires.
  - **Policy SAF-4.1:** Require the installation of an early warning fire alarm system in accordance with Article 16-60 of the Saratoga Code of Ordinances and Santa Clara County Fire Department requirements for commercial and community facilities.
  - **Policy SAF-4.3:** Require the installation of an early warning fire alarm system in any new commercial structure or community facility, or expansion of an existing commercial structure by fifty percent or more in gross floor area, whenever the Fire Chief deems such requirement necessary or appropriate.
  - **Policy SAF-4.4:** Encourage all property owners to voluntarily install an early warning fire alarm system and a Class A roof when not otherwise required to do so.
  - **Policy SAF-4.5:** Continue to enforce existing regulations pertaining to hazardous fire areas (wildland-urban interface), fire retardant construction and landscaping (fuel modification).
  - **Policy SAF-4.7:** Encourage new development outside of the very high fire hazard severity zone. If development is proposed in the very high fire hazard severity zone, require fire safe design (including but not limited to; defensible space and home hardening) and compliance with fire safe regulations.
  - **Policy SAF-4.8:** Require new development to incorporate on-site design measures that enhance fire protection in areas of elevated fire risk (including the WUI and Fire Hazard Severity Zones). This shall include but is not limited to the incorporation of fire-resistant structural design, use of fire-resistant landscaping, home hardening, defensible space and fuel modification around the perimeter of structures.
  - **Policy SAF-4.9:** Maintain safe building practices and require fire safe building materials on the sites of all new development and substantial redevelopments.
  - **Policy SAF-4.11:** Require fire protection plans (consistent with requirements of the California Fire Code, including a risk analysis, fire response capabilities, fire safety

[56] Source: Personal communication via email with Lieutenant Jason Brown, Sheriff's Office, West Valley Patrol Division. April 2024.

requirements (defensible space, infrastructure, and building ignition resistance), mitigation measures and design considerations for non-conforming fuel modifications, wildfire education maintenance and limitations, and evacuation plans for new development and major remodels in Very High Fire Hazard Severity Zones (VHFHSZ) and Wildland-Urban Interface (WUI) areas designated by the City and CAL FIRE.

- **Policy SAF-4.12:** Require vegetation management plans in all new developments and major remodels.
- **Policy SAF-4.14:** Require new developments and major remodels or renovations to comply with the California Building Code, Fire Code, Fire Safe Regulations, and local ordinances for construction and adequacy of water flow and pressure, ingress/egress, and other measures to ensure adequate fire protection.
- **Policy SAF-4.15:** Require the sites of all developments located in the WUI and VHFHSZ to meet or exceed statewide Fire Safe Regulations (title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 1-5 (commencing with section 1270) (SRA Fire Safe Regulations) and title 14, CCR, division 1.5, chapter 7, subchapter 3, article 3 (commencing with section 1299.01) (Fire Hazard Reduction Around Buildings and Structures Regulations)).
- **Policy SAF-4.16:** Ensure open space brush areas, susceptible to wildfire risk, are adequately maintained in accordance with fire safe regulations.
- **Policy SAF-4.17:** Maintain and adequately fund fuel breaks and other fire defense improvements on City property and require similar measures for private property in compliance with fire safe regulations.
- **Policy SAF-4.18:** Coordinate with local and regional agencies (Santa Clara County Fire Department, CAL FIRE, Cal Trans, etc.) and require vegetation clearance and long-term maintenance of fire hazard reduction projects (including community fire breaks) on all private and public roads and properties in the WUI and in fire hazard severity zones.
- **Policy SAF-4.19:** Provide adequate clearance around structures to prevent the spread of fire by direct exposure and to assure adequate access in times of emergency and for the suppression of fire.
- **Policy SAF-4.21:** Coordinate with water providers to maintain and enhance water supply infrastructure to ensure adequate supplies for existing and future daily demands and firefighting suppression requirements.
- **Policy SAF-4.22:** Ensure that landscaping, lighting, building siting and design, water pressure and peak load water storage capacity, and building construction materials meet current fire safe regulations.
- **Policy SAF-4.23:** Ensure existing development in areas with sufficient water supply infrastructure and roadway capacity to maintain adequate evacuation and emergency equipment access do not degrade as a result of new development.

- **Goal SAF-5:** A community that promotes a culture of preparedness and is ready to respond to future natural and human caused hazard events.
  - **Policy SAF-5.6:** Require new development, redevelopment, and major remodels ensure effective future evacuations during emergencies by supporting feasible enhancements to the City's evacuation network and facilities.
  - **Policy SAF-5.9:** Require all new developments and redevelopments within fire hazard severity zones, and the WUI, provide a minimum of two points of access by means of public roads that can be used for emergency vehicle response and evacuation purposes, where practicable.

- **Policy SAF-5.10:** Maintain functionality, make improvements, and expand the capacity, where feasible, of the existing emergency evacuation routes within the City, taking into account current and future natural and human caused hazards.

The Safety Element also identifies constrained access parcels and single access roadways within the City (see Exhibit SE6 – Constrained Access Roads and Parcels in the Safety Element).

City of Saratoga Municipal Code Article 16-20, Fire Code

Section 4906 and 4907.2, Hazardous Vegetation Management

Section 4906 of the Saratoga Municipal Code states that hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings, to reduce the risk of fire spreading to buildings, and provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, as required by applicable laws and standards.

Section 4907.2 requires defensible space to be maintained around all buildings and structures in a SRA as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" CCR, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270. Buildings and structures within the Very-High Fire Hazard Severity Zones of a LRA must maintain defensible space as outlined in Government Code 51175 - 51189 and any local ordinance of the authority having jurisdiction.

Section 4912, Water Supply

Section 4912 of the Saratoga Municipal Code states that buildings and structures, or portions thereof, constructed or relocated into or within the WUI fire area shall be provided with fire protection water supplies. In addition, the section states standby power must be provided to pumps, controllers, and related electrical equipment so that stationary water supply facilities within the WUI area that are dependent on electrical power can provide the required water supply. The standby power source must be capable of providing power for a minimum of two hours.

4.20.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to wildfire:

- **Impact WF-1:** Would the proposed project substantially impair, or physically interfere with, an adopted emergency response plan or emergency evacuation plan[57]?
- **Impact WF-2:** Would the proposed 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?
- **Impact WF-3:** Would the proposed 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; or

[57] Impact WF-1 combines the significance thresholds from subsection IX (f) of the CEQA Guidelines Appendix G (under Hazards and Hazardous Materials heading) and from subsection XX(a) (under Wildfire heading). These two significance thresholds are very similar and have been combined to avoid repetition.

- **Impact WF-4:** Would the proposed 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.
- **Impact WF-5**: Would the proposed project expose people or structures to significant risk from wildland fires? [58]

These impacts are addressed in turn, below.

Impact WF-1: Impairment of Emergency Response Plans or Emergency Evacuation Plans?

Impact WF-1 would be **potentially significant** under both baseline scenarios. Mitigation Measures MM-TRA-1 and MM-TRA-2 would be implemented to reduce impacts to **less than significant with mitigation**.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines [thresholds IX(f) and XX(a)], the project would have a significant impact if it would substantially impair, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

Construction of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The City General Plan Safety Element details evacuation routes in the City; Pierce Road and Mt. Eden Road are primary evacuation routes to the south and west of the site, respectively. A secondary evacuation route has been identified along Sarahills Drive and Verde Vista Lane, which would be necessary if evacuation along Pierce Road becomes difficult or requires re-routing.

Old Oak Way is a dead-end street that begins at Pierce Road and ends at the House Family Vineyards property, where it becomes a private roadway. With the exception of road widening activities on portions of Garrod Road, all construction and staging activities would occur on the House Family Vineyard's project site and the Garrod Parcel. Garrod Road is a private paved road owned and maintained by the Cooper-Garrod Vineyards. Project construction would not require substantial numbers of haul vehicle trips on Old Oak Way, as excess soils from grading activities would be disposed of at the on-site quarry; however, transportation of large construction equipment to the site along the narrow and winding portions of Old Oak Way may temporarily block or delay through-traffic. Construction activities on Garrod Road to accommodate road widening may also require temporary lane closures. Such temporary construction activities could interfere with local traffic seeking to evacuate the area if an

[58] Impact WF-5 is based on the significance threshold from subsection IX (g) of the CEQA Guidelines Appendix G (under Hazards and Hazardous Materials heading). Given that this threshold addresses wildfire hazards, the project's impacts in relation to this threshold are addressed in this Wildfire section so that all wildfire and evacuation-related impacts are addressed in one section of the document, for clarity and conciseness.

emergency were declared during the construction period. This would be a **potentially significant impact**.

However, as described in Section 4.17, *Transportation*, a temporary traffic control plan would be required as Mitigation Measure MM-TRA-2 in accordance with the City Standard Details and Specifications for Construction. As part of project permitting and design review, the applicant would be required to prepare a temporary traffic control plan with high-level warning devices, channeling cones, flashing arrow boards, and/or signage. The temporary traffic control plan would require consultation with emergency responders to ensure that they are properly informed if construction is occurring and what construction vehicles must do in the event of an emergency. The temporary traffic control plan would also specify what construction traffic must do in an emergency situation requiring evacuation of the neighborhood, so that evacuation routes are kept clear for evacuating vehicles. Therefore, the potential impacts from project construction on emergency response and evacuation would be **less than significant with mitigation**.

Operation

As discussed in Impact HAZ-5 of *Section 3.9*, emergency vehicle access to the project site would be improved as part of the proposed project. The proposed project includes improving the existing roads (private driveway on Old Oak Way and existing dirt road to tasting deck) to meet SCCFD standards for road surfaces, load, and widths; fire hydrant siting; signage; and turning radii (SCCFD 2024b). The road would be widened from approximately 14 feet to 20 feet with approximately 14 feet vertical clearance from any overhead trees. At the portion of the road that curves upward and crosses over one of the residence's driveways, the road would be widened from 14 feet wide to 20 feet wide to give fire trucks enough outside shoulder space to curve around the road. Various other improvements would be made to the road in alignment with SCCFD standards for emergency access (see Section 3.6.3, "Fire Access Road" and Figure 3.6-3 for a complete description).

The proposed project also includes construction of a 1,510-foot-long access road to provide secondary emergency access from Garrod Road to the project site. The secondary access road would be improved with turnout areas to allow emergency vehicles to pull over on the side of the road, with the majority of the constructed of compacted Class II Base Rock and engineered to provide an all-weather surface for fire apparatus, and with steeper portions of the road (those exceeding 15 percent slope) being paved to provide better traction. The road would be widened so that the traffic lane is a minimum of 14 feet wide, and would be widened to 20 feet wide wherever possible. One 40- by 57-foot-wide turnout/turnaround would be constructed in the eastern portion of the road and six approximately 40-foot-wide turnouts would be constructed along the length of the road, with a maximum distance of 400 feet between turnouts. The turnaround area would provide at least 55 feet curb-to-curb turning diameter (63 feet wall-to-wall turning diameter) in compliance with Section 1273.04 of CCR Title 14. Turnout areas would be at least 40 feet wide, to allow emergency vehicles to pull over on the side of the road, so that they are not blocking the passage of other emergency vehicles. Various other improvements would be made to the roadway to comply with SCCFD requirements for emergency vehicle access, in addition to repaving and widening of portions of Garrod Road (see Section 3.6.4, "Proposed Secondary Access Road" and Figure 3.6-4). The secondary access road would be used for emergency use only (i.e., for emergency vehicle access and/or as an evacuation route for HFV guests and employees and other local residents). The secondary access road would

not be used for daily through traffic. Final design and specifications for the emergency access road and secondary access road would be subject to final approval by the SCCFD, to ensure that no changes have occurred since they approved the preliminary plans (SCCFD 2024a, 2024b).

Project operation would generate a greater number of guests onsite due to the addition of more highly attended tastings and special events. As discussed in Section 4.17, "Transportation", the proposed project could result in a maximum of 148 guests and 10 employees onsite during a large special event. Additionally, a worst-case scenario of maximum guests and staff visiting the site throughout the day would be 463 guests per day and 22 staff (see Chapter 3, "*Project Description*"), which equates to approximately 426 vehicle trips per day (see Section 4.17, *Transportation*) although this number of guests would not be able to be accommodated onsite at one time. Parking is limited to 55 spaces, which would limit the number of vehicles on-site at any given time. The addition of visitors to the site could create challenges related to emergency response and evacuation if a catastrophic wildfire were to occur at the same time as an event onsite. However, the proposed emergency access improvements would bring the project site and the proposed uses in compliance with statewide and local standards for emergency vehicle access (SCCFD 2024a, 2024b). The proposed secondary access road would eliminate the current dead-end road condition by connecting Old Oak Way to Garrod Road. This would create a connection between two primary evacuation routes identified in the City's Safety Element: Pierce Road and Mt. Eden Road, thereby providing an alternative access route for winery guests and staff.

As discussed in Section 4.17, *Transportation*, the estimated traffic volume on Pierce Road under 2022 Baseline Scenario 2 conditions was 3,471 vehicle trips per day. Therefore, under the worst-case scenario for project operations, the additional 426 vehicle trips per day would amount to an approximately 12.3 percent increase in the total daily vehicle traffic on Pierce Road.[59] This would not be expected to substantially delay vehicle evacuation along the identified route in the event of an emergency because these trips would be distributed throughout the day and primarily occur outside of peak hours. Estimates of existing traffic volumes on Old Oak Way were also used to evaluate potential effects on vehicle evacuation along the roadway, which connects to Pierce Road. The existing 28 single-family residences along Old Oak Way would generate approximately 264 daily trips (Hexagon 2021). The maximum daily vehicle trips for the proposed project (426 per day) would be equivalent to an approximately 60 percent increase in existing trips on Old Oak Way, which could result in delays to an emergency evacuation effort if all these vehicle trips were occurring at one time. However, this maximum number of trips would be spread throughout the day under a worst-case scenario. The maximum number of vehicles onsite at any given time would be much lower given the parking restrictions and site capacity. The most concentrated use of Old Oak Way to access the site would correspond with start and end times for large events, which the traffic study (Appendix F) estimated to require approximately 134 vehicle trips (i.e., 67 vehicle trips to the site at the start of the event and 67 vehicle trips leaving the site at the end of the event). The largest number of guest vehicles on site at one time would be restricted to 55 by parking space availability, plus up to 22 staff vehicles, although there is potential for additional cars to be dropping off or picking up guests without parking (e.g., rideshare services). These 77 project-related vehicles would add to the

[59] The worst-case scenario of large special events and multiple public/private tasting events in one day would generate approximately 426 vehicle trips to and from the project site, including both visitors and staff.

approximately 28 to 56 vehicles[60] associated with the 28 existing residences along Old Oak Way that may attempt to evacuate via that route in an emergency situation. However, the proposed project would provide an alternative route (the secondary access road) for not only occupants of the project site but also for residents[61] in the surrounding neighborhood, should an emergency situation require it. Use of the secondary access road would provide an alternative egress point from the site and prevent congestion of Old Oak Way in the event of an emergency, by reducing the number of vehicles attempting to exit via Old Oak Way. The secondary access road would also provide an alternative evacuation route in the event that evacuation via Old Oak Way was blocked by fire or downed trees or some other obstacle.

All of the above improvements would reduce the potential for the project to interfere with or impede emergency evacuations from the project site and nearby properties along Old Oak Way. However, because the project could host events with approximately 67 vehicles arriving over a short period, and because only 55 parking spaces would be provided at the site, there is potential for spillover parking to occur along Old Oak Way, which could impede the safe and efficient evacuation of guests, due to the narrow and windy nature of the road. This impact would be **potentially significant**.

As detailed in Section 4.17, *Transportation*, mitigation measure **MM-TRA-1, VMT Reduction,** would require the proposed project to implement measures to limit spillover parking on to Old Oak Way. Specifically, during events and private tastings with more than 10 guests, shuttle services would be made available by the applicant to bring guests to and from the site, and "no parking" signage would be permanently installed along Old Oak Way.

For these reasons, with implementation of MM-TRA-1, emergency evacuation response and coordination would not be substantially impaired by the proposed project and would continue in alignment with established protocols, including those set forth in the City's Emergency Operations Plan, Community Wildfire Protection Plan, and by the Sheriff's Office. Thus, the impact of project operation would be **less than significant with mitigation**.

Baseline Scenario 2: Conditions prior to Unpermitted Activities (2013)

Construction

Compared to Baseline Scenario 2 conditions, the proposed project also includes the unpermitted construction of the existing tasting deck and adjacent building and associated grading activities. Given the small scale of those previous construction activities, and because none of the construction activities involved work on public roadways or large numbers of construction truck trips, substantial impacts to the implementation of adopted emergency response and evacuation plans would not have occurred.

Impacts related to impairment of adopted emergency response plans or emergency evacuation plans from future construction activities at the site would be identical to those described for Baseline Scenario 1 above, which would be **potentially significant.** Implementation of MM-

[60] Average car ownership in Saratoga is 2 vehicles per household (DataUSA, 2024). Although it is likely that each household would evacuate in one vehicle, the analysis assumes that some or all households may choose to evacuate with both vehicles.

[61] Keys for the locked gates on the secondary access road would be provided to neighboring property owners, for use in emergency situations only, as described in the secondary access road Memorandum of Understanding (House Family Vineyard and Garrod Trust, 2023).

TRA-2 would reduce the impact to **less than significant with mitigation** for the same reasons described for Baseline Scenario 1 above.

Operation

Project impacts under Baseline Scenario 2 would be the similar to Baseline Scenario 1. Although the net change in daily vehicle trips would be greater when compared to Baseline Scenario 2, the maximum operational condition (i.e., a large event with staffing) was used to analyze effects on emergency access and evacuation (i.e., worst case gross operational occupancy, rather than the net increase). This consists of a maximum occupancy of 148 guests and up to 10 employees on-site during a large special event, and a worst-case scenario of 463 guests and 22 staff visiting the site throughout the day. Thus, impacts related to impairment of adopted emergency response plans or emergency evacuation plans from operational activities at the site would be identical to those described for Baseline Scenario 1 above, which are **potentially significant**, but would be reduced to **less than significant with mitigation** with the implementation of MM-TRA-1.

Impact WF-2: Exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire?

Impact WF-2 would be **potentially significant** under Baseline Scenario 1. With implementation of MM-WF-1A and MM-WF-1B, the proposed project would have a **less than significant impact**.

Impact WF-2 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines, the project would have a significant impact related to wildfire if it is located in or near state responsibility areas or lands classified as very high fire hazard severity zones and 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.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

As shown on Figure 4.20-1, the project site is not within a state responsibility area but is within a Very High Fire Hazard Severity Zone in the local responsibility area, and is in an area mapped by the City as a WUI. See Figure 4.20-2.

During construction, the primary fire hazards would be from the use of construction vehicles and equipment. Construction vehicles use flammable fuels, such as diesel and gasoline, and would be operated in proximity to dry vegetation; their hot tailpipes or sparks from chains or other metal objects could ignite dry brush, especially during the warmer, dry months between June and October. Therefore, depending on the time of year and location of construction activities, there could be a temporary increase in exacerbated fire risk in the area.

Construction of the proposed project would be required to adhere to all current regulatory requirements such as Chapter 33 - Fire Safety During Construction and Demolition of the California Fire Code. Nonetheless, even with code compliance, there is still a potential for construction-related ignitions, especially during windy days and the hot, dry summer and fall months (fire season). Therefore, impacts related to the potential for construction of the proposed project to exacerbate wildfire risks would be **potentially significant**.

Mitigation Measure MM-WF-1A: Construction Fire Prevention Plan.

Prior to commencement of construction activities, including site clearing, grading, or trenching, the applicant shall work with the SCCFD to prepare a Construction Fire Prevention Plan. The plan shall address training of construction personnel and provide details of fire-suppression procedures and equipment to be used during construction. Information shall be provided as part of a tailgate or pre-construction training to contractors and subcontractors prior to any ground disturbance. At a minimum, the plan shall be consistent with the requirements in California Fire Code Chapter 33 and shall include the following:

- *Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, use of spark arrestors, and hot work restrictions;*
- *Specifications for adequate water supply to service construction activities;*
- *Construction worker training for fire prevention, initial attack firefighting, and fire reporting;*
- *Coordination with local fire agencies to facilitate access through the project site during construction;*
- *Emergency contact information; and*
- *Demonstrate compliance with applicable plans and policies established by state and local agencies.*

Implementation of Mitigation Measure MM-WF-1A would require the applicant to complete the necessary preventative measures prior to construction commencing to ensure construction fire risk is minimized. Therefore, the impact would be **less than significant with mitigation.**

Operation

The proposed project would include the use of a modified tasting deck for public and private wine tastings and private events, and use of a new subterranean wine cave for wine storage at the project site. Winery operations would consist of public and private tastings, and private special events. While wildfire risk at the site would not be increased in the same way that would occur if a residential project (or other permanently occupied structures) were proposed in the same area, due to the greater time of site occupancy and wildfire exposure, there would still be some increased risk, particularly as some visitors to the site might be unfamiliar with the current fire risk and/or typical precautions such as not parking in grassy areas during fire season and making sure to properly dispose of cigarette butts. As noted previously, humans can directly

affect wildfire risk in many ways, such as vehicle use, smoking, and electrical equipment malfunctions. Indirect effects on wildfire risk may include improper maintenance of landscape and defensible space, or use of flammable building materials, which can increase the risk not only at a specific project site but to the surrounding areas as well.

The project applicant is presently implementing and will continue to implement defensible space requirements per the SCCFD. This includes compliance with City Fire Code Sections 4907.2 and 4906, and Government Code 51175 – 51189. These requirements establish minimum defensible space requirements (100 feet) from the front and rear of structures and fuel management practices to minimize risk of ignition. As part of the proposed project, a fire hydrant would be located within 295 feet of the tasting deck. The fire hydrant would provide additional fire protection to the tasting deck, residences on the property, and the adjacent natural areas north of these structures. The fire hydrant would meet SCCFD standards, which require the hydrant to support a flow of 1,500 gallons per minute at 20 pound per square inch (PSI) residual pressure for 2 hours (SCCFD 2024b). There are adequate water supplies to the serve the project, including firefighting needs, as described in Section 4.19*, Utilities*. In addition, the project applicant owns two portable "FireBozz" water cannons and fire hoses that they can utilize for fighting fires ahead of the fire department arrival, if needed. Furthermore, the applicant is part of the Firewise Old Oak Way Committee. Members of the program have contact information for their neighbors, would alert neighbors if there is a nearby fire, and have an evacuation plan set up and "to-go bags"[62] in the case of an emergency (Firewise Old Oak Way Community 2024).

The tasting deck would be upgraded to comply with the SCCFD specifications and California Building Code Chapter 7A[63] since the project site is located in a designated Very High Fire Hazard Severity zone and a WUI zone (SCCFD 2024b). The tasting deck would be fully enclosed. Exposed cedar on the outside and inside the tasting deck would be covered with noncombustible, ignition-resistant materials. Fiber cement siding and a noncombustible gypsum sheathing material would be used to cover the existing cedar siding on the outside of the tasting deck. This material offers high protection against water and moisture, and it has been designed especially for exterior applications. The roof would be replaced with a noncombustible Class 'A' roofing material such as galvanized sheet metal. The floors would be replaced with noncombustible solid wood, with floorboards a minimum of 1.25 inches thick and 6 inches wide. All exterior doors would be replaced with noncombustible or ignition-resistant material. Existing fire sprinkler heads would be upgraded.

The City has adopted special fire protection measures and planning requirements (Saratoga Municipal Code Article 16-20 – Fire Code) for Very High Fire Hazard Severity Zones within the City, in accordance with recommendations from CAL FIRE. These requirements must be met before development occurs as well as ongoing property maintenance requirements, such as reducing flammable vegetation and maintaining defensible space. 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

[62] A to-go bag is a pre-prepared bag of essential items that can easily be transported offsite in the event of an emergency to prevent delays and loss.

[63] Section 702A of this code chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface Fire Area.

Inspection) managed by the Santa Clara County Fire Department. 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.

Adherence to these safety measures, when considered together, would minimize some risk of exposure of people or structures to wildfire. Nonetheless, the proposed project has unique site characteristics related to wildfire risk. It is located in a wooded area, with surrounding steep topography, limited vehicle accessibility, and no on-site fire history (which can indicate an increased risk of fuel ignition). Without proper risk avoidance and fire suppression planning, the proposed project could raise the level of wildfire risk to users of the site and surrounding areas during regular operations. Thus, operational impacts would be **potentially significant**.

Mitigation Measure MM-WF-1B: Operational Fire Protection Plan

Prior to issuance of building permits for the proposed project, the applicant shall prepare an Operational Fire Protection Plan and submit it to the City and/or SCCFD for review and approval. The Operational Fire Protection Plan may be consolidated with the Construction Fire Prevention Plan described under MM-WF-1A. The plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist, or similar specialist acceptable to the fire code official. At a minimum, the plan shall be consistent with the requirements set forth in Chapter 49 of the California Fire Code and include the following:

- *Emergency evacuation procedures for the project site, considering all proposed modifications to the site and access routes. A detailed map with clear instructions shall be prepared and made available in a publicly visible location on-site. The updated evacuation map shall be provided to all neighbors through the Firewise Old Oak Way Committee;*
- *Specifications for adequate water supply to service operational activities and meet fire suppression needs;*
- *Specifications for regular fuel reduction practices throughout the project site (including adjacent to parking areas), including frequency of maintenance and actions to be taken to reduce fuel loading and maintain defensible space requirements;*
- *Protocol for continued compliance with the Brush and Weed Abatement Programs;*
- *Prohibitions on outdoor fires at the project site during wine tastings and events;*
- *Details on 'No Smoking' signs in publicly visible locations where tastings and events would occur and in all parking areas; and*
- *Demonstrate compliance with applicable plans and policies established by state and local agencies.*

Implementation of Mitigation Measure MM-WF-1B would require the applicant to complete the necessary preventative measures prior to issuance of building permits to ensure operational fire risk is minimized. Therefore, the impact would be **less than significant with mitigation.**

Baseline Scenario 2: Conditions prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, impacts related to exacerbation of wildfire risks would be the same as those described for Baseline Scenario 1 above, which would be **potentially significant** but would be reduced to less than significant with mitigation through implementation of Mitigation Measures MM-WF-1A and MM-WF-1B.

However, the tasting deck was built without the appropriate building permits and City approvals and mitigation was not implemented to reduce the risk from fire during construction and previous operation of the tasting deck. Therefore, the project could have already exacerbated fire risks. Because these potentially significant impacts are associated with past activities, no additional mitigation is feasible, and the impact would be **significant and unavoidable**. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Impact WF-3: Installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Impact WF-3 would be **less than significant** under both baseline scenarios. No mitigation is required.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines, the project would have a significant impact related to wildfire if it is located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would 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.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Construction

Infrastructure that could exacerbate wildfire risks, in this case, refers to improvements to the existing dirt road and private portion of Old Oak Way, construction of a secondary fire access road, and installation of utility infrastructure (i.e., water and sewer connections).

The potential for installation of this infrastructure to result in temporary or ongoing impacts to the environment are addressed in the applicable resource sections throughout this EIR. Where necessary, these chapters identify mitigation measures that would reduce or avoid the impacts of developing infrastructure on the physical environment. Exacerbation of fire risk from installation of these infrastructure components would be addressed through implementation of the construction fire prevention plan outlined in MM-WF-1A. There is no additional significant impact related to construction of new or expanded infrastructure within the project site beyond what is comprehensively analyzed throughout this EIR; therefore, this impact is **less than significant.**

Operation

During project operation, fire risk from utility connections would be minimal, as all new utility connections would be underground. Because the proposed project would include improvements (if needed) to bring the previously unpermitted tasting deck and associated utility connections into compliance with relevant code provisions, the project would have a beneficial impact by removing or upgrading potentially non-compliant utility connections that may pose a greater risk for malfunction.

Creation of the secondary access road would not substantially increase traffic (and associated fire risk) through the area, as the road would not be open to public use. The road would be gated and locked, with use limited to emergency vehicles during emergency situations and evacuating vehicles from the project site or neighboring properties (owners of which would also be given a key for emergency situations). However, the fire risk could be exacerbated if vegetation along the private portion of Old Oak Way and the modified fire access road is not managed properly, or if the existing emergency access road to the site and the proposed secondary access road are not adequately maintained and reach a state of disrepair that inhibits emergency response to a wildfire. The impact could be **potentially significant.**

However, the roads would be subject to compliance with Sections 4907.2 and 4906 of the City Fire Code (Hazardous Vegetation Management), which requires fuel management and for roads to be maintained for adequate emergency access. The secondary access road would be maintained by the applicant on a semi-annual basis. An inspection would occur in October to ensure that adequate time is allowed for repairs ahead of the winter season. In April, the road would be inspected to assess any winter damage and prepare the road for the summer season. Any repairs would be completed by the applicant. These maintenance details will be further defined in the Operational Fire Prevention Plan required by Mitigation Measure MM-WF-1B. With implementation of MM-WF-1B, the fire risk from new and improved infrastructure would be reduced and the impact would be **less than significant with mitigation.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Construction

The proposed project would contain the same infrastructure improvements relative to both baseline conditions, with the exception of some unpermitted utility connections relative to Baseline Scenario 2. Therefore, impacts from construction of these improvements would be the same as described for Baseline Scenario 1, which are **less than significant.**

Operation

The proposed project under Baseline Scenario 2 would contain the same infrastructure improvements described above for Baseline 1, and would also include the past construction of unpermitted utility connections. The impacts to fire risk from future operation of the improved infrastructure would be the same under Baseline 2 as described for Baseline 1, which are **potentially significant**, but would be reduced to **less than significant with mitigation** through implementation of MM-WF-1B.

Impact WF-4: Exposure to significant risks as a result of runoff, post-fire slope instability or drainage changes?

Impact WF-4 would be **potentially significant**. With implementation of MM-GEO-1 and MM-HYD-1B, the impact would be reduced to **less than significant with mitigation** for both baselines.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines, the project would have a significant impact related to wildfire if it is located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would 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.

Impact Analysis

Baseline Scenario 1: Conditions at Time of NOP (2022)

As discussed in Section 3.7, "Geology", the proposed project is within an area designated in the Santa Clara County Geologic Hazard Zone maps as a Landslide Hazard Zone. Additionally, as discussed in Section 3.10, "Hydrology and Water Quality," the project site is not classified as a FEMA 100-year flood hazard zone. Although the western half of the proposed secondary access road is situated in area that has not been classified for flood hazards by FEMA, the road area is on a hillside with moderate to steep slopes which can increase the velocity of runoff. Wildfires can significantly reduce the amount of vegetation in a burned area, which creates additional landslide risks post-fire because of the reduced ability of the soil surface to absorb rainwater. This can allow for increased runoff that may include large amounts of debris or exacerbate existing soil instability conditions. Although the project would not include substantial removal of existing vegetation, it would include earthworks (including additional road cuts) to modify the existing dirt access road and create the secondary access road, and grading in the vicinity of the tasting deck and proposed wine cave, which could exacerbate the risk of post-fire slope instability compared to Baseline Scenario 1 conditions. This impact would be **potentially significant.**

However, as detailed in Section 4.7*, Geology*, site-specific geotechnical investigations have been ongoing and would continue to be performed for the proposed project as required by the CBC. Geotechnical investigations would take into account site-specific conditions, such as variations in topography, landslide history, and soil type, when providing recommendations to reduce risks of landslide and other geologic hazards. These recommendations would be incorporated into the project design and submitted to the City for review prior to approval of building plans and issuance of permits. Mitigation measure **MM-GEO-1, Additional Geotechnical Investigations,** requires that the site be appropriately evaluated, and design iterations made to address any hazards, to the satisfaction of the City Engineer prior to construction. Further, as discussed in Section 4.11, *Hydrology and Water Quality*, the project would not make significant changes to drainage patterns throughout the site and mitigation measure **MM-HYD-1B**, **Post-Construction Stormwater Management Plan and Maintenance Agreement** would require the applicant to manage stormwater runoff from new impervious surfaces in accordance with applicable requirements of the Santa Clara County Drainage

Manual (Santa Clara County 2007) and San Francisco Bay RWQCB MS4 Permit, which include calculation of post-project stormwater runoff volumes and design of an appropriate modification to the on-site system to appropriately detain, pre-treat, and convey stormwater using methods as required by the City and the SCVURPP. These features would slow the rate of discharge from the site and would also act to minimize velocity of stormwater runoff under post-fire conditions. Therefore, with implementation of MM-GEO-1 and MM-HYD-1B, the proposed project would not expose people or structures to significant risks related to flooding or landslides as a result of post-fire slope instability or drainage changes and the impact would be reduced to **less than significant with mitigation**.

Baseline Scenario 2: Conditions prior to Unpermitted Activities (2013)

Effects related to runoff, post-fire slope instability, or drainage changes would be generally the same relative to Baseline Scenario 2 as described above for Baseline Scenario 1, because the post-project environmental conditions would not differ substantially between the two scenarios. The same geologic hazards and topographical conditions would be present, and could be potentially exacerbated under post-fire conditions, which would be a **potentially significant** impact. However, for the same reasons described in Baseline Scenario 1 above, implementation of MM-GEO-1 and MM-HYD-1B would reduce the impact to **less than significant with mitigation.**

Impact WF-5: Exposure of people or structures to significant risk from wildland fires?

Impact WF-5 would be **potentially significant** for baseline scenario 1. With the implementation of Mitigation Measures MM-WF-1A and MM-WF-1B the impact would be reduced to **less than significant with mitigation**.

Impact WF-5 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines [threshold IX(g)], the project would have a significant impact if would expose people or structures to significant risk from wildland fires.

Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

As discussed in detail above under Impact WF-2, the proposed project would result in **potentially significant** impacts due to exacerbation of wildfire risk during construction and operation. However, with implementation of mitigation measures prescribed previously (Mitigation Measures MM-WF-1A and MM-WF-1B) and compliance with all applicable state and local fire and building codes, impacts related to wildfire risk would be reduced to less than significant. Therefore, this impact would be ***less than significant with mitigation*.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, impacts related to exposing people and structures to risks from wildlife fires from future construction and operational activities at the project site would be the

same as those described for Baseline Scenario 1 above, which would be **potentially significant** but would be reduced to less than significant with mitigation through implementation of Mitigation Measures MM-WF-1A and MM-WF-1B. However, the tasting deck was built without the appropriate building permits and City approvals and mitigation was not implemented to reduce the risk from fire during construction and previous operation of the tasting deck. Therefore, the project could have already exacerbated fire risks from wildland fires. Because these potentially significant impacts are associated with past activities, no additional mitigation is feasible, and the impact would be **significant and unavoidable**. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

4.20.4 Cumulative Impacts and Mitigation

The following section analyzes the potential of the project to contribute to cumulative impacts for the following wildfire issues:

- **Impact C-WF-1:** Contribution to cumulative effects related to interference with emergency response plans or emergency evacuation plans
- **Impact C-WF-2:** Contribution to cumulative effects relating to exacerbating wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire
- **Impact C-WF-3:** Contribution to cumulative effects relating to installation or maintenance of infrastructure that may exacerbate fire risk
- **Impact C-WF-4:** Contribution to cumulative effects relating to exposure of people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes
- **Impact C-WF-5:** Contribution to cumulative effects relating to exposure of people or structures to wildland fire.

Cumulative Impact C-WF-1: Contribution to cumulative effects related to interference with emergency response plans or emergency evacuation plans?

The overall cumulative impact for C-WF-1 would be **potentially significant**, but the project's contribution would be **less than cumulatively considerable** under both baseline conditions. No mitigation is required.

Cumulative Context

The cumulative context for emergency response and evacuation plans is the project site, the surrounding road network, and adjacent land uses which would use similar evacuation routes. As noted previously, the City's Safety Element identifies the closest evacuation routes to the project site as Pierce Road (south), Mt. Eden Road (west), and Prospect Road (north). A secondary evacuation route has been identified along Sarahills Drive and Verde Vista Lane, which would be necessary if evacuation along Pierce Road becomes difficult or requires re-routing. Cumulative effects may be experienced if construction or operational effects of nearby cumulative projects were to combine with the proposed project to result in a significant interference with emergency response or evacuation along these key routes.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at Time of NOP (2022)

Cumulative projects in the area, such as Chadwick Heights, Mountain Winery, and Mount Eden Road, could bring additional residents to the area and increase the burden on local roads during an emergency evacuation (see discussion of cumulative impacts in Section 4.17, *Transportation*). Although none of the cumulative projects would increase traffic on Old Oak Way, almost all would obtain primary access via Pierce Road, which could more than double existing traffic volumes along this roadway, which is identified as a primary evacuation route in the City's Safety Element. This cumulative increase in traffic, which is above the City's planned growth for the area due to the majority of the projects being Builders Remedy projects, could interfere with evacuation or emergency response in the area. Therefore, the overall cumulative impact would be **potentially significant.**

However, the proposed project would make a minor contribution to the cumulative increase in traffic volume, because it would only result in intermittent use of the local roadway system in line with winery operating hours and intermittent special events, whereas the majority of cumulative traffic would be from residential uses, which tend to concentrate vehicle trips during peak commute hours. Furthermore, the proposed project includes construction of a secondary access road from Garrod Road to the project site, which would eliminate the current dead-end road condition by connecting Old Oak Way to Garrod Road. This would create a connection between two primary evacuation routes identified in the City's Safety Element: Pierce Road and Mt. Eden Road, and would reduce the project's contribution to cumulative traffic volumes on Pierce Road during an emergency event. For all of these reasons, the project's contribution to the overall cumulative impact would be **less than cumulatively considerable.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Because the final cumulative condition of the proposed project would be the same relative to the two baseline scenarios, the analysis above would apply for both Baseline Scenarios 1 and 2. Therefore, for the same reasons described above, the overall cumulative impact would be **potentially significant** but the project's contribution would be **less than cumulatively considerable**.

Cumulative Impact C-WF-2: Contribution to cumulative effects relating to exacerbating wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire?

The overall cumulative impact for C-WF-2 would be **potentially significant**, but the project's contribution would be **less than cumulatively considerable** under both baseline conditions. No mitigation is required.

Cumulative Context

Cumulative effects related to wildfire hazards are driven by climate, vegetation, human influences, and changes in land use that influence the three first factors. As climate change and human activity produce conditions that are more conducive to wildfire ignition and spread, and create fires that burn with greater intensity, it is likely that future ignitions would result in more wildfires of greater size and intensity. The surrounding areas in the City are also located within

a WUI and exposed to similar wildfire hazards as the project site, and activities and conditions on adjacent lands pose a similar threat in terms of wildfire risk.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at time of NOP (2022)

There are several cumulative projects in the vicinity of the project site which would be exposed to similar wildfire risk as the project site. All the cumulative projects identified in Table 4.1-1 are required by law to implement fire safety and wildfire suppression measures identified in Section 4.20.2 above. In addition, properties throughout the City are inspected annually for compliance with both the Weed Abatement Program and Brush Abatement Program. Adherence to these safety measures, when considered together, would minimize some of the cumulative risk of increased frequency, intensity, or size of wildfires and exposure of people or structures to wildfire. However, new residential development, human activity, and built structures in a WUI and Very High Fire Hazard Zone would still lead to some exacerbation of wildfire risk. Therefore, overall cumulative impact related to exacerbation of wildfire risks would be **potentially significant**.

The proposed project would implement several design features to minimize wildfire risk, such as the secondary access road and emergency access road improvements, as described previously. The project would adhere to Fire Code requirements and City inspection programs to minimize operational fire risk. Additionally, operation of the proposed project would adhere to MM-WF-1B, which requires preparation of an Operational Fire Protection Plan to reduce risk during future activities. These measures, when considered together, would minimize the project's contribution to fire risk in the area. Moreover, the type of use proposed by the project would contribute less to the cumulative effects on fire risk because it does not include permanent residential occupancy. Therefore, the project's contribution to the overall cumulative impact would be **less than cumulatively considerable.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Because the final cumulative condition of the proposed project would be the same relative to the two baseline scenarios, the analysis above would apply for both Baseline Scenarios 1 and 2. Therefore, for the same reasons described above, the overall cumulative impact would be less than significant.

Cumulative Impact C-WF-3: Contribution to cumulative effects relating to installation or maintenance of infrastructure that may exacerbate fire risk?

The overall cumulative impact for C-WF-3 would be **potentially significant**, but the project's contribution would be **less than cumulatively considerable** under both baseline conditions. No mitigation is required.

Cumulative Context

Future development in the city or county could include installation of and maintenance of infrastructure that may exacerbate fire risk. The cumulative context related to the potential for installation of infrastructure to exacerbate fire risk is typically the project site and immediately surrounding parcels. In specific instances, cumulative projects at a farther distance could

exacerbate fire risk, such as a new bridge or road that creates vehicle access to a remote, high fire hazard area or removes vehicle access on a key evacuation route.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at time of NOP (2022)

All the cumulative projects identified in Table 4.1-1 are anticipated to involve construction of utility improvements, such as interconnections with the City or County system or new access roads. These improvements would occur within the WUI and Very High Fire Hazard Severity Zone and could increase fire risk in the area due to construction activity in the vicinity of flammable vegetation and residential areas. Additionally, operational activities from use and/or maintenance of utilities and road extensions could exacerbate fire risk if not properly controlled. This impact would be **potentially significant**.

The proposed project includes construction of roadway improvements along the emergency access road and the new secondary access road to Garrod Road. These infrastructure improvements are intended to minimize fire risk; thus, they would not contribute to cumulative effects related to exacerbating fire risk. Additionally, the secondary access road would not be open to public use and would be reserved for emergency evacuations; residents of cumulative projects nearby would not be able to use the road. Other utility improvements on the site, such as sewer/water lateral connections, are also included in the project. These improvements would be placed underground and would not contribute to cumulative effects on fire risk. The proposed utility improvements would be designed and constructed in accordance with City and County standards, similar to the utility improvements necessary for cumulative projects in the area. Construction of all utility improvements would occur in accordance with Fire Code requirements for fire-safe construction. For these reasons, the project's contribution to the overall cumulative impact would be **less than cumulatively considerable.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Because the final cumulative condition of the proposed project would be the same relative to the two baseline scenarios, the analysis above would apply for both Baseline Scenarios 1 and 2. Therefore, for the same reasons described above, the overall cumulative impact would be less than significant.

Cumulative Impact C-WF-4: Contribution to cumulative effects relating to exposure of people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes?

The overall cumulative impact for C-WF-4 would be **less than significant** under both baseline conditions. No mitigation is required.

Cumulative Context

The cumulative context for this impact is the project site and the immediately adjacent parcels.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at time of NOP (2022)

All cumulative projects in the City would be required to be constructed in accordance with the *City's Standard Details and Specifications* and complete site-specific geotechnical review in alignment with the California Building Code. Engineering plans must be submitted to the City for review and approval prior to issuance of permits. Through this multi-step review process, risks related to slope instability would be assessed and mitigated. Design changes or mitigations would be required for all new construction if significant risks are assessed.

Furthermore, all of the cumulative projects that disturb one acre or more are required by law to prepare a SWPPP and implement site-specific BMPs that are specifically designed to prevent construction-related erosion. Cumulative projects would also be required to obtain a City grading permit, which requires submittal of a soils report and a geotechnical report, along with detailed grading plans for City review and approval, showing how erosion would be reduced. Permit conditions would be imposed to reduce potential erosion impacts. Additionally, drainage for all cumulative projects would be managed in accordance with the SCVURPP, which requires use of low impact development (LID) measures to reduce the amount and velocity of stormwater runoff leaving project sites. Adherence to these regulations would result risks related to runoff and drainage changes, which would also reduce the risk of post-fire exacerbation. Therefore, the overall cumulative impact related to risk exposure as a result of runoff, post-fire slope instability, and drainage changes would be **less than significant**.

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Because the final cumulative condition of the proposed project would be the same relative to the two baseline scenarios, the analysis above would apply for both Baseline Scenarios 1 and 2. Therefore, for the same reasons described above, the overall cumulative impact would be **less than significant.**

Cumulative Impact C-WF-5: Contribution to cumulative effects relating to exposure of people or structures to wildland fire?

The overall cumulative impact for C-WF-5 would be **potentially significant**, but the project's contribution would be **less than cumulatively considerable** under both baseline conditions. No mitigation is required.

Cumulative Context

The cumulative context for this impact is the project site and the immediately adjacent parcels.

Cumulative Impact Analysis

Baseline Scenario #1: Conditions at time of NOP (2022)

As described above under Cumulative Impact C-WF-2, the cumulative projects in the area would exacerbate fire risk by constructing new residential development and built structures within the WUI and Very High Fire Hazard Zone. As a result, additional exposure of people or structures to wildland fire would occur. This would be **potentially significant.**

As described above under Cumulative Impact C-WF-2, the proposed project would include numerous design features to minimize fire risk, adhere to applicable fire codes, and implement mitigation measures to reduce fire risk during construction and operation. It would contribute less to cumulative effects related to exposure of people or structures to wildland fire because it does not include residential development or other permanently occupied structures which typically carry the highest fire risk. Therefore, the project's contribution to the overall cumulative impact would be **less than cumulatively considerable.**

Baseline Scenario #2: Conditions prior to Unpermitted Activities (2013)

Because the final cumulative condition of the proposed project would be the same relative to the two baseline scenarios, the analysis above would apply for both Baseline Scenarios 1 and 2. Therefore, for the same reasons described above, the overall cumulative impact would be **potentially significant**, but the project's contribution would be **less than cumulatively considerable**.

4.21 Environmental Topics for which No Impacts were Identified

This section provides a brief discussion of several environmental topics which, due to the nature of the project site and/or the nature of the proposed project, would have no potential for environmental impacts and, thus, no cumulatively considerable impact. Because no impacts were identified, and no comments relating to any of these topics were received during the public scoping period in response to the NOP, a full description of the environmental setting, regulatory framework, and detailed analysis of impacts is not included in the EIR as it is for other environmental topics that do have potential for environmental impacts.

A brief justification for the exclusion of these topics from further analysis, including the basis for the no impact conclusion, is given for each of the topics listed below is presented in the following subsections:

- Mineral Resources

4.21.1 Mineral Resources

The proposed project would have **no impact** to mineral resources.

Based on Appendix G of the State CEQA Guidelines, the project is considered to have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or
- 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 has an old quarry on Parcel A that is no longer in use for mining minerals. The project site is in the mineral resource zone MRZ-3, which describes areas containing mineral deposits, the significance of which cannot be evaluated. Mineral resources in the Saratoga vicinity are limited primarily to sandstone and shale. Currently, there are no mines or quarries known to be operating in the City (City of Saratoga 2024).

The nearest area containing mineral deposits, which are of regional significance subject to the Surface Mining and Reclamation Act of 1975 is the Stevens Creek Quarry, are approximately 2 miles northwest of the project site (California Department of Conservation 2016). Therefore, because there are no mineral resources of regional significance that can be evaluated in the project area, the proposed project would not result in the loss of mineral resources of statewide or regional importance, or in the loss of availability of a locally important mineral resource recovery site. As such, there would be **no impact** related to mineral resources under proposed project or cumulative conditions.

4.22 Mandatory Findings of Significance

This section evaluates the following mandatory findings of significance outlined in CEQA Guidelines Appendix G:

- **Impact MFS-1:** Would the project have a substantial adverse effect on wildlife or plant species or eliminate important examples of the major periods of California history or prehistory?
- **Impact MFS-2:** Would the project have cumulative impacts that are individually limited but cumulatively considerable?
- **Impact MFS-3:** Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

These impacts are addressed in turn, below.

Impact MFS-1: Effects to Wildlife or Plant Species or Important Examples of California History or Prehistory?

Impact MFS-1 would be **potentially significant.** Implementation of MM-BIO-1 through MM-BIO-8 and MM-CUL-1 would reduce potential impacts to **less than significant with mitigation** under Baseline Scenario 1.

Impact MFS-1 would be **significant and unavoidable** under Baseline Scenario 2 because there are no feasible mitigation measures for impacts that have already occurred.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Based upon background research and the analysis in this EIR, the project's construction activities could have **potentially significant** impacts on biological resources under baseline scenario 1. As discussed in Section 4.5, *Biological Resources*, construction of the proposed project could disturb special-status plant and wildlife species that may be present in the vicinity of the project area (see Impact BIO-1). Overall, the project area provides potential suitable habitat for one special status plant species, Western leatherwood (*Dirca occidentalis*); and five special-status wildlife species: white tailed kite (*Elanus leucurus)*, Western pond turtle (*Emys marmorata*), Santa Cruz black salamander (*Aneides niger*), California red-legged frog (*Rana draytonii*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). For the reasons presented previously, implementation of mitigation measures MM-BIO-1 through MM-BIO-8 would reduce these potentially significant impacts to less than significant with mitigation.

Construction of the proposed project would require the removal of 11 coast live oak trees, all of which are protected by the City's tree ordinance due to their size and/or species (See Impact BIO-5). Hence, the project would have a potentially significant impact under this scenario. However, with implementation of mitigation measure MM-BIO-9, the impact would be reduced to less than significant with mitigation.

All other biological resources impacts from the proposed project would be no impact (See Impacts BIO-2 through BIO-4 in Section 4.5, *Biological Resources*). The proposed project, once mitigated, would therefore not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal community under Baseline Scenario 1.

As discussed in Section 4.6, *Cultural Resources*, the proposed project would have **potentially significant** impacts on archaeological resources and human remains (see Impact CUL-2 and Impact CUL-3). The project's construction activities, especially due to excavation to depths of 25 feet bgs, could uncover buried precontact archaeological deposits or human remains. Although the potential for encountering intact archaeological resources or human remains is generally low, implementation of the proposed project could uncover unrecorded subsurface precontact and historic-period archaeological resources, or human remains on the project site during soil disturbing activities, which could damage or destroy these buried resources. Implementation of mitigation measure MM-CUL-1 would reduce potential impacts to archaeological resources and human remains to less than significant with mitigation.

All other cultural resource impacts from the project would be no impact (see Impact CUL-1in Section 4.6, *Cultural Resources*). The proposed project, once mitigated, would therefore not eliminate important examples of the major periods of California history or prehistory under Baseline Scenario 1.

For all of the above reasons, implementation of MM-BIO-1 through MM-BIO-9 and MM-CUL-1 would reduce Impact MFS-1 to **less than significant with mitigation.**

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Under Baseline Scenario 2, disturbance of special-status plant and wildlife species would be **potentially significant**, and implementation of mitigation measures MM-BIO-1 through MM-BIO-9 would reduce the impact of future construction activities to less than significant with mitigation (for the same reasons described in Baseline Scenario 1 above). However, because such mitigation was not required for the previous unpermitted construction activities, the project could have already reduced the habitat of a fish or wildlife species, caused a fish or wildlife population to drop below self-sustaining levels, threatened to eliminate a plant or animal community, or reduced the number or restricted the range of a rare or endangered plant or animal community.

For cultural impacts, the potential impacts to cultural and tribal cultural resources would be **potentially significant**, and implementation of mitigation measures MM-CUL-1 would reduce the impact of future construction activities to less than significant with mitigation (for the same reasons described in Baseline Scenario 1 above). However, because such mitigation was not

required for the previous unpermitted construction activities, the project could have already eliminated important examples of the major periods of California history or prehistory impact.

For all of the above reasons, Impact MFS-1 would be **significant and unavoidable** because there are no feasible mitigation measures available for impacts that have already occurred. Nevertheless, if impacts have already occurred, then the correct baseline is Baseline Scenario 1. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

Impact MFS-2: Individually Limited but Cumulatively Considerable Impacts?

Under Baseline Scenario 1, Impact MFS-2 would be **significant and unavoidable**, due to the project's cumulatively considerable contribution to significant cumulative impacts for GHG, noise and VMT.

Under Baseline Scenario 2, Impact MFS-2 would be **significant and unavoidable**, due to the project's cumulatively considerable contribution to significant cumulative impacts for archaeological resources, human remains, paleontological resources, GHG, noise, VMT, and tribal cultural resources.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would have impacts that are individually limited, but cumulatively considerable.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

Analysis of cumulative impacts under Baseline Scenario 1 is provided for each environmental topic within each of the "Cumulative Impacts and Mitigation" subsections within Section 4 of this EIR. As discussed within subsections 4.2.4 through 4.20.4, the project in combination with other past, present, and probable future projects would result in less-than-significant cumulative impacts, or would have a less than cumulatively considerable contribution to a potentially significant cumulative impact, except for the following:

- Cumulative Impact C-GHG-1: GHG emissions or conflicts with GHG policies, plans, and regulations (see Section 4.9.4).
- Cumulative Impact C-NOI-1: Generation of Noise (see Section 4.13.4).
- Cumulative Impact C-TRA-2: Vehicle Miles Travelled (see Section 4.17.4).

For the reasons discussed in those sections, the project would have a **cumulatively considerable contribution to a significant cumulative impact** for these topics, and no feasible mitigation is available to reduce the project's contributions to a less than cumulatively considerable level. Therefore, Impact MFS-2 would be **significant and unavoidable** under Baseline Scenario 1.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

Analysis of cumulative impacts under Baseline Scenario 2 is provided for each environmental topic within each of the "Cumulative Impacts and Mitigation" subsections within Section 4 of this EIR. As discussed within subsections 4.2.4 through 4.20.4, the project in combination with other

past, present, and probable future projects would result in less-than-significant cumulative impacts, or would have a less than cumulatively considerable contribution to a potentially significant cumulative impact, except for the following:

- C-CUL-2: Cumulative impacts to archaeological resources (see Section 4.6.4).
- C-CUL-3: Cumulative impacts to human remains (see Section 4.6.4).
- C-GEO-5: Cumulative impacts to paleontological resources (see Section 4.8.4).
- C-GHG-1: Cumulative GHG impacts (see Section 4.9.4).
- Cumulative Impact C-NOI-1: Generation of Noise (see Section 4.13.4).
- C-TRA-2: Cumulative VMT impacts (see Section 4.17.4).
- C-TCR-1: Cumulative impacts to tribal cultural resources (see Section 4.18.4).

For the reasons discussed in those sections, the project would have a **cumulatively considerable contribution to a significant cumulative impact** for these topics, and no feasible mitigation is available to reduce the project's contributions to a less than cumulatively considerable level. Therefore, Impact MFS-2 would be **significant and unavoidable** under Baseline Scenario 2.

Impact MFS-3: Direct or Indirect Adverse Effects on Human Beings?

Impact MFS-3 would be **significant and unavoidable**.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Impact Analysis

Baseline Scenario #1: Conditions at the Time of NOP (2022)

All of the environmental impacts discussed and evaluated in Sections 4.2 through 4.21 of this EIR have the potential to directly or indirectly impact human beings. As discussed in those sections, under Baseline Scenario 1 the majority of environmental impacts would be less than significant or could be reduced to less than significant with mitigation, and therefore with implementation of the recommended mitigation measures, would not cause substantial adverse impacts to human beings.

However, as discussed in Section 4.9, *Greenhouse Gas Emissions,* Section 4.13, *Noise,* and Section 4.17, *Transportation*, the potentially significant impacts related to GHG, noise, and VMT could not be mitigated to a less than significant level under Baseline Scenario 1 and would remain significant and unavoidable impacts even with implementation of mitigation.

As discussed in Section 4.13, the significant and unavoidable noise impact is primarily caused by a conflict with the City's Noise Ordinance, due to the project generating noise levels that would exceed the City's maximum permitted noise levels at the project site boundary to the northeast of the tasting deck; but, there are currently no human receptors present on that

adjacent property that would be affected by the exceedance of Noise Ordinance criteria. Although future cumulative projects (Chadwick Heights) could result in construction of residences on this property, mitigation measure MM-NOI-1 includes provisions that would require the applicant to monitor and adjust noise sources at the property such that the noise levels at outdoor living spaces of those future residences would not exceed the criteria.

Although the significant GHG and VMT impacts of the project would not cause direct adverse impacts to human beings, they would contribute to climate change and would conflict with the State's goals for addressing climate change. As discussed in more detail in Section 4.9, *Greenhouse Gas Emissions*, climate change has the potential to cause substantial adverse effects to humans on a global level. For these reasons, the project would have a **significant and unavoidable** adverse effect on human beings.

Baseline Scenario #2: Conditions Prior to Unpermitted Activities (2013)

As discussed in Sections 4.2 through 4.21 of this EIR, under Baseline Scenario 1 the majority of environmental impacts would be less than significant or could be reduced to less than significant with mitigation, and therefore with implementation of the recommended mitigation measures, would not cause substantial adverse impacts to human beings.

However, several potentially significant impacts could not be mitigated to a less than significant level under Baseline Scenario 2 and would remain significant and unavoidable impacts even with implementation of mitigation.

The significant and unavoidable impacts to biological resources, archaeological resources and human remains, paleontological resources, and tribal cultural resources are associated with past construction of the unpermitted tasting deck and associated site improvements and would not cause substantial adverse impacts to human beings as these relate to non-human resources. The significant and unavoidable impacts due to land use conflicts and increased wildfire risk from the unpermitted operations would also not cause substantial adverse impacts to human beings, as these impacts were temporary and would be corrected as part of the proposed project, as discussed in Section 4.12, *Land Use and Planning*, and Section 4.20, *Wildfire*.

For the same reasons discussed for Baseline Scenario 1 above, the project's significant and unavoidable noise impacts would not cause a substantial adverse effect on humans as there are no residential dwellings currently present on the adjacent property to the northeast of the tasting deck, and mitigation measure MM-NOI-1 has been designed to be protective of future residents.

However, for the same reasons discussed for Baseline Scenario 1 above, the project's significant and unavoidable GHG and VMT impacts would contribute to climate change which has the potential to cause substantial adverse effects to humans on a global level. For these reasons, the project would have a **significant and unavoidable** adverse effect on human beings.

5 Alternatives

5.1 Introduction

CEQA requires that an EIR describe and evaluate a reasonable range of alternatives to the proposed project, or to the location of the proposed project, and evaluate the comparative environmental effects of the alternatives (CEQA Guidelines Section 15126.6(a), (d)). The "range of alternatives" is governed by the "rule of reason," which requires the EIR to describe and consider only those alternatives necessary to permit informed public participation, and an informed and reasoned choice by the decision-making body (CEQA Guidelines Section 15126.6(a), (f)).

The range of alternatives must include alternatives that could feasibly attain most of the basic objectives of the project and could avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines Section 15126.6(a)-(c)). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors (CEQA Guidelines Section 15364). In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control (CEQA Guidelines Section 15126.6(f)(1)). If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR (CEQA Guidelines Section 15126.6(f)(2)(B)).

The description or evaluation of alternatives does not need to be exhaustive, and an EIR need not consider alternatives for which the effects cannot be reasonably determined and for which implementation is remote or speculative. An EIR need not describe or evaluate the environmental effects of alternatives in the same level of detail as the proposed project, but must include enough information to allow meaningful evaluation, analysis, and comparison with the proposed project (CEQA Guidelines Section 15126.6(d)).

A "no project" alternative must also be evaluated. This analysis is required to include a discussion of the continuation of the existing conditions, as well as what could 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 15126.6I(2)).

CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts. If the "no project" alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

5.1.1 Project Objectives

As presented in Section 3.5, the objectives of the proposed project are reiterated below. The objectives are to:

1) Obtain permits to modify existing structures and facilities to comply with City zoning regulations and building codes and obtain a CUP for winery operations at the project site and host public and private wine tastings as well as private events.
2) Operate winery operations with public and private tastings, and private special events of various sizes at the project site.
3) Operate the winery with minimal disturbances to neighbors and its natural setting.
4) Provide a place where guests can enjoy the natural setting and views of the City.
5) Construct a subterranean wine cave to store wine at the project site.

4. Exchange 6,050 square feet of open space where the tasting deck and open seating area were constructed within the open space easement, for a new of 15,129 square foot open space easement adjacent to the existing open space easement. In addition, a vineyard of 11,244 square feet that was installed within the existing open space easement would be removed and replaced with native vegetation.

6) Support the City's economic goals and opportunities by expanding visitor destination venues within the City.

5.1.2 Summary of Significant Effects of the Project

Alternatives to the proposed project must substantially lessen or avoid one or more of the project's significant environmental impacts. The following significant and unavoidable impacts were identified for the proposed project, as discussed in more detail in Sections *4.5, Biological Resources, 4.6, Cultural Resources, 4.8, Geology and Soils, 4.9, Greenhouse Gas Emissions, 4.12, Land Use and Planning, 4.13, Noise, 4.17, Transportation, 4.18, Tribal Cultural Resources, 4.20, Wildfire*:

Significant and unavoidable impacts under Baseline Scenario 1: Conditions at the time of NOP (2022):

- Impact GHG-1: GHG Emissions
- Impact GHG-2: GHG Plan, Policy, or Regulation Conflicts
- Impact NOI-1: Increased Ambient Noise Levels
- Impact TRA-2: Consistency with CEQA Guidelines relating to Vehicle Miles Traveled

Significant and unavoidable impacts under Baseline Scenario 2: Conditions prior to unpermitted activities (2013):

- Impact BIO-1: Impact BIO-1: Impacts to Candidate, Sensitive, or Special Status Species
- Impact BIO-5: Conflict with Local Policies or Ordinances Protecting Biological Resources
- Impact CUL-2: Adverse Change to Archaeological Resources

- Impact CUL-3: Disturbance of Human Remains
- Impact GEO-5: Damage or Destruction of Unique Paleontological Resources
- Impact GHG-1: GHG Emissions
- Impact GHG-2: GHG Plan, Policy, or Regulation Conflicts
- Impact LUP-2: Conflict with Land Use Plan, Policy, or Regulation
- Impact NOI-1: Increased Ambient Noise Levels
- Impact TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy
- Impact TRA-2: Consistency with CEQA Guidelines relating to Vehicle Miles Traveled
- Impact TCR-1: Substantial Adverse Change to Tribal Cultural Resources
- Impact WF-5: Exposure of people or structures to significant risk from wildland fires

The proposed project would also have multiple potentially significant impacts, which would be reduced to less than significant with implementation of recommended mitigation measures, as discussed in more detail in *Sections 4.5, Biological Resources, 4.6, Cultural Resources, 4.8, Geology and Soils, 4.9, Greenhouse Gas Emissions, 4.10, Hazards and Hazardous Materials, 4.11, Hydrology and Water Quality, 4.12, Land Use and Planning, 4.17, Transportation, 4.18, Tribal Cultural Resources, and 4.20, Wildfire.*

The additional significant and unavoidable impacts that were identified for the project under Baseline Scenario 2 only (i.e., all except for Impacts GHG-1, GHG-2, NOI-1, and TRA-2 which were significant and unavoidable under both baselines) are from impacts associated with the past unpermitted construction of the tasting deck and associated site features and operations that occurred at the site between 2013 and 2022, and which are unmitigable because the impacts have already occurred. Similarly, because such impacts have already occurred, there are no feasible alternatives to the project that would avoid or lessen these past impacts. Therefore, this section focuses on alternatives to the proposed project that would avoid the significant and unavoidable GHG and VMT impacts of the proposed project or that would lessen the level of mitigation required to reduce other potentially significant operational impacts.

5.2 Alternatives Retained for Further Analysis

The following alternatives are evaluated in this EIR:

- No Project Alternative
- Alternative 1 – No Events Alternative
- Alternative 2 – Reduced Events Alternative
- Alternative 3 – Shuttle Services with No Guest Vehicles Onsite for Events

Detailed descriptions and analysis of each of these alternatives are provided in Sections 5.2.1 through 5.2.4 below. Table 5.3-1 in Section 5.3 discusses each Alternative's ability to meet the project objectives. An additional alternative (Project Location Alternative) was initially considered

by the City, but ultimately rejected from further analysis within the EIR, as discussed in Section 5.5 below.

5.2.1 No Project Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR analyze a "No Project" alternative. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The No Project Alternative reflects the conditions that would reasonably be expected to occur in the foreseeable future if the project were not approved (CEQA Guidelines Section 15126.6(e)).

Description of Alternative

Under the No Project Alternative, the City would require the applicant to remove all unpermitted items at the project site. This includes the removal of the tasting deck, adjacent building with office and bathrooms, the wastewater tank, the 6 sheds and the vineyard in the open space easement. Furthermore, the City would require the applicant to restore the grade behind the tasting deck to its original grade and plant the area where the vineyard would be removed with native or similar vegetation that exists in the hillside area. Implementation of erosion control measures would occur where the grade is being restored. None of the other improvements of the proposed project would be implemented under the No Project Alternative. Under the No Project Alternative, once the existing temporary compliance agreement expires, all wine tasting operations at the HFV property would cease.

Analysis of Environmental Impacts of Alternative

The No Project Alternative would have some impacts associated with the demolition and removal of the tasting deck, adjacent building and vineyard. Construction equipment would be used and ground-disturbances associated with removing the existing buildings and removing the grape vine roots. The scale of construction and ground disturbance under this alternative would be much less than for the proposed project. As such, there would be minimal construction-related impacts to air quality, biological resources, cultural resources, greenhouse gas emissions, geology and soils, hazards and hazardous materials, hydrology and water quality, noise and vibration, transportation, or tribal cultural resources would not occur. A benefit of this alternative is that the vineyard along the ridgeline, which has a prominent appearance to off-site viewers, would be removed and replaced with native plants similar to the surrounding natural areas. As a result, views from the lower elevations toward the ridgeline would be improved. In addition, while not very visible to off-site viewers, the tasting deck would be removed from the view, as well as events associated with winery operations.

5.2.2 Alternative 1 - No Events Alternative

Description of Alternative

Under Alternative 1 – No Events Alternative, only public and private wine tastings would be permitted at the project site. No small, medium, or large private events would be permitted. The site improvements under the proposed project would be implemented as described in *Section 3.6*, *Proposed Characteristics*, including modifications to the tasting deck and existing dirt access road, and construction of the secondary access road, wave cave, and parking improvements.

Furthermore, the existing vineyard on the ridgeline would be removed and replaced with native plants that are in the hillside area, and an open space easement swap would occur, as described for the proposed project.

Under Alternative 1, public tastings would be limited to four days a week, Thursday through Sunday, from 12:00pm to 5:00pm, and from 12:00pm to 8:00pm on Fridays. The maximum seating capacity for public tastings would be 120 guests. Private tastings would be by appointment only and limited to 8:00am to 10:00pm and could occur on any of the days in the week. Private tastings would be for a maximum of 25 guests and may include small corporate meetings and educational type events, followed by wine tastings. These wine tastings could include a cheese pairing with a curated wine tasting component, but no meals. No live or amplified music or outdoor speakers would be allowed under Alternative 1.

Alternative 1 was considered by the City because it would reduce impacts related to emergency evacuation and transportation by reducing the amount of additional traffic on neighborhood roadways and reducing VMT associated with private events. It would also reduce other impacts associated with the presence of larger groups of guests on the site, such as noise and light impacts. However, this alternative would still allow the applicant to host public and private tastings, which would partially meet the applicant's project objectives (see Table 5.3-1).

Analysis of Environmental Impacts of Alternative 1

Construction-Related Impacts

Alternative 1 would have all the same onsite improvements as the proposed project and other alternatives; therefore, the amount of grading and excavation, use of construction equipment, and generation of construction-related traffic under Alternative 1 would be identical to that described for the proposed project in Section 4, Environmental Setting and Impact Analysis. Because construction activities for Alternative 1 would be identical to the proposed project, the construction-related impacts of Alternative 1 would also be identical. Construction-related impacts for Alternative 1 would therefore range from less than significant to **less than significant with mitigation** (Baseline Scenario 1) and from less than significant to **significant and unavoidable** (Baseline Scenario 2), and all the same mitigation measures described for the proposed project in relation to construction impacts would be required (i.e., mitigation measures MM-AIR-1, MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, MM-BIO-9, MM-CUL-1, MM-GEO-1, MM-GEO-5, MM-HYD-1A, MM-TRA-2, and MM-WF-1A).

Aesthetics

Alternative 1 would have all of the same onsite improvements as the proposed project and other alternatives. As such, visual impacts from physical project components (i.e., the tasting deck, outdoor seating area, wine cave, new or modified roadways, and removal of the vineyard from the open space easement) for Alternative 1 would be the same as described for the proposed project in Section 4.2, Aesthetics. However, since fewer guests would be travelling to and from the site (see Table 5.2-2 in "Transportation" subsection below), there would be fewer vehicles parked along the ridgeline because public and private tasting events are not anticipated to completely fill the parking capacity as frequently as the proposed project would. Although both the proposed project and Alternative 1 would include planting of additional hedges to screen

parked vehicles, visual impacts would further be reduced by having fewer vehicles parked along the private portion of Old Oak Way under Alternative 1. Furthermore, since there would be no private events, lighting impacts from these events would be eliminated. Lighting associated with private wine tastings could still occur until 10pm on any day of the week, but the impacts of such lighting would be equal or less than that described for the proposed project's larger private events Overall, aesthetic impacts from Alternative 1 would be slightly less than described for the proposed project but would remain **less than significant**.

Air Quality

Operational air quality impacts under Alternative 1 would be less than described for the proposed project, due to the reduced number of vehicle trips from the removal of small, medium, and large events (see Table 5.2-2 in "Transportation" subsection below). Therefore, operational emissions for Alternative 1 would be lower than for the proposed project, and for the same reasons described in Section 4.4, Air Quality, would be **less than significant**.

Biological Resources

Alternative 1 would have reduced operational impacts to biological resources than described for the proposed project, because disturbances to wildlife during the project operation are mostly associated with noise and lighting impacts. Since there would be no private events, noise and lighting from these events would be eliminated and operational impacts would be reduced. However, there would still be guests visiting the site for public and private wine tastings, so for the same reasons described in Section 4.5, Biological Resources, operational impacts from Alternative 1 would be **less than significant**.

Energy

Operational energy consumption would be reduced under Alternative 1 (compared to the proposed project) due to the reduced number of vehicle trips from the removal of small, medium, and large events (see Table 5.2-2 in "Transportation" subsection below). Therefore, under Alternative 1, operational impacts to energy resources from Alternative 1 would be less than the proposed project, but for the same reasons described in Section 4.7, Energy, would be **less than significant**.

Greenhouse Gas Emissions

Alternative 1 would have lower operational GHG emission impacts due to the lower number of vehicle trips (and associated VMT) because private events would no longer occur (see Table 5.2-2 in "Transportation" subsection below). However, GHG impacts would remain significant and unavoidable due to VMT associated with the daily trips generated by public and private tastings, which would still represent a net increase in VMT for the site and therefore would not meet the local target for no net increase in VMT for retail projects. Therefore, under Alternative 1, although GHG emissions from the site would be reduced compared to the proposed project, Alternative 1 would still be **potentially significant** due to conflicting with the BAAQMD-recommended design element for transportation. Therefore, for the same reasons described for the proposed project in Section 4.9, Greenhouse Gas Emissions, GHG impacts from Alternative 1 would be **significant and unavoidable**.

Hydrology and Water Quality

Alternative 1 would have all of the same onsite improvements as the proposed project and other alternatives; therefore, hydrology impacts relating to changes in the amount of impervious or semi-pervious surfaces at the project site (i.e., the tasting deck, wine cave, new or modified roadways) would be the same as described for the proposed project in Section 4.11, Hydrology. The differences in site operations between Alternative 1 and the proposed project (i.e., removal of private events) would not affect hydrology and water quality. Therefore, for the same reasons described for the proposed project, operation of Alternative 1 would have **potentially significant** hydrology and water quality impacts, which would be reduced to **less than significant with mitigation** with implementation of MM-HYD-1B.

Land Use

The operational differences between Alternative 1 and the proposed project would not alter the analysis of land use conformance evaluation undertaken for the proposed project in Table 4.12-1. Therefore, the land use impacts of Alternative 1 would be the same as for the proposed project, which would be **less than significant** under Baseline Scenario 1, and **significant and unavoidable** under Baseline Scenario 2 (due to the past unpermitted activities at the project site).

Noise

Under Alternative 1, there would be less operational vehicle traffic than for the proposed project (see Table 5.2-2 in *Transportation* subsection below) because there would be no guests and vehicles coming to the project site for private events (only for public and private tastings). Therefore, operational traffic noise impacts would be less than the proposed project, and for the same reasons described in Section 4.13, Noise, the impact would be **less than significant.**

On-site operational noise associated with private events such as music, singing, amplified voices, and large groups of people talking with raised voices would be eliminated; only noise associated with private and public wine tastings would occur, which would be substantially quieter than private events because there would be no outdoor speakers or live or amplified music, the size of tasting groups would be smaller, guests would be on site for shorter periods of time, and wine tastings are typically more relaxed and peaceful than larger private events such as weddings or birthday celebrations (i.e., groups are less likely to talk with raised voices at a private or public wine tasting than at a private event). Although the capacity of the facility for public tastings is up to 120 guests, public tasting guests are anticipated to arrive in small groups throughout the day and would mostly be onsite during the Noise Ordinance's "daytime" period, except on Fridays when public tastings are open until 8pm ("evening"). Private tastings could occur during event hours as late as 10pm ("evening") but would be limited to 25 guests and would not include any amplified or live music, or outdoor speakers. For all of these reasons, operational noise from Alternative 1 would be less than described for the proposed project, but would still represent an increase in noise levels at the site compared to both baseline scenarios.

Predicted noise levels for only public and private wine tastings were not modeled by the Noise Study prepared for the proposed project (Salter 2021, see Appendix E). Therefore, basic noise equations for decibel addition and attenuation over distance (from FTA 2018) were used to estimate the approximate noise levels that might occur under Alternative 1 conditions (AECOM 2024), as summarized in Table 5.2-1.

Table 5.2-1 Estimated Noise Levels (dB) at Closest Property Line – Alternative 1

Activity	Assumptions	Estimated Noise Level at Property Line (dB)	Threshold Criteria (day/evening)
Public Tastings (full capacity, 120 guests)	Up to 24 clusters of people talking at "normal" conversation levels, standing outdoors at an average distance of 45 feet from the property boundary.	50	50 / 45
Private Tastings (25 guests)	Up to 5 clusters of people talking at "normal" conversation levels, standing outdoors at an average distance of 45 feet from the property boundary.	43	50 / 45
Private Events	*Not permitted under Alternative 1*	*n/a*	*n/a*

Source: Calculated by AECOM (2024) using standard "decibel addition" and "doubling of distance" equations from FTA 2018.
Each cluster of "normal" conversation assumed to generate 60 dB at 3 feet. No amplified music or voices assumed.

As demonstrated in the table above, private tastings are not anticipated to cause noise levels that would exceed either the daytime or evening threshold criteria, and public tastings (if operating at full capacity) would be equal to the daytime threshold and slightly above the evening threshold. However, public tastings would be limited to daytime hours (i.e., until 7pm), except for one hour on Fridays when the facility would be open for public tastings until 8pm. Therefore, although Alternative 1 could occasionally (on busy Friday nights only) generate noise levels that exceed the noise ordinance standards at the nearest property boundary, which would be a **potentially significant** impact, the frequency and magnitude of any exceedances would be greatly reduced compared to the proposed project.

For the same reasons discussed for the proposed project in Section 4.13.3, no existing residents are anticipated to be adversely affected by noise generated by Alternative 1, as there are no houses in proximity to that boundary, but the noise levels at the property boundary could still exceed the thresholds established by the Noise Ordinance, and are therefore still conservatively identified as a **significant and unavoidable** impact, even though the noise levels would be substantially less than the proposed project. Given the very low frequency and magnitude of exceedances under Alternative 1, and because mitigation measure MM-NOI-1 (as detailed for the proposed project) would have limited effectiveness at reducing noise levels from unamplified voices (as there would be no sound system to "turn down" if the boundary noise meter targets were exceeded), this mitigation measure is not required for this alternative.

Public Services and Recreation

Since the number of guests associated with special private events would be removed under Alternative 1, there would be fewer guests onsite and therefore a lower demand for public services and lower use of nearby recreational facilities compared to the proposed project. However, since the project site would still host private and public tastings, there would be an increase in the demand for and/or use of these services/facilities compared to baseline conditions. Therefore, for the same reasons described for the proposed project in Section 4.15, Public Services and Section 4.16, Recreation, Alternative 1 would have a **less than significant impact** with respect to these resource topics.

Transportation

Alternative 1 would have all of same the on-site improvements as the proposed project and other alternatives, and would utilize the same local roadways for access; therefore, operational impacts relating to consistency with applicable transportation plans, policies, and ordinances under Alternative 1 would be the same as the proposed project, which would be **less than significant**.

Operational VMT impacts would be reduced under Alternative 1 because there would be less vehicle trips and associated VMT from the removal of small, medium, and large events. Table 5.2-2 presents the estimated daily vehicle trips associated with Alternative 1 operations (i.e., public and private wine tastings only, with no special private events).

Table 5.2-2 House Family Vineyards Trip Generation Estimates – Alternative 1

Operational Conditions	Description & Assumptions	Estimated Daily Trip Generation	Net Daily Trips (Baseline 1)	Net Daily Trips (Baseline 2)
Typical Non-Event Day	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 3.	156	83	142
Maximum Non-Event Day / Theoretical Maximum Capacity (Alt 1)	Assumes three 25-guest private tastings per day plus up to 240 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 8.	292	219	278
Average Annual Daily Trip Generation (Alt 1)	Calculated by adding up the number of days per year of each operational condition and averaging total annual traffic over 365 days. Modified from Appendix F, Table 6.	108*	35	94

Source: Calculated by AECOM (2024) based on Fehr & Peers 2024 (Appendix F).

Baseline 1 assumes 73 existing daily trips and Baseline 2 assumes 14 existing daily trips, see Section 4.17, Transportation.

** Calculated by AECOM (2024) by removing small, medium and large event lines from Table 6 of Appendix F for total annual trips of 39,312 trips per year, which averages to 108 trips per day.*

As can be seen from the table above, the net increase (for both baselines) in annualized average daily trips for Alternative 1 would be below the OPR small project threshold of 110 trips per day. However, the "worst case" maximum capacity day would still exceed the threshold under both baseline conditions. Typical tasting days would generate a net increase in daily trips that would be below the threshold for Baseline Scenario 1, but above the threshold for Baseline Scenario 2. Therefore, although operational vehicle trips for Alternative 1 would be lower than the proposed project, they could still exceed the OPR small project screening threshold and thus, the VMT impact is conservatively identified as **potentially significant**. The majority of mitigation measures specified within MM-TRA-1 for the proposed project are focused on reducing vehicle trips associated with private tastings and events, and therefore would not be applicable or effective at substantially reducing vehicle trips from public tastings under Alternative 1, which are the primary contributor to VMT under this alternative. Furthermore, as described for the proposed project, there is no way to guarantee that guests would not use ride share services such as Uber or Lyft, which would generate additional trips. Therefore, for the same reasons as

described for the proposed project in Section 4.17, Transportation, even with implementation of mitigation measure MM-TRA-1, the VMT impact for Alternative 1 would be **significant and unavoidable** under both baselines.

Although Alternative 1 would avoid the large influx of vehicles over short periods associated with private events, traffic from public and private tastings would still have the potential to exceed the available parking capacity at the site. Therefore, this alternative could also result in overflow parking along the public portion of Old Oak Way, which would cause a **potentially significant** impact to emergency access and traffic safety for the same reasons discussed in Section 4.17, Transportation. Implementation of MM-TRA-1 would reduce operational emergency access and traffic safety impacts from Alternative 1 to **less than significant with mitigation**, by requiring installation of permanent "no parking" signage along the public portion of Old Oak Way to prevent overflow parking from blocking the passage of emergency vehicles or causing other traffic safety issues.

Utilities

Since the number of guests associated with special private events would be removed under Alternative 1, there would be fewer guests onsite and therefore a lower demand for/use of utility services such as water supply or wastewater generation. However, since the project site would still host private and public tastings, there would be an increase in the demand for and/or use of these services compared to baseline conditions. Furthermore, Alternative 1 would still include the conversion of the existing unpermitted wastewater tank into a lift station to pump wastewater generated at the tasting deck and wine cave into the existing public sanitary sewer system, as described for the proposed project. Therefore, for the same reasons described for the proposed project in Section 4.19, Utilities and Service Systems, Alternative 1 would have a **potentially significant** utilities impact, which would be reduced to **less than significant with mitigation** by implementation of MM-UTI-1 and MM-GEO-1.

Wildfire

Alternative 1 would include the same physical modifications as the proposed project and other alternatives, including creation of a secondary access road and improvements to the existing road to the tasting deck to meet SCCFD requirements, and would therefore result in the same emergency and evacuation egress improvements as described for the proposed project in Section 4.20, Wildfire. Even though Alternative 1 would generate less overall traffic than the proposed project due to removal of private events (see Table 5.2-2 in the Transportation subsection, above), the maximum number of guest vehicles onsite at one time would still be limited by the available parking supply, which would be same for Alternative 1 as for the proposed project (55 parking spaces). There would be a slightly lower number of employee vehicles onsite for Alternative 1 because there would be no event-related employees, only vineyard operations and tasting employees. Therefore, impacts related to the proposed increase in evacuating vehicles along Old Oak Way would be similar or slightly less than described for the proposed project.

Similarly, because Alternative 1 would have fewer guests on average than the proposed project, and because human presence is a significant indicator of wildfire risk; the lower site occupancy would contribute to reduced wildfire risk for Alternative 1 compared to the proposed project. However, public and private wine tastings would continue to occur at the site, bringing additional

visitors to a Very High Fire Hazard Area compared to existing conditions under either of the baseline scenarios. Therefore, for the same reasons described in Section 4.20, Wildfire, operational wildfire impacts would be **potentially significant** for Alternative 1, but would be reduced to **less than significant with implementation of MM-TRA-1 and MM-WF-1B**.

5.2.3 Alternative 2 – Reduced Events Alternative

Description of Alternative

This Alternative 2 would eliminate medium and larger private events. Public and private wine tastings and small private special events (up to 50 guests) would still occur, but no live or amplified music or outdoor speakers would be allowed. All of the site improvements under the proposed project would be implemented including modifications to the tasting deck and existing dirt access road, construction of the wine cave, secondary access road, parking and open space easement swap.

Like the proposed project, public tastings would be limited to four days a week, Thursday through Sunday, from 12:00pm to 5:00pm, and from 12:00pm to 8:00pm on Fridays. The maximum seating capacity for public tastings would be 120 guests. Private tastings would be by appointment only and limited to 8:00am to 10:00pm and could occur on any of the days in the week. Private tastings would be for a maximum of 25 guests and could include small corporate offsite meetings and other educational type events, followed by wine tastings. These wine tastings could include a cheese pairing with a curated wine tasting component, but no meals.

Up to 70 small events per year with up to 50 guests will be permitted. However, the 20 medium events per year with up to 100 guests; and 5 large events per year with up to 148 guests that were part of the proposed project would not occur under Alternative 2.

Alternative 2 was considered by the City because it would allow the applicant to host smaller private events in addition to public and private tastings, thereby meeting or mostly meeting, the project objectives (see Table 5.3-1 in Section 5.3 below), but would reduce impacts associated with medium and large events. This alternative would reduce noise impacts by limiting the number of guests on site for private events, prohibiting outdoor music and speakers, and allowing only pre-recorded background music played through permanently mounted speakers inside the tasting deck[64]. This alternative would also reduce impacts related to emergency evacuation and transportation by reducing the amount of traffic on neighborhood roadways.

Analysis of Environmental Impacts of Alternative 2

Construction-Related Impacts

Alternative 2 would have all the same onsite improvements as the proposed project and other alternatives; therefore, the amount of grading and excavation, use of construction equipment, and generation of construction-related traffic under Alternative 2 would be identical to that described for the proposed project in Section 4, Environmental Setting and Impact Analysis. Because construction activities for Alternative 2 would be identical to the proposed project, the construction-related impacts of Alternative 2 would also be identical. Construction-related impacts for Alternative 2 would therefore range from less than significant to **less than**

[64] This definition of "background music" is consistent with Section 7-30-020(d) of the City's Noise Ordinance.

significant with mitigation (Baseline Scenario 1) and from less than significant to **significant and unavoidable** (Baseline Scenario 2), and all the same mitigation measures described for the proposed project in relation to construction impacts would be required (i.e., mitigation measures MM-AIR-1, MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, MM-BIO-9, MM-CUL-1, MM-GEO-1, MM-GEO-5, MM-HYD-1A, MM-TRA-2, and MM-WF-1A).

Aesthetics

Alternative 2 would have all of the same onsite improvements as the proposed project and other alternatives. As such, visual impacts from physical project components (i.e., the tasting deck, outdoor seating area, wine cave, new or modified roadways, and removal of the vineyard from the open space easement) would be the same as described for the proposed project in Section 4.2, Aesthetics. However, since fewer guests would be travelling to and from the site (see Table 5.2-4 in "Transportation" subsection below), there would be fewer vehicles parked along the ridgeline because guest vehicles associated with public and private tastings and small events are not anticipated to completely fill the parking capacity as frequently as the proposed project would. Although both the proposed project and Alternative 2 would include planting of additional hedges to screen parked vehicles, visual impacts would further be reduced by having fewer vehicles parked along the private portion of Old Oak Way under Alternative 2. Furthermore, since there would no medium or large private events, lighting impacts from these events would be eliminated, but lighting associated with small private events (up to 50 guests) and private wine tastings (up to 25 guests) could still occur until 10pm on any day of the week. The impacts of such lighting would be equal or less than that described for the proposed project's larger private events. Overall, aesthetic impacts from Alternative 2 would be slightly less than described for the proposed project, and slightly more than described for Alternative 1, but would remain **less than significant**.

Air Quality

Operational air quality impacts would be reduced under Alternative 2 compared to the proposed project, due to reduced vehicle trips and associated VMT from the removal of medium and large events (see Table 5.2-4 in "Transportation" subsection below). Under Alternative 2, small events would be permitted; therefore, the reduction in operational mobile emissions under Alternative 2 would be less than under Alternative 1. Under Alternative 2, operational emissions would be lower than the proposed project, but higher than Alternative 1, and would remain **less than significant**.

Biological Resources

Alternative 2 would have reduced operational impacts to biological resources than described for the proposed project, because disturbances to wildlife during the project operation are mostly associated with noise and lighting impacts. Since there would be no medium or large private events, noise and lighting from these events would be eliminated and operational impacts would be slightly reduced compared to the proposed project (but slightly higher than for Alternative 1). However, there would still be guests visiting the site for public and private wine tastings and for small private events, so for the same reasons described in Section 4.5, Biological Resources, operational impacts from Alternative 2 would be **less than significant**.

Energy

Operational energy consumption would be reduced under Alternative 2 due to the reduced number of vehicle trips and associated VMT from the removal of medium and large events (see Table 5.2-4 in "Transportation" subsection below). Under Alternative 2, small events would be permitted; therefore, the reduction in operational energy consumption under Alternative 2 would be less than under Alternative 1. For the same reasons described in Section 4.7, Energy, operational energy consumption impacts under Alternative 2 would be **less than significant**.

Greenhouse Gas Emissions

Alternative 2 would have lower GHG emissions due to the lower traffic generation (see Table 5.2-4 in "Transportation" subsection below); however, GHG impacts would be **potentially significant** because the project would still conflict with BAAQMD-recommended design criteria for transportation due to not meeting local VMT targets, due to the daily trips generated by public tastings. Alternative 2 would still have all of the onsite improvements of the proposed project; therefore, construction-related GHG emissions and impacts under Alternative 2 would be the same as the proposed project. Therefore, for the same reasons described in Section 4.9, Greenhouse Gas Emissions, the GHG impacts from Alternative 2 would be **significant and unavoidable**.

Land Use

The operational differences between Alternative 2 and the proposed project would not alter the analysis of land use conformance evaluation undertaken for the proposed project in Table 4.12-1. Therefore, the land use impacts of Alternative 2 would be the same as for the proposed project, which would be **less than significant** under Baseline Scenario 1, and **significant and unavoidable** under Baseline Scenario 2 (due to the past unpermitted activities at the project site).

Hydrology and Water Quality

Alternative 2 would have all of the same onsite improvements as the proposed project and other alternatives. As such, hydrology impacts relating to changes in the amount of impervious or semi-pervious surfaces at the project site (i.e., the tasting deck, wine cave, new or modified roadways) would be the same as described for the proposed project in Section 4.11, Hydrology. The differences in site operations between Alternative 2 and the proposed project (i.e., removal of medium and large private events) would not affect hydrology and water quality. Therefore, for the same reasons described for the proposed project, operation of Alternative 2 would have **potentially significant** hydrology and water quality impacts, which would be reduced to **less than significant with mitigation** with implementation of MM-HYD-1B.

Noise

Under Alternative 2, there would be less operational vehicle traffic than for the proposed project (see Table 5.2-4 in "Transportation" subsection below) because there would be no guests or vehicles coming to the project site for medium and large private events (only for public and private tastings and small private events). Therefore, operational traffic noise impacts from Alternative 2 would be similar to or less than that described in Section 4.13, Noise, and would be **less than significant**.

On-site operational noise associated with private events would be reduced under Alternative 2 compared to the proposed project, because there would be no large or medium events. The overall frequency and size of private events would be reduced compared to the proposed project. The small private events would be limited to 50 guests and would occur up to 70 times per year (i.e., just over once per week on average); compared to the proposed project, which would include the same number of small events, but also up to 20 events per year with 100 guests and up to 5 events per year with 148 guests, for a total of 95 private events per year (i.e., nearly twice per week on average). Furthermore, outdoor noise sources associated with small events under Alternative 2 would be limited to groups of people talking with raised voices; because outdoor speakers (playing music or connected to a microphone for speeches, etc.) would not be allowed under this Alternative, only indoor speakers playing "background music" consistent with the City's noise ordinance definition.

For all of these reasons, operational noise from Alternative 2 would be less than described for the proposed project.

Predicted noise levels for only public and private wine tastings were not modeled by the Noise Study prepared for the proposed project (Salter 2021, see Appendix E). Therefore, basic noise equations for decibel addition and attenuation over distance (from FTA 2018) were used to estimate the approximate noise levels that might occur under Alternative 2 conditions (AECOM 2024a, see Appendix E), as summarized in Table 5.2-3.

Table 5.2-3 Estimated Noise Levels (dB) at Closest Property Line – Alternative 2

Activity	Assumptions	Estimated Noise Level at Property Line (dB)	Threshold Criteria (day/evening)
Public Tastings (full capacity, 120 guests)	Up to 24 clusters of people talking at "normal" conversation levels, standing outdoors at an average distance of 45 feet from the property boundary.	50	50 / 45
Private Tastings (25 guests)	Up to 5 clusters of people talking at "normal" conversation levels, standing outdoors at an average distance of 45 feet from the property boundary.	43	50 / 45
Private Events (50 guests)	Up to 10 clusters of people talking with "raised" voices, standing outdoors at an average distance of 45 feet from the property boundary.	52	50 / 45

Source: Calculated by AECOM (2024) using standard "decibel addition" and "doubling of distance" equations from FTA 2018.
Each cluster of "normal" conversation assumed to generate 60 dB at 3 feet; "raised" voices assumed to generate 66 dB at 3 feet. No amplified music or voices assumed.

As demonstrated in the table above, private tastings are not anticipated to cause noise levels that would exceed either the daytime or evening threshold criteria, and public tastings (if operating at full capacity) would be equal to the daytime threshold and slightly above the evening threshold. However, public tastings would be limited to daytime hours (i.e., until 7pm), except for one hour on Fridays when the facility would be open for public tastings until 8pm. However, private events with up to 50 guests are anticipated to exceed both the daytime and evening thresholds. Therefore, Alternative 2 could generate noise levels that exceed the noise ordinance standards at the nearest property boundary on busy Friday nights and up to 70 times per year when hosting small private events, which would be a **potentially significant** impact, the

frequency and magnitude of any exceedances would be greatly reduced compared to the proposed project.

For the same reasons discussed for the proposed project in Section 4.13.3, no existing residents are anticipated to be adversely affected by noise generated by Alternative 1 as there are no houses in proximity to that boundary, but the noise levels at the property boundary could still exceed the thresholds established by the Noise Ordinance, and are therefore still conservatively identified as a **significant and unavoidable** impact. Given the lower frequency and magnitude of exceedances under Alternative 2, and because mitigation measure MM-NOI-1 (as detailed for the proposed project) would have limited effectiveness at reducing noise levels from unamplified voices (as there would be no sound system to "turn down" if the boundary noise meter targets were exceeded), mitigation measure MM-NOI-1 is not required for this alternative.

Public Services and Recreation

Since the number of guests associated with medium and large private events would be removed under Alternative 2, there would be fewer guests onsite and therefore a lower demand for public services and lower use of nearby recreational facilities compared to the proposed project. However, since the project site would still host private and public tastings and small private events, there would be an increase in the demand for and/or use of these services and facilities compared to baseline conditions. Therefore, for the same reasons described for the proposed project in Section 4.15, Public Services and Section 4.16, Recreation, Alternative 2 would have a **less than significant impact** with respect to these resource topics.

Transportation

Alternative 2 would have all of the same onsite improvements as the proposed project and other alternatives and would utilize the same local roadways for access. Therefore, impacts relating to consistency with applicable transportation plans, policies, and ordinances under Alternative 2 would be the same as the proposed project and would be **less than significant**.

Operational VMT impacts would be reduced under Alternative 2 because there would be less vehicle trips and associated VMT from the removal of medium and large events. Table 5.2-4 presents the estimated daily vehicle trips associated with Alternative 2 operations (i.e., public and private wine tastings and small private events only, with no medium or large private events).

Table 5.2-4 House Family Vineyards Trip Generation Estimates – Alternative 2

Operational Conditions	Description & Assumptions	Estimated Daily Trip Generation	Net Daily Trips (Baseline 1)	Net Daily Trips (Baseline 2)
Typical Non-Event Day	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 3.	156	83	142
Maximum Non-Event Day	Assumes three 25-guest private tastings per day plus up to 240 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 8.	292	219	278

Operational Conditions	Description & Assumptions	Estimated Daily Trip Generation	Net Daily Trips (Baseline 1)	Net Daily Trips (Baseline 2)
Typical Tastings plus Small Event	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. Plus a small private event (50 guests) and associated staff. See Appendix F, Table 5.	214	141	200
Theoretical Maximum Capacity (Alt 2)	Assumes three 25-guest private tastings per day plus up to 240 public tasting guests, plus vineyard operations and tasting staff. Plus a small private event (50 guests) and associated staff. See Appendix F, Tables 8 and 9.	350	277	336
Average Annual Daily Trip Generation (Alt 2)	Calculated by adding up the number of days per year of each operational condition and averaging total annual traffic over 365 days. Modified from Appendix F, Table 6.	119*	46	105

Source: Calculated by AECOM (2024) based on Fehr & Peers 2024 (Appendix F).

Baseline 1 assumes 73 existing daily trips and Baseline 2 assumes 14 existing daily trips, see Section 4.17, Transportation.

** Calculated by AECOM (2024) by removing medium and large event lines from Table 6 of Appendix F for total annual trips of 43,372 trips per year, which averages to 119 trips per day.*

As can be seen from the table above, for Alternative 2 the net increase in annualized average daily trips (under both baselines) and on typical non-event days (for Baseline Scenario 1) would be below the OPR small project threshold of 110 trips per day. The net increase in daily trips on typical non-event days (for Baseline Scenario 2), typical days with both tastings and a small private event (under both baselines), and for the "worst case" maximum capacity days (under both baselines) would still exceed the threshold under both baseline conditions. Typical tasting-only days would generate a net increase in daily trips that would be below the threshold for Baseline Scenario 1, but above the threshold for Baseline Scenario 2. Therefore, although operational vehicle trips for Alternative 2 would be lower than the proposed project, they could still exceed the OPR small project screening threshold and thus, the VMT impact is conservatively identified as **potentially significant**. The majority of mitigation measures specified within MM-TRA-1 for the proposed project are focused on reducing vehicle trips associated with private tastings and events, and therefore would not be applicable or effective at substantially reducing vehicle trips from public tastings under Alternative 2, which are the primary contributor to VMT under this alternative. Furthermore, as described for the proposed project, there is no way to guarantee that guests would not use ride share services such as Uber or Lyft, which would generate additional trips. Therefore, for the same reasons as described for the proposed project in Section 4.17, Transportation, even with implementation of mitigation measure MM-TRA-1, the VMT impact for Alternative 2 would be **significant and unavoidable** under both baselines.

Although Alternative 2 would avoid the large influx of vehicles over short periods associated with medium and large private events, traffic from public and private tastings and small events would still have the potential to exceed the available parking capacity at the site. Therefore, this

alternative could also result in overflow parking along the public portion of Old Oak Way, which would cause a **potentially significant** impact to emergency access and traffic safety for the same reasons discussed in Section 4.17, Transportation. Implementation of MM-TRA-1 would reduce operational emergency access and traffic safety impacts from Alternative 2 to **less than significant with mitigation**, by requiring installation of permanent "no parking" signage along the public portion of Old Oak Way to prevent overflow parking from blocking the passage of emergency vehicles or causing other traffic safety issues.

Utilities

Since the number of guests associated with medium and large private events would be removed under Alternative 2, there would be fewer guests onsite and therefore a lower demand for/use of utility services such as water supply or wastewater generation. However, since the project site would still host private and public tastings and small private events, there would be an increase in the demand for and/or use of these services compared to baseline conditions. Furthermore, Alternative 2 would still include the conversion of the existing unpermitted wastewater tank into a lift station to pump wastewater generated at the tasting deck and wine cave into the existing public sanitary sewer system, as described for the proposed project. Therefore, for the same reasons described for the proposed project in Section 4.19, Utilities and Service Systems, Alternative 2 would have a **potentially significant** utilities impact, which would be reduced to **less than significant with mitigation** by implementation of MM-UTI-1 and MM-GEO-1.

Wildfire

Alternative 2 would include the same on-site physical modifications as the proposed project and other alternatives, including creation of a secondary access road and improvements to the existing road to the tasting deck to meet SCCFD requirements. Therefore, Alternative 2 would result in the same emergency and evacuation egress improvements as described for the proposed project in Section 4.20, Wildfire.

Even though Alternative 2 would generate less overall traffic than the proposed project due to removal of medium and large private events (see Table 5.2-4 in the Transportation subsection, above), the maximum number of guest vehicles onsite at one time would still be limited by the available parking supply, which would be same for Alternative 2 as for the proposed project (55 parking spaces). There would be a slightly lower number of employee vehicles onsite for Alternative 2 because there would be fewer and smaller private events. Therefore, impacts related to the proposed increase in evacuating vehicles along Old Oak Way would be similar or slightly less than described for the proposed project (and slightly greater than for Alternative 1).

Similarly, because Alternative 2 would have fewer guests on average than the proposed project, and because human presence is a significant indicator of wildfire risk; the lower site occupancy would contribute to reduced wildfire risk for Alternative 2 compared to the proposed project. However, public and private tastings and small events would continue to occur at the site, bringing additional visitors to a Very High Fire Hazard Severity Area compared to existing conditions under either of the baseline scenarios. Therefore, for the same reasons described in Section 4.20, Wildfire, operational wildfire impacts would be **potentially significant** for Alternative 2,but would be reduced to **less than significant with mitigation** by implementation of MM-TRA-1 and MM-WF-1B.

5.2.4 Alternative 3 – Shuttle Services with No Guest Vehicles Onsite for Events

Description of Alternative

Alternative 3 – Shuttle Services with No Guest Vehicles Onsite for Events would include all of the same improvements and operations related to winery tastings and events as the proposed project. The difference with this alternative is that no guest vehicles would be permitted onsite during private special events. All event guests would be required to be shuttled to the project site. Shuttles would be provided by the applicant and pickup locations would be at hotels where the guests are staying, or at designated parking lots or other appropriate locations, such as West Valley College (pending acquisition of necessary permits). Alternative 3 was considered by the City because it would allow the applicant to offer the full range of operations (private and public tastings and events of all sizes) as proposed by the original project, but would reduce project impacts related to emergency evacuation and transportation such as increased traffic on narrow and winding neighborhood roadways by eliminating private vehicles from accessing the site during private events. Under this alternative, guests visiting the winery for public and private tastings would still be permitted to access the project site using their private vehicles.

Analysis of Environmental Impacts of Alternative 3

Construction-Related Improvements

Alternative 3 would have all the same onsite improvements as the proposed project and other alternatives; therefore, the amount of grading and excavation, use of construction equipment, and generation of construction-related traffic under Alternative 3 would be identical to that described for the proposed project in Section 4, Environmental Setting and Impact Analysis. Because construction activities for Alternative 3 would be identical to the proposed project, the construction-related impacts of Alternative 3 would also be identical. Construction-related impacts for Alternative 3 would therefore range from less than significant to **less than significant with mitigation** (Baseline Scenario 1) and from less than significant to **significant and unavoidable** (Baseline Scenario 2), and all the same mitigation measures described for the proposed project in relation to construction impacts would be required (i.e., mitigation measures MM-AIR-1, MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, MM-BIO-9, MM-CUL-1, MM-GEO-1, MM-GEO-5, MM-HYD-1A, MM-TRA-2, and MM-WF-1A).

Aesthetics

Alternative 3 would have all of the same onsite improvements as the proposed project and other alternatives. As such, visual impacts from physical project components (i.e., the tasting deck, outdoor seating area, wine cave, new or modified roadways, and removal of the vineyard from the open space easement) would be the same as described for the proposed project in Section 4.2, Aesthetics. However, since fewer guests would be travelling to and from the site due to use of a shuttle for all private event guests (see Table 5.2-5 in “Transportation” subsection below), there would be fewer vehicles parked along the ridgeline because the private vehicles used by public and private tasting guests are not anticipated to completely fill the parking capacity as frequently as private events would if guests of those events were to drive to the site (i.e., under proposed project conditions). Although both the proposed project and Alternative 3 would include

planting of additional hedges to screen parked vehicles, visual impacts would further be reduced by having fewer vehicles parked along the private portion of Old Oak Way under Alternative 3.

However, because the site would still host small, medium and large private events in addition to public and private wine tastings, the lighting impacts from Alternative 3 would be identical to that described for proposed project in Section 4.2, Aesthetics. Overall, aesthetic impacts from Alternative 3 would be slightly less than described for the proposed project, and slightly more than described for Alternatives 1 and 2, but would remain **less than significant**.

Air Quality

Under Alternative 3, operational air quality emissions from vehicle trips would be slightly reduced, as event guests would not be driving to the project site. However, this potential reduction in emissions would be partially offset by the increase in shuttle-related emissions. Additionally, while it would be speculative to know how many shuttle trips would be required to/from the various potential offsite parking locations (e.g., hotels, parking lots, etc.), the low level of emissions is unlikely to exceed operational emissions significance thresholds. Overall, operational emissions for Alternative 3 are anticipated to be lower than for the proposed project, and lower than for Alternatives 1 and 2. Therefore, for the same reasons described for the proposed project in Section 4.5, Air Quality, operational air quality impacts from Alternative 3 would be **less than significant**.

Biological Resources

Alternative 3 would have very similar operational impacts to biological resources as described for the proposed project, because disturbances to wildlife during the project operation are mostly associated with operational noise and lighting, and the site would host the same number of private events under both the proposed project and Alternative 3. Although there would be slightly less traffic under Alternative 3 (due to use of shuttles rather than guests' vehicles for private events, see Table 5.2-5 in the "Transportation" subsection below), the associated reduction in traffic noise (and associated disturbance of wildlife) would be minimal (see "Noise" subsection below), because there would still be guests visiting the site for public and private wine tastings. For the same reasons described in Section 4.5, Biological Resources, operational impacts from Alternative 3 would be **less than significant**.

Energy

Under Alternative 3, operational fuel consumption from guest vehicle trips may be slightly reduced, as event guests would not be driving to the project site (but tasting guests would be, the same as for the proposed project). However, this potential reduction in fuel consumption would be partially offset by the increase in shuttle-related fuel consumption. Additionally, while it would be speculative to know how many shuttle trips would be required to/from the various potential offsite parking locations (e.g., hotels, parking lots, etc.), or the fuel efficiency of the shuttle(s), the overall operational fuel consumption associated with Alternative 3 is anticipated to be similar or less than the fuel consumption under the proposed project. Therefore, for the reasons described in Section 4.7, Energy, operational energy consumption impacts under Alternative 3 would be less than significant.

Greenhouse Gas Emissions

Alternative 3 is anticipated to have lower GHG emissions than the proposed project, due to the reduction in individual vehicle trips and associated VMT due to guests not driving all the way to the site; however, vehicle trips from guests driving to the various potential offsite parking locations (e.g., hotels, parking lots, etc.) would still occur and likely at the same level as the proposed project. Alternative 3 would still have all of the onsite improvements of the proposed project; therefore, construction-related GHG emissions and impacts under Alternative 3 would the same as the proposed project. Therefore, under Alternative 3, the GHG emissions impact would remain cumulatively considerable and **significant and unavoidable**.

Hydrology and Water Quality

Alternative 3 would have all of the same onsite improvements as the proposed project and other alternatives. As such, hydrology impacts relating to changes in the amount of impervious or semi-pervious surfaces at the project site (i.e., the tasting deck, wine cave, new or modified roadways) would be the same as described for the proposed project in Section 4.11, Hydrology. The differences in site operations between Alternative 3 and the proposed project (i.e., use of a shuttle service for events, rather than guests driving to the site) would not affect hydrology and water quality. Therefore, for the same reasons described for the proposed project, operation of Alternative 3 would have **potentially significant** hydrology and water quality impacts, which would be reduced to **less than significant with mitigation** with implementation of MM-HYD-1B.

Land Use

The operational differences between Alternative 3 and the proposed project would not alter the analysis of land use conformance evaluation undertaken for the proposed project in Table 4.12-1. Therefore, the land use impacts of Alternative 3 would be the same as for the proposed project, which would be **less than significant** under Baseline Scenario 1, and **significant and unavoidable** under Baseline Scenario 2 (due to the past unpermitted activities at the project site).

Noise

Under Alternative 3, there would be less operational vehicle traffic accessing the project site than for the proposed project (see Table 5.2-5 in “Transportation” subsection below) because there would be no guest vehicles (only shuttles) coming to the project site for private events (only for public and private tastings). Therefore, operational traffic noise along Old Oak Way and Pierce Road from Alternative 3 would be lower than that described in Section 4.13, Noise, and the impact would be **less than significant.**

On-site operational noise associated with private events such as music, singing, and amplified voices would be the same as described for the proposed project, as these events would occur at the same frequency and with the same number of guests as the proposed project. For all of these reasons, operational noise impacts from Alternative 3 would be the same as the proposed project, and would be **potentially significant**, for the same reasons described in Section 4.13, Noise.

With implementation of MM-NOI-1, no sensitive receptors would be subject to unacceptable noise levels as a result of Alternative 3. However, because the noise levels at the property boundary would still exceed the thresholds established by the Noise Ordinance, the impact would be **significant and unavoidable**.

Public Services and Recreation

Since the number, frequency, and size of public and private tastings and private events would be the same for Alternative 3 as for the proposed project, the demand for public services and use of nearby recreational facilities would be identical. Therefore, for the same reasons described for the proposed project in Section 4.15, Public Services and Section 4.16, Recreation, Alternative 3 would have a **less than significant impact** with respect to these resource topics.

Transportation

Alternative 3 would have all of the same onsite improvements as the proposed project and other alternatives and would utilize the same local roadways for access. Therefore, operational impacts relating to consistency with applicable transportation plans, policies, and ordinances under Alternative 3 would be the same as the proposed project and would be **less than significant**.

Operational VMT impacts would be reduced under Alternative 3, because guests would be shuttled to and from the project site for all private events. Table 5.2-5 presents the estimated daily vehicle trips associated with Alternative 3 operations (i.e., private vehicles for public and private wine tastings only, with shuttle use for all private events, assuming an average of 6 guests per shuttle trip).

Table 5.2-5 House Family Vineyards Trip Generation Estimates – Alternative 3

Operational Conditions	Description & Assumptions	Estimated Daily Trip Generation	Net Daily Trips (Baseline 1)	Net Daily Trips (Baseline 2)
Typical Non-Event Day	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 3.	156 (all private vehicle trips)	83	**142**
Maximum Non-Event Day	Assumes three 25-guest private tastings per day plus up to 240 public tasting guests, plus vineyard operations and tasting staff. No private events. See Appendix F, Table 8.	292 (all private vehicle trips)	**219**	**278**
Typical Tastings plus Small Event	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. Plus a small private event (50 guests, 6 per shuttle) and associated staff. See Appendix F, Table 5.	186 total trips (168 private plus 18 shuttle trips#)	**113**	**172**
Typical Tastings plus Medium Event	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. Plus a medium private event (100 guests, 6 per shuttle) and associated staff. See Appendix F, Table 5.	206 total trips (172 private plus 34 shuttle trips#)	**133**	**192**
Typical Tastings plus Large Event	Assumes 25 private tasting guests and 120 public tasting guests, plus vineyard operations and tasting staff. Plus a large private event (148 guests, 6 per shuttle) and associated staff. See Appendix F, Table 5.	226 total trips (176 private + 50 shuttle trips#)	**153**	**212**
Theoretical Maximum Capacity (Alt 3)	Assumes three 25-guest private tastings per day plus up to 240 public tasting guests, plus vineyard operations and tasting staff. Plus a large private event (148 guests) and associated staff. See Appendix F, Tables 8 and 9.	362 total trips (312 private + 50 shuttle trips#)	**289**	**348**
Average Annual Daily Trip Generation (Alt 3)	Calculated by adding up the number of days per year of each operational condition and averaging total annual traffic over 365 days. Modified from Appendix F, Table 6.	115*	42	101

Source: Calculated by AECOM (2024) based on Fehr & Peers 2024 (Appendix F).

Baseline 1 assumes 73 existing daily trips and Baseline 2 assumes 14 existing daily trips, see Section 4.17, Transportation.

***Bold** text indicates exceedance of OPR Small Project Threshold for VMT.*

** Calculated by AECOM (2024) by recalculating event lines from Table 6 of Appendix F assuming 6 guests per shuttle, for total annual trips of 41,667 trips per year, which averages to 115 trips per day.*

 # Shuttle trips calculated by dividing number of private event guests by average of 6 guests per shuttle, with each shuttle making one two-way trip (i.e., assuming that shuttles would remain on-site for the duration of event and would not leave after guest drop-off and return for guest pick-up).

As can be seen from the table above, for Alternative 2 the net increase in annualized average daily trips (under both baselines) and typical non-event day trips (for Baseline Scenario 1) would be below the OPR small project threshold of 110 trips per day, but all other operational conditions would generate net daily trips that exceed the threshold under both baseline conditions. However, the table does not account for any vehicle trips associated with guests driving from their homes to the shuttle pickup locations. Although those trips would likely be fewer miles than if the guests were to drive all the way to the project site, they would still contribute to an overall increase in VMT. Therefore, although operational vehicle trips for Alternative 3 would be lower than the proposed project, they could still exceed the OPR small project screening threshold and thus, the VMT impact is conservatively identified as **potentially significant**. The majority of mitigation measures specified within MM-TRA-1 for the proposed project are focused on reducing vehicle trips associated with private events, and therefore would not be applicable or effective at substantially reducing vehicle trips from public and private tastings under Alternative 1. Furthermore, as described for the proposed project, there is no way to guarantee that guests for private or public tastings would not use ride share services such as Uber or Lyft, which would generate additional trips. Therefore, for the same reasons as described for the proposed project in Section 4.17, Transportation, even with implementation of mitigation measure MM-TRA-1, the VMT impact for Alternative 3 would be **significant and unavoidable** under both baselines.

Although Alternative 3 would avoid the large influx of vehicles over short periods associated with private events, traffic from public and private tastings would still have the potential to exceed the available parking capacity at the site. Therefore, this alternative could also result in overflow parking along the public portion of Old Oak Way, which would cause a **potentially significant** impact to emergency access and traffic safety for the same reasons discussed in Section 4.17, Transportation. Implementation of MM-TRA-1 would reduce operational emergency access and traffic safety impacts from Alternative 2 to **less than significant with mitigation**, by requiring installation of permanent “no parking” signage along the public portion of Old Oak Way to prevent overflow parking from blocking the passage of emergency vehicles or causing other traffic safety issues.

Utilities

Since the same number of guests would be hosted at the site under Alternative 3 as the proposed project, the demand for and/or use of utility services such as water supply or wastewater generation would be identical. Furthermore, Alternative 2 would still include the conversion of the existing unpermitted wastewater tank into a lift station to pump wastewater generated at the tasting deck and wine cave into the existing public sanitary sewer system, as described for the proposed project. Therefore, for the same reasons described for the proposed project in Section 4.19, Utilities and Service Systems, Alternative 3 would have a **potentially significant** utilities impact, which would be reduced to **less than significant with mitigation** by implementation of MM-UTI-1 and MM-GEO-1.

Wildfire

Alternative 3 would include the same on-site physical modifications as the proposed project and other alternatives, including creation of a secondary access road and improvements to the existing road to the tasting deck to meet SCCFD requirements. Therefore, Alternative 3 would

result in the same improvements to emergency and evacuation egress as described for the proposed project in Section 4.20, Wildfire.

Even though Alternative 3 would generate less overall traffic than the proposed project due to the use of shuttles for private events (see Table 5.2-5 in the Transportation subsection, above), there could still be up to 55 guest vehicles onsite during busy tasting days, which would be same maximum number of vehicles as the proposed project (due to the limited parking spaces). Therefore, impacts related to the proposed increase in the number of evacuating vehicles along Old Oak Way would be similar or slightly less than described for the proposed project (and slightly less than for Alternatives 1 or 2).

As discussed in *Section 4.20, Wildfire*, human presence is a significant indicator of wildfire risk. Alternative 3 would have the same number of guests as the proposed project; therefore, this alternative would bring the same number of additional visitors within a Very High Fire Hazard Severity Area compared to existing conditions (under both baseline scenarios) as the proposed project. Therefore, operational wildfire impacts would be **potentially significant** for Alternative 3, but would be reduced to **less than significant with mitigation** by implementation of MM-TRA-1 and MM-WF-1B.

5.3 Ability of the Alternatives to Meet the Project Objectives

Table 5.3-1 below discusses each Alternatives ability to meet the project objectives outlined below. As demonstrated in the table:

- The No Project Alternative would partially meet Objective 6 but would not meet any of the other project objectives.
- Alternative 1 would meet or partially meet all of the project objectives.
- Alternative 2 would meet or mostly meet all of the project objectives.
- Alternative 3 would meet all of the project objectives.

Table 5.3-1 Alternatives Ability to Meet Project Objectives

Project Objects	No Project Alternative	Ability of Alternative 1 to Meet Project Objectives	Ability of Alternative 2 to Meet Project Objectives	Ability of Alternative 3 to Meet Project Objectives
Objective 1: Obtain permits to modify existing structures and facilities to comply with City zoning regulations and building codes and obtain a CUP for winery operations at the project site and host public and private wine tastings as well as private events.	No Project Alternative **would not meet** Objective 1, because it would not allow the applicant to obtain a CUP for the winery operations nor obtain permits for the tasting deck and related buildings.	Alternative 1 **would partially meet** Objective 1, as applicant would be able to obtain permits by making the required modifications to the existing structures and facilities to comply with the City's zoning code and building code. As part of this process, the applicant would work to obtain their CUP for winery operations at the project site including public and private wine tastings. However, private events would not be permitted.	Alternative 2 **would meet** Objective 1, as applicant would be able to obtain permits by making the required modifications to the existing structures and facilities to comply with the City's zoning code and building code. As part of this process, the applicant would work to obtain their CUP for winery operations at the project site including public and private wine tastings and private events.	Alternative 3 **would meet** Objective 1, for the same reasons as Alternative 2.
Objective 2: Operate winery operations with public and private tastings, and private special events of various sizes at the project site.	No Project Alternative **would not meet** Objective 2, because it would not allow the applicant to host tastings and special events.	Alternative 1 **would partially meet** Objective 2. The applicant would be able hosts guests at private and public wine tastings onsite. However, the applicant would not be permitted to host private special events of any size.	Alternative 2 **would mostly meet** Objective 2. The applicant would be able hosts guests at private and public wine tastings and small events (up to 50 guests) onsite. However, the applicant would not be permitted to host medium or large events and no outdoor music would be allowed.	Alternative 2 **would meet** Objective 2. The applicant would be able hosts guests at private and public wine tastings as well as small, medium and large events (up to 148 guests) onsite.
Objective 3: Operate the winery with minimal disturbances to neighbors and its natural setting.	No Project Alternative **would not meet** Objective 3. While the No Project Alternative would have no disturbances to the neighbors, it would not allow the winery to be operated.	Alternative 1 **would meet** Objective 3 to a greater extent than the proposed project, as it would not include any disturbances associated with private special events of all sizes.	Alternative 2 **would meet** Objective 3 to a greater extent than the proposed project, as it would not include any disturbances associated with medium or large private special events, and no outdoor music would be allowed.	Alternative 3 **would meet** Objective 3 to a slightly greater extent than the proposed project. Disturbances associated with private events (of all sizes) would be the same as the project, but there would be slightly less traffic accessing the site 1.

Project Objects	No Project Alternative	Ability of Alternative 1 to Meet Project Objectives	Ability of Alternative 2 to Meet Project Objectives	Ability of Alternative 3 to Meet Project Objectives
Objective 4: Provide a place where guests can enjoy the natural setting and views within the City.	No Project Alternative **would not meet** Objective 4, because it would not allow the applicant to host tastings and special events where guests can enjoy views.	Alternative 1 **would meet** Objective 4. The applicant would be able to host guests at the project site, which provides a natural setting surrounded by grasses and old growth oak trees with an expansive view of the City and Bay Area.	Alternative 2 **would meet** Objective 4 for the same reasons as Alternative 1.	Alternative 3 **would meet** Objective 4 for the same reasons as Alternative 1.
Objective 5: Construct a subterranean wine cave to store wine at the project site.	No Project Alternative **would not meet** Objective 5, because it would not allow applicant to construct wine cave.	Alternative 1 **would meet** Objective 5. Under this alternative the construction of a wine cave would be permitted.	Alternative 2 **would meet** Objective 5 for the same reasons as Alternative 1.	Alternative 3 **would meet** Objective 5 for the same reasons as Alternative 1.
Objective 6: Exchange 6,050 square feet of open space where the tasting deck and open seating area were constructed within the open space easement, for a new of 15,129 square foot open space easement adjacent to the existing open space easement. In addition, a vineyard of 11,244 square feet that was installed within the existing open space easement would be removed and replaced with native vegetation.	No Project Alternative **would partially meet** Objective 6, as the City would require the vineyard to be removed and planted with native or similar vegetation that exists in the hillside area. However, the exchange would not occur.	Alternative 1 **would meet** Objective 6. Under this alternative the open space easement swap would occur.	Alternative 2 **would meet** Objective 6 for the same reasons as Alternative 1.	Alternative 3 **would meet** Objective 6 for the same reasons as Alternative 1.
Objective 7: Support the City's economic goals and opportunities by expanding visitor destination venues in the City.	No Project Alternative **would not meet** Objective 7, because the venue at the project site would not be opened to visitors.	Alternative 1 **would meet** Objective 7. The project site would provide a venue for visitors to enjoy a winery in a scenic environment within the City.	Alternative 2 **would meet** Objective 7 for the same reasons as Alternative 1.	Alternative 3 **would meet** Objective 7 for the same reasons as Alternative 1.

5.4 Environmentally Superior Alternative

CEQA requires that, among the alternatives, an "environmentally superior" alternative be selected and that the reasons for such selection be disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. Table 5.4-1 below provides a comparison of the Project to the alternatives with respect to the potential to avoid or substantially reduce environmental impacts. As discussed previously, all three alternatives would have exactly the same construction-related impacts as the proposed project. Under Baseline Scenario 1, the construction-related impacts could all be mitigated to less than significant with implementation of recommended mitigation measures as discussed in Section 4 of this EIR. Under Baseline Scenario 2, some construction-related impacts would be significant and unavoidable, due to the past unpermitted construction and grading at the site. Because these past impacts have already occurred, there is no available alternative that would avoid these impacts. Therefore, the summary and comparison of impacts in Table 5.4-1 focuses only on operational impacts.

For the purposes of this EIR, the No Project Alternative is environmentally superior because it would have minimal environmental impacts avoiding most of the constructional impacts and all of the operational impacts of the proposed project. When the No Project Alternative is environmentally superior, another alternative must be identified [CEQA Guidelines Section 15126.6(e)(2)].

In this case, the next environmentally superior alternative would be Alternative 1, No Events Alternative because it would remove all of the project's operational impacts related to private special events, and would have the greatest reduction in noise, VMT, and GHG impacts compared to the proposed project, even though these impacts are still conservatively identified as significant and unavoidable.

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Table 5.4-1 Comparison of Environmental Impacts of the Alternatives to the Project

Environmental Impact (operational impacts)	Project	No Project Alternative	Alternative 1	Alternative 2	Alternative 3
Impact AES-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AES-2	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact AES-3	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AES-4	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AG-1	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact AG-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AG-3	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact AG-4	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact AG-5	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AIR-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AIR-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AIR-3	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact AIR-4	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact BIO-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact BIO-2	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI

Environmental Impact (operational impacts)	Project	No Project Alternative	Alternative 1	Alternative 2	Alternative 3
Impact BIO-3	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact BIO-4	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact BIO-5	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact BIO-6	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact CUL-1	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact CUL-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact CUL-3	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact ENE-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact ENE-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact GEO-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact GEO-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact GEO-3	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact GEO-4	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact GEO-5	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact GHG-1	Baseline scenario 1: S&U Baseline scenario 2: S&U	**NI**	Baseline scenario 1: S&U- Baseline scenario 2: S&U-	Baseline scenario 1: S&U- Baseline scenario 2: S&U-	Baseline scenario 1: S&U- Baseline scenario 2: S&U-
Impact GHG-2	Baseline scenario 1: S&U	**NI**	Baseline scenario 1: S&U-	Baseline scenario 1: S&U-	Baseline scenario 1: S&U-

Environmental Impact (operational impacts)	Project	No Project Alternative	Alternative 1	Alternative 2	Alternative 3
	Baseline scenario 2: S&U		Baseline scenario 2: S&U-	Baseline scenario 2: S&U-	Baseline scenario 2: S&U-
Impact HAZ-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact HAZ-2	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact HAZ-3	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact HAZ-4	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact HYD-1	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI**	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact HYD-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact HYD-3	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI**	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact HYD-4	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact HYD-5	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI**	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact LUP-1	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact LUP-2	Baseline scenario 1: LTS Baseline scenario 2: S&U	**NI***	Baseline scenario 1: LTS Baseline scenario 2: S&U	Baseline scenario 1: LTS Baseline scenario 2: S&U	Baseline scenario 1: LTS Baseline scenario 2: S&U
Impact NOI-1	Baseline scenario 1: S&U Baseline scenario 2: S&U	**NI**	Baseline scenario 1: S&U- Baseline scenario 2: S&U-	Baseline scenario 1: S&U- Baseline scenario 2: S&U-	Baseline scenario 1: S&U Baseline scenario 2: S&U
Impact NOI-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact NOI-3	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact POP-1	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI

Environmental Impact (operational impacts)	Project	No Project Alternative	Alternative 1	Alternative 2	Alternative 3
Impact POP-2	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact PS-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact REC-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact REC-2	Baseline scenario 1: NI Baseline scenario 2: NI	NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI	Baseline scenario 1: NI Baseline scenario 2: NI
Impact TRA-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS- Baseline scenario 2: LTS-	Baseline scenario 1: LTS- Baseline scenario 2: LTS-
Impact TRA-2	Baseline scenario 1: S&U Baseline scenario 2: S&U	**NI**	Baseline scenario 1: S&U- Baseline scenario 2: S&U-	Baseline scenario 1: S&U- Baseline scenario 2: S&U-	Baseline scenario 1: S&U- Baseline scenario 2: S&U-
Impact TRA-3	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI**	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-
Impact TRA-4	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI***	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-
Impact TCR-1	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS&U	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact UTI-1	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI**	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact UTI-2	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact UTI-3	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact UTI-4	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS
Impact UTI-5	Baseline scenario 1: LTS Baseline scenario 2: LTS	**NI**	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS	Baseline scenario 1: LTS Baseline scenario 2: LTS

Environmental Impact (operational impacts)	Project	No Project Alternative	Alternative 1	Alternative 2	Alternative 3
Impact WF-1	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI***	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact WF-2	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI***	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact WF-3	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI***	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact WF-4	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI***	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	Baseline scenario 1: LTSM Baseline scenario 2: LTSM
Impact WF-5	Baseline scenario 1: LTSM Baseline scenario 2: LTSM	**NI***	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-	Baseline scenario 1: LTSM- Baseline scenario 2: LTSM-

Source: compiled by AECOM in 2024. For each alternative, the significance determination shown in the table for a particular impact is for the operational-phase impact, as all construction-related impacts for Alternatives 1 through 3 would be identical to the proposed project..

Acronyms: N/A = Not Applicable; NI = No Impact; LTCC = Less than Cumulatively Considerable; LTS = Less than Significant Impact; LTSM = Less than Significant with Mitigation; S&U = Significant and Unavoidable.

***Bold** indicates that impact is different level of significance than the project.*

- indicates that duration or intensity of the impact would be less than for the project, even if level of significance is the same.

** indicates potential for indirect impacts and/or lack of beneficial impacts.*

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5.5 Alternatives Considered but Rejected from Further Analysis

Section 15126.6(c) of the CEQA Guidelines requires an EIR to identify and briefly discuss any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Reasons for eliminating an alternative from detailed consideration include, but are not limited to:

- Failure to meet most of the basic project objectives;
- Infeasibility; or
- Inability to avoid or substantially lessen significant environmental impacts

Section 15126(f)(1) of the CEQA Guidelines states that "Among 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…and whether the proponent can reasonably acquire control or otherwise have access to the alternative site. No one of these factors establishes a fixed limit on the scope of reasonable alternatives."

The Project Location Alternative was initially considered but was determined by the City to be infeasible and, as such, was eliminated from further analysis. The Project Location Alternative is described in more detail below.

5.5.1 Project Location Alternative

An Alternative Location was considered for the proposed project, which could avoid the potentially significant environmental impacts and significant and unavoidable impacts listed in the section above [per CEQA Guidelines 15126.6(f)(2)(A)]. The project site is in a neighborhood, therefore increased traffic and noise could have impacts on surrounding residences during public and private wine tastings as well as private events. The City considered the proposed project in the Village where similar commercial and retail operations already occur. There are several retail spaces available downtown that the applicant could utilize as a wine bar. Furthermore, because a downtown Saratoga location would likely be closer to the majority of guests' origins (i.e., residences or hotel) than the proposed project site in the hillside area, the Project Location Alternative would also be anticipated to reduce the VMT associated with guest trips.

The Project Location Alternative was rejected because it would not meet the project objectives as provided by the applicant. This alternative would not allow the applicant to obtain permits to modify the existing structures at the project site to meet City zoning regulations and building codes, construct a subterranean wine cave, or to remove the vineyard that was installed within the open space easement and conduct an open space easement exchange. This alternative would not allow the applicant to host guests at the tasting deck that is situated in a natural setting with views of the city. Additionally, this alternative would not allow the applicant to host larger events such as weddings. This alternative would also require the applicant to buy or lease a new location for their operations. For these reasons this alternative was considered but rejected.

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6 Other CEQA Considerations

6.1 Significant Environmental Effects That Cannot be Avoided if the Project is Implemented

Section 21100(b)(2)(A) of the CEQA requires that a draft EIR identify significant environmental effects that cannot be avoided if a project is implemented.

Most impacts identified related to the project would be either less than significant or could be mitigated to a less than significant level. However, the proposed project would also result in some significant impacts that cannot feasibly be avoided or mitigated to less than significant levels. Based on the environmental analyses within this EIR, the City has determined that implementation of the proposed project would result in the following significant and unavoidable impacts:

- Baseline Scenario 1: Conditions at Time of NOP (2022):
  - Impact GHG-1: GHG Emissions
  - Impact GHG-2: Conflict with GHG Policies, Plans, or Regulations
  - Impact NOI-1: Generation of Noise
  - Impact TRA-2: Consistency with CEQA Guidelines relating to Vehicle Miles Traveled
- Baseline Scenario 2: Conditions Prior to Unpermitted Activities (2013):
  - Impact BIO-1: Impacts to Candidate, Sensitive, or Special Status Species
  - Impact BIO-5: Conflict with Local Policies or Ordinances Protecting Biological Resources
  - Impact CUL-2: Adverse Change to Archaeological Resources
  - Impact CUL-3: Disturbance of Human Remains
  - Impact GEO-5: Damage or Destruction of Unique Paleontological Resources
  - Impact GHG-1: GHG Emissions
  - Impact GHG-2: Conflict with GHG Policies, Plans, or Regulations
  - Impact NOI-1: Generation of Noise
  - Impact TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy
  - Impact TRA-2: Consistency with CEQA Guidelines relating to Vehicle Miles Traveled
  - Impact TCR-1: Substantial Adverse Change to Tribal Cultural Resources
  - Impact WF-2: Exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire
  - Impact WF-5: Exposure of people or structures to significant risk from wildland fires

Due to these significant and unavoidable environmental effects, if the City Council decides to approve the proposed project, it would need to adopt a Statement of Overriding Considerations, which would require the City Council to make findings that the benefits of the proposed project outweigh these significant and unavoidable environmental impacts.

6.2 Significant Irreversible Environmental Changes

CEQA (PRC Section 21100(b)(2)) provides that an EIR shall include a detailed statement setting forth "[i]n a separate section…[a]ny significant effects on the environment that would be irreversible if the project is implemented." CEQA Guidelines Section 15126.2(c) provides the following guidance for analyzing the significant irreversible environmental changes of a project:

> *Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irretrievable damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

Implementation of the proposed project would involve the use of nonrenewable resources, primarily through use of petroleum-based fuels for project construction and operation, that would deplete supplies of nonrenewable resources. However, as discussed in Section 4.7, *Energy*, the proposed project would comply with applicable regulations and requirements regarding energy efficiency and would not result in inefficient, wasteful, and unnecessary consumption of energy.

Other nonrenewable and slowly-renewable resources consumed as a result of proposed project development would include, but not necessarily be limited to, lumber and other forest products, sand and gravel, asphalt, petrochemical construction materials, and water. The use of these nonrenewable resources would account for only a small portion of the region's resources and would not affect the availability of these resources for other needs in the region.

The proposed project would not result in irreversible damage from environmental accidents, such as an accidental spill or explosion of a hazardous material. During construction, equipment would be using various fuels and materials classified as hazardous. In the State of California, the storage and use of hazardous substances are strictly regulated and enforced by local, regional, and state agencies to prevent impacts related to environmental accidents. The nature of construction would not involve unusual amounts or types of hazardous materials that could result in irreversible damage from an accidental release. Similarly, long-term occupation of the project site would not involve hazardous materials beyond standard, common-place household, commercial cleaning, and maintenance products and landscaping chemicals, which would not result in significant environmental accidents with their use in accordance with manufacturer instructions. The types and amounts of hazardous materials used at the project site under the proposed project would not pose any greater risk of upset or accident than the existing uses at the site or at other similar development elsewhere in the region.

6.3 Growth Inducement

Section 15126.2(d) of the State CEQA Guidelines requires that an EIR discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. An EIR must also discuss the characteristics of the project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Direct growth inducement would arise if a project involved construction of new housing that has not been accounted for in the City's planning efforts and growth forecasts. Indirect growth inducement would arise, for instance, if a project would remove obstacles to population growth (e.g., a major expansion of a wastewater treatment plant).

Growth-inducement itself is not an environmental effect, but it may foreseeably lead to environmental effects. These environmental effects may include increased demand on other community and public services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, or conversion of agricultural and open space land to urban uses.

6.3.1 Growth-Inducing Impacts of the Project

As discussed in Section 4.14, *Population and Housing*, the proposed project would not induce substantial unplanned population (through the development of housing units or the addition of significant long-term employment opportunities) or indirectly (through the extension of roads or other infrastructure into undeveloped areas) in the City. Guests are expected to be existing residents of Saratoga or the surrounding areas or temporary visitors to the region from other areas; therefore, the proposed project would not result in any permanent population increase within the City. The proposed project would temporarily increase the number of people in the City during wine tastings and events attracting out-of-town guests, but this increase would be attributable to guests and not new permanent residents or induced population growth. n addition, the new staff associated with the proposed project would result in a negligible change in the City's employment or housing demand, because the new employees are expected to be residents of the City already or commuting from nearby cities.

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