



SARATOGA
California

City of Saratoga Notice of Preparation of an Environmental Impact Report

Project Title: House Family Vineyards
Owner: Old Oak Vineyards, dba House Family Vineyards
Project Location: Old Oak Way, Saratoga CA
Assessor's Parcel Numbers: 503-15-079 and APN 503-15-080

As the Lead Agency, the City of Saratoga (City) intends to prepare an Environmental Impact Report (EIR) for the proposed project referenced above. As required by the California Environmental Quality Act (CEQA), the City has prepared this Notice of Preparation (NOP) to inform recipients that the City is beginning the preparation of the EIR and to solicit comments concerning the scope and content of the environmental review.

The following pages of this NOP include a brief description of the proposed project, the project location, and a summary of the potential environmental effects to be analyzed in the EIR. The City welcomes your input regarding the scope and content of the environmental information to be included in the EIR. Information on how to provide comments to the City about the environmental analysis is provided below.

The 30-day NOP comment period for this EIR is from **Friday March 11, 2022 through Monday April 11, 2022 at 5:00 p.m.** Please send your comments to the following address, with the subject line "House Family Vineyards".

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

A Public Scoping/Community Meeting to provide an overview of the project, summarize the CEQA review process, and solicit comments on the Notice of Preparation will be held on:

Wednesday, March 30, 2022 at 6:00 p.m.

Due to current restrictions on public gatherings due to the global COVID-19 pandemic, the scoping meeting will be held entirely by teleconference. The public will not be able to attend the meeting in person, but may view and participate in the meeting virtually by either:

- Using the Zoom Website: please click the link below to join the webinar:
<https://us02web.zoom.us/j/87318452930>
- Using the Zoom App: Webinar ID: 873 1845 2930
- Calling: +1 408 638 0968 or +1 669 900 6833: Webinar ID: 873 1845 2930

In accordance with the Americans with Disabilities Act, if you need assistance to participate in this meeting due to a disability, please contact the City Clerk at bavrit@saratoga.ca.us or calling 408.868.1216 as soon as possible before the meeting. The City will use its best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety.

PROJECT LOCATION

House Family Vineyards is a family-owned and operated winery situated over two adjacent parcels which are approximately 13 acres and 10.4 acres each respectively. The site is situated in the northwest portion of the City of Saratoga (APNs 503-15-079 & 503-15-080) at the terminus of Old Oak Way.

PROJECT DESCRIPTION

The applicant is requesting a conditional use permit to operate a winery at their property located at the end of Old Oak Way. The proposed project also consists of construction of a new subterranean wine cave, fire access road, design review for a 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 tasting deck.

POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the EIR will evaluate the topics listed below and identify potentially significant environmental effects anticipated to result from implementation of the proposed project.

- | | |
|-----------------------------------|---------------------------------|
| • Aesthetics | • Hydrology and Water Quality |
| • Agricultural Land | • Land Use and Planning |
| • Air Quality | • Noise and Vibration |
| • Biological Resources | • Recreational Resources |
| • Cultural Resources | • Population and Housing |
| • Energy | • Public Services |
| • Geology and Soils | • Transportation |
| • Greenhouse Gas Emissions | • Tribal Cultural Resources |
| • Hazards and Hazardous Materials | • Utilities and Service Systems |
| | • Wildfire |

From: [Mohini Balakrishnan](#)
To: [Nicole Johnson](#)
Subject: "House Family Vineyards"
Date: Monday, April 11, 2022 9:58:02 AM

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To: City of Saratoga, Community Development Department
Attention: Nicole Johnson, Senior Planner City of Saratoga.
and
Stephanie Osby, EIR Contractor with AECOM
13777 Fruitvale Avenue Saratoga, CA 95070
-By email-
Re: House Family Vineyard Scoping of EIR for CUP application

Hello Nicole and Stephanie,

We would first like to go on record that we are totally opposed to this CUP.

This CUP is a sham, as we all know that HFV has been operating for at least eight plus years without the required permit, building major structures, building on open space easement, advertising and charging for meals with no food or restaurant permit, ignoring for more than a year a city directive to stop all events and wine tastings, advertising on third party websites to camouflage their operation by not using their own website. Applicant continues to operate to date with no concern that this is a non permitted business venture of growing proportions and alarming magnitude.

Several residents in the neighborhood have sent in their code violations to Tony Gonzalez (of code compliance) with photographs attached showing that brisk business continues as usual. Showing 62+ cars parked on the ridge line, websites showing meals/ food being offered on site, Fencing being placed on ridge line. Containers, trucks and heavy equipment and other debris. Kindly review these complaints as part of your EIR.

Because of the controversial nature of the applicant and this project, we respectfully request the EIR provide a synopsis of that history in order to put this EIR in perspective.

This applicant has been asked to cease operations in writing by the city as of last October 5th, 2021. To date the activities continue undeterred.

We would like to ensure that the EIR seriously considers the following two alternatives to the proposed project.

One being 'No project' in which ALL commercial activity onsite except the vineyard ceases. The second alternative is to move The wine tasting, wine club and events to a commercially zoned property, perhaps in Saratoga Village as other wineries have done successfully.

We knew that the city has tried unsuccessfully to bring this applicant into compliance for several years now. We also feel that the City's policy of trying to work with businesses to make them compliant should have a time limit, in this case 8+ years is just too long. There

have been no repercussions to date to encourage the applicant to be a law abiding citizen or discourage the flagrant violations of non permitted activity. The city's current policy needs to be revisited and readdressed with definitive timelines, as we all know when we have a repeat violator, giving them more time does not necessarily set a good example of City policy.

With regard to the proposed EIR there are several existing factors that cannot and should not support this CUP. We would encourage these to be studied and considerate at length.

1. Wildfire risks: no evacuation route for the growing business and public visits with no fire exit road to date. Given that we are entering wildfire season in severe drought conditions, if there were to be any injuries or deaths in relation to the natural hazards or wildfire it would pose significant responsibility on the city for failing to enforce the safety measures mandated by the fire district to date.

2. Geology and Soils: We have knowledge that there is a moving landslide at the top of Old Oak Way. We also believe that other areas that include moving landslides or other geological hazards on HFV. This in turn places surrounding hillside neighborhoods in jeopardy by potentially aggravating an already extremely vulnerable and unsafe environment.

3. Traffic: Pierce Road is a narrow winding country road which is extremely narrow and already burgeoning with the neighborhood traffic, bicyclists and walkers. This road is not equipped to bear the additional stress of commercial traffic to HFV and is ill equipped to handle any evacuation from HFV in the event of natural disaster or fire. In addition the visitors to HFV pose an additional threat to residential traffic, bicycles and walkers in terms of collision, as they would have spent a good number of hours wine tasting on site.

4. Land use and planning: The proposed project is on a residential zoned hillside property. If individuals cannot purchase or occupy a residential piece of property in Saratoga with the assurance that the neighborhood will remain residential and not be converted into a commercial operation then Saratoga's future will be severely impacted. Most people - residents and visitors alike, value and treasure Saratoga for its rural ambiance, which is why people aspire to purchase homes in Saratoga.

5. Hydrology: We have heard from neighbors below HFV that have experienced flooding from runoff from the HFV properties this is probably due to the native trees in ground cover that was removed. HFV Property at the Cargill residence had a significant landslide that is still obviously to date.

6. Aesthetics: Please visit HFV on a weekend that you could see for yourself in person to 50 or more cars parked on the ridge line on a pristine hillside. Please make it your responsibility to personally review the visual pollution of a six-foot fence on a major Ridge line, tasting structure that was built without permits On prohibited open space easement. Please walk/drive through the property At length to assess the trucks heavy equipment and other eyesores that are scattered through the property. Please note the food offerings on site without permits.

7. Noise and vibration: The noise and vibrations from Heavy equipment traffic trucks and buses that are now transporting visitors to the site, In addition to the car traffic of over 60+ cars parked onsite every weekend. This is also a venue where concerts are held and bands perform at HFV with The noise from the bands emanating and reverberating into the hillside.

8. Utilities and service systems: We understand that there are currently three houses on HFV all on a major Ridge Lane in direct contradiction to a long-standing existing and important city policy. We understand that the sewage system servicing the three houses might accommodate sewage from a small number of additional guests but cannot withstand the masses that congregate every weekend on site. This poses serious environmental concerns which affect other residents in the neighborhood.

Again this poses a significant strain on the freshwater supply in these drought conditions to supply the hundreds of people that come over to HFV on a weekend.

Special attention should be paid to the existing sewer lines and waterlines and how they are stressing our environment by being a burden on the environment.

In conclusion we would like to point out that Saratoga hillsides have always had Vineyards which lend charm to the neighborhood, and also prevent earth movement as vines hold the earth.

This being said the residents that have vineyards, do not place a burden on their neighborhood and neighbors by trying to become commercial in residential hillside. They follow the regulations and are law abiding.

We have all (including HFV) purchased our property for its residential nature and cannot support one family's endeavor (HFV) to turn commercial after the fact for their own personal gain.

We urge the city staff to enforce policy and uphold their regulations for the future of ALL Saratoga Residents.

Sincerely

Mohini and Balu Balakrishnan

From: [Glo J](#)
To: [Nicole Johnson](#)
Subject: House Winery
Date: Sunday, April 10, 2022 7:16:04 PM

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Hi Nicole,

I would prefer my name be kept private but I do want to comment on the consideration of the CUP and the EIR and House Winery.

My main objection to allowing all of these tasting parties and events there is the amount of noise that comes down the valley to my house and my neighbors. We can literally hear all of the voices of the attendees, not to mention any music they sometimes have going. I moved to this area over 25 years ago because of the scenery and the quietness of this neighborhood. Now with all these parties/tasting that occurs on a frequent basis, that quietness has evaporated. Please keep these comments into your consideration when you make a decision on the CUP and EIR. We live here too and our lives will be affected by your decision.

Thank you,
Gloria Janac

From: [Mona Kaur-Freedland](#)
To: [Nicole Johnson](#)
Cc: [Tony Gonzalez](#)
Subject: House Family Vineyards
Date: Sunday, April 10, 2022 9:51:05 AM

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Hi Nicole and Tony,

I am writing to mention my thoughts on the EIR that is currently being run to "legalize" the illegal tasting rooms in the House Family Vineyards. As we all know, this entity does not have a permit to operate a wine tasting room. However, this activity is currently occurring with tens of cars parked up there every single day. Additionally, as you know, the Santa Clara County Fire Department has not provided a permit for this property and activity. It is a huge fire danger to those of us living in the very high wildfire prone area of Saratoga Hillsides that such a blatant violation is going on, endangering our homes and families while the city turns a blind eye.

On the point of fire danger, opening the House Family vineyards to the public and allowing them to commercialize their illegal operations would seriously jeopardize the escape route out of the hillsides for its residents as we would now have the traffic from Mountain Winery (also owned by Dave House) coming from above Pierce road and then at the below junction we will now have his other project spilling hundreds of cars into the single lane, highly vegetated Pierce Road, blocking off our escape route. How is this fair and in line with the City's duty and responsibility to take measures to protect the lives and homes of its citizens who live in the Hillsides? The fact that House Winery has been running an illegal operation all these years with the City's knowledge, is an even more baffling fact in this request to protect our homes and families.

On account of the immense fire danger because of the flagrant ongoing violations and blocking of the extremely important Pierce junction as a wildfire escape route, I ask that the proposed EIR be dismissed summarily and to please consider this as a formal complaint to stop all operations at House Family Vineyards.

Thank you

Mona Kaur
21771 Heber Way
Saratoga CA 95070

From: [Ingrid Sywak](#)
To: [Nicole Johnson](#)
Subject: House Family Vineyards, Old Oak Way, Saratoga, CA 95070
Date: Saturday, April 9, 2022 12:32:28 PM

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Dear Nicole Johnson:

My name is Ingrid Sywak, my husband and I have lived at 12860 Star Ridge Court, Saratoga, CA 95070 (known as Parker Ranch sub division), for over 35 years. We live directly across the valley/street facing the House Family Vineyards. We have a perfect view of the House residence and Vineyards.

We are 100% in favor of the House Family vineyard application.

I can say that dealing with "Noise and Vibration" is NOT a factor. I even periodically take out my sound meter and test sounds. We occasionally hear voices from the Vineyard. It is a happy sound from happy people, and we enjoy hearing it. It is NOT loud, and NOT a problem.

We also love looking at the beautiful vineyards, we have one of the best views and love living across the street from the House Family property. It is obvious why people want to visit there, we love visiting ourselves. It is such a special place, and we are happy Dave and Devi share it with us and our neighbors.

Again, we support his application.

Sincerely,
Dr. and Mrs. Alexander Sywak

From: [Wilbert Lee](#)
To: [Nicole Johnson](#)
Subject: Re: Notice of Preparation (NOP) for House Family Vineyards
Date: Saturday, April 9, 2022 10:52:39 AM

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Nicole,

My comment regarding the House Family Vineyards relates to the safety issues from the added volume of traffic that would result from the expansion of the facility. As a resident on Old Oak Way, I'm concerned that there are vehicles that travel faster than is practical on the narrow street. Couple that with cars that are sometimes parked on the street and there is no alternative but to cross the double yellow line into potential traffic that is traveling too fast and, in some cases, around blind corners. I have personally had some close calls.

Also, garbage pick up is Monday and the result is that the garbage cans are put out on Sunday and remain on the street through Monday (in most cases). This also tends to cause cars to drive further into the middle of the street, potentially crossing the double yellow line. This is a problem as vehicles are potentially going into oncoming traffic. This will become an increased hazard with higher traffic volume. If weekend and holidays are high frequent visitor days, then Sunday would be a potential problem with the cans out and more residents out putting preparing the cans for Monday pickup.

Finally, I would be concerned that visitors to the vineyard may drink more alcohol than they should before they decide to get into their car.

Regards,

Bert Lee
13360 Old Oak Way

From: Nicole Johnson <njohnson@saratoga.ca.us>
Sent: Tuesday, March 8, 2022 4:52 PM
To: Nicole Johnson <njohnson@saratoga.ca.us>
Subject: Notice of Preparation (NOP) for House Family Vineyards

Good afternoon,

As the Lead Agency, the City of Saratoga (City) intends to prepare an Environmental Impact Report (EIR) for the proposed project for House Family Vineyards. The city has prepared the attached Notice of Preparation (NOP) to inform recipients that the city is beginning the preparation of the EIR and to solicit comments concerning the scope and content of the environmental

review.

The city welcomes your input regarding the scope and content of the environmental information to be included in the EIR. The NOP comment period for the EIR is March 11, 2022-April 11, 2022. Please send your comments with the subject line "House Family Vineyards".

A scoping meeting will be held on March 30th at 6 pm on Zoom (zoom information provided in attachment).

Sincerely,

Nicole



Nicole Johnson | Senior Planner
City of Saratoga | Community Development Department
13777 Fruitvale Avenue | Saratoga, CA 95070
(408) 868-1209 | www.saratoga.ca.us
City Hall is closed every other Friday

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From: [Debbie Pedro](#)
To: [Nicole Johnson](#)
Subject: FW: Emergency Evacuation Safety for our Saratoga Hillsides
Date: Thursday, April 7, 2022 3:14:52 PM

From: James Lindsay <jlindsay@saratoga.ca.us>
Sent: Thursday, April 7, 2022 2:39 PM
To: Debbie Pedro <dpedro@saratoga.ca.us>
Subject: FW: Emergency Evacuation Safety for our Saratoga Hillsides

Hi Debbie,

I would like to review a draft reply once it is ready.

Thank you,
James

From: Glenda Aune <glenda_aune@yahoo.com>
Sent: Thursday, April 7, 2022 2:25 PM
To: Tony Gonzalez <tgonzalez@saratoga.ca.us>
Cc: Tina Walia <twalia@saratoga.ca.us>; Kookie Fitzsimmons <kookie@saratoga.ca.us>; Mary-Lynne Bernald <mlbernal@saratoga.ca.us>; Rishi Kumar <rkumar@saratoga.ca.us>; Yan Zhao <yzhao@saratoga.ca.us>; James Lindsay <jlindsay@saratoga.ca.us>
Subject: Emergency Evacuation Safety for our Saratoga Hillsides

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Dear Officer Gonzalez,

Is the Compliance Department actively involved in the current CUP process for the House Family Vineyards Winery (HFVW)? Or do residents have to submit formal complaints in order for the Compliance Department to follow up on known compliance issues that may put residents at risk?

HFVW has been operating their tasting room/deck – more like a wine bar or restaurant – and hosting events for years without the required CUP and permits. According to the HFVW website, the City found out about the non-compliant structures and operations in August 2016 – over five (5) years ago! Yet HFVW continues to operate without permits. Why is HFVW allowed to continue these "illegal" operations in our residential Hillsides? Are local residents safe? See *Saratoga April 16, 2021, Supplemental Memo #1, pages 44, 45, 176, for examples of the illegal operations*: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/891817/Supplemental_Memo_No._1_-_House_Family_Vineyards.pdf

- HFVW is operating a loud wine bar that is becoming a restaurant in our Hillside. They offer a food menu and have even advertised bands – musical artists – to attract and entertain guests during summer evenings. And they have offered dinner – just like a restaurant – for wine club members on weekend nights even during the pandemic. These activities create lots of noise and traffic in our rural residential Hillside. This is clearly not a “tasting room” per the definition of a winery in the City Ordinance 15-6.725.
- HFVW holds over 100 events a year creating traffic and noise for local residents. These are not “special events” per the definition of a winery in the City Ordinance 15-6.725.
- HFVW built structures including a tasting deck with bathrooms on a protected ridgeline without permits, destroying the beauty of our Hillside. This is not in compliance with City Ordinance 15-13.080.
- HFVW continues their operations without the fire road required by the Santa Clara County Fire Department (SCCFD) for this high fire area.

All of this raises many questions regarding compliance:

- Are the structures built to code? Are they safe?
- Will the traffic from the winery increase the risk for local residents trying to leave the Hillside in the event of an emergency evacuation such as a wildfire?
- Why is the City allowing HFVW to continue operations without the required fire access road?
- In the event of a fire, will SCCFD be able to access the winery with their equipment since the fire road has not been constructed?
- Does HFVW have the necessary licenses to serve food at their tasting room and events?
- Is the outside pizza oven safe to use in a wild fire area?

And there are so many more questions. The City Staff says they are working with the HFVW to become compliant with regulations all the while HFVW is allowed to continue their operations as if all is ok. But this is taking way too long – over five (5) years! And, we are just starting the EIR process so we can expect all of this to continue for another nine (9) months or more. It looks like we are dealing with a “chicken and egg problem” – HFVW does not want to invest more \$\$ to comply with regulations (e.g., build a fire road) until their CUP is approved ... and the permits will not be approved until the CUP process is completed ... so they just continue as if all is ok possibly putting their guests and local residents at risk.

In July 2020, the City finally notified local residents that HFVW was operating without

permits or a CUP, and many of us asked the City to stop the “illegal” operations that create a lot of noise and traffic and evacuation risks in our Hillside. On July 23, 2020, the City notified residents via email that HFVW “agreed” to cease special events and wine tasting for the “general public” starting July 27, 2020, and continuing until the CUP is approved. Residents were assured that HFVW would remain open only for wine club members. And, residents like myself thought this would reduce the traffic and noise, but nothing has really changed. Residents who live very close to the winery report that there are still lots of cars and noise at the tasting room/deck, even this past weekend. And apparently HFVW participated in 2021 Vintners' Festival for the wineries of the Santa Cruz Mountains. The Mercury News promoted the event for the local wineries with an article including a (stock) photo of the HFVW tasting deck. The article said, "In the Saratoga and Woodside hills, guests will be welcomed at Cooper Garrod, Thomas Fogarty Winery, House Family, Ridge and Woodside Cellars" on both Saturday and Sunday, October 23-24, 2021. Note that I do not know if anyone – the general public and/or only wine club members – were welcomed at HFVW for the Festival. <https://www.mercurynews.com/2021/10/17/vintners-festival-comes-to-santa-cruz-mountains>

I live on Pierce Road and am extremely concerned about the increased risk for Saratoga Hillside residents in the event of an emergency evacuation of the Hillside – such a wildfire – if there are a lot of cars – 30, 50, or more cars – exiting the HFVW winery via Old Oak Road and pouring onto Pierce Road. Pierce Road is a primary route for Hillside residents and was never designed for high levels of traffic that we can expect during an emergency evacuation.

In June of 2021, I asked the City Staff if it was “safe” for HFVW to continue operations for “wine club members” without a fire access road that was required by the SCCFD. I was told that the City Staff did not know and I could follow up with the SCCFD. I was NOT given a contact at SCCFD, but I had a contact at SCCFD and reached out to him. He visited HFVW and told me via email that the SCCFD was actively pursuing solutions. I have not heard anything more. My contact is not responding to my emails. Should HFVW be allowed to continue to operate their tasting room/deck and host events without a fire access road required by the SCCFD?

HFVW has offered wine tasting and events that create lots of traffic and noise in our Hillside for over five years without a CUP, building permits, or the required fire access road. And HFVW has shown us that they will do what they want to do – all in plain sight – while the City does virtually nothing. And residents cannot police this.

We do not know if the current City Council will approve the HFVW CUP application. Or perhaps a new City Council that is friendly to HFVW will approve everything they want. But in the meantime, HFVW should not continue “illegal” activities in structures that may not be safe. Can the Compliance Department actively engage in this CUP process to ensure patrons of the winery and local residents are safe during this CUP process period? Can you help us change this broken CUP process that seems to put the desires of a business ahead of the safety and rights of residents?

Please do not forward my email with my name and contact info to anyone at HFVW. In the past, comments that I have submitted to the City have been forwarded to David

House who has contacted me to discuss my concerns. I do not want him to have my name and contact information. I do not want to talk with Mr. House.

Thank you,

Glenda Aune
Pierce Road Resident, Saratoga

From: [Nancy Lietzke](#)
To: [Nicole Johnson](#)
Cc: [Debbie Pedro](#); [James Lindsay](#); [Tina Walia](#)
Subject: Re: HFV Mailing
Date: Thursday, March 31, 2022 5:03:57 PM

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Hi Nicole,

Thank you for the EIR presentation and introducing Stephanie as the EIR contractor. Thank you also for answering the notice question.

I know last nite was not quite the question and answer EIR interchange you were possibly hoping for. But you and the Planning Department have to understand that residents are extremely frustrated with a CUP process that has taken not 1 or 2 years, but 6 + years with many issues and flagrant violations that seem to go unabated at the expense of and impact on surrounding neighbors. (Actually the winery has been functioning in this manner for about 10 years.) It would seem 6+ years (with City knowledge) is well outside **“developing a temporary compliance plan containing a reasonable time line in an effort to achieve voluntary compliance”** per the Compliance Policy adopted May 19, 2021. Here we are 9 months later with an EIR just beginning. So by the time this EIR is scrutinized and sent to the City Council it will be almost two additional years (for a total of 8+ years) that the HFVW who built and operated illegally in the first place has been allowed to function and profit with tastings, events, sales and food service without a CUP and even more disturbing a **fire permit**.

Regards,

Nancy

On Mar 31, 2022, at 1:02 PM, Nicole Johnson <njohnson@saratoga.ca.us> wrote:

Hi Nancy,

Thank you for joining us at last night's scoping meeting. To answer your question, a total of 65 residents/interested parties were mailed the NOP for the HFV project.

Sincerely,

Nicole

<image001.jpg>**Nicole Johnson**| Senior Planner

City of Saratoga | Community Development Department
13777 Fruitvale Avenue | Saratoga, CA 95070
(408) 868-1209 | www.saratoga.ca.us
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Dear City Council,

Today is a very sad day. Tonight I will attend a Saratoga Public Scoping Meeting for an EIR for the House Family Vineyards Winery's (HFVW) CUP for operations including those that violate City Ordinances. I asked the Planning Commission by email on May 13, 2021, why are we starting an EIR for "illegal" operations. I am still waiting for a response. Perhaps the City Council can answer the question and a few others regarding this CUP process. *See Saratoga April 16, 2021, Supplemental Memo #1, pages 44, 45, 176, for examples of the illegal operations:*

[https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/891817/Supplemental Memo No. 1 - House Family Vineyards.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/891817/Supplemental_Memo_No._1_-_House_Family_Vineyards.pdf)

- HFVW is operating a loud wine bar that is becoming a restaurant in our Hillside. They offer a food menu and have even advertised bands – musical artists – to attract and entertain guests during summer evenings. And they have offered dinner – just like a restaurant – for wine club members on weekend nights even during the pandemic. These activities create lots of noise and traffic in our rural residential Hillside. This is clearly not a "tasting room" per the definition of a winery in the City Ordinance 15-6.725.
- HFVW holds over 100 events a year creating traffic and noise for local residents. These are not "special events" per the definition of a winery in the City Ordinance 15-6.725.
- HFVW built structures including a tasting deck with bathrooms on a protected ridge line without permits, destroying the beauty of our Hillside. Were the structures built to code? Were any trees cut down? This is not in compliance with City Ordinance 15-13.080.

Our Saratoga Hillside is beautiful, one of the few rural residential areas in the Bay Area and a place we should preserve, not because residents love living here but because this unique area can never be replaced. Yet we are slowly destroying our Hillside with more and more traffic, noise, and fences that are cropping up "everywhere." And today – yes, today! – we are faced with perhaps the greatest threat to our beautiful Saratoga Hillside – commercialization – that is happening right in front of our eyes. HFVW is clearly commercializing our Hillside – using them for financial gain. As Mr. House says, HFVW is providing a place for the "flatlanders" (his choice of words, not mine) to come and enjoy the scenic beauty. This definitely draws people to the winery but is not the purpose of a winery tasting room.

And the City has known about these illegal operations for at least 5 years. And, when I complained to Mayor Miller about the City allowing these operations to continue without permits, he objected to my question and said the City is following the law and regulations. Yes, the City employees are doing what they are asked to do – helping a business become compliant. They cannot and do not push back. But how can you help a business become compliant for a CUP when public input and subjective review and possibly an EIR is required – this is NOT a water heater! Do you really think this process is ok?

- HFVW built a tasting room/deck with bathrooms on a protected ridge line in our Hillside without a permit several years ago. According to the HFVW website, the City found out about this in August 2016, over 5 years.
- The City required a Master Plan for the winery before they would start a CUP process for the HFVW operations. In June 2017, HFVW submitted a Master Plan to Saratoga, and it was rejected because the SCCFD required an emergency fire access road to be included in the plan.

HFVW resubmitted their plan on November 21, 2019. This took 3 years while the City was silent and did NOT inform residents that HFVW operations and structures were NOT approved.

- Seven months later, in July 2020, the City sent a letter to residents who lived within 500 feet of the winery – *meeting the letter of the CEQA law and not the spirit of the law to inform all impacted residents* – informing them that the City was starting a 30 day review period for a Mitigated Negative Declaration (MND) for the HFVW operations – no EIR and no consideration for whether the operations were legal or wanted in our Hillsides. The assumption was that this would all be ok with residents and quickly approved. *Why else would the City spend time and money to create an MND?*
- The residents who received the letter informed other Saratoga residents who sent emails to the City pushing back on these commercial operations in our Residential Hillsides. *The Public Hearing for the MND was delayed.*
- Residents received an email from the City stating that HFVW agreed to cease special events and wine tasting for the general public starting July 27, 2020, and continuing until the CUP was approved. But, nothing has really changed – there are still lots of cars and noise at the tasting room, even today. HFVW participated in the October 2021 Vintners' Festival for the wineries of the Santa Cruz Mountains. *Perhaps they are using this as an opportunity to grow their wine club membership? Perhaps membership is required for a reservation even for the Festival?*
- A study session was held by the Planning Commission on April 20, 2021, to review the CUP proposal. At the meeting, “one” Planning Commissioner voiced concern about possible ground movement on the HFVW driveway/parking lot which prompted the Planning Commission to require an EIR for the environmental impact of the operations. Note that there was NO concern voiced on whether these operations should continue. Again, there seems to be an assumption that all of this will be approved and the EIR is just a “stamp.”
- In June of 2021, I asked the City if it was “ok” for HFVW to continue operations for “wine members” without a fire access road that was required by the SCCFD – *HFVW does not want to build the road until the CUP is approved and they don’t want to close their operations even though this puts their guests and surrounding residents at high risk in the event of wildfire or other emergency.* I was told that the City did not know and I could follow up with the SCCFD. I was NOT given a contact at SCCFD, but I knew someone and I contacted him. He visited HFVW and was not happy. Why did I have to contact SCCFD? Why didn’t the City do that? *Perhaps I should have submitted a formal complaint?*
- It is now March 2022, and we are finally starting to discuss the requirements for an EIR to support HFVW “illegal” operations.

So again, I ask the simple question, why are we starting an EIR for these illegal commercial operations? Why is it taking so long to enforce Saratoga ordinances? Every day that these operations are allowed to continue and every dollar that is spent on an EIR for these operations sends a clear message to HFVW that the City will approve the CUP – “Just be patient.”

Mr. House says he just wants to be treated like Cooper-Garrod. But the Cooper-Garrod CUP was granted as part of an annexation. Perhaps Saratoga should not have annexed that property, but we did. And this should not mean that we continue to commercialize our Hillsides. We must stop this commercialization if we want to have a chance of preserving our Hillsides. If we don’t stop these operations, HFVW has shown us that they will do whatever they want including expanding their

restaurant and increasing the number and size of events because the City will not stop them. In fact, the City will only respond to formal complaints, but residents, like the City, have no way to count events or police a venue. *And, if this continues, how can Saratoga tell the next business “no” when it wants to commercialize the Hillsides?*

What should the City do at this point? We must balance the desires of a single business – yes, friends of the City – with the *needs and rights of residents* who call the Hillsides “home,” the protection of the wildlife who live in the Hillsides and cannot speak for themselves, and our obligation to preserve our beautiful Hillsides for future generations.

Please ...

- Stop the commercialization of our beautiful, residential Hillsides. Protect and preserve our Hillsides for residents, wildlife, and future generations.
- Stop the illegal HSVW operations NOW – a loud wine bar/restaurant, over a hundred events a year, and structures on a protected ridgeline – and Stop the associated EIR for these illegal actions.
- Inform all residents who are impacted by an MND or CUP. *I don’t live within 500 feet of the HFVW, but I am impacted by the additional traffic on Pierce Road and potential emergency evacuation risks. A little note on a door of a business only informs visitors.*
- Fix the broken CUP process that allows businesses to be non-compliant for years with no penalties.

Thank you,

Glenda Aune

Saratoga Resident, Pierce Road



NATIVE AMERICAN HERITAGE COMMISSION

March 10, 2022

Nicole Johnson
City of Saratoga
13777 Fruitvale Ave
Saratoga, CA 95070

Re: 2022030238, House Family Vineyards Project, Santa Clara County

Dear Ms. Johnson:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Cody.
Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

From: [Henry Coles](#)
To: [Nicole Johnson](#)
Subject: EIR - House Family Vineyards - Comment from H. Coles
Date: Wednesday, March 9, 2022 9:47:38 AM

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

Dear Ms. Johnson,

Thank you for sending out the request for comments regarding the project proposed by Mr. House on Old Oak Way.

I am opposed to the project for two key reasons:

- 1 - The neighborhood is residential, commercial businesses should not be allowed. Zoning is a needed and important method to keep the personality and feel of Saratoga intact. This is one reason residents pay more to live in Saratoga compared to surrounding areas.
- 2 - Pierce Road is very narrow (no shoulder) in many sections leading to Old Oak Way and is used frequently by cyclists and pedestrians. The City should not support adding commercial businesses that will add traffic on Pierce Road and thereby reduce the safety for cyclists, pedestrians and vehicles. The fact that "appointment only" is mentioned does not change my feeling on this aspect.

Thank you,

Henry Coles
20620 Reid Ln, Saratoga, CA 95070
c. 408 348 5160

Input for House Family Vineyards Winery EIR

Our Saratoga Hillside areas are beautiful, one of the few rural residential areas in the Bay Area and a place we should preserve, not because residents love living here but because this unique area can never be replaced. Yet we are slowly destroying our Hillside areas with more and more traffic, noise, and fences that are cropping up “everywhere.” And today we are faced with perhaps the greatest threat to our beautiful Saratoga Hillside areas – commercialization – that is happening right in front of our eyes. Yes, House Family Vineyards Winery (HFVW) is clearly commercializing our Hillside areas – using them for financial gain. As Mr. House says, HFVW is providing a place for the “flatlanders” (his choice of words, not mine) to come and enjoy the scenic beauty. This is not the purpose of a winery tasting room.

HFVW started as a vineyard and for at least the last five or more years has been serving food *without a permit* at a very loud tasting room/deck that was built *without a permit on a protected ridgeline* – more like a wine bar or a restaurant – and hosting events *without a permit* any day and any evening regardless of the impact on neighbors. They have even advertised bands – musical artists – to attract and entertain guests during summer evenings. And they have offered dinner – just like a restaurant – for wine club members on weekend nights even during the pandemic. And their guests love it. The City has known about all of this for at least the past five years and has done nothing to control it even though City Ordinances are being broken and the requirement by the Fire Department for HFVW to build a fire access road is being ignored – HFVW doesn’t want to build the road until the CUP is approved, and they continue to operate putting guests and local residents at risks in the event of an emergency. We must stop this commercialization if we want to have a chance of preserving our Hillside areas. If we don’t, HFVW has shown us that they will expand and do whatever they want because the City will not stop them. And, how can we tell the next business “no” when it wants to commercialize the Hillside areas?

I have lived in the Saratoga Hillside areas for almost forty years and call it “home.” People have different definitions of “home.” I think of my home as my quiet, respite away from the hubbub of Silicon Valley. HFVW has collected signatures of many people, perhaps hundreds, who love the winery and tasting room/deck – yes, it is a beautiful setting – and want the operations to continue. But most of these people don’t live in the Hillside areas and are not impacted by the noise and traffic generated by the HFVW operations when they go home. And a few close neighbors to HFVW have commented that they love the “happy sounds” from the tasting room/deck. But, not everybody shares their enthusiasm for the noise. There are other people who live in the Hillside areas who are like me and want to stop the noise and traffic because this negatively impacts this place we call “home.”

The Saratoga Hillside areas are also home to many kinds of wildlife – deer, bobcats, mountain lions, coyotes, foxes, opossums, rabbits, skunks, squirrels, hawks, and birds of all kinds live in these Hillside areas. How are they impacted by the HFVW operations?

The HFVW operations – specifically the loud wine bar and events – have been allowed to continue for too long without permits or any penalties for not securing permits before building structures on the property and starting operations that do not follow City Ordinances. What should the City do at this point? We must balance the desires of a single business – yes, friends of the City – with the *needs and rights of residents* who call the Hillside areas “home,” the protection of the wildlife who live in the Hillside areas and cannot speak for themselves, and our obligation to preserve our beautiful Hillside areas for future generations.

So, when I consider the environmental impact of the HFVW on our Hillside areas, I have these questions that I would like to have answered by the EIR:

1. How does the traffic from the winery including delivery trucks/vans impact Pierce Road, especially when a large number of vehicles exit the winery after an event for example? Pierce Road is a rural, winding road that is already saturated with traffic. It was never designed for high traffic.
2. How will traffic from HFVW be managed in an emergency evacuation of the Hillsides such as in the event of a wildfire? The Hillsides are in a very high fire area! There could be 50 or more cars plus delivery trucks/vans exiting the winery during an evacuation. Will these cars be routed down the very steep Old Oak Way and onto Pierce Road adding more traffic to an already oversaturated road? Will there be an alternate evacuation route? Will the guest of the winery be required to “shelter in place”? Will the winery be closed during a “wildfire warning” for the area to avoid a potential evacuation?
3. Is there some way to mitigate the noise from the traffic going to or exiting the winery especially for an event? A constant stream of traffic on a Saturday or Sunday, for example, can be very annoying for those that live close to the winery. And a lot of traffic going to an event or exiting the winery after an event can create a lot of noise for nearby neighbors.
4. Is Old Oak Way safe for drivers who are not familiar with the steep road and/or or may have had a little too much to drink?
5. Is it safe for people to park at the edge of a steep hillside especially at night – people who may not be familiar with the terrain and may have been drinking?
6. Are there any fault lines or other geographically unstable areas – such as on the driveway or ridgeline under the tasting deck – that could potentially create dangerous situations for guests of the HFVW?
7. How is the water drainage from the tasting deck and other structures managed? Is the water routed down the hill in some way and to where?
8. Does the HFVW operations impact our water supply in any way since we are in a severe drought?
9. How can the HFVW mitigate the noise from the tasting room/deck and events? Will they be allowed to continue to host bands to entertain guests? Are these “evenings” with the “musical artists” counted as “events” or are these just evenings at the winery? And, will they be able to continue play to loud music until 10 PM? Some people who have kids and/or work go to bed earlier. And the noise from event that ends at 10 PM will continue for at least an hour as people exit the winery.
10. Do the HFVW operations, such as the tasting room/deck, that create loud noise during the day and evening and bright lights during the evening impact wildlife?
11. Shouldn't the tasting room/deck – including bathrooms – that was illegally built on a ridgeline be moved? Structures on ridgelines should be avoided per the Saratoga City Ordinance 15-13.080. If this is not moved, this deck will “destroy” the view of the ridgeline which should be protected.
12. Can a structure be built on the “open space easement exchange” land? Or was this land offered as an exchange for the ridgeline simply because it was not going to be or cannot be used for construction?

For example, is it too steep?

13. Were any tress cut without permits for the current structures including the tasting room/deck? If so, what are the required remedies?

14. Is the outdoor pizza oven safe or can a single spark from the oven ignite a wildfire? Does the pizza oven pollute the air with smoke? This is a very high fire area and kitchens are not allowed for tasting rooms per City Ordinance 16-05.695.

The EIR should identify all the environmental impacts and possible mitigation measures or alternatives to eliminate or at least minimize the negative impacts. And residents should be able to review the report and provide feedback on the validity and significance of the findings. If the EIR states that there are no negative impacts of the HFVW structures and operations on the environment, then we should consider it flawed just like the EIR that was created for the Mountain Winery hotel (e.g., an additional 100 cars from the hotel on Pierce Road would have no negative impact during the day or emergency evacuation).

No matter what the EIR concludes, the City must do the right thing and stop these illegal activities and protect the Saratoga Hillsides. The findings of the EIR should not override City Ordinances. *See Saratoga April 16, 2021, Supplemental Memo #1, pages 44, 45, 176, for examples of the illegal activities:*

<https://legistarweb->

[production.s3.amazonaws.com/uploads/attachment/pdf/891817/Supplemental Memo No. 1 - House Family Vineyards.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/891817/Supplemental_Memo_No.1-House_Family_Vineyards.pdf)

- Do not allow HFVW to operate a wine bar or restaurant in our Hillsides. This is not a “tasting room” per the definition of a winery in the City Ordinance 15-6.725.
- Do not allow HFVW to hold over 100 events a year. These are not “special events” per the definition of a winery in the City Ordinance 15-6.725.
- Do not allow HFVW to maintain structures including bathrooms on a protected ridgeline per the City Ordinance 15-13.080. Did the contractor who built these structures ask HFVW for a permit before starting construction? If not, the contractor should be banned from doing work in Saratoga.

Thank you,

Glenda Aune

**Comments for the Public Record in Regards to
the Public Scoping/Community Meeting About
the House Family Vineyards**

The House Family Vineyards (HFV) has been in operation for some time now and every so often a new twist is added to it—first the construction of a tasting room, then the lights at night, then umbrellas and a tasting desk, then the parties into the night, then a land-use swap and a cave? How can a non-legal business operating like this not be forced to close until it is clear what the HFV intentions are and proper permits, if granted, are issued?

HVF was at first commended for creating the green zone with the planting of its vineyards. Saratoga is proud of its City of Trees moniker and now the new plan will erase the open space easement from the viewshed of the neighbors and residents of Saratoga and destroy the views of the hillsides we're noted for. This is for the benefit of one family. The open space easements were in place when the land was purchased by Mr. House. It is one of the reasons we chose to buy and build our home in the area—the lack of commercialization and the beauty of living in the country in the city. Commercialization in a hillside residential zone is not permitted and should never be. It will forever change the character of the community.

Living in a designated VERY HIGH FIRE ZONE, a business such as a tasting room brings casual strangers into the area, and leaving with impaired judgment after spending time at the HFV, raises even greater concern for the risk of fire. If one were to start, it would race right down the hillside to our home. Without commercial fire mitigation in place, the surrounding neighborhoods and communities, all are at high risk.

The first Environmental Impact Study and Report done on this property was flawed. It only took into consideration the vantage point of standing on the property itself—not the neighbors and neighborhood it would impact. Even Mr. House agreed in an email communication with me that when he came and stood at the top of our driveway he did not like what he saw. What he didn't experience was the noise generated by the parties at night. Glasses clinking, music blaring, and conversations unmuffled are clearly heard. The pandemic has been such a relief to be able to sit outside in the evening and enjoy the peace of our residential community without the HFV light and noise distractions.

We have spoken at all meetings regarding this project. We still firmly believe that permitting the tasting room would be detrimental to the hillside, the neighbors, and the community of Saratoga. Our hearts go out to our neighbors living on Old Oak Way. The traffic they have and will continue to endure on a local residential street is dangerous and unacceptable. We live in a quiet, hillside residential community and want that preserved for years to come.

Submitted on March 30, 2022, by:
Harry and Rosemary Wong
Homeowners since 1995
21252 Chadwick Court
Saratoga, CA 95070

From: [Nicole Johnson](#)
To: [Osby, Stephanie](#)
Cc: [Jeung, Rod](#); [Carmen J. Borg](#)
Subject: [EXTERNAL] Fw: House Winery EIR
Date: Wednesday, March 30, 2022 11:51:11 AM

FYI

Nicole Johnson
Senior Planner
City of Saratoga
13777 Fruitvale Ave
Saratoga, CA 95070
www.saratoga.ca.us

From: Andrey Tovchigrechko <belyjmedved@gmail.com>
Sent: Monday, March 28, 2022 7:52 PM
To: Tina Walia <twalia@saratoga.ca.us>; Kookie Fitzsimmons <kookie@saratoga.ca.us>; Mary-Lynne Bernald <mlbernalld@saratoga.ca.us>; Yan Zhao <yzhao@saratoga.ca.us>; Rishi Kumar <rkumar@saratoga.ca.us>
Cc: James Lindsay <jlindsay@saratoga.ca.us>; Debbie Pedro <dpedro@saratoga.ca.us>; Nicole Johnson <njohnson@saratoga.ca.us>
Subject: House Winery EIR

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

Dear City Council Members

I saw an EIR activity going on right now to allow the House Winery to operate. Unfortunately, I do not have the opportunity to participate in all meetings on this topic. So let me write my opinion in this letter.

The main problem with issuing this permit is the inability to control compliance with its conditions. We know that House Winery has consistently violated the terms of any contracts. Obviously, they will expand their business a thousandfold if they get a CUP. City officials made no effort to contain the House Winery despite numerous complaints. Obviously, if they receive CUP, its conditions will not be respected.

Therefore, I consider the EIR assessment to be meaningless. There will be some parameters in this assessment, but there will be completely different parameters in real life.

I don't understand why this story keeps going on and on. Why, despite the endless discussions on this issue, the activity of this winery is still not stopped. (I don't know what method Dave House uses to push his agenda, and why the city staff does everything to help him. To be honest, I don't have an answer).

Although there is little hope left, I hope that you will hear my arguments and close this illegal business.

Best regards,
Andrey Tovchigrechko

Jeffrey A. Schwartz, Ph.D.
*19281 San Marcos Rd.
Saratoga, California 95070*

(408) 529-4077
jasletra@aol.com

April 2, 2022

City of Saratoga, Community Development Department

Attention: Nicole Johnson

13777 Fruitvale Avenue Saratoga, CA 95070

-By email-

Re: House Family Vineyard Scoping of EIR for CUP application

Hello, Nicole-

This letter is on behalf of Preserve Saratoga, which has taken a position opposing this CUP.

We would like to know whether the law permits a local jurisdiction from stopping or voiding a CUP application because the applicant has acted in bad faith during the pendency of the application

Preserve Saratoga would also like to ensure that the EIR considers at least two alternatives to the proposed project comprehensively and in detail. Those two alternatives are “No project”, in which all commercial activity except the winery itself, ceases. The second alternative is related, and is “Move the wine tasting, wine club and events to a commercially zoned property, perhaps in the Saratoga Village, as other wineries have done successfully”. There may well be other alternatives deserving of serious analysis as well.

We would also like to know, as we enter the wildfire season, whether, if there were a wildfire and residents or patrons of the HFVW could not evacuate because of the lack of a fire exit road, and there were injuries or deaths, could the city of Saratoga and/ or the Fire District be held liable for allowing the commercial operations of HFVW to continue without the Fire District-mandated fire exit road?

Because of the extraordinary and controversial nature of the applicant and this project, we respectfully request the EIR provide a synopsis of that history in order to put the EIR in perspective.

Regarding specific environmental impacts, we request that each of the following be studied:

- A. Traffic, both on Old Oak Way and on Pierce Rd., and including evacuation potential in a wildfire or earthquake, collision potential on Old Oak Way and motorcycle/bicycle collision potential on Pierce Rd. Please take into account specifically that the purpose of most visits to HFVW includes wine tasting and that some of the cars leaving HFVW are thus driven with diminished capacity because of alcohol.
- B. Noise and vibration: The noise pollution of events must be studied, as must the increased noise when bands perform at HFVW. The noise from non-special events, due to wine tasting operations, traffic on the ridgeline, recorded music without live bands and truck and other heavy equipment traffic must also be evaluated.
- C. Aesthetics: Please study the aesthetics of 50 or more cars driving to HFVW on weekends and then parking on a major ridgeline on an otherwise pristine hillside; also please examine the visual pollution of a six foot fence on the major ridgeline, partially but not completely obscuring the views of trucks and heavy equipment and other eyesores. Please include consideration of a large wine tasting structure built without permits and built, in part, on an open space easement that is no longer an open space easement because there is part of a building on it.

The other major component of aesthetics for this project is light spill. Our Western hillsides are not characterized by “urban glow”. At night it is pitch black and the stars are visible in a very different way from in an urban area, or even from Saratoga’s flatlands. People around the HFVW are too often precluded from those simple pleasures because of light spill, a recognized form of environmental pollution, coming from the HFVW. Please study this issue.

- D. Hydrology: We believe neighbors below the HFVW have experienced flooding, perhaps from runoff from the HFVW properties, particularly since so much HFVW area has had native trees and ground cover removed. Please evaluate this issue and the question of necessary water containment on site at HFVW.
- E. Biological resources: We know a tremendous variety of wildlife flourishes in parts of our Western Hillsides, from wild turkeys to deer to mountain lions and much more. Please carefully study the degree to which this project endangers wildlife because of collisions with vehicle traffic coming or going from HFVW, and the degree to which the noise, traffic and light spill from HFVW may drive wildlife into inappropriate areas such as the more urban Saratoga flatlands, where many wildlife species cannot survive. The loss of nesting/den sites must also be considered. A comprehensive survey on a species-by-species basis is necessary.

- F. Tribal cultural resources: This area was once home to Native American tribes. Artifacts of those tribes have been found in many areas of Saratoga, and Native American burial grounds were also located in Saratoga. Here, too, a survey of the project area seems a necessity to determine whether the project will destroy or otherwise adversely affect cultural resources.
- G. Geology and soils: We believe there is a moving landslide at the top of Old Oak Way. We also believe there are other areas of the House properties that include moving landslides or other geological hazards. We request that you study these with particular attention to potential results of a serious earthquake, and the blocking of egress from HFVW, the blocking of access for fire and law enforcement vehicles, and/or the disruption to water supply lines in that area, compromising fire suppression efforts.
- H. Recreational resources: For many residents of the Saratoga hills, the hillsides themselves are a major recreational resource. They walk or hike, they collect edible mushrooms, they birdwatch, they collect wildflowers or native edibles, etc. For residents around the HFVW, they are largely robbed of those quiet pleasures because of the traffic, noise, light spill and ruination of the viewsheds by the HFVW. Please study this issue.
- I. Utilities and service systems: We understand there are three houses affiliated with the HFVW, all on a major ridgeline in direct contradiction of a longstanding and important city policy. We understand that the sewage systems servicing the three houses might accommodate sewage from a small number of guests. We do not understand how those systems can accommodate hundreds of people on a weekend without environmental consequences. This issue needs to be studied, as does the adequacy of the fresh water supply, again on a scale to meet the needs of hundred of people on a weekend.
- J. Land use and planning: The proposed project is on a residentially zoned property. If individuals cannot purchase or occupy a residential piece of property in Saratoga in reliance that their block, their street, their neighborhood, will remain residential rather than be converted to a large and intrusive commercial operation, what will Saratoga's future look like? Our family's house in Saratoga is on 1 & 1/2 acres and we have about 200 wine grapevines and we have made wine for over 10 years. That has been no problem but what would happen if we opened a wine tasting and event business at our house and had 50 cars at a time trying to park and people walking on our street to get to our house? Unsupportable and unjustifiable! Please study the precedent this project would create in commercializing our quiet, beautiful hillsides.

Also under "Land use and planning", how can the city's land use and planning policies and ordinances be taken seriously, if they can be violated repeatedly and flagrantly for years, with no consequences? Policies and ordinances should be applied uniformly, not based on how much money a particular resident has. If one of our residents built a garage on his or her property but in a riparian corridor, the city's response would not be, "We are going to work with you to bring you into compliance".

As a further land use and planning issue, we request you study the City's current stance that they will not close any existing business and will instead work to bring them into compliance. We believe that is simply false as the city interprets that policy and is unsustainable as a rational land use and planning policy. If a restaurant in the Saratoga Village was found to be using five outdoor tables when only three were permitted, no one would want the city to close the business and working with them to achieve compliance would make good sense. However, if someone occupied a space in the Village and began selling firearms without a permit, the city would "red tag" the business and shut it down immediately. Thus, we believe "Don't shut down any existing business" cannot be an absolute from the perspective of land use and planning but must depend on the nature and scope of the business and its violations, whether it has acted in good faith, and much more. In the instant case, the applicant has a history of at least eight years of operating without a required permit, building major structures without permits, building on an open space easement, advertising and charging for meals with no food or restaurant permit, ignoring for more than the last year a city directive to stop all events and winetasting, and advertising events on third party websites to camouflage their operation by avoiding their own website, in direct violation of the city's directive.

Sincerely-
Jeff

Jeffrey A. Schwartz
For the Preserve Saratoga Steering Committee

HOUSE FAMILY VINEYARDS SCOPE AND CONTENT
OF THE ENVIRONMENTAL IMPACT REPORT (EIR)
FOR A CUP APPLICATION

April 8, 2022

City of Saratoga Community Development Department
Attention: Nicole Johnson
13777 Fruitvale Avenue
Saratoga, CA 95070

Hello Nicole,

I am submitting my comments to be included in the EIR for the House Family Vineyards.

I would like for the record to state that the validity and relevance of the EIR starts from a point of compromise and an altered baseline. The previous and ongoing unpermitted activity, alterations and construction on the property has eroded the integrity and substance of the report. It is impossible for the property and the impact to be assessed accurately given the applicant has undertaken significant action prior to the EIR commencing.

Aspects such as noise and traffic generated from a commercial business in a residential hillside zone are only single aspects and fail to account for the environmental damage done to date. Setting the starting point for an environmental review at the property's current development and damage state is a miscarriage of the CUP process and residential protections afforded thru the Saratoga Municipal Code. The scope and scale of the environmental damage done by the applicant in the previous 10 years is so extensive that any attempt to use the current state of the property as a baseline would provide an inaccurate foundation for the report. The baseline should come from the surrounding pristine open space easements and residential hillside zones which are more consistent with the area prior to the applicant making unpermitted and illegal modifications to the property.

It is important therefore in the preparation and presentation of this EIR a complete history of the applicant, the project and Municipal Code violations be included in the EIR and its submittal to the Planning Commission and City Council.

Anesthetics:

The tasting deck of the winery was built without approval on scenic open space easement on a ridgeline in 2013. In addition, vines which are not considered natural vegetation were subsequently planted in the open space easement. The impact of this action and how it affects the desirable views of the community must be considered. Scenic open space easements were created to keep viewsheds in their **natural and undeveloped** state including trees and other natural growth for the enjoyment of the community.

Wine tastings and events held on this scenic open space easement affects the aesthetics of the viewshed tremendously. The tasting deck has lights which creates an unnatural nighttime impact/pollution. (Saratoga itself does not even have residential streetlights for the precise purpose of not impacting the night sky with lots of "light spill".) Noise from music and voices at a commercial venue affects the serene quiet environment of living in the hillsides.



In addition, on another ridgeline on the property, the winery has created a large parking lot. At times there are over 50 to 60 plus patron cars parked on that ridgeline. The CUP has asked for up to 74 cars. The cars are highly visible from surrounding homes across the valley. The applicant has attempted to shield some of the cars by placing wine barrels with plants along the ridgeline. The cars have created an eyesore on the ridgeline and has destroyed its natural beauty.

Geology and soils:

A report in 1980 by Cotton and Shires called Geological Ground Movement Report regarding the Old Oak Way area must be reviewed. Old Oak Way is a one-way ingress and egress street. We believe it is an area with a significant potential for movement.

Please see attached pictures from Google Earth for the years of 2007, 2011 and current. These are pictures taken of the hillside immediately in front of the Cargill home at 13330 Old Oak Way, Saratoga, CA 95070. The Cargill home is located on the House property which includes the winery, House home, and Olsen home at the top of Old Oak Way.

July, 2007



Please see highlighted in red the hillside in front of the Cargill home. It is fairly denuded of any plantings. Unclear why there is little vegetation at this time other than there may have been hillside movement.

February of 2011



Four years later, note the hillside in front of the Cargill home is covered in vegetation.

May, 2011



Three months later, it appears that some sort of land movement may have occurred between February 2011 and May 2011 on the hillside (in red) directly in front of the Cargill home. Note the lack of vegetation and the rippling of the soil.

Current Google Image



Note that the hillside (in red) in front of the Cargill home continues to remain denuded of plantings in the current Google photo. It is not clear why this is the case other than perhaps the soil is unstable to support plantings. Please note also in the current Google photo the concrete block type wall (in blue) that appears to be retaining soil of the small hillside. The concrete blocks do not appear to be in the other photos.

Land Use and Planning:

The proposed project of the House Family Vineyard (HFV) winery is located in a residentially zoned hillside area of Saratoga. The land was acquired by Dave House and subsequently planted into vineyards long after many homes had **already** been in existence below and around him. Surrounding neighbors bought their homes in a residentially zoned area – so did Mr. House.

Most neighbors have no objection to the farming/agricultural use of the land. What they do object to is turning the “farm” into a large commercial operation for the profit of one family at the expense of and impact on other residents. Surrounding neighborhoods will be impacted with traffic, noise (from cars, voices, and music), lights, unsightly ridgeline parking, and open space easement intrusion. Home values may be affected by having a large commercial operation close in proximity. At the very least, on the sale of their property residents will have to disclose a known nuisance. None of the residents who bought their homes years ago expected to have their neighbor operate a commercial business next door on his property. Residents should have a reasonable expectation that the City will protect their property and zoning rights.

The tasting deck was built on scenic open space easement without permits or approval of the City Council. It was built at that site because it offers outstanding views of the valley. These views are

what draw patrons to the HFV winery. This was not a mistake by Mr. House – **this was deliberate action**. He has affected the scenic open space viewshed of residents for over 8 plus years.



HFV winery has on its property 10 shipping containers as seen on Google Earth. Were these brought in with City permits? The EIR needs to access what activities have taken place in the containers that may have affected the surrounding environment.

Mr. House also built without a building permit a white canopy/awning over the dirt patio areas in front of the tasting deck sometime in the year of 2018. Later in 2019, that canopy was replaced with a large blue canopy again without a building permit. The canopy was changed one additional time without a building permit in March of 2021 to a yellowish canopy. At that point the Planning Department ordered him to remove the canopy.

Food is offered for sale from the tasting deck which as stipulated in the Municipal Code is not what a tasting room entails. There is not a formal kitchen at the HFV tasting room, but some food is catered and some foods like pizzas are prepared/cooked on site. The winery has at times offered Friday evening dinners – is this a tasting room or a restaurant or a combination? What impact would a restaurant have on a residential neighborhood?

[15-06.695 - Tasting room](#)

Tasting Room means a commercial establishment that does not contain a kitchen and is devoted to the sampling, consumption, and sales of wine or beer produced on or off the premises.



Friday, August 25th
3:00 PM to 8:00 PM

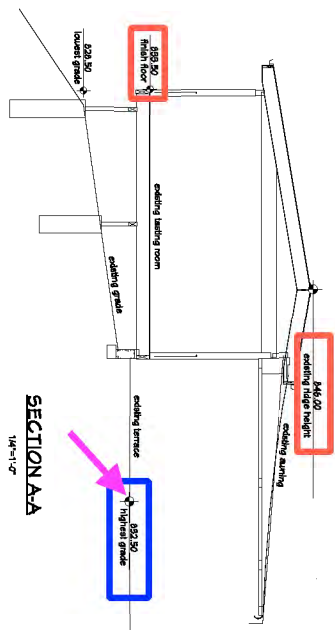
Join us this Friday in the tasting room for a dinner. Chef Rodney's six hour barbecued, salt crusted, prime rib of beef will be paired alongside a roasted baked potato, braised vegetables, sautéed and herb-infused cream. This scrumptious steak paired with our finest House Cabernet Sauvignon is nothing short of divine. Dinners will be available for \$35, while supplies last.

As always, our Tasting room menu of gourmet bites will also be available.
Click here to learn about visiting the tasting room.

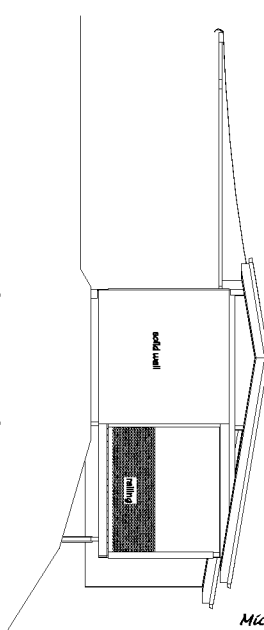
PAGES ADDRESS GET CONNECTED

Mr. House built the tasting deck with bathrooms without a building permit in 2013. It is unclear if the building violates height restrictions and most especially since it currently sits on a scenic open space easement on a ridgeline. The first architectural drawings submitted 12/20/19 indicated that was the case based on the then existing terrace height, but then new ones submitted 2/10/21 seemed to reduce the height by several inches to meet code. How is that possible? Was fill brought in to adjust the terrace height?

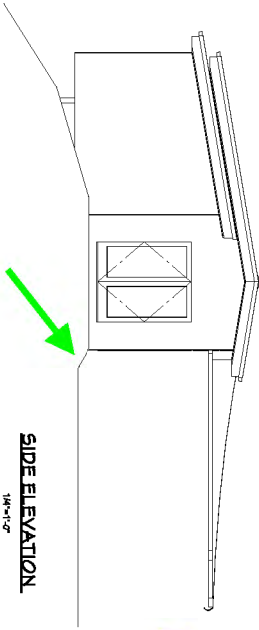
Map 7



SECTION A-A



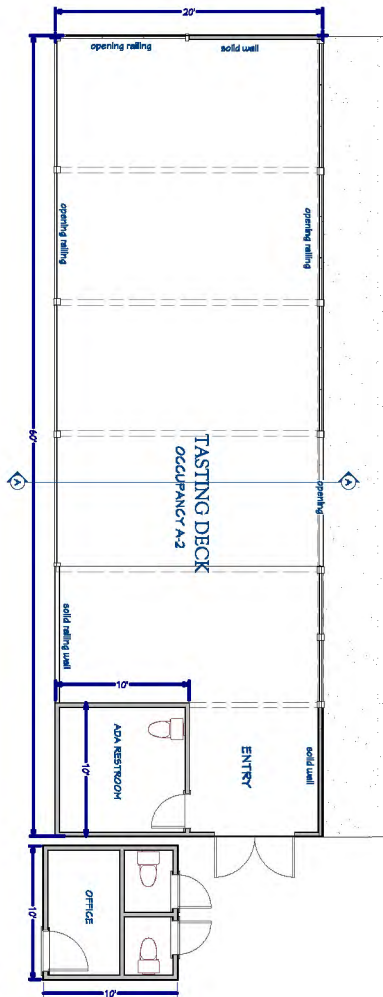
SIDE ELEVATION



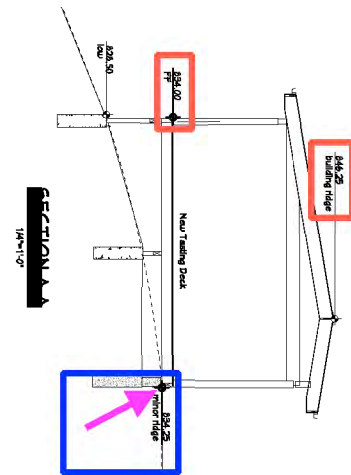
SIDE ELEVATION

MVArchitect
Michael Vierhus 408-867-5808 mike@mvarchitect.com

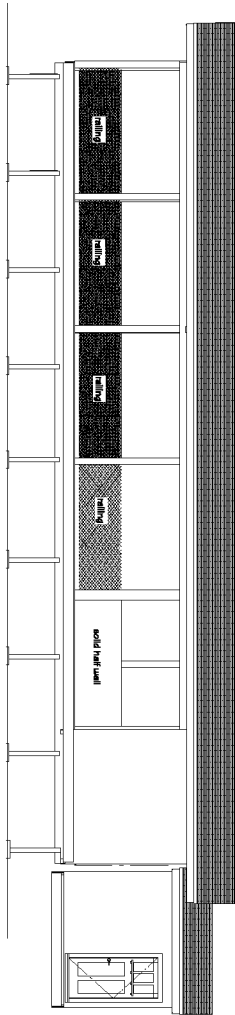
Page 29



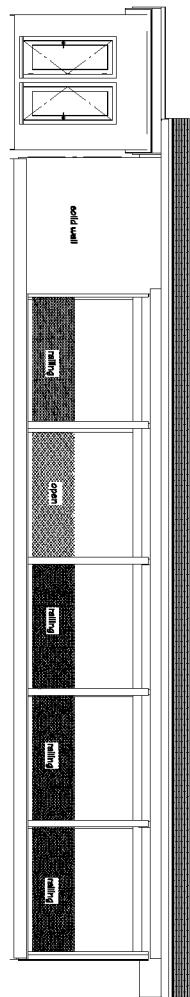
TASTING ROOM FLOOR PLAN
1/4"=1'-0"



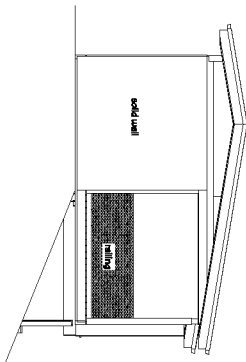
SECTION A-A
1/4"=1'-0"



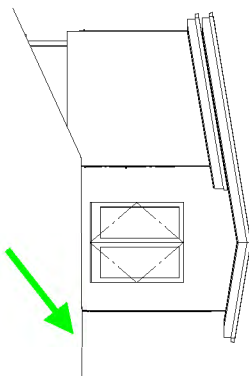
BACK ELEVATION
1/4"=1'-0"



FRONT ELEVATION
1/4"=1'-0"



SIDE ELEVATION
1/4"=1'-0"



SIDE ELEVATION
1/4"=1'-0"

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MVArchitect
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Michael Vierhus



ARCHITECTURAL PLANS FOR
HOUSE FAMILY VINEYARD TASTING DECK
13336 Old Oak Way, Saratoga Ca

date 2.10.21
revisions
A

Sheet
A-3
Project Number

Traffic:

Old Oak Way is a normal sized city **residential** street - not a road. As mentioned earlier, it has only one way in and out. It was never designed and intended for commercial traffic. Because of an increase in traffic already generated by the winery several days a week even without a CUP, yellow center lane stripes were painted in the street last year. That action alone should alert and require the EIR to give extreme scrutiny to the amount of potential traffic.

15-13.040 - Conditional uses

Section may be permitted, provided the uses do not create major traffic or noise impacts and are found to be compatible with the immediately surrounding area:

(h) Wineries



Did taxpayers pay for the yellow stripes on a residential street to benefit the commercial activity of one family?

At times there are 50 to 60 cars in the winery parking lot. That is not for the day, that is just for one time clip. Winery patrons schedule 2-hour appointments then leave as new patrons take their place.

Please see the picture of a gardening truck parked in front of a home on Old Oak Way. Along the street in front of homes at times will also be visiting cars. Please note how much this narrows the street. This is not an issue for a residential street but quite a different consideration when it becomes a commercial street. On Sundays, trash cans will be in front of every home as well.

Old Oak Way like many of the hillside streets has constant issues just because of its terrain, drainage, movement, etc. Who is responsible for the cost of maintenance when a residential street becomes commercialized by one resident - the HFV or the taxpayers of Saratoga?

A thorough traffic study will be needed to accurately tabulate how many cars a resident on Old Oak Way can expect to pass their home if the HFV CUP application with its requested number of tastings and events should be granted. And remember, each car will pass their home **twice**.

Wildfire:

HFV is located in a high wildfire hazard zone in the hillsides of Saratoga in a residential neighborhood with only a one-way ingress and egress. The winery is located at the end of a very challenging street for driving. Commercializing this street brings many concerns for not only residents on Old Oak Way, but residents on Pierce Road as well. In a wildfire situation, having a commercial business in a residential zone adds to the complications of evacuation. Pierce Road is the main evacuation route for the western hillsides. The safety and welfare of the community must be top priority and taken into consideration with this EIR.

The HFV winery has never had a fire permit, and in fact, has been told by Santa Clara County Fire Department to cease all activities until a CUP can be obtained. It does not have a fire access road that can accommodate a large fire truck needing to reach the tasting deck. To date HFV has chosen to ignore those orders as well as orders from the Planning Department of the City of Saratoga from October of 2021 to cease all tastings and events for the public.

Utilities and service systems:

HFV built bathrooms at the tasting deck without building or sewage permits. The EIR must look closely at how this contaminated water and waste has been contained and disposed of. Were wastes disposed of thru a septic system with leach lines underground or were they removed from the property thru a sewage waste management company? If the gray water and wastes were allowed to penetrate the soil, is the soil contaminated? Has this contamination spread to homes below thru rain and irrigation runoff? Considering wine patrons have been using these bathrooms for **years** what is the exposure? **This must be addressed and not just passed over.** There is a proposed plan if the CUP is granted to tie into the sewage system of the three homes on the property. Was the sewage system for those homes designed to accommodate hundreds of guests per year rather than just three families?

Summary:

The City of Saratoga has a duty to ensure the safety and welfare of the citizens of Saratoga and to follow the measures set forth in the city charter to preserve the rural characteristics of the city by protecting the natural pristine quiet beauty of its hillsides. Homes and neighborhoods should be safe and peaceful. Allowing a residential area to become commercialized destroys that objective and sets a precedent that will affect our city for years to come.

Respectfully,

Nancy Lietzke

From: [Rosemary Wong](#)
To: [Nicole Johnson](#)
Subject: House Family Vineyards
Date: Monday, April 11, 2022 4:36:13 PM

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

Dear Nicole,

Please attach my complaint and photos filed with Tony Gonzalez as part of my EIR comments concerning the House Family Vineyards.

Thank you,

Rosemary Wong

Dear Mr. Gonzalez,

We are notifying you that the House Family Vineyards tasting room continues to operate in spite of notices from the City of Saratoga and the Fire Marshall to immediately cease operations.

This is of grave concern that Mr. House continues to ignore the safety of others and only seeks the bottom line of profits for his family.

Last year, our homeowners insurance (AIG) canceled our coverage after 19 years as we were in a Very High Fire Hazard Severity Zone. We managed to secure coverage again with another carrier, but not without jumping through some additional modifications to make our home a lesser risk for fire damage. We fear if the company were to find out of this illegal, commercial, non-permitted, fire hazard operation was happening within eyesight of our home, they would cancel as well.

With red flag alerts already happening and a prediction of even greater fire danger, we will hold the City of Saratoga responsible for any damage that would occur. Your lack of action to stop all tasting room operations is putting an entire community at risk. **House Family Vineyards Tasting Room must cease operations immediately.**

We are attaching photos taken Sunday, April 10, showing people at the tasting room. We have sent a copy of this complaint along with photographs to Debbie Pedro and Fire Marshall, Hector Estrada.

I request that our names not be shared with House Family Vineyards.

Thank you,

Harry and Rosemary Wong
21252 Chadwick Court

From: [Elisa Chen](#)
To: [Nicole Johnson](#)
Cc: [Debbie Pedro](#)
Subject: House Family Vineyards
Date: Monday, April 11, 2022 2:51:32 PM
Attachments: [image4.png](#)

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

To:
City of Saratoga, Community Development Department
Attention: Nicole Johnson
13777 Fruitvale Avenue Saratoga, CA 95070

House Family Vineyard Scoping of EIR for CUP application

Good afternoon Nicole,

Please let me know that you have received my email and please do not forward to Mr. House.

We are Old Oak way residents, and strongly oppose this CUP. So many residents wrote complaints to city and development department during the past several years but were forwarded to Mr. House only for cracking down each individual. Residents now are either not notified by the EIR due to very few EIR sent or are afraid of Mr. House's huge friends' connection and wine club members. Please also review the past several years residents complaints sent to city. Those complaints should be all accountable and not be ignored.

Mr. House has acted in such bad faith and continued to operate at their maximum capacities. They violated so many Municipal Codes which includes wine tasting operating illegally in residential area, building without City Council approval on open space scenic easement, but being in direct defiance of City Code Enforcement orders and Santa Clara County Fire directives.

Regarding specific environmental impacts, we request that each of the following be studied:

— Wildfires and traffic evacuation:

There were 62 cars parked inside FHV Friday, Saturday or Sunday. There were 6 cars and transportation tours vans overflowed parking outside the winery. The yellow centerline just painted four months ago is controversial due to it pushing cars closer to pedestrians. The road is not improved to the point of having a commercial business of this size. One day there will be an accident as we routinely have people unfamiliar, drunk or otherwise distracted, driving either in the middle of the road or close to pedestrians due to cars/trucks parked on the curbside.

There're already evacuation difficulties on the narrow winding streets of Old Oak Way and Pierce Rd in a wildfire, earthquake, collision potential, motorcycle/bicycle collision potential or construction disasters potential.

Please consider that some of the cars leaving HFV are driven with diminished capacity because of alcohol.

— Noise and vibration:

The website reservation slots were sold out over the past weekends. Each slot allowed 1-20 people to reserve, and there were 8 slots (12:00 - 3:30 pm) so there could be at least 160 people attending the wine tasting each day of Friday, Saturday and Sunday plus they also accept the walk-ins.

The wine tasting events especially when bands perform, recorded music, truck and other heavy equipment traffic are all the noise pollution resources which will continue to increase in the future.

— Aesthetics:

House Winery is operating and has no intent of stopping. With the daylight savings if EIR approved, the reservation slots could be dramatically increased and wedding/corporate/individual events could be held every day/night illegally. The city would have no way to control it. The business could continue to expand even to house the events guests overnight using their three houses. Given the facts of Mr. House's bad faith, all the wine tasting, events, guests overnight hosting could be extended to every day and night without any conditional use permits. Please consider all the effects of cars/trucks/heavy equipment driving, parking, lights, the visual 6-foot fence pollution and other eyesores on the major ridge-line or hillside.

The Yellow striping on Old Oak Way Lines were painted around last year Thanksgiving time because of the winery. Now the Old Oak way looks so commercialized just only for HFV.

— Hydrology:

The neighbors below have experienced flooding, HFV area has had native trees and ground cover removed, so many wine tasters could cause the water containment on site at HFV.

As we enter the wildfire season, There were cars parked along the fire hydrant. Sheriff was called with the case number 220990218. The first fire hydrant on Old Oak way was hit on the Old Oak way recently but not repaired yet.

— Biological resources:

There are wild turkeys to deer to mountain lions and much more in this area. This size of wine tasting operation endangers wildlife because of collisions with vehicle traffic coming or going from HFV, and the degree to which the noise, traffic and light spill from HFV may drive wildlife into inappropriate areas such as the more urban Saratoga flatlands, where many wildlife species cannot survive. The loss of nesting/den sites must also be considered.

— Tribal cultural resources:

This residential area should at least maintain a quiet neighborhood to raise families as normal. The wine tasting operation will destroy or otherwise adversely affect cultural resources. This area was also once home to Native American tribes. Mr. House uses the city to commercialize his business. Winery signs were done just for the winery to guide the wine tasters. The double yellow lines were done four months ago because the neighbors complaining about the traffic in the last year's traffic meeting. The city's solution is to paint the double yellow lines so the traffic problems can be all resolved. In fact the traffic problems are getting worse.

— Geology and soils:

There are always a concern of a moving landslide at the top of Old Oak Way. We also believe there are other areas of the House properties that include moving landslides or other geological hazards. We are afraid of the potential results of a serious earthquake, and the blocking of egress from HFVW, the blocking of access for fire and law enforcement vehicles, and/or the disruption to water supply lines in that area, compromising fire suppression efforts.

— Recreational resources:

For many residents of the Saratoga hills, the hillsides are a major recreational resource. We hike, bird watch, or wildflowers watch, etc. For residents around the HFV, we are largely robbed of those quiet pleasures because of the traffic, noise, light spill and ruination of the viewsheds by the HFV.

— Utilities and service systems:

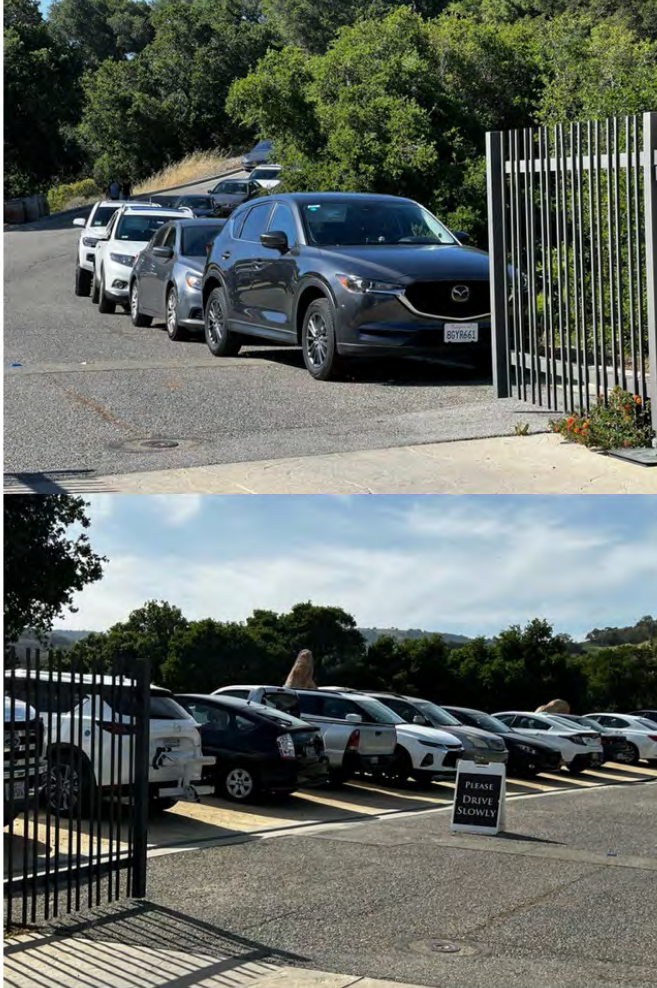
The three houses affiliated with the HFV, all on a major ridgeline in direct contradiction of a longstanding and important city policy. The sewage systems servicing the three houses might accommodate sewage from a small number of guests. How can those systems accommodate hundreds of people on a weekend without environmental consequences? How can the fresh water supply meet the needs of hundred of people on a weekend?

— Land use and planning:

The proposed project is on a residentially zoned property. For example, a family has three houses in Saratoga, two with the magnificent views over the bay area to San Jose downtown and one across from high school. They could open two houses for a wine tasting event business with tens of cars parked and people walking on our street to get to the house for the view and wine. The house across from Saratoga High could be used for boarding tens of students, academic business or daycare without a commercial permit. Also under “Land use and planning”, how can the city’s land use and planning policies and ordinances be taken seriously, if they can be violated repeatedly and flagrantly for years, with no consequences? Policies and ordinances should be applied uniformly, not based on how much money a particular resident has. If one of our residents built a garage on his or her property but in a riparian corridor, the city’s response would not be, “We are going to work with you to bring you into compliance”.

HFV has a history of at least eight years of operating without a required permit, building major structures without permits, building on an open space easement, advertising and charging for meals with no food or restaurant permit, ignoring for more than the last year a city directive to stop all events and wine tasting, and advertising events on third party websites to camouflage their operation by avoiding their own website, in direct violation of the city’s directive.

The attached photos are the reference:





7:32 ↗



House Family Vineyards



3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

12:00 PM



12:30 PM (Sold out)

[Join waitlist](#)

1:00 PM (Sold out)

[Join waitlist](#)

1:30 PM (Sold out)

[Join waitlist](#)

2:00 PM (Sold out)

[Join waitlist](#)

2:30 PM (Sold out)

[Join waitlist](#)

3:00 PM (Sold out)

[Join waitlist](#)

3:30 PM (Sold out)

[Join waitlist](#)

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Sincerely yours,
Litsung Chen
4083067710