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DRAFT
Environmental Impact Report
Masson Estates Project
City of Saratoga, Santa Clara County, California

State Clearinghouse Number 2024050461

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ACRONYMS AND ABBREVIATIONS

°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACHP	Advisory Council on Historic Preservation
ACM	asbestos-containing material
ACP	Alternative Compliance Plan
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AFY	acre-feet/year
AIA	Airport Influence Area
AIC	Archaeological Information Center
AICUZ	Air Installation Compatibility Use Zone
AIRFA	American Indian Religious Freedom Act
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AMSL	above mean sea level
APCD	Air Pollution Control District
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
AQP	air quality plan
ARB	California Air Resources Board
ARPA	Archaeological Resources Protection Act
ASF	age sensitivity factor
AST	aboveground storage tank
ATCM	Airborne Toxic Control Measures
BACT	Best Available Control Technology
BAHM	Bay Area Hydrology Model
BART	Bay Area Rapid Transit
BASMAA	Bay Area Stormwater Management Agencies Association
BAU	business-as-usual
Bay Area Air District	Bay Area Air Quality Management District
BCF	billion cubic feet

BCF/year	billion cubic feet per year
BERD	California Built Environment Resource Directory
bgs	below ground level
BIOS 6	CNDDB Biogeographic Information and Observation System
BMP	Best Management Practice
BP	Before Present
BRA	Biological Resources Assessment
BTU	British Thermal Units
BVOC	biogenic volatile organic compound
C^2ES	Center for Climate and Energy Solution
C&D	Construction and Demolition
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/EPA	California Environmental Protection Agency
Cal/OSHA	California Occupational Health and Safety Administration
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARE	Community Air Risk Evaluation
CBC	California Building Standards Code
CCAA	California Clean Air Act
CCCC	California Climate Change Center
CCR	California Code of Regulations
CCTS	Central California Taxonomic System
CDC	Center for Disease Control and Prevention
CDF	California Department of Finance
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	chlorofluorocarbon
CFP	cancer potency factor
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane

CHL	California Historical Landmarks
CHRIS	California Historical Resources Information System
CIP	Capital Improvement Program
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNPS Inventory	CNPS Inventory of Rare Plants
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CPF	cancer potency factor
CPHI	California Points of Historical Interest
CPUC	California Public Utilities Commission
CRA	Cultural Resources Assessment
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historical Resources
CRLF	California red-legged frog
CRPR	California Rare Plant Rank
CSD	corner sight distance
CTR	California Toxics Rule
CUPA	Certified Unified Program Agency
CuSD	Cupertino Sanitary District
CWA	Clean Water Act
CWPP	Community Wildfire Protection Plan
DA	Drainage Area
dB	decibel
dBA	A-weighted decibel
DBH	diameter at breast height
DEH	Department of Environmental Health
DMA	drainage management area
DNL	Day-Night Level
DOE	Department of Energy
DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
du	dwelling unit

du/acre	dwelling unit per acre
DWR	California Department of Water Resources
EDD	California Employment Development Department
EFZ	Earthquake Fault Zone
EIA	United States Energy Information Administration
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EMFAC	Emission Factors mobile source emissions model
EPA	United States Environmental Protection Agency
EQ Zapp	California Earthquake Hazards Zone Application
EV	electric vehicle
FAA	Federal Aviation Administration
FAR	floor area ratio
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FRAP	Fire and Resource Assessment Program
FTA	Federal Transit Administration
GHG	greenhouse gas
GPD	gallons per day
gpm	gallons per minute
GPS	Global Positioning System
GSI	Green Stormwater Infrastructure
GWh	gigawatt-hours
GWh/y	gigawatt-hours per year
GWP	global warming potential
HAA	Housing Accountability Act
HAP	Hazardous Air Pollutants
HCA	Housing Crisis Act
HCD	California Department of Housing and Community Development
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HFC	hydrofluorocarbon
HI	hazard index
HMBP	Hazardous Materials Business Plan
HMCD	Hazardous Materials Compliance Division

HMMP	Hazardous Materials Management Plan
HMP	Hazard Mitigation Plan
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll
HR	Hillside Residential
HRA	Health Risk Assessment
HREC	Historical Recognized Environmental Condition
HRI	California Historic Resources Inventory
HVAC	heating, ventilation, and air conditioning
HWCL	Hazardous Waste Control Plan
IAQ	Indoor Air Quality
IBC	International Building Code
IEPR	Integrated Energy Policy Report
IOU	investor-owned utility
IPaC	Information for Planning and Consultation database
IPCC	United Nations Intergovernmental Panel on Climate Change
ISO	Independent System Operator
ISTEA	Intermodal Surface Transportation Efficiency Act
ITE	Institute of Transportation Engineers
JPA	Joint Powers Authority Board
kW	kilowatts
LAFCo	Local Agency Formation Commission
LBP	lead-based paint
LCFS	Low Carbon Fuel Standard
L_{dn}	day/night average sound level
LED	light-emitting diode
L_{eq}	equivalent sound level
LEV	Low Emission Vehicle
LGSUHSD	Los Gatos-Saratoga Union High School District
LHMP	Local Hazard Mitigation Plan
LID	Low Impact Development
LOS	Level of Service
LRA	Local Responsibility Area
LRSP	Local Roadway Safety Plan
LSE	load-serving entities
LUST	Leaking Underground Storage Tank
MACT	Maximum Available Control Technology
MBTA	Migratory Bird Treaty Act
MCL	Maximum Contaminant Level

MEIR	Maximally Exposed Individual Receptor
MG	million gallons
mgd	million gallons per day
MLD	Most Likely Descendent
MM	Mitigation Measure
MMBTU	Million Metric British Thermal Units
MMP	Mitigation and Monitoring Plan
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
MTT CO_2e	million metric tons of carbon dioxide equivalent
mph	miles per hour
MPO	Metropolitan Planning Organization
MROSD	Midpeninsula Regional Open Space District
MRP	Municipal Regional Stormwater NPDES Permit
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer System
MSA	Metropolitan Statistical Area
MTC	Metropolitan Transportation Commission
MTS	Metropolitan Transportation System
MW	megawatt
MWD	Metropolitan Water District of Southern California
MXD	mixed-use development
Mya	million years ago
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NASA	National Aeronautics and Space Administration
NCCP	Natural Community Conservation Plan
NCEI	National Centers for Environmental Information
NEC	National Electrical Code
NEHRP	National Earthquake Hazards Reduction Program
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NHM	Natural History Museum of Los Angeles County
NHPA	National Historic Preservation Act

NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NOAA Fisheries	National Marine Fisheries Service
NOC	Notice of Completion
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NTR	National Toxics Rule
NWIC	Northwest Information Center
O_3	ozone
OAL	Office of Administrative Law
OEHHA	California Office of Environmental Health Hazard Assessment
OHWM	ordinary high water mark
ONAC	Federal Office of Noise Abatement and Control
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PHEV	Plug-in Hybrid Electric Vehicle
PM_{10}	particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter, including dust, 2.5 micrometers or less in diameter
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PV	photovoltaic
PVC	polyvinyl chloride
RAST	Health Risk Assessment Stand-alone Tool
REC	Recognized Environmental Condition
Recology	Integrated Resource Recovery Company
RecycleSmart	Central Contra Costa County Solid Waste Authority
REL	Reference Exposure Level
RHC	Residential Hillside Conservation

RHNA	Regional Housing Needs Allocation
RMP	Risk Management Plan
rms	root mean square
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
San Jose Water	San Jose Water Company
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCCFD	Santa Clara County Fire Department
SCS	Sustainable Communities Strategy
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPD	Saratoga Fire Protection District
SFPUC	San Francisco Public Utilities Commission
SIP	State Implementation Plan
SO_2	sulfur dioxide
SOI	Sphere of Influence
South Coast AQMD	South Coast Air Quality Management District
SPCC	Spill Prevention, Control, and Countermeasure
SR	State Route
SRA	State Responsibility Area
SSD	stopping sight distance
SUSD	Saratoga Union School District
State Water Board	California State Water Resources Control Board
SUSD	Saratoga Union School District
SVCE	Silicon Valley Clean Energy
SVP	Society of Vertebrate Paleontology
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminant
TAZ	Traffic Analysis Zone
TCM	Treatment Control Measures
TCR	Tribal Cultural Resources
TDM	Transportation Demand Management
TDS	total dissolved solids

TDV	Time Dependent Valuation
TEA-21	Transportation Equity Act for the 21st Century
Tg	teragram
therms/y	therms per year
TIA	Traffic Impact Analysis
TIS	Traffic Impact Study
TK	Transitional Kindergarten
TMA	Transportation Management Association
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
UBC	Uniform Building Code
UCMP	University of California Museum of Paleontology
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
Valley Air District	San Joaquin Valley Air Pollution Control District
Valley Water	Santa Clara Valley Water District
V/C	volume to capacity ratio
VDECS	Verified Diesel Emission Control Strategies
VMS	variable message signs
VMT	Vehicle Miles Traveled
VMT Tool	Santa Clara Countywide VMT Evaluation Tool
VOC	volatile organic compound
VTA	Santa Clara Valley Transportation Authority
WATERS	EPA Watershed Assessment, Tracking, and Environmental Results System
WDR	Waste Discharge Requirements
WEAP	Worker Environmental Awareness Program
WELO	Water Efficient Landscape Ordinance WQMP Water Quality Management Plan
WSA	Water Supply Assessment
WSMP	Water Supply Master Plan
WSS	Web Soil Survey
WUI	Wildland-Urban Interface

WWTP	Wastewater Treatment Plant
ZEV	Zero-Emission Vehicle

EXECUTIVE SUMMARY

Purpose

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the construction and implementation of the Masson Estates Project (State Clearinghouse No. 2024050461). This document is prepared in conformance with CEQA (Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et se*q.).

The purpose of this Draft EIR is to inform decision-makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The proposed project is located in the City of Saratoga, in western Santa Clara County. The City is located in the southern San Francisco Bay Area of California and is bordered by the City of Cupertino to the north, the City of San José to the north and east, the City of Los Gatos, the City of Monte Sereno, and the City of Campbell to the east. Additionally, the County of Santa Cruz lies to the west of the proposed project, and the County of San Mateo lies to the west and south of the proposed project (Chapter 2, Project Description, Exhibit 2-1).

The project site consists of one parcel, Assessor's Parcel Number (APN) 503-46-005. The project site is approximately 72.45 acres and is located in the western portion of the City (Chapter 2, Project Description, Exhibit 2-2 and Exhibit 2-2a). The project site is surrounded by low-density hillside residential uses to the north, east, and south and by a commercial winery, The Mountain Winery located in Unincorporated Santa Clara County, to the west. Regional access to the site is available off State Route (SR) 9 from the south via Pierce Road. SR-85 also provides regional access from the north via Saratoga Sunnyvale Road.

Project Description

The project applicant, Chateau Masson, LLC, proposes to subdivide the existing 72.45-acre project site and develop 25 homes and related infrastructure, including new internal streets and driveways, supporting parking spaces, landscaping, bioretention and drainage features, and utility improvements. Development would be focused in the northern 18.38-acre portion (25.4 percent) of the parcel (Development Area); the southern 54.06 portion (74.6 percent) (Remainder Area) is not proposed for development with the exception of an emergency access road (Chapter 2, Project Description, Exhibit 2-6). This area would not be developed in the future. Homes would consist of 1

to 3 stories, and streets would be designed to ensure the homes are screened by vegetation and landscaping to reduce their visual prominence. The color palette of the homes would include earth tones, such as shades of brown and tan, along with shades of white and gray.

The proposed project is being processed under the Housing Accountability Act (HAA), pursuant to Senate Bill (SB) 330 (the Housing Crisis Act), and the Builder's Remedy contained therein. The proposed project would construct 20 market-rate and five affordable single-family homes, thereby providing 20 percent of the units for lower-income households. The proposed homes would range from 2,375 to 7,091 square feet on lots ranging from 2,086 to 86,351 square feet. Lots 1–8 would be affordable 2,375-square-foot single-family homes with four bedrooms, two baths, and one 2-car garage each. Of these, Lots 1-4 and 8 would be affordable units, and Lots 5-7 would be market rate. Lots 9–25 would be market-rate single-family homes of up to 7,091-square-feet, with four bedrooms and four baths, each with a 3- to 4-car garage. The proposed project would also include connection and paving improvements to the existing emergency access road (Chapter 2, Project Description, Exhibit 2-7). Additionally, all structures would be compliant with applicable California Building Code (CBC), Chapter 7A, as amended by the Santa Clara County Fire Department (SCCFD). Each residence would have an early warning fire-alert system, as required by the City's Ordinance No-2015. These systems include activators that span smoke detectors, heat detectors, automatic sprinkler systems, manually actuated alarm-initiating devices, and an emergency push button.

Landscaping

Tree removal and landscaping would be limited to areas directly adjacent to proposed residences, roadways, and stormwater detention ponds. All landscaping and tree removal practices would be in conformance with recommendations of the project Arborist and City regulations. A tree inventory determined that the project site contains 682 trees comprised of 11 different species protected by City code. A total of 367 of these trees are proposed for removal. A tree protection plan would be prepared for the remaining 315 trees (Chapter 2, Project Description, Exhibit 2-7). Of the 367 trees proposed for removal, 205 are in good condition, 92 are fair, 18 are dead or unstable, 26 are poor, and 26 are in very poor condition (refer to Appendix C for a detailed description). Removed trees would be replaced primarily by coast live oak or western redbud (*Cercis occidentalis*). Proposed landscaping uses California native species compatible with the oak woodland ecosystem. Additionally, shrubs and ground cover would be planted for erosion control. Proposed irrigation would consist of a low-flow pressure regulated, drip irrigation system, managed with a fully automatic irrigation controller. Every individual landowner would be responsible for conducting fuel management on their own parcel.

Site Access, Parking, and Circulation

Regional access to the proposed project site would be via SR-9 from the south and SR-85 from the north. The proposed project would include the construction of approximately 2,300 feet of new roadways and driveways in the Development Area, including two bridges over two existing on-site drainages. Lots would be accessed via the proposed Masson Estates Way and Masson Estates Court (Chapter 2, Project Description, Exhibit 2-6). Masson Estates Way would extend west from the intersection of Saratoga Heights Drive and Pierce Road, ending in a cul-de-sac on the western side of the Development Area. Masson Estates Court would extend to the south from Masson Estates Way

in the western portion of the Development Area, also ending in a cul-de-sac. Additionally, the proposed project would include pavement improvements to an approximately 1,600-foot-long emergency access road located primarily in the Remainder Area, which would connect the western end of the proposed Masson Estates Way to the intersection of Pierce Road and Vintage Lane to the south. Pedestrian facilities would not be included as a part of the proposed project. Parking would be provided via residential garages and driveways.

Project Objectives

The objectives of the proposed project are to:

- Develop well-designed ownership residential single-family housing that adds diversity to Saratoga‘s ownership housing supply and meets a variety of residents' needs by providing four-bedroom units to meet the needs of families.
- Develop residential uses (including on-site affordable units) on a site that does not currently contain any housing, which will help to meet the City's Regional Housing Needs Assessment (RHNA) obligations.
- Construct a cohesive development consisting of high-quality, contemporary urban design that respects and relates well to its surroundings and preserves sensitive features of the project site.
- Develop housing that is environmentally sound and preserves the City’s natural beauty and small town residential character.
- Achieve streamlined and efficient processing and approval of the proposed project, including benefits available to developments that include market-rate and affordable housing consistent with State law, including the Housing Accountability Act, Density Bonus Law, Senate Bill (SB) 330, and Permit Streamlining Act.
- Develop the project site in an environmentally sensitive manner, including through implementation of current codes and building standards that require water efficiency and energy efficiency as well as implementation of water quality best management practices, drought-tolerant landscaping, and other water conservation standards.
- Create a fire-safe community through a series of fire protection measures that incorporate fuel modification zones, fire-resistant landscape design, ignition resistant building materials, fire alarm and sprinkler systems, and adequate ingress-egress points for emergency personnel and residents consistent with applicable regulations.

Significant Unavoidable Adverse Impacts

The proposed project would result in the following significant unavoidable impacts:

- **Impact HAZ-3:** Emergency response and evacuation;
- **Impact HAZ-4:** Wildland fires;

- **Cumulative Hazards:** Emergency response and evacuation;
- **Impact LAND-1:** Conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect;
- **Cumulative Land Use:** Conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect;
- **Impact TRANS-2:** Inconsistency with CEQA Guidelines Section 15064.3, subdivision (b);
- **Impact TRANS-4:** Emergency access;
- **Cumulative Transportation (Vehicle Miles Traveled [VMT]):** The proposed project would result in a cumulatively considerable impact with respect to an inconsistency with CEQA Guidelines Section 15064.3, subdivision (b);
- **Cumulative Transportation (Emergency Access):** The proposed project would result in a cumulatively considerable impact with respect to emergency evacuation in the project vicinity;
- **Impact WILD-1:** Emergency response/evacuation plan consistency;
- **Impact WILD-2:** Exposure of project occupants to pollutant concentrations from wildfire;
- **Cumulative Wildfire:** Emergency response/evacuation plan consistency.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Chapter 6, Alternatives to the Proposed Project.

No Project Alternative

Under the No Project Alternative, the proposed project would not be constructed. No development of any kind would occur. It is assumed the project site would remain vacant and no other alternative land use activities would occur. No improvements would be made to the emergency access roads.

Consistency with Land Use and Zoning Alternative

Under the Consistency with Land Use and Zoning Alternative, the proposed project would be reduced from 25 residential lots to 9 residential lots, aligning with the site's existing land use and zoning designations. The project site is designated as Residential Hillside Conservation (RHC) and zoned Hillside Residential (HR), which allows for a maximum density of 0.5 dwelling unit per acre (du/acre), or 1.55 people per acre, and 15,000 square feet or 25 percent impervious coverage of net site area, whichever is less. The total acreage of the project site would remain unchanged, and development would occur in the northern 18.38-acre portion of the parcel. By reducing the number of residential units to 9 on the 18.38-acre portion, this alternative would result in a lower overall development density, thereby minimizing ground disturbance, grading, and impervious surface coverage compared to the proposed project. As such, this alternative would be consistent with the

requirements of the land use and zoning designations for the site. The proposed bioretention areas and emergency access road would be included, similar to the proposed project.

Riparian Preservation Alternative

Under the Riparian Preservation Alternative, development within and adjacent to the sensitive 0.2-acre riparian area (Section 3.3, Biological Resources, Exhibit 3.3-1) would not occur. To preserve this area, this alternative would not develop on Lot 14, 15, 17, or 19 within the project site, resulting in a reduction of four homes compared to the proposed project. The proposed bioretention areas and emergency access road would be included, similar to the proposed project.

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on May 7, 2024. The NOP describing the original concept for the proposed project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from May 10, 2024, through June 9, 2024. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology, Soils, and Mineral Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions. Both the CEQA Guidelines and case law provide the standards for treating disagreement among experts: Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Consistent with Guidelines Section 15123, below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft EIR:

- Tree removal;
- Concerns related to geotechnical issues;
- Conflict with General Plan land use and zoning designation;
- Introduction of population growth and increased density;
- Increase in traffic;
- Wildfire threat;
- Emergency access and evacuation

It is also possible that evidence will be presented during the 45-day, statutory Draft EIR public review period that may create disagreement. Decision-makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most environmentally preferable viewpoint. Decision-makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft EIR

Upon completion of the Draft EIR, the City of Saratoga filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the following link: https://www.saratoga.ca.us/641/13-Pierce-Road-Masson-Estates, as well as at the City of Saratoga offices during business hours. The address for each location is provided below:

Saratoga City Hall
13777 Fruitvale Avenue
Saratoga, CA 95070
Phone: 408.868.1200
Hours:
Monday–Thursday: 7:30 a.m.–5:00 p.m.
Friday: 8:00 a.m.–5:00 p.m.

Saratoga Library
13650 Saratoga Avenue
Saratoga, CA 95070
Phone: 408.867.6126
Hours:
Monday–Tuesday: 10:00 a.m.–9:00 p.m.
Wednesday–Sunday: 10:00 a.m.–6:00 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

Christopher Riordan, Senior Planner
13777 Fruitvale Avenue
Saratoga, CA 95070
Phone: 408.868.1200
Email: criordan@saratoga.ca.us

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of Saratoga on the proposed project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Aesthetics, Light, and Glare		
Impact AES-1: The project would not have a substantial adverse effect on a scenic vista as identified in the General Plan.	None.	Less than significant impact.
Impact AES-2: The proposed project would not, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). The proposed project would not conflict with applicable urban zoning and other regulations governing scenic quality in an urbanized area.	None.	Less than significant impact.
Impact AES-3: The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	None.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.
Section 3.2—Air Quality		
Impact AIR-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan.	**MM AIR-1: Implement Bay Area Air District Best Management Practices to Control Dust During Construction** The following dust control measures, as recommended by the Bay Area Air Quality Management District (Bay Area Air District), shall be included in the project construction plans and implemented during construction: • All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard. • All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The construction contractor shall take corrective action within 48 hours. The Bay Area Air District's and the Contra Costa County's phone numbers shall also be visible to ensure compliance with applicable regulations.	
Impact AIR-2: The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.	Implement MM AIR-1.	Less than significant impact.
Impact AIR-3: The proposed project would not expose sensitive receptors to substantial pollutant concentrations.	None.	Less than significant impact.
Impact AIR-4: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	None.	Less than significant impact.
Cumulative Impact	Implement MM AIR-1.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.3—Biological Resources		
Impact BIO-1: The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	**MM BIO-1a: Protocol-level Rare Plant Surveys** Prior to the initiation of construction, a qualified Botanist shall conduct protocol-level rare plant surveys during the appropriate blooming period for the target species. Protocol surveys were not able to be conducted prior to the writing of this report due to the active blooming season of the species idenfitied and the limited window in which to survey the site. Rare plant surveys shall be conducted following the California Department of Fish and Wildlife (CDFW) Protocol for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Sensitive Natural Communities. The results of the rare plant surveys shall be summarized in a rare plant report following the CDFW requirements defined in the protocol and shall be submitted to CDFW within 60 days after completion of field work. If any special-status or rare plant species are found, then they shall be flagged and avoided with a minimum 20-foot buffer. However, if avoidance is not feasible, seeds shall be collected and population(s) shall be re-established at a minimum 1:1 ratio (number of plant established: number of plants impacted) in preserved, suitable habitat. Re-established populations shall be monitored annually in accordance with an approved Habitat Mitigation and Monitoring Plan (HMMP) for a minimum of 5 years. The HMMP (including monitoring and reporting requirements) shall be prepared under supervision of a qualified Botanist or restoration ecologist and submitted to the CDFW for approval. The HMMP shall also be approved and verified by the City prior to the issuance of the first certificate of occupancy for the proposed project. The HMMP will include, at a minimum, the following information: • Summary of habitat impacts and the proposed mitigation; • Description of the location and boundaries of the mitigation site and description of existing site conditions; • Description of measures to be undertaken for mitigation site preparation for the focal special-status species; • Description of measures to transplant individual plants or seeds from the impact area to the mitigation site;	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• Description of monitoring methodology on the mitigation site, including performance criteria, monitoring, reporting requirements, and monitoring schedule; and • Adaptive management measures for plants that do not meet performance criteria. **MM BIO-1b: San Francisco Dusky-footed Woodrat Protection Measures** Prior to the onset of construction activities, a qualified Biologist shall conduct a pre-construction survey for San Francisco dusky-footed woodrat nests. If active nests are determined to be present within the impact area the following measures shall be implemented: The project proponent shall avoid woodrat nests to the greatest extent feasible by installing a minimum 10-foot buffer with silt fencing or other material that will prohibit encroachment. In some situations, a smaller buffer may be permitted if in the opinion of the qualified Biologist removing the nest would have a greater impact than that anticipated as a result of project activities. If avoidance of active nests is not feasible, then, in coordination with the California Department of Fish and Wildlife (CDFW), the woodrats shall be evicted from their nests prior to the removal of the nests and onset of any clearing or ground-disturbing activities to avoid injury or mortality of the woodrats. The nests shall be dismantled and the nesting material moved to a new location outside the project's impact areas so that it can be used by woodrats to construct new nests. Prior to nest deconstruction, each active nest shall be disturbed by a qualified wildlife Biologist to the degree that all woodrats leave the nest and seek refuge outside the impact area. Whether the nest is on the ground or in a tree, the nest shall be nudged to cause the woodrats to flee. For tree nests, a tarp shall be placed below the nest and the nest dismantled using hand tools (either from the ground or from a lift). If feasible, the nest material shall then be piled at the base of a nearby hardwood tree or shrub (preferably an oak with refuge sites among the tree roots or with dense vegetation or other refugia nearby) outside of the impact area. The spacing between relocated nests shall not be less than 100	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	feet, unless a qualified Biologist has determined that the habitat can support higher densities of nests. **MM BIO-1c: California Giant Salamander and Santa Cruz Black Salamander Protection Measures** A qualified Biologist shall survey the project's development footprint no more than 3 days before the onset of work activities. If any life stage of the California giant salamander or Santa Cruz black salamander (SCBS) is detected, California giant salamander or SCBS should be allowed to move out of the area on their own. If California giant salamander or SCBS are unable to move out of the project area on their own within 24 hours, a qualified Biologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall relocate California giant salamander or SCBS out of the project area into habitat similar to where it was found, construction activities shall not be allowed to commence until consultation among the CDFW and the project proponent has occurred to the satisfaction of the CDFW. Before any construction activities begin, the project proponent shall retain a qualified Biologist to conduct a Worker's Environmental Awareness Program (WEAP) for all construction personnel. At a minimum, the training shall include a description of the California giant salamander and SCBS and their habitats, the specific measures that are being implemented to conserve these species for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the WEAP, provided that a qualified Biologist is on hand to answer any questions. **MM BIO-1d: Protection of Active Bird Nests** Removal of trees shall be limited to only those necessary to construct the proposed project as reflected in the relevant project approval documents. If the proposed project requires vegetation to be removed during the nesting season (February 1 to August 31), pre-construction surveys shall be conducted no more than 5 days prior to the start of ground or vegetation disturbance (including tree removal) to determine whether active nests are present.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level (the California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors). A qualified Biologist shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s). The qualified Biologist shall monitor the active nest during construction activities and modify the protection zone accordingly to prevent project-related nest disturbance, until the young have fledged. **MM BIO-1e: Roosting Bat Pre-construction Survey and Avoidance** No more than 7 days prior to beginning ground disturbance and/or construction, a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of bats) shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (i.e., observation of bats during foraging period), inspection for suitable habitat, bat sign (i.e., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees and buildings within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction-related to the subject proposal may proceed. If the Biologist determines or presumes bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Tree and/or building demolition shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	exclusion and eviction from September 1 through March 31. Exclusion efforts may be restricted during periods of sensitive activity (i.e., during hibernation or while females in maternity colonies are nursing young).	
Impact BIO-2: The proposed project could have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	**MM BIO-2: Compensatory Mitigation for Loss of Riparian Habitat** The project proponent shall compensate for the loss of 0.20 acre of riparian habitat by restoring and conserving native riparian vegetation at a ratio of at least 1:1 or, if the restoring of riparian vegetation at a 1:1 ratio is not feasible, by purchasing adequate mitigation credits as determined by the California Department of Fish and Wildlife (CDFW) through a Streambed Alteration Agreement. Restoration may include removal of invasive species from riparian areas and planting and maintenance of native riparian species, where feasible. The project proponent shall submit a Mitigation and Monitoring Plan (MMP) to CDFW prior to issuance of a grading permit. The MMP shall be prepared by a qualified restoration ecologist and shall include planting and maintenance protocols, performance criteria, and a monitoring and reporting program. At a minimum, the planting and maintenance protocols shall define planting locations, density and spacing, a native species palette, browse protection, irrigation regime, replacement of dead plants, annually escalating performance criteria until the mitigation goal is achieved, long-term funding commitments, and monitoring and reporting based on the trajectory for achieving the 1:1 minimum replacement.	Less than significant impact with mitigation incorporated.
Impact BIO-3: The proposed project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	**MM BIO-3: Jurisdictional Waters** The fill of jurisdictional waters in the form of ephemeral and intermittent streams shall be avoided and minimized to the extent feasible. Authorization for the fill of waters of the United States and/or State shall be obtained by the project proponent prior to the start of construction. Mitigation for the fill of jurisdictional waters shall be accomplished through creation or restoration of other waters at a minimum 1:1 ratio within the Study Area, at an approved mitigation bank or at another location within a San Francisco Bay Basin watershed as approved of by the United States Army Corp of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). The mitigation goal shall be to create and/or enhance aquatic habitats with	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	habitat functions and values greater than or equal to those that could be impacted by the proposed project. Compensatory mitigation within the Study Area or at another location within the watershed would be described in a stream mitigation plan that would: • Define the location of all restoration and creation activities. • Describe measures that would ensure that adjacent land uses would not adversely affect the ecological functions and values of the stream mitigation area so as to ensure consistency with the foregoing federal guidelines and rules. Such measures may include the use of appropriately sized buffers between the stream mitigation area and any adjacent development, the use of fencing or walls to prevent unauthorized access, lighting in adjacent development designed to avoid light spillage into the stream mitigation area, landscape-based Best Management Practices (BMPs) for adjacent development prior to discharge into the stream mitigation area, and signage describing the sensitive nature of the wetland mitigation area. • Provide evidence of a suitable water budget to support restored and created streams. • Identify the species, quantity, and location of plants to be installed in the stream habitats. • Identify the time of year for planting and method for supplemental watering during the establishment period. • Identify the monitoring so as to ensure consistency with the foregoing federal guidelines and rules, which shall be not less than 5 years for stream restoration. • Define success criteria that shall be required for restoration efforts to be deemed a success. • Identify adaptive management procedures that may be employed as needed to ensure the success of the mitigation project and its consistency with the foregoing federal guidelines and rules. These include, but are not limited to, remedial measures to address exotic invasive species, insufficient hydrology to support the attainment of performance standards, and wildlife harm. • Define management and maintenance activities, including weeding, supplemental irrigation, and site protection.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• Define responsibility for maintaining, monitoring, and ensuring the preservation of the mitigation site in perpetuity. The project proponent shall comply with all terms of the permits issued by these agencies, including mitigation requirements, and shall provide proof of compliance to the applicable State agency prior to issuance of a grading permit.	
Impact BIO-4: The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites.	MM BIO-1a through MM BIO-3.	Less than significant impact with mitigation incorporated.
Impact BIO-5: The proposed project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	MM BIO-1a through MM BIO-3.	Less than significant impact with mitigation incorporated.
Cumulative Impact	MM BIO-1a through MM BIO-3.	Less than significant impact.
Section 3.4—Cultural Resources		
Impact CUL-1: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	**MM CUL-1a:** Prior to the initiation of construction activities, all construction personnel conducting ground disturbance at the site shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology (a "qualified Archaeologist") and any Native American Monitors or representatives consulting on the project. An Archaeological Monitor reporting to the qualified Archaeologist, along with a Tribal Monitor, shall be present during the clearing, grubbing, trenching, and grading of project-related ground disturbance to check for the inadvertent discovery of archaeological resources or human remains. During construction of the proposed project, should the Archaeologist determine that the probability of inadvertent discovery is low, they may	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	make a recommendation to the Lead Agency that monitoring be reduced to regular periodic or "spot-check" monitoring or that monitoring may cease altogether. **MM CUL-1b:** In the event that buried archaeological resources are discovered during construction, operations shall stop within a 100-foot radius of the find and an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation and evaluation of the finds in accordance with Section15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the Archaeological Monitor and recommended to the Lead Agency. The Lead Agency, along with other relevant or Tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the Lead Agency. No further grading shall occur in the area of the discovery until the lead agency approves the measures to protect these resources. Upon coordination with the Lead Agency, any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.	
Impact CUL-2: The proposed project could disturb human remains, including those interred outside of formal cemeteries.	**MM CUL-2:** In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction,	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98. 2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.	
Cumulative Impact	None.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.5—Energy		
Impact ENER-1: The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	None.	Less than significant impact.
Impact ENER-2: The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	None.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.
Section 3.6—Geology, Soils, and Mineral Resources		
Impact GEO-1: The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking. iii) Seismic-related ground failure, including liquefaction. iv) Landslides.	**MM GEO-1:** Prior to the issuance of building permits for each on-site structure, the applicant shall submit a design-level geotechnical investigation to the City of Saratoga for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code geologic, soils, and seismic requirements as well as the recommendations of the Geologic and Geotechnical Feasibility Evaluation (prepared for Masson Estates by Quantum Geotechnical, Inc., dated December 11, 2023) to address on-site seismic shaking, landsliding, debris flows, and expansive soils, as applicable. The measures identified in the approved design-level geotechnical investigation shall be incorporated into the project design plans.	Less than significant impact.
Impact GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.	None.	Less than significant impact.
Impact GEO-3: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	Implement MM GEO-1.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-4: The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	Implement MM GEO-1.	Less than significant impact.
Impact GEO-5: The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	**MM GEO-5: Paleontological Resources Monitoring** Prior to the start of any ground-disturbing activity, a qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP) standards and best practices shall prepare paleontological resources sensitivity training materials for use during project-wide Worker Environmental Awareness Program (WEAP). The WEAP shall be conducted by a qualified Environmental Trainer, under the supervision of a qualified paleontologist. In the event construction crews are phased in, additional training shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found. Paleontological monitoring shall be conducted by a qualified Paleontological Resource Monitor meeting SVP standards and best practices, under the supervision of a qualified paleontologist. Monitoring would be required for excavations into previously undisturbed areas mapped as Santa Clara Formation. Monitoring would not be required for excavations into colluvium, residual soil, stream channel alluvium, or landslide debris deposits. If excavation into these deposits that would extend into the Santa Clara Formation, monitoring would be required for exaction in Santa Clara Formation deposits. If earth-disturbing construction-related activities uncover any paleontological resources (i.e., bones or teeth), those activities shall be diverted at least 15 feet away from the discovery until a qualified Paleontologist is brought on-site to assess the find for possible salvage, consistent with the standards and best practices set by the SVP. Construction workers shall not attempt to remove such finds. The qualified Paleontologist shall document the discovery as needed and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. Salvaged fossils shall be deposited in an appropriate	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	repository (i.e., University of California Museum of Paleontology [UCMP]), where they will be properly curated and made available for future research. The results of the assessment shall be detailed in a final monitoring report and submitted to the City. The qualified Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the discovery. If the applicant determines that avoidance is not feasible, the qualified paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery.	
Cumulative Impact	None.	Less than significant impact.
Section 3.7—Greenhouse Gas Emissions		
Impact GHG-1: The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	**MM GHG-1:** The project developer shall offset greenhouse gas (GHG) emissions to zero by funding activities that directly reduce or sequester GHG emissions or, if necessary, by obtaining carbon credits. The project developer shall prioritize on-site design features, such as the installation of solar panels, and direct investments in GHG reductions in the vicinity of the project, to help provide potential air quality and economic co-benefits locally. For example, direct investment in a local building retrofit program can pay for cool roofs, solar panels, solar water heaters, smart meters, energy-efficient lighting, energy-efficient appliances, energy-efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. Other examples of local direct investments include financing installation of regional electric vehicle (EV) charging stations, funding public transit improvements, implementing bicycle lanes, paying for electrification of public-school buses, and investing in local urban forests. However, it is critical that any such investments in actions to reduce GHG emissions are real and quantifiable. Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry. GHG reductions must meet the following criteria: • Real—represent reductions actually achieved (not based on maximum permit levels),	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• Additional/Surplus—not already planned or required by regulation or policy (i.e., not double counted), • Quantifiable—readily accounted for through process information and other reliable data, • Enforceable—acquired through legally-binding commitments/agreements, • Validated—verified through accurate means by a reliable third party, and • Permanent—will remain as GHG reductions in perpetuity. In partnership with offset providers, the project developer shall purchase carbon offsets (from available programs that meet the above criteria) and shall quantify and offset to zero all GHG emissions (after implementation of any on-site project design features which may serve to reduce emissions). Offset protocols and validation applied to the project could be developed based on existing standards (e.g., Climate Registry Programs) or could be developed independently, provided such protocols satisfy the basic criterion of "additionality" (i.e., the reductions would not happen without the financial support of purchasing carbon offsets). Prior to issuing building permits for development within the project area, the City of Saratoga shall confirm that the project developer or its designee has fully offset the project's construction- and operational GHG emissions over the 30-year project life associated with such building permits by relying upon one of the following compliance options, or a combination thereof: • Demonstrate that the project developer has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available), and retire such GHG reduction credits in a quantity equal to the remaining GHG emissions; • Provide a guarantee that it shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the remaining GHG emissions; • Undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the remaining GHG emissions; or • If it is impracticable to fully offset operational emissions through direct investments or quantifiable and verifiable programs do not exist, the project developer or its designee may purchase and retire carbon credits	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the remaining GHG Emissions.	
Impact GHG-2: The proposed project could conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.	Implement MM GHG-1.	Less than significant impact with mitigation incorporated.
Cumulative Impact	Implement MM GHG-1.	Less than significant impact with mitigation incorporated.
Section 3.8—Hazards and Hazardous Materials		
Impact HAZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	None.	Less than significant impact.
Impact HAZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	None.	Less than significant impact.
Impact HAZ-3: The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Implement MM WILD-1.	Significant and unavoidable impact.
Impact HAZ-4: The proposed project would expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.	Implement MM WILD-1.	Significant and unavoidable impact.
Cumulative Impact	Implement MM WILD-1.	Significant and unavoidable impact (emergency response/emergency evacuation). Less than significant impact (remaining thresholds).

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.9—Hydrology and Water Quality		
Impact HYD-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	None.	Less than significant impact.
Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	None.	Less than significant impact.
Impact HYD-3: The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) Impede or redirect flood flows?	None.	Less than significant impact.
Impact HYD-4: The proposed project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.	None.	Less than significant impact.
Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	None.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.10—Land Use and Planning		
Impact LAND-1: The proposed project could cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	No feasible mitigation.	Significant and unavoidable impact.
Cumulative Impact	No feasible mitigation.	Significant and unavoidable impact.
Section 3.11—Noise		
Impact NOI-1: The proposed project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	**MM NOI-1:** At the time of building permit submittal, the project plans shall include at least one of the following: • Specific mechanical ventilation equipment models that generate noise less than 66 A-weighted decibels (dBA) equivalent noise level (L_{eq}) at a distance of 20 feet; • Solid (no vertical or horizontal gaps) shielding directly around each mechanical ventilation unit; • Solid (no vertical or horizontal gaps) fencing at the property line; or • Placement of the mechanical ventilation unit a minimum of 28 feet from the property line.	Less than significant impact.
Impact NOI-2: The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.	None.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.
Section 3.12—Population and Housing		
Impact POP-1: The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	None.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.13—Public Services		
Impact PUB-1: The proposed project would not result in substantial adverse physical impacts associated with the provisions of or need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for fire protection.	None.	Less than significant impact.
Impact PUB-2: The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.	None.	Less than significant impact.
Impact PUB-3: The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.	None.	Less than significant impact.
Impact PUB-4: The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.	None.	Less than significant impact.
Impact PUB-5: The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered library facilities, the construction of which could cause	None.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library facilities.		
Cumulative Impact	None.	Less than significant impact.
Section 3.14—Recreation		
Impact REC-1: The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	None.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.
Section 3.15—Transportation and Traffic		
Impact TRANS-1: The proposed project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	None.	Less than significant impact.
Impact TRANS-2: The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)	No feasible mitigation available.	Significant and unavoidable impact.
Impact TRANS-3: The proposed project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	**MM TRANS-3: Improvements for Stopping and Corner Sight Distance** Prior to the issuance of a building permit, the project applicant shall remove two trees north of the intersection of Masson Estates Way and Pierce Road to provide a minimum of 200 feet of stopping sight distance (SSD) and 331 feet of corner sight distance (CSD) for vehicles turning on to Pierce Road from Masson Estates Way. Additionally, the project applicant shall adjust grading of the hillside east of the intersection of Masson Estates Way and Mason Estates Court to provide 220 feet of corner site distance. **MM TRANS-4:** Prior to the issuance of a grading permit, the project applicant shall rename the west leg of the Masson Estates Way and Masson Estates Court intersection as Masson Estates Way and the northern leg as Masson Estates Court. Alternatively, the project applicant shall redesign the	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	on-site roadways so that continuation on Masson Estates Way would be a through movement.	
Impact TRANS-4: The proposed project could result in inadequate emergency access.	Implement MM WILD-1.	Significant and unavoidable impact.
Cumulative Impact	No feasible mitigation available.	Less than significant impact (all other impact). Significant and unavoidable impact (VMT and emergency evacuation in project vicinity)
Section 3.16—Tribal Cultural Resources		
Impact TCR-1: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).	Implement MM CUL-1a, MM CUL-1b, and MM CUL-2.	Less than significant impact.
Impact TCR-2: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.	Implement MM CUL-1a, MM CUL-1b, and MM CUL-2.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.
Section 3.17—Utilities and Service Systems		
Impact UTIL-1: The proposed project could require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	**MM UTIL-1: Energy Use Options** The proposed project would connect to existing natural gas lines in Pierce Road and/or Saratoga Heights Road located adjacent to the project site. The applicant shall submit to the City for review and approval, utility improvement plans showing this connection, prior to issuance of grading permits. If such connections cannot be demonstrated, then the proposed project shall be designed and constructed as an all-electric development. As	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	such, no natural gas infrastructure shall be installed and all appliances, heating, ventilation, and air conditioning (HVAC) systems and water heating systems shall be electric.	
Impact UTIL-2: The proposed project would have sufficient water supplies available to serve the proposed project and reasonably foreseeable future development during normal, dry and multiple dry years.	None.	Less than significant impact.
Impact UTIL-3: The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	None.	Less than significant impact.
Impact UTIL-4: The proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	None.	Less than significant impact.
Impact UTIL-5: The proposed project would comply with federal, State, and local statutes and regulations related to solid waste.	None.	Less than significant impact.
Cumulative Impact	None.	Less than significant impact.
Section 3.18—Wildfire		
Impact WILD-1: The proposed project would substantially impair an adopted emergency response plan or emergency evacuation plan.	**MM WILD-1:** The proposed project shall incorporate the project-specific Wildfire Protection Plan into the proposed project during both construction and operation. Incorporation of the Wildfire Protection Plan shall be confirmed by the City of Saratoga prior to issuance of grading, building, and occupancy permits. To enable this, the project applicant shall submit to the City a plan outlining implementation of the Wildfire Protection Plan, as applicable, for all actions to be performed as a result of each permit being sought. The plan shall outline what actions are required by the Wildfire	Significant and unavoidable impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	Protection Plan to reduce fire risks and evacuation times as well as how such actions have been or will be carried out for the permitted actions including, but not limited to, creation of site-specific evacuation plan, inclusion of requirements on project plans, worker awareness training and occupant fire prevention/evacuation education. In addition, in coordination with the City of Saratoga, the following recommendations of the Wildfire Protection Plan shall be implemented: • Prior to and during construction: - Coordinate with City, County Sheriff, and Fire staff to establish and install signage within project site to designate evacuation routes. Signage shall comply with applicable fire and emergency standards. - In coordination with Santa Clara County and ALERTCalifornia, install one or more wildfire cameras on-site to assist with early detection. - Install one or more additional cell towers or other cell enhancing infrastructure on the site to enhance cellular service in the area. • Annually during operation - Post fact sheets, evacuation preparedness and messaging resources, and evacuation plans, including but not limited to Cal Fire's Ready, Set, Go! three-step plan, AlertSCC Nixle, Everbridge, and Watch Duty, at on-site public areas for residents. Materials shall be maintained and updated annually. - Provide information to all new residents on-site about AlertSCC, detailing how to sign up for alters. Flyers and pamphlets may be created to share QR codes and weblinks to the AlertSCC website for residents to sign up for alerts. - In coordination with City of Saratoga, Santa Clara County Sheriff, Santa Clara County Roads and Airports, and Caltrans staff, identify personnel to manually control traffic at intersection pinch points on-site in the event of an emergency. Coordination can also include how traffic will flow into Santa Clara County and Caltrans roadways.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	- In the event of an emergency, provide one or more variable message signs (VMS), in coordination with Santa Clara County Sheriff office, to publicize evacuation alerts, updates, or other information to residents, employees, and visitors. A VMS can be installed along main roads on-site or mounted on trailers to be set up where messaging would reach the most people. VMS unit(s) could be used for information within the project site or could be installed on Pierce Road or other primary evacuation routes to provide information to the general community.	
Impact WILD-2: The proposed project would, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.	Implement MM WILD-1.	Significant and unavoidable impact.
Impact WILD-3: The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	None.	Less than significant impact.
Impact WILD-4: The proposed project could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	Implement MM GEO-1.	Less than significant impact.
Cumulative Impact	No feasible cumulative mitigation.	Significant and unavoidable impact (emergency response and evacuation).

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CHAPTER 1: INTRODUCTION

1.1 - Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Masson Estates Project (State Clearinghouse [SCH] No. 2024050461). This document is prepared in conformance with CEQA (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.). This Draft EIR is intended to serve as an informational document for the public agency decision-makers and the public regarding the proposed project.

CEQA requires public agencies to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. When "economic, social, or other conditions" make alternatives and mitigation measures "infeasible," a project may be approved despite its significant environmental effects if the lead agency adopts a statement of overriding considerations and finds the benefits of the project outweigh the potential environmental impacts (CEQA Guidelines §§ 21002, 21002.1(c); § 15093). In such a situation, Public Resources Code Section 21081 requires the agency to first make findings with respect to each significant effect for which alternatives or mitigation measures are infeasible. Then, the public agency may make a finding that specific overriding benefits of the project outweigh the significant effects on the environment. Whether a mitigation measure or alternative is feasible "involves a balancing of various 'economic, environmental, social, and technological factors'" (CEQA Guidelines § 21061.1). As defined in the CEQA Guidelines, "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (CEQA Guidelines § 15364).

1.1.1 - Overview

The proposed project consists of subdividing a 72.45-acre parcel and developing 25 market-rate and affordable homes and related infrastructure, including new internal streets and driveways, supporting parking spaces, landscaping, bioretention and drainage features, and utility improvement, pursuant to the Housing Accountability Act (HAA) (California Government Code § 65589.5). Development would be contained within the northern 18.38-acre portion (25.4 percent) of the parcel (Development Area); the southern 54.06-acre portion (74.6 percent) (Remainder Area) is not proposed for development, with the exception of emergency access roads. Homes would consist of 1–3 stories, and streets would be designed to ensure the homes are located among vegetation and placed to reduce their prominence within the landscape. The color palate of the homes would include earth tones such as shades of brown and tan, along with shades of white and gray.

Regional access to the project site would be via State Route (SR) 9 from the south and SR-85 from the north. Local access to the project site would be via Pierce Road and Saratoga Heights Drive. Pierce Road is a two-lane public street that runs north/south along the project site's eastern

boundary. Saratoga Heights Drive is a two-lane public street that runs east/west and intersects Pierce Road adjacent to the project site's eastern boundary.

Chapter 2, Project Description, provides a complete description of the proposed project.

1.1.2 - Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the Masson Estates Project. The environmental impacts of the proposed project are analyzed in the Draft EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the construction or operation of the project. It also identifies and considers feasible mitigation measures and alternatives that may be adopted to reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts (if any)
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found Not to be Significant
- Areas of Known Controversy

1.1.3 - Lead Agency Determination

The City of Saratoga (City) is designated as the Lead Agency for the proposed project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency that has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by FirstCarbon Solutions (FCS), an environmental consultant retained by the City. Prior to public review, it was extensively reviewed and evaluated by the City of Saratoga. This Draft EIR reflects the independent judgment and analysis of the City of Saratoga as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel are provided in Chapter 7, Persons and Organizations Consulted – List of Preparers, of this Draft EIR.

1.2 - Environmental Review Process

This Draft EIR addresses the potential environmental effects of the proposed project. The City of Saratoga issued a Notice of Preparation (NOP) for the proposed project on May 10, 2024, which circulated between May 10, 2024 and June 9, 2024, for the required 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Pursuant to Section 15083 of the CEQA Guidelines, the City held a public scoping meeting on May 29, 2024, starting at 6:00 p.m. At the meeting, attendees were given an opportunity to provide comments and express concerns about the potential effects of the project. A total of seven individuals provided verbal comments on the content of the Draft EIR at the scoping meeting. A summary of the main concerns expressed at the scoping meeting is provided below:

- Concerns regarding construction traffic and the cumulative traffic effects of other nearby projects.
- Concerns regarding bicyclist traffic.
- Requests to analyze construction traffic, specifically on Pierce Road, and how to mitigate impacts.
- Concerns regarding traffic impacts on Pierce Road.
- Concern that construction will affect pedestrian, bicycle, motorcycle, and car traffic.
- Concerns that residents were not notified about the proposed project and that everyone should be made aware of the EIR.
- Requests for analysis of the cumulative impacts of all Builder's Remedy projects.
- Requests for an analysis of emergency access and how it will be managed.
- Concerns over fire hazards and emergency evacuation along Pierce Road.
- Inquires whether density of the project will increase fire risks.
- Concerns regarding flooding hazards.
- Concerns regarding landslides and geotechnical issues.
- Concerns about fire insurance.
- Request for information on the EIR process and notification of residents.
- Concerns over bicyclist and pedestrian safety.

Thirteen comment letters were received in response to the NOP. They are listed in Table 1-1 and provided in Appendix A of this Draft EIR.

Table 1-1: NOP Comment Letters

Agency/Organization	Author	Date	Comment Summary	Draft EIR Coverage of Issues Raised
Agencies				
Native American Heritage Commission (NAHC)	Cody Campagne	5/10/24	includes standard procedures for addressing Senate Bill (SB) 18 and Assembly Bill (AB) 52.	• Section 3.4, Cultural Resources • Section 3.16, Tribal Cultural Resources
Valley Water	Andrew Quan, Assistant Engineer II-Civil	6/4/24	• States that the site is in Flood Zone X, an area with a 0.2 percent annual chance flood hazard. • Valley Water records indicate that the subject property is located within the Santa Clara Plain Recharge Area of the Santa Clara Groundwater Subbasin., and that the Draft EIR should consider impacts to groundwater recharge and potential measures to minimize impacts. • Records indicate that there are no wells on property boundaries and that there is no Valley Water right-of-way or facilities at the project site. It is possible that a well exists that is not in Valley Water's records, therefore, if one is found during development, they must be destroyed under permit from Valley Water or registered with Valley Water and protected from damage. • There is no Valley Water right-of-way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the proposed improvements.	• Section 3.9, Hydrology and Water Quality
California Department of Fish and Wildlife (CDFW)	Erin Chappell	6/7/24	• Includes mitigation recommendations for bats, nesting birds, sensitive natural communities, and wildlife movement and connectivity.	• Section 3.3, Biological Resources

Agency/Organization	Author	Date	Comment Summary	Draft EIR Coverage of Issues Raised
Individuals				
N/A	Glenda Aune	6/9/24[1]	• Concerns related to increased traffic on Pierce Road and emergency evacuation, Earthquakes, Sewer and Water Services including water drainage, hazardous materials, and construction noise. • Request for discussion of cumulative projects related to traffic. • Request that the EIR includes traffic analysis of diverse scenarios for emergency evacuation and fully explains how the analysis was done and the results. • Concerns about spots on Pierce Road. • Concerns about emergency evacuation of the hillside area. • Concerns about impediment of fire department access to the hillsides in the event of a wildfire. • Concerns related to the development density clustered in one area of the site while the rest is vacant. • Impact of tree removal on carbon emissions. • Impact of tree removal on wildlife. • Water conservation and watering of newly planted trees. • Replacement of protected trees. • Construction impacts on wildlife. • Construction noise impacts on wildlife. • Concerns about wildlife movement corridors. • Concerns related to landslide areas. • Concerns related to seismic activity. • Inquiry about whether the project is within the Cupertino Sanitary District or San José Water	• Section 3.3, Biological Resources • Section 3.6, Geology and Soils • Section 3.7, Greenhouse Gas Emissions • Section 3.8, Hazards and Hazardous Materials • Section 3.9, Hydrology and Water Quality • Section 3.10, Land Use and Planning • Section 3.11, Noise • Section 3.15, Transportation and Traffic • Section 3.18, Wildfire

[1] Glenda Aune submitted a letter dated May 29, 2024, which is included in Appendix A and forms part of the record of proceedings. However, because her June 9, 2024 letter instructed the City to use it in place of the May 29, 2024 letter, this comment summary addresses only the comments in the June 9,2024 letter.

Agency/Organization	Author	Date	Comment Summary	Draft EIR Coverage of Issues Raised
			District and if it will be added to one of these District. • Hazardous materials at the site. • Noise related to construction, hauling materials, and tree removal. • Effects of tree removal on water drainage and ground absorption at the site. • Capturing and drainage of rainwater to prevent flooding. • Inquiry about fire insurance for existing and new residents near and at the site. • Request that all Saratoga hillside residents be notified about the project.	
N/A	Mohini Balakrishnan	6/9/24	• Concerns related to wildfire threat and evacuation routes. • Effects of additional traffic on local roadways, bicyclists. • Concerns related to landslides and natural disasters. • Inquiry about whether the fire department prepares its own safety evaluation report and how they could provide evacuation in an emergency. • Emergency evacuation. • Analysis of the Mountain Winery project in conjunction with this project. • Impact of this project and others on Pierce Road related to need for repair. • Home insurance issues due to wildfire threat. • Construction noise and safety issues from construction vehicles. • Impacts from clearing of trees and impacts to native wildlife species. • Concerns about who was notified about the project.	• Section 3.3, Biological Resources • Section 3.6, Geology and Soils • Section 3.7, Greenhouse Gas Emissions • Section 3.8, Hazards and Hazardous Materials • Section 3.11, Noise • Section 3.15, Transportation and Traffic • Section 3.18, Wildfire

Agency/Organization	Author	Date	Comment Summary	Draft EIR Coverage of Issues Raised
N/A	Nancy Bosenburg	6/9/24	• Against building "affordable housing" in suburban zoned areas • General concerns related to traffic density, water, and fire protection.	• Section 3.9, Hydrology and Water Quality • Section 3.10, Land Use and Planning • Section 3.12, Population and Housing • Section 3.15, Transportation and Traffic • Section 3.18, Wildfire
N/A	Bill Giannini	6/9/24	• Concerns over traffic, emergency vehicle access, adjacent resident safety, and cumulative traffic impacts to Pierce Road. • Concerns related to geotechnical issues and landslides. • Concerns related to scenic resources, existing plants, and wildlife. • Requests to be notified of any upcoming meetings.	• Section 3.1, Aesthetics • Section 3.3, Biological Resources • Section 3.6, Geology and Soils • Section 3.15, Transportation and Traffic
N/A	Manoj Goel	6/10/24	• Concerns over excessive tree removal, including protected trees. • Lack of bike lanes and traffic along Pierce Road. • States that widening of Pierce Road is needed to accommodate cumulative traffic impacts. • Expresses concern related to landslides, states that a full geotechnical feasibility study be conducted for the project. • Concerns over fire hazards, fire insurance, and cumulative emergency evacuation.	• Section 3.3, Biological Resources • Section 3.6, Geology and Soils • Section 3.15, Transportation and Traffic • Section 3.18, Wildfire
N/A	Glenn Hendricks	5/30/24	• Concerned about traffic generated from construction and construction vehicles associated with material movement. • Concerns related to pedestrian and bicyclist safety. • Requests analysis of impacts to pedestrians, bicyclists, motorcyclists, cars, large trucks, driveways, intersecting roads. • Requests analysis of impacts related to vegetation and fire safety evacuation routes.	• Section 3.1: Aesthetics, Light, and Glare • Section 3.15, Transportation and Traffic • Section 3.18, Wildfire

Agency/Organization	Author	Date	Comment Summary	Draft EIR Coverage of Issues Raised
			• Issues with safety due to the lack of streetlights on Pierce Road. • Analysis of construction traffic turning in and out of the project onto Pierce Road. • Requests analysis of cumulative projects. • Concerns related to vegetation and trees related to large trucks coming in contact with this vegetation. • Information on the project approval process.	
N/A	John Kwong	6/9/24	• States that the Draft EIR must quantify impacts to infrastructure per additional dwelling and vehicle. • Concerns of increased traffic along Pierce Road due to narrow roadway. Requests that traffic counts are gathered on a Sunday morning, based on double yellow line violations over the course of a month on Pierce Road and with the use of cameras. • Concerns over head on collisions during wildfire evacuation. • Requests that the Draft EIR analyze whether Pierce Road can be widened to accommodate emergency access. • Concerns over nearby resident safety when retrieving mail from mailboxes across Pierce Road. • Concerns over Pacific Gas and Electric Company (PG&E) equipment failing and causing wildfires; impacts from undergrounding of electrical lines. • Impacts to wildlife. • Request for a wildlife habitat study and wildlife movement study.	• Section 3.3, Biological Resources • Section 3.15, Transportation and Traffic • Section 3.17, Utilities and Service Systems • Section 3.18, Wildfire
N/A	Mona Kaur-Freedman	6/9/24	• Requests that more residents be notified of the project.	• Section 3.3, Biological Resources • Section 3.6, Geology and Soils

Agency/Organization	Author	Date	Comment Summary	Draft EIR Coverage of Issues Raised
			• Concerns over increased fire danger, requests information for fire evacuation. • Request for access to the fire department report for the proposed project. • Concerns about traffic increase along Pierce Road. Wants a study done to check increases for events like a sold-out concert. Requests analysis of prior, current, and future effects related to all comments, and analysis of cumulative projects. • Inquiry about whether the builder proposes to improve Pierce Road to accommodate traffic resulting from the project and other projects, including Mountain Winery. • Safety of cyclists and bicyclists, and neighbors who cross the street to get their mail. Requests a study of the dangers and measures related to pedestrians, bicyclists, and cyclists. • Concerns about effects on wildlife and protected species, rare or protected animal habitats. • Wonders how such a dense buildup affects the geological strength of the hillside and its neighboring homes and the risk of landslides. Request for analysis of geological safety. • The effect of the proposed project and Mountain Winery project on seismic safety. • Concerns related to landslides. • Wants access to the sewage and water departments report to see where sewage will go. • Concerns related to the project's impact on homeowner and fire insurance in the area. • Concerns on law and order and safety in the area.	• Section 3.13, Public Services • Section 3.15, Transportation and Traffic • Section 3.17, Utilities and Service Systems • Section 3.18, Wildfire

Agency/Organization	Author	Date	Comment Summary	Draft EIR Coverage of Issues Raised
N/A	John Page	5/21/24	• States that Pierce Road is already dangerous. Requests that Pierce Road be widened to allow for safe walking and biking, and that the project provides the shoulder space and possibly the shoulder itself over the length of the project frontage on Pierce Road. • Concerns about Saratoga having unreliable and dangerous power utilities. Requests that the project underground the power lines along Pierce Road along the project frontage for safety and beautification purposes.	• Section 3.1, Aesthetics, Light, and Glare • Section 3.15, Transportation and Traffic • Section 3.17, Utilities and Service Systems • Section 3.18, Wildfire
N/A	Koti Reddy	6/9/24	• Concerns raised over traffic impact and safety. Wants study on how events and cumulative development such as the Mountain Winery project will impact traffic. • Requests that traffic is studied all days of the week and all times of the day. • Requests that a geotechnical study be done to study landslide possibility during a 100-year and 500-year rainfall. • Concerns over flood zones change resulting from recent development. • Inquires whether there are any rare or protected animals or habitats on the site. • Requests that a Phase II Environmental Site Assessment be completed to identify any surface or subsurface contamination from past bottling and other operations in the project vicinity.	• Section 3.3, Biological Resources • Section 3.6, Geology and Soils • Section 3.8, Hazards and Hazardous Materials • Section 3.9, Hydrology and Water Quality • Section 3.15, Transportation and Traffic

1.2.1 - Environmental Issues Determined Not to be Significant

The NOP identified topical issues for which the project's impacts were determined not to be significant. An explanation of why each issue is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant. These topical areas are as follows:

- Agricultural and Forestry Resources
- Mineral Resources

In addition, certain impacts within various topics were found not to be significant. Other potentially significant impacts are analyzed in these topical areas; however, the proposed project was determined to have no impact on the following issues.; Accordingly, the following issues are not analyzed within the stand-alone topical sections addressing potentially significant impacts:

- Scenic Highways
- Local, Regional, or State Habitat Conservation Plan
- Historic Resources
- Wastewater Disposal Systems
- Government Code Section 65962.5, Sites
- Hazardous Emissions Proximate to a School
- Proximity to Public Airport Safety Hazard
- Physical Division of an Established Community
- Excessive Noise Levels from Airport Activity
- Housing Displacement/Replacement Housing
- Recreational Facilities Physical Effect on the Environment

An explanation of why each issue is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant.

1.2.2 - Potentially Significant Environmental Issues

The NOP found that the proposed project may cause potentially significant environmental impacts in the following topical areas, which will require further analysis in the Draft EIR. These sections are as follows:

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology, Soils, and Mineral Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services

- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

1.3 - Organization of the Draft EIR

This Draft EIR is organized into the following main sections:

- **Chapter ES: Executive Summary.** This chapter includes a summary of the proposed project and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, and overview of the Mitigation Monitoring and Reporting Program (MMRP), in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Chapter 1: Introduction.** This chapter provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.
- **Chapter 2: Project Description.** This chapter includes a detailed description of the proposed project, including its location, site, and project characteristics. Discussions of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.
- **Chapter 3: Environmental Impact Analysis.** This chapter analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Chapter 3 are as follows:
  - **Section 3.1 – Aesthetics, Light, and Glare:** Addresses the potential visual impacts of development intensification and the overall increase in illumination produced by the proposed project.
  - **Section 3.2 – Air Quality:** Addresses potential air quality impacts associated with project implementation and emissions of criteria pollutants. In addition, the section also evaluates project emissions of toxic air contaminants.
  - **Section 3.3 – Biological Resources:** Addresses potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
  - **Section 3.4 – Cultural Resources:** Addresses potential impacts on historical resources, archaeological resources, paleontological resources, and burial sites.
  - **Section 3.5 – Energy:** Addresses potential project impacts related to energy usage.
  - **Section 3.6 – Geology and Soils:** Addresses the potential impacts the project may have on soils and assesses the effects of project development in relation to geologic and seismic conditions.
  - **Section 3.7 – Greenhouse Gas Emissions:** Addresses potential project emissions of greenhouse gases.

- **Section 3.8 – Hazards and Hazardous Materials:** Addresses potential for the presence of hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health.
- **Section 3.9 – Hydrology and Water Quality:** Addresses the potential impacts of the project on local hydrological conditions, including drainage areas, and changes in the flow rates.
- **Section 3.10 – Land Use and Planning:** Addresses the potential for land use impacts associated related to consistency with the Saratoga General Plan and Code of Ordinances.
- **Section 3.11 – Noise:** Addresses potential noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
- **Section 3.12 – Population and Housing:** Addresses the potential of the proposed project to induce direct or indirect population growth.
- **Section 3.13 – Public Services:** Addresses potential impacts upon public services, including fire protection, law enforcement, schools, parks, and recreational facilities.
- **Section 3.14 – Recreation:** Addresses potential impacts related to parks and park usage.
- **Section 3.15 – Transportation and Traffic:** Addresses potential impacts related to the local and regional roadway system and public transportation, bicycle, and pedestrian access.
- **Section 3.16 – Tribal Cultural Resources:** Addresses potential project impacts related to tribal cultural resources.
- **Section 3.17 – Utilities and Services Systems:** Addresses potential impacts related to service providers, including fire protection, law enforcement, water supply, wastewater, solid waste, and energy providers.
- **Section 3-18 – Wildfire:** Addresses potential impacts related to wildfire including lands within State Responsibility Areas and lands classified as very high fire hazard severity zones.

- **Chapter 4: Effects Found Not to be Significant.** This chapter contains analysis of the topical sections not addressed in Chapter 3.
- **Chapter 5: Other CEQA Considerations.** This chapter provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. This chapter discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects. In addition, in accordance with CEQA Guideline Section 15126.2(b) the proposed project's energy demand is discussed.
- **Chapter 6: Alternatives to the Proposed Project.** This chapter compares the impacts of the proposed project with three land use project alternatives: the No Project Alternative, the Consistency with Land Use and Zoning Alternative, and the Riparian Preservation Alternative. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.
- **Chapter 7: Persons and Organizations Consulted/List of Preparers.** This chapter also contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR. This chapter also contains a full list of the authors who assisted in the preparation of the Draft EIR, by name and affiliation.
- **Appendices.** The Draft EIR appendices include all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR references several technical studies, analyses, and previously certified environmental documentation. Information from the documents that have been incorporated by reference have been briefly summarized in the appropriate section(s). Those sections also describe the relationship between the incorporated part of the referenced document and the Draft EIR. The documents and other sources that have been used to prepare this Draft EIR that are incorporated by reference include:

- City of Saratoga General Plan
- City of Saratoga General Plan EIR City of Saratoga 6th Cycle Housing Element Update, Safety Element Update, 2040 General Plan Update, and Associated Rezonings EIR
- Saratoga Code of Ordinances

In accordance with CEQA Guidelines Section 15150(b), documents incorporated by reference are available on the City's website at https://www.saratoga.ca.us/.

1.5 - Documents Prepared for the Proposed Project

The following technical studies and analyses were prepared specifically for the proposed project and are included as appendices to this Draft EIR:

- Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report
- Biological Resources Assessment
- Aquatic Resources Delineation Report
- California Red-legged Frog Habitat Assessment
- Pre-construction Dusky-footed Woodrat Survey
- Tree Inventory, Assessment, and Protection Report
- Phase I Cultural Resources Assessment
- Geologic and Geotechnical Feasibility Evaluation
- Supplemental Geologic and Geotechnical Peer Review Memorandum
- Phase I Environmental Site Assessment
- Preliminary Stormwater Hydromodification Management Report
- Noise Impact Analysis Report
- Transportation Study
- Wildfire Protection Plan
- Evacuation Analysis

1.6 - Review of the Draft EIR

Upon completion of the Draft EIR, the City filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR,

including the technical appendices, is available for review at the City during business hours. The address is provided below:

City of Saratoga
Community Development Department
Planning Division
13777 Fruitvale Avenue
Saratoga, CA 95070
Hours:
Monday–Thursday: 7:30 a.m.–5:00 p.m.
Friday: 8:00 a.m.–5:00 p.m.

Saratoga Library
13650 Saratoga Avenue
Saratoga, CA 95070
Phone: 408.867.6126
Hours:
Monday–Tuesday: 10:00 a.m.–9:00 p.m.
Wednesday–Sunday: 10:00 a.m.–6:00 p.m.

The Draft EIR is also available for review at the following website: Pierce-Road-Masson-Estates. Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

Christopher Riordan, Senior Planner
City of Saratoga
Community Development Department
Planning Division
13777 Fruitvale Avenue
Saratoga, CA 95070
408.868.1235
criordan@saratoga.ca.us

Submittal of electronic comments via email in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenters at least 10 days prior to the public hearing before the Planning Commission on the proposed project at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

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CHAPTER 2: PROJECT DESCRIPTION

This Draft Environmental Impact Report (Draft EIR) analyzes the potential environmental effects of the Masson Estates Project (proposed project) in the City of Saratoga.

Chateau Masson, LLC (applicant) proposes to construct 25 single-family homes and associated improvements totaling approximately 800,717.91 of gross building square feet on a 72.45-acre site in the western portion of the City of Saratoga (City), in Santa Clara County.

The purpose of this Draft EIR is to identify potential environmental impacts of the proposed project within the City. This chapter provides a detailed overview of the project site location and setting, project objectives, project details, characteristics, and construction phasing. It also describes the intended uses of the Draft EIR by agencies with approval and permitting authority over the proposed project, as well as required approvals and permits.

2.1 - Project Location and Setting

2.1.1 - Location

Regional Location

The proposed project is located in the City of Saratoga, in western Santa Clara County. The City is located in the southern San Francisco Bay Area of California and is bordered by the City of Cupertino to the north, the City of San José to the north and east, the City of Los Gatos, the City of Monte Sereno, and the City of Campbell to the east. Additionally, the County of Santa Cruz lies to the west of the proposed project, and the County of San Mateo lies to the west and south of the proposed project (Exhibit 2-1).

Major roadway networks in the vicinity include State Route (SR) 9, SR-17, and SR-85. Interstate 280 (I-280), located approximately 2.8 miles north of the City, is a north–south highway that connects the County of Santa Clara, including the City, to northwestern Bay Area cities.

Local Setting

The project site consists of one parcel, Assessor's Parcel Number (APN) 503-46-005. The project site is approximately 72.45 acres and is located in the western portion of the City (Exhibit 2-2). The project site is surrounded by low-density hillside residential uses to the north, east, and south and by a commercial winery, The Mountain Winery, to the west. Regional access to the site is available off SR-9 from the south via Pierce Road. SR-85 also provides regional access from the north via Saratoga Sunnyvale Road.

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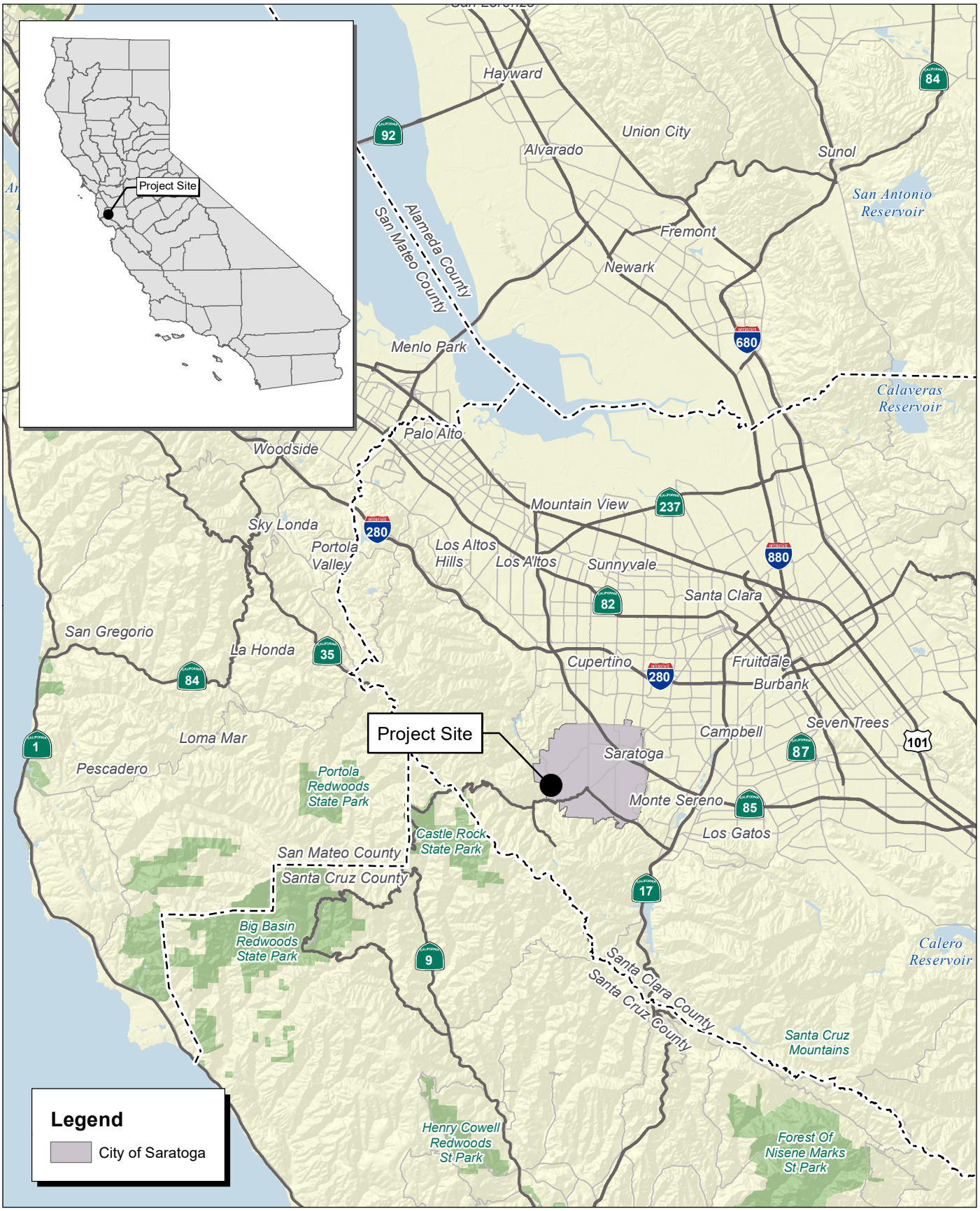

Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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Miles

Exhibit 2-1
Regional Location Map

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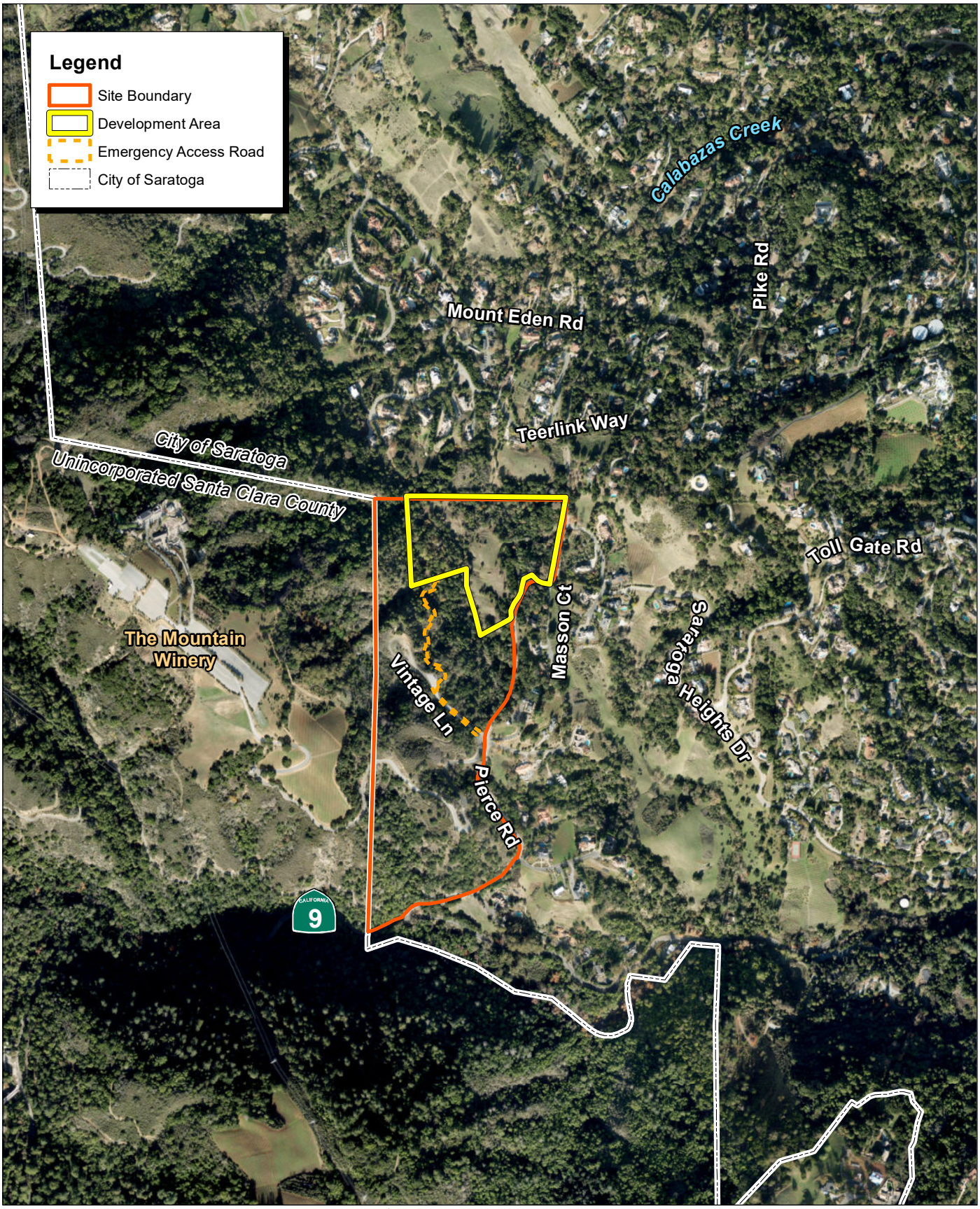

Source: Bing Aerial Imagery. Hanna-Brunetti Civil Engineers, 02/2024.

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1,000 500 0 1,000 Feet

Exhibit 2-2
Local Vicinity Map

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CITY OF SARATOGA
MASSON ESTATES
ENVIRONMENTAL IMPACT REPORT

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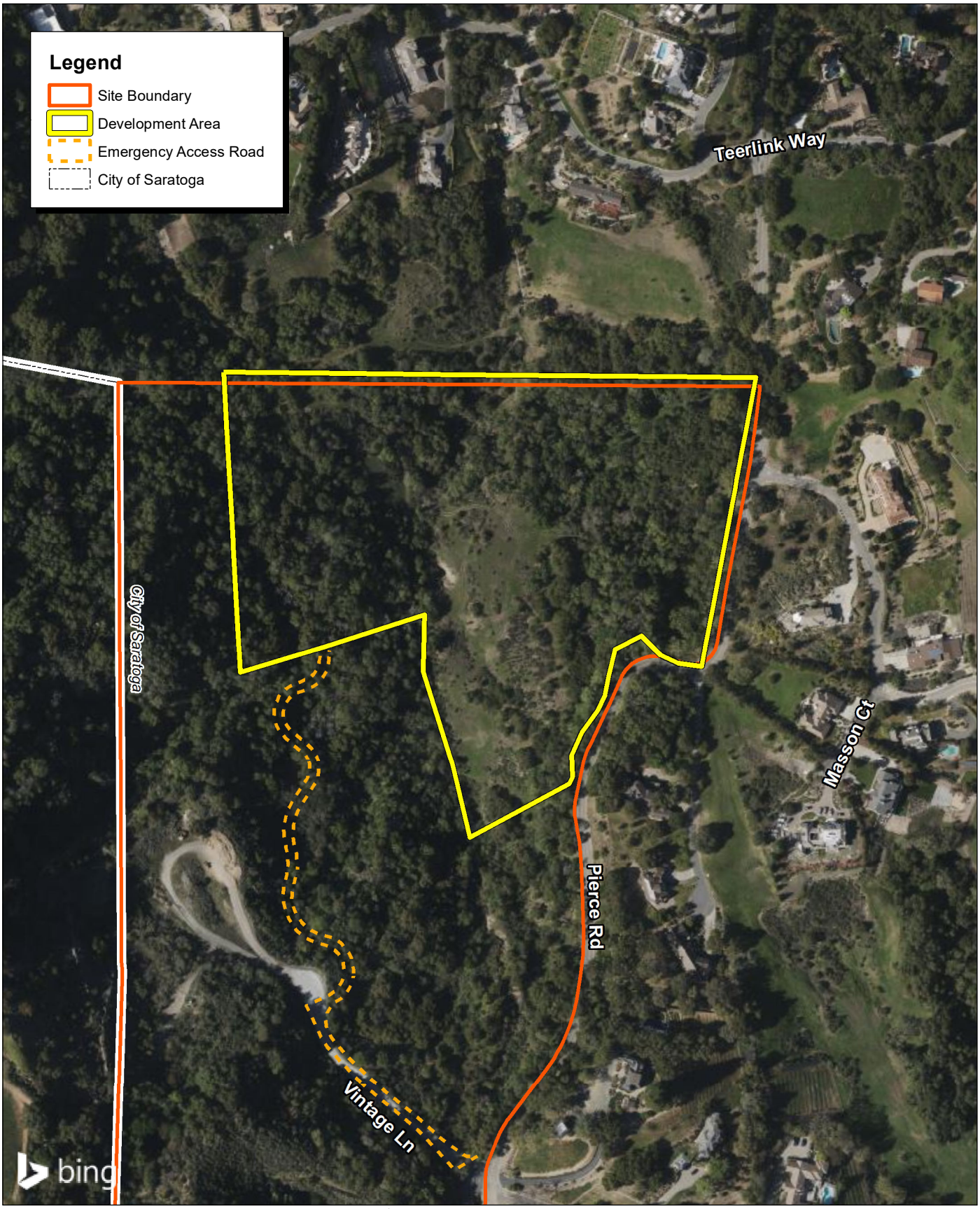

Source: Bing Aerial Imagery. Hanna-Brunetti Civil Engineers, 02/2024.

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310 155 0 310 Feet

Exhibit 2-2a
Local Vicinity Map - Detailed View

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Existing Site Conditions

The project site is currently undeveloped and contains oak woodland (Exhibit 2-3). Coast live oaks (*Quercus agrifolia*) are the predominant species within the project site. Additional tree species present on-site include several valley oaks (*Quercus lobata*) and California bay laurel (*Umbellurlaria californica*) along with a few California buckeye (*Aesculus californica*) and toyon (*Heteromoles arbutifolia*).

The project site is located in the Upper Calabazas Creek Watershed. Drainage at the site is defined by sheet flow to the north and east as well as to the west, where it is intercepted by the ephemeral drainage that flows to the north. Based on the Geologic Map of the Upper Calabazas Creek Watershed, the project site is underlain, at depth, by sedimentary bedrock of the Santa Clara Formation.[1] In addition, the Geologic Map of the Upper Calabazas Creek Watershed identifies three old landslides and two dormant landslides on the southern portion of the project site. The Berrocal Fault is mapped across the southwest corner of the project site, encroaching approximately 50 feet into the site. According to the City's Ground Movement Potential map, the project site contains areas defined as unstable and containing surface fault rupture potential.[2]

An existing single-lane road, Vintage Lane, extends through the southern portion of the project site, connecting to Pierce Road. Vintage Lane is paved for the first approximately 650 feet from its intersection with Pierce Road and then becomes a dirt road that forms an approximate 800-foot loop.

2.1.2 - Surrounding Land Uses

The project site and immediate surrounding areas to the north, south, and east are within the City. The area west of the project site is within the City's Sphere of Influence (SOI) in unincorporated Santa Clara County. Surrounding land uses to the north, east, and south consist predominantly of hillside residential, as well as a limited open space area. To the west of the project site is The Mountain Winery along Pierce Road (Exhibit 2-2 and 2-2a). The Mountain Winery is an event venue located in unincorporated Santa Clara County that provides wine tasting and dining, private and public events, and concerts in a 2,500-seat outdoor amphitheater.

2.1.3 - Land Use Designations

According to the City of Saratoga General Plan (General Plan), the site is designated as Residential Hillside Conservation (RHC) (Exhibit 2-4). The RHC designation allows for single-family dwellings, horticultural and agricultural use, and accessory uses compatible with single-family dwellings. Additionally, the RHC designation allows for a maximum density of 0.5 dwelling unit per acre (du/acre) or 1.55 people per acre and 15,000 square feet or 25 percent impervious coverage of net site area.

[1] Cotton, Shires and Associates, Inc. 2024. Geologic and Geotechnical Peer Review (S6283), Château Masson, 25-Lot Subdivision. January 16.
[2] Ibid.

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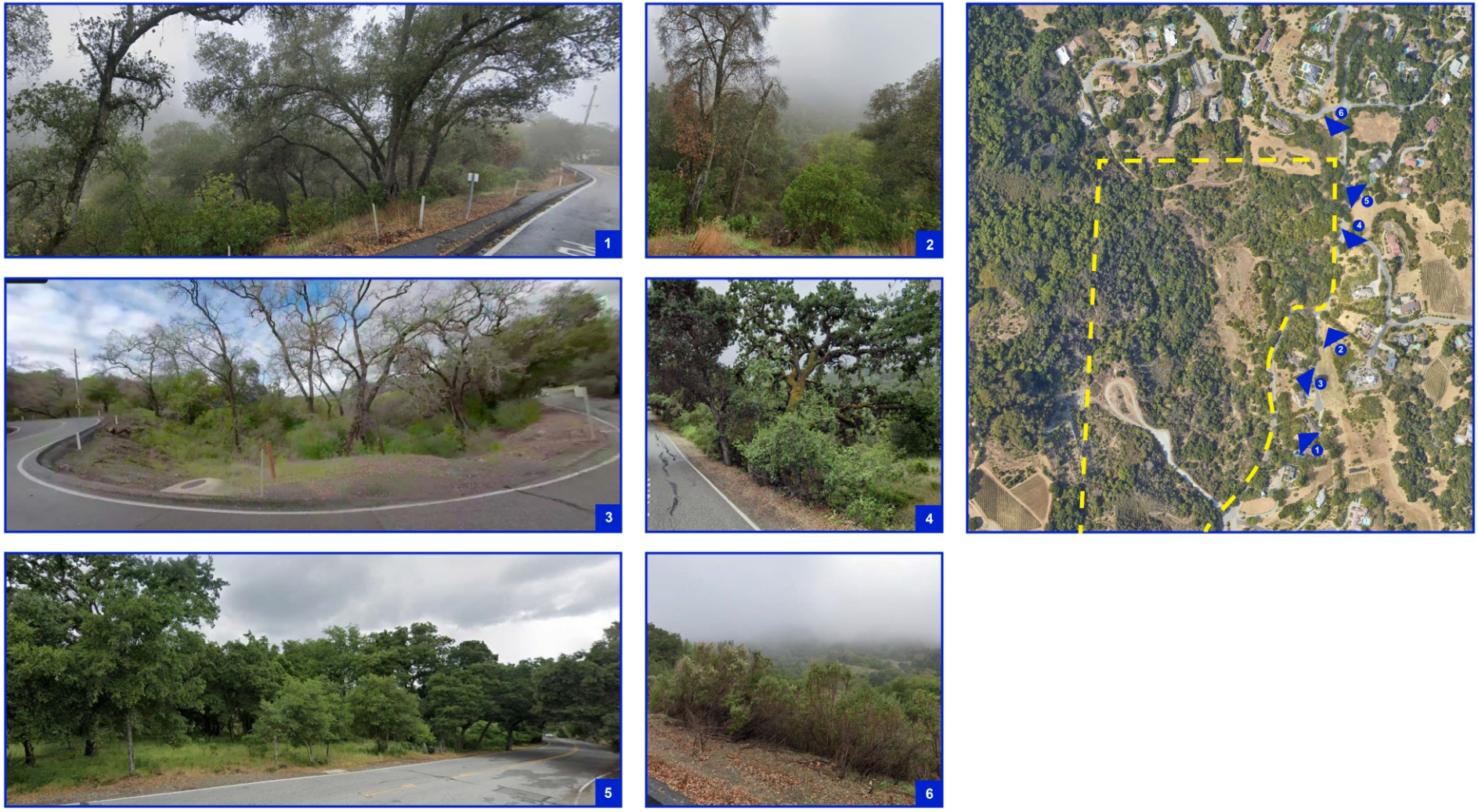

Source: Miller Starr Regali. Hanna-Brunetti. 12/20/2023.

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Exhibit 2-3
Existing Conditions

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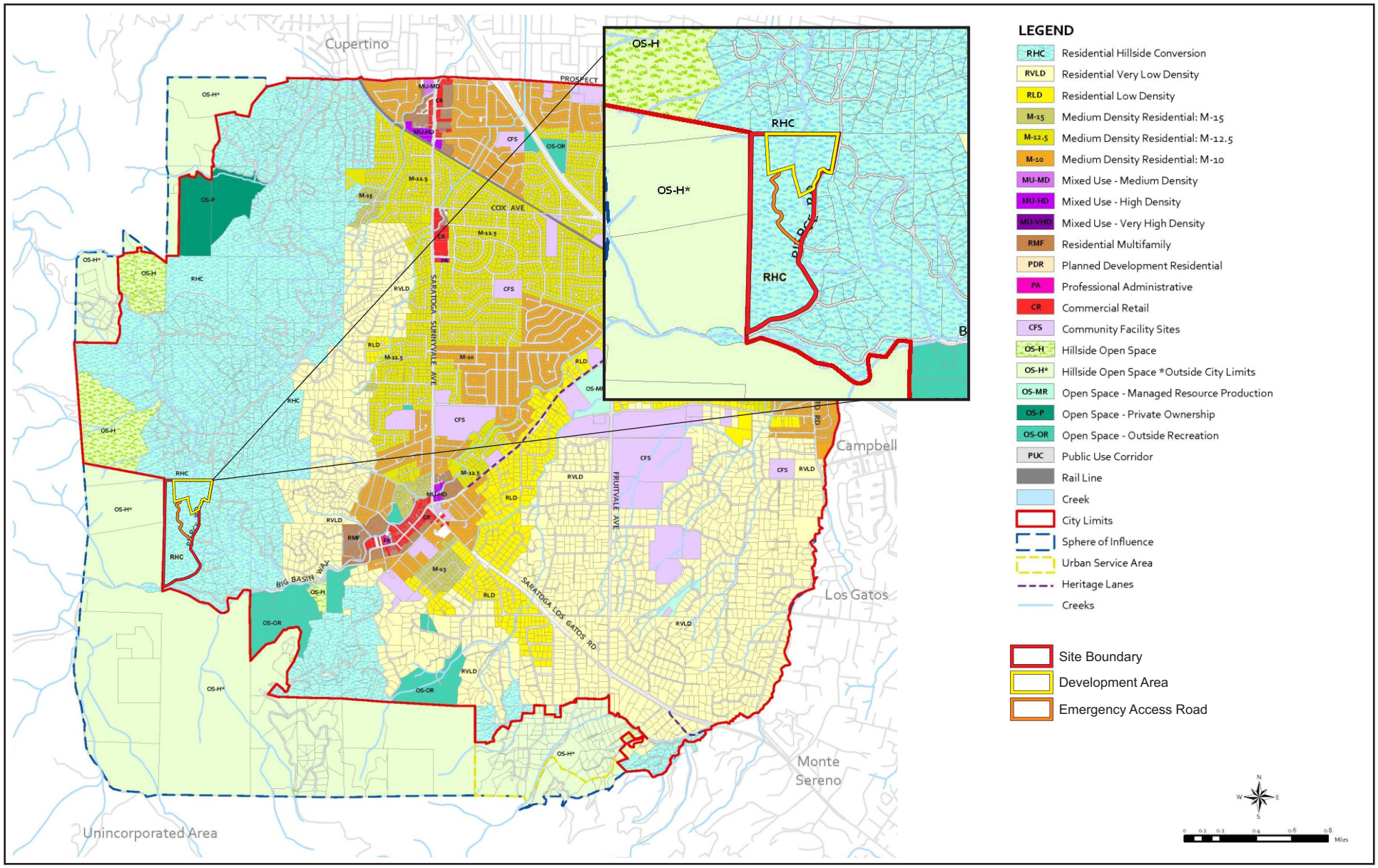

Source: City of Saratoga.

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Exhibit 2-4
General Plan Land Use Designations

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2.1.4 - Zoning

The Saratoga zoning map identifies the project site as Hillside Residential (HR) (Exhibit 2-5). According to the City Ordinance Code 15-13.030, the following uses are permitted for HR:[3]

- Single-family dwellings.
- Traditional and supportive housing.
- Accessory structures and uses located on the same site as permitted use.
- The raising of vegetables, field crops, fruit and nut trees, and horticultural specialties and the processing of such as are so raised or grown on the premises.
- Home occupations.
- Stables and corrals or the keeping for private use of not more than two horses on the site.
- Swimming pools.
- The keeping for private use of a reasonable number of domestic dogs, cats, and other small mammals, birds, fish, and small reptiles.
- Public parks, trails, and other publicly owned spaces.
- Antenna facilities operated by a public utility for transmitting and receiving cellular telephone and other wireless communications.

2.1.5 - Hillside Specific Plan

As indicated in the Land Use Element of the City of Saratoga General Plan, the Hillside Specific Plan's goal is to conserve the City's natural and rural character by controlling the density of development in the hillside areas and allowing development in an environmentally sensitive manner. It provides guidelines for the development of the northwestern hillsides, including policies and action programs. It is intended to better link the Saratoga General Plan with subdivision and zoning regulations while not being a site-specific development plan.

2.1.6 - Housing Accountability Act

The project is proposed as a housing development project pursuant to the Builder's Remedy, codified in the California Housing Accountability Act. The Housing Accountability Act (Government Code § 65589.5 [HAA]) is a housing production statute that seeks "to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects . . ." (Government Code § 65589.5(a)(2)(K)). Moreover, the HAA expresses the State's policy that this statute "be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." (Government Code § 65589.5(a)(2)(L)).

[3] City of Saratoga. Code of Ordinances. Article 15-13 – HR: Hillside Residential District, Section 15-13.030 – Permitted Uses Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH15ZORE_ART15-13HRHIREDI. Accessed September 25, 2024.

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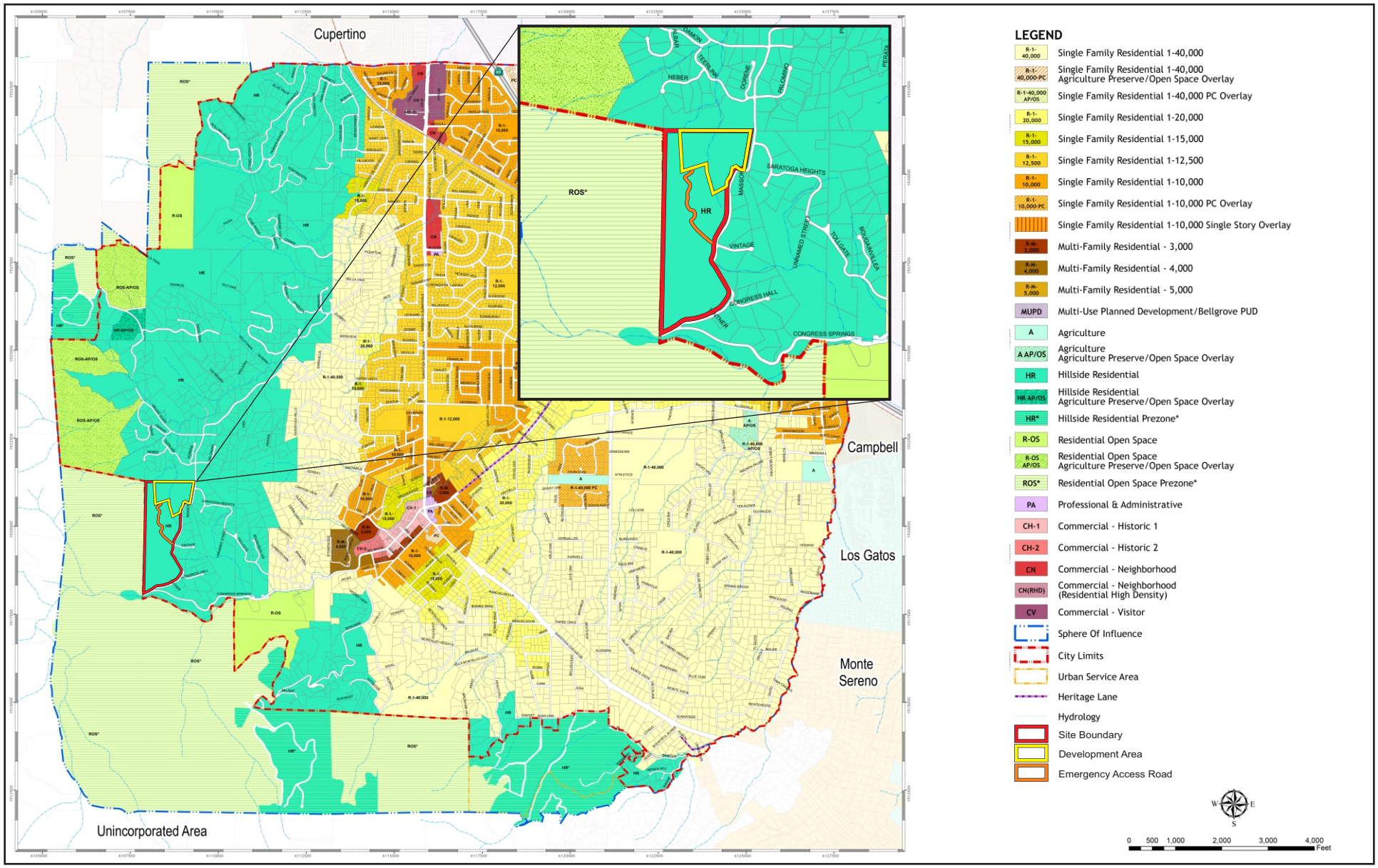

Source: City of Saratoga. 12/19/2017.

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Exhibit 2-5
Zoning Map

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Subdivision (d)(5) of the HAA, also known as the Builder's Remedy, prohibits a city that does not have an adopted housing element that is substantially compliant with the Housing Element Law (Government Code § 65580 *et seq*.) from disapproving or conditioning approval in a manner that renders infeasible a housing development project "for very low, low-, or moderate-income households," even where the project is inconsistent with both the city's zoning ordinance and general plan land use designation (Government Code § 65589.5(d)(5)). The HAA defines projects for very low, low-, or moderate-income households to include projects that provide 20 percent of the units for lower-income households (Government Code § 65589.5(h)(3)).

The City of Saratoga did not have a substantially compliant 6th Cycle Housing Element at the time the Preliminary Application was filed for the proposed project. In addition, the proposed project is a housing development that will provide at least 20 percent of its units for lower-income households. Therefore, the proposed project is protected by the Builder's Remedy pursuant to Government Code Section 65589.5(d)(5). As such, the City cannot deny or condition approval of the proposed project in a manner that would render it infeasible, notwithstanding any inconsistency of the proposed project with the zoning ordinance or General Plan land use designation of the project site.

2.2 - Project Characteristics

2.2.1 - Proposed Project

The project applicant, Chateau Masson, LLC, proposes to subdivide the existing 72.45-acre parcel that comprises the project site and to develop 25 homes and related infrastructure, including new internal streets and driveways, supporting parking spaces, landscaping, bioretention and drainage features, and utility improvement. Development would be focused in the northern 18.38-acre portion (25.4 percent) of the parcel (Development Area); the southern 54.06 portion (74.6 percent) (Remainder Area) is not proposed for development, with the exception of emergency access roads (Exhibit 2-6). Homes would consist of 1 to 3 stories, and streets would be designed to ensure the homes are screened by vegetation and landscaping to reduce their visual prominence. The color palette of the homes would include earth tones, such as shades of brown and tan, along with shades of white and gray.

The proposed project is being processed pursuant to Senate Bill (SB) 330 (the Housing Crisis Act) and the Builder's Remedy contained therein. The proposed project would construct 20 market-rate and five affordable single-family homes, thereby providing 20 percent of the units for lower-income households. The proposed homes would range from 2,375 to 7,091 square feet on lots ranging from 2,086 to 86,351 square feet. Lots 1–8 would be affordable 2,375-square feet single-family homes with four bedrooms, two baths, and one 2-car garage each. Of these, Lots 1-4 and 8 would be affordable units, and Lots 5-7 would be market rate. Lots 9–25 would be market-rate 4-bedroom 4-bath single-family houses of up to 7,091 square feet, each with a 3- to 4-car garage. The proposed project would also include pavement improvements to the existing emergency access road (Exhibit 2-7).

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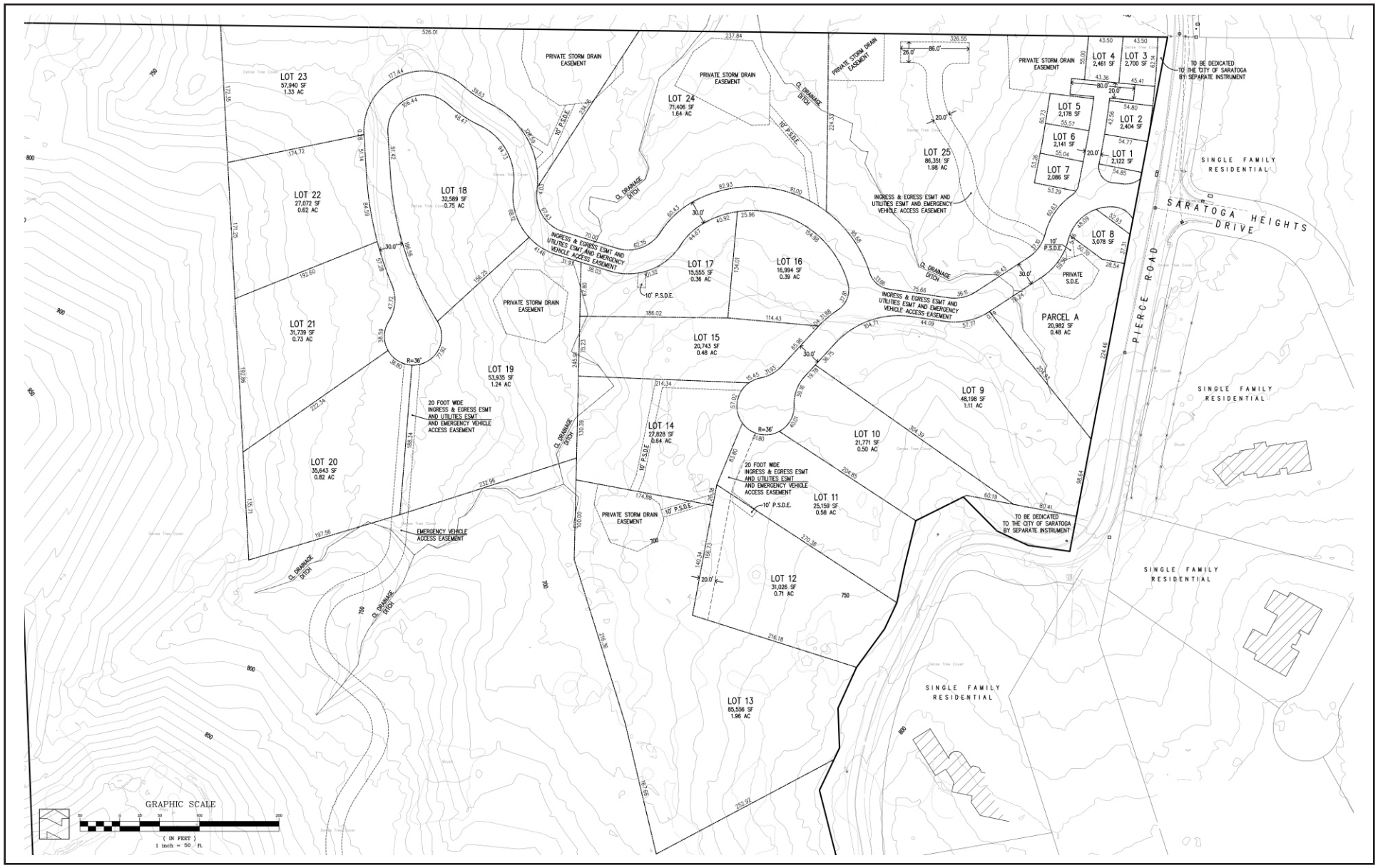

Source: Hanna-Brunetti. 12/2023.

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Exhibit 2-6
Site Plan

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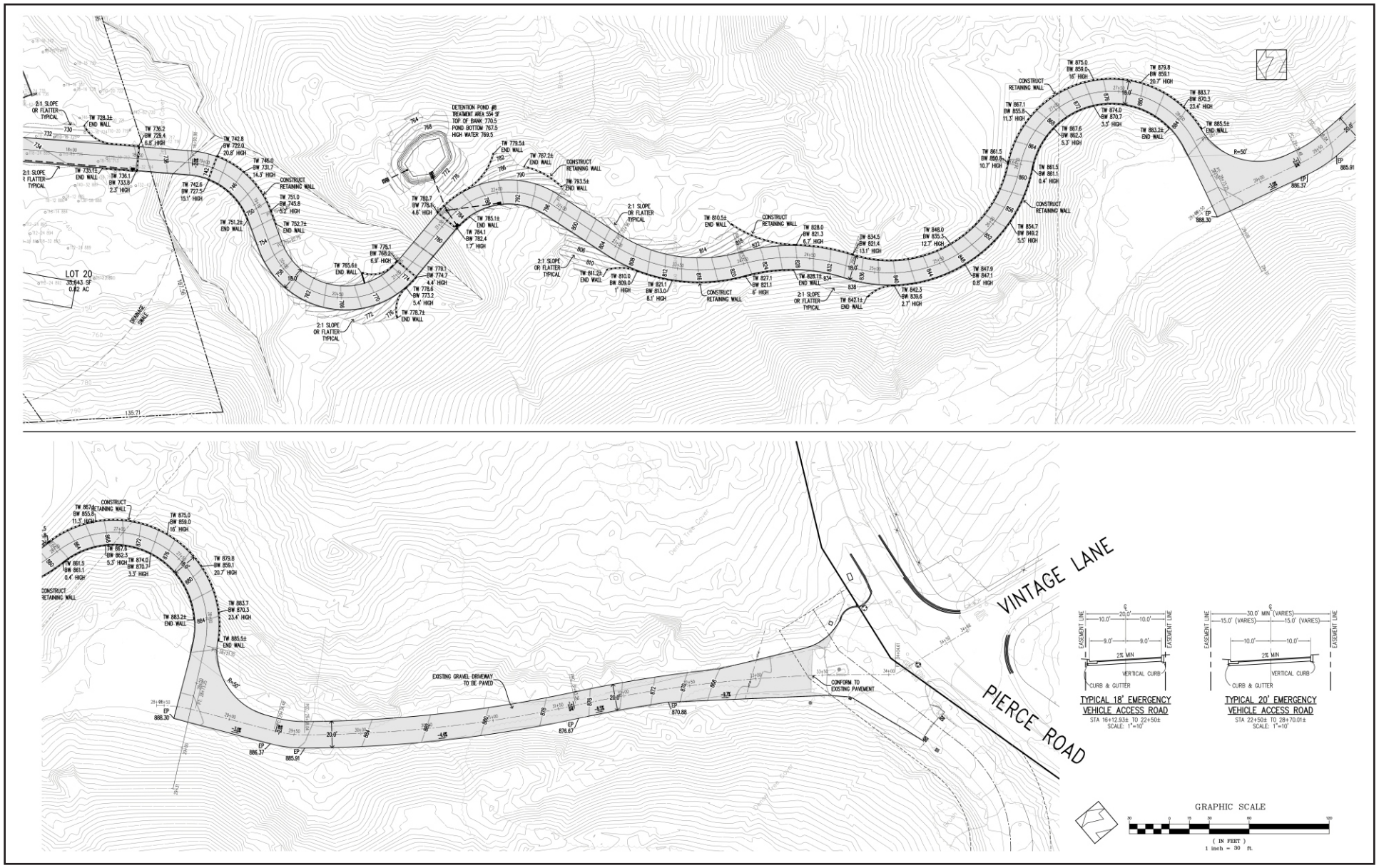

Source: Hanna-Brunetti. 12/2023.

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Exhibit 2-7
Emergency Access Road

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Additionally, all structures would be compliant with applicable California Building Code, Chapter 7A as amended by the SCCFD. Each residence would have an early warning fire-alert system, as required by the City's Ordinance No-2015. These systems include activators that span smoke detectors, heat detectors, automatic sprinkler systems, manually actuated alarm-initiating devices, and an emergency push button.

Landscaping

Tree removal and landscaping would be limited to areas directly adjacent to proposed residences, roadways, and stormwater detention ponds. All landscaping and tree removal practices would be in conformance with recommendations of the project Arborist and City regulations. A tree inventory determined that the project site contains 682 trees comprised of 11 different species protected by City code. A total of 367 of these trees are proposed for removal. A tree protection plan would be prepared for the remaining 315 trees (Exhibit 2-8a and Exhibit 2-8b). Of the 367 trees proposed for removal, 205 are in good condition, 92 are fair, 18 are dead or unstable, 26 are poor, and 26 are in very poor condition (refer to Appendix C for a detailed description). Removed trees would be replaced primarily by coast live oak. In areas where tree canopy space is limited, removed trees would be replaced by western redbud (*Cercis occidentalis*). Proposed landscaping trees, shrubs, and ground covers are all California native species compatible with the oak woodland ecosystem. Additionally, shrubs and ground cover along proposed roadways and driveways would be planted for erosion control. Areas within the drip lines of existing trees to be retained would be kept as natural and undisturbed as possible. Proposed landscaping would be kept 6–10 feet away from the trunks of existing trees. Pruning of existing trees would be limited to careful thinning to maintain their natural shape, removing no more than 20 percent of the foliage. Existing trees would not be topped to reduce their height.

Proposed irrigation would consist of a low-flow pressure regulated, drip irrigation system, managed with a fully automatic irrigation controller. No irrigation would be supplied to the native oaks as they seldom require supplemental irrigation to survive. Additionally, the Landscape and Irrigation Plans would conform to the Saratoga Water Efficient Landscape Ordinance (WELO) confirmed through the required submission of a Landscape Documentation Package.

Site Access, Parking, and Circulation

Regional access to the proposed project site would be via SR-9 from the south and SR-85 from the north. Local access to the project site would be via Pierce Road and Saratoga Heights Drive. Pierce Road is a two-lane public street that runs north–south along the project site's eastern boundary. Saratoga Heights Drive is a two-lane public street that runs east–west and intersects Pierce Road adjacent to the project site's eastern boundary.

The proposed project would include the construction of approximately 2,300 feet of new roadways and driveways in the Development Area, including two bridges over two existing on-site drainages. Lots would be accessed via the proposed Masson Estates Way and Masson Estates Court (Exhibit 2-6). Masson Estates Way would extend west from the intersection of Saratoga Heights Drive and Pierce Road, ending in a cul-de-sac on the western side of the Development Area.

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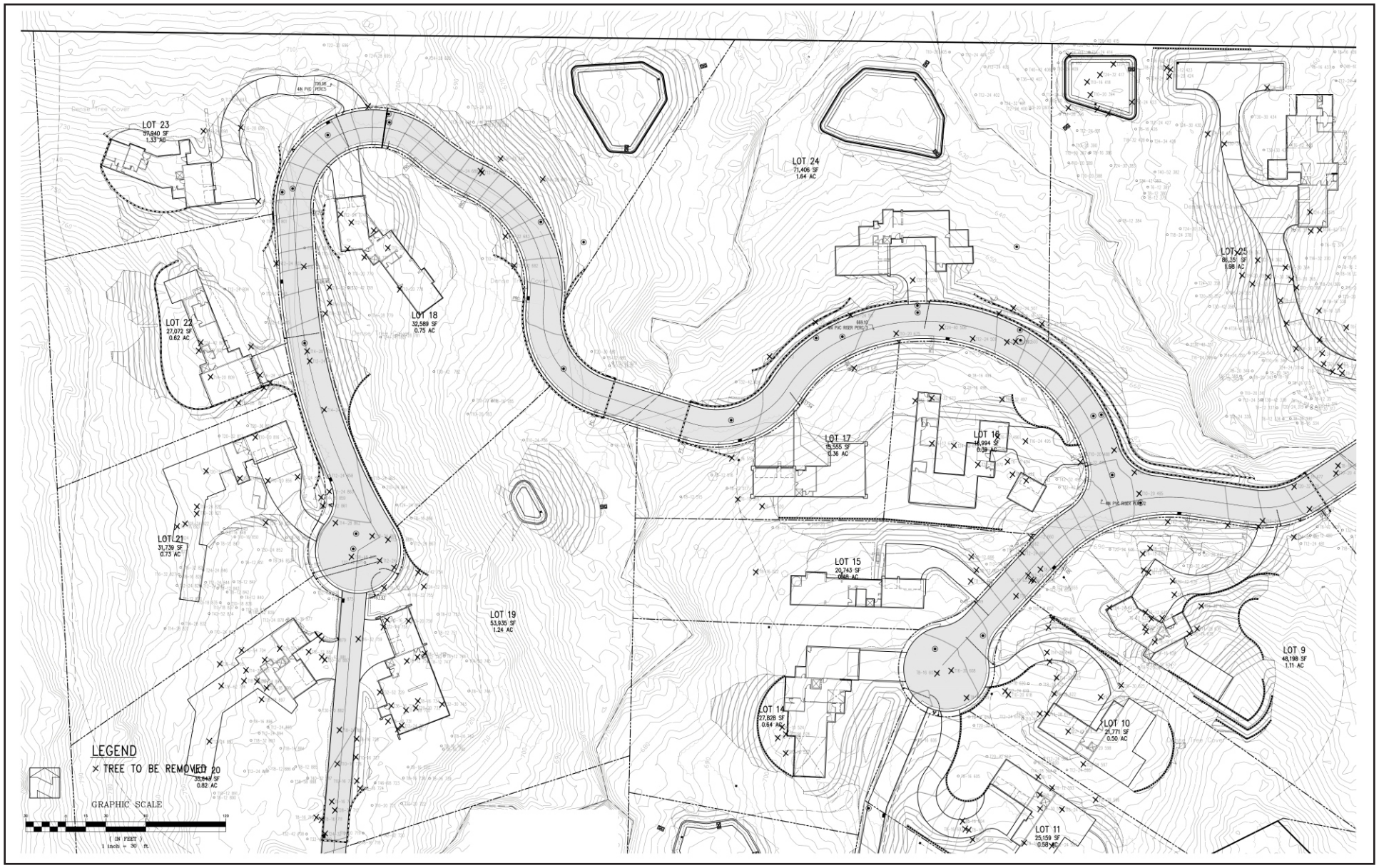

Source: Hanna-Brunetti. 12/2023.

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Exhibit 2-8a
Tree Removal Plan (North)

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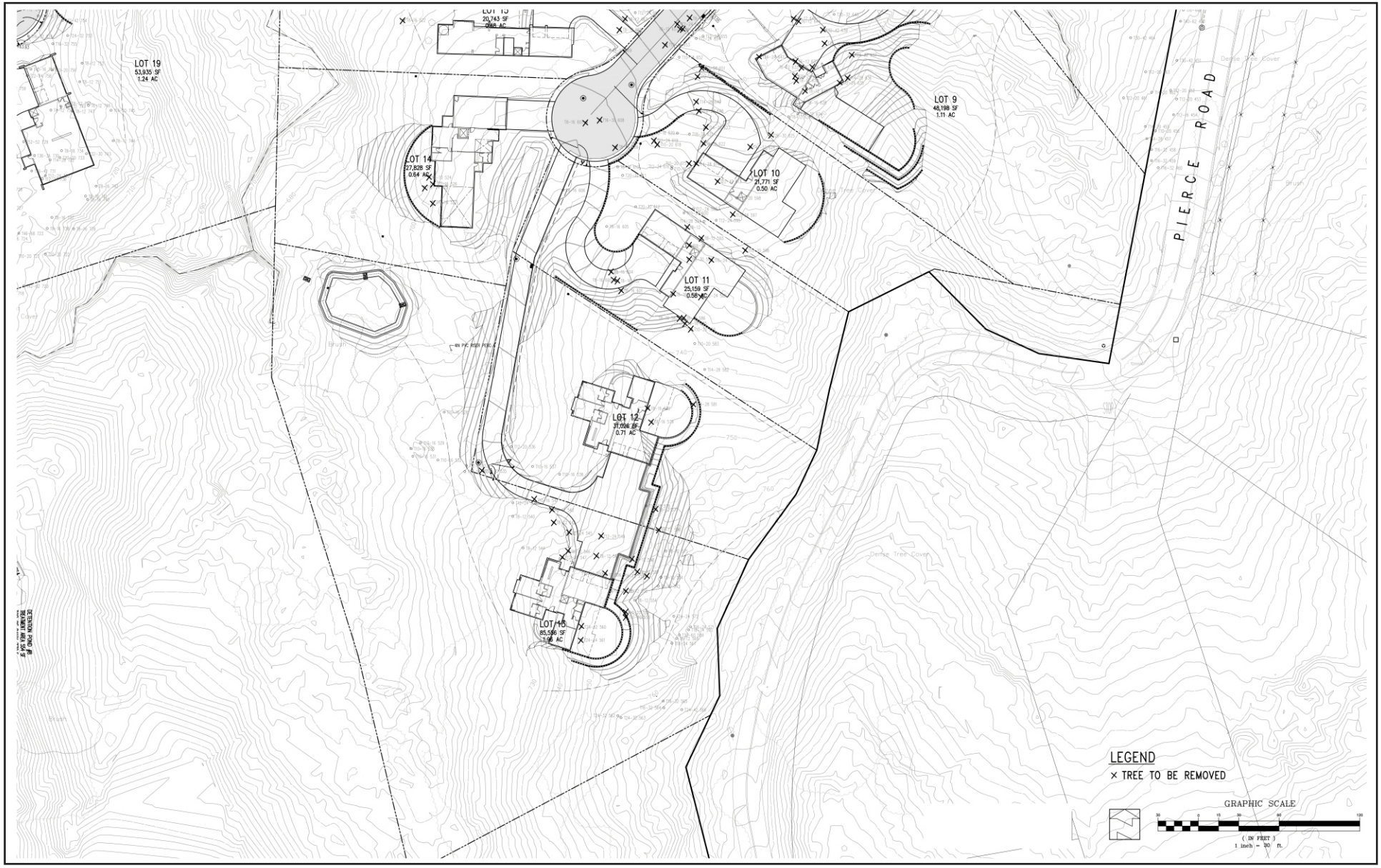

Source: Hanna-Brunetti. 12/2023.

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Exhibit 2-8b
Tree Removal Plan (South)

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Masson Estates Court would extend to the south from Masson Estates Way in the western portion of the Development Area, also ending in a cul-de-sac. Additionally, the proposed project would include pavement improvements to an approximately 1,600-foot-long emergency access road located primarily in the Remainder Area, which would connect the western end of the proposed Masson Estates Way to the intersection of Pierce Road and Vintage Lane to the south. Pedestrian facilities would not be included as a part of the proposed project.

Parking would be provided via residential garages and driveways. Street parking would be prohibited along Masson Estates Way and Masson Estates Court to maintain the 20-foot minimum for adequate two-way access. The City of Saratoga has adopted evacuation by zones, using an evacuation management tool, Genasys Protect (formerly Zonehaven Aware). The Zone for the proposed project is within SAR-008 and SCC-021; future residents would follow the evacuation notices for that specific zone.

Utilities and Service Systems

The utility and public service providers listed below would service the proposed project.

- Fire: Santa Clara County Fire Department
- Police: Santa Clara County Sherriff's Office, West Valley Patrol Division
- Water: San José Water Company (San José Water)
- Sanitary Sewer: Cupertino Sanitation District
- Stormwater Drainage: City of Saratoga
- Electricity/Natural Gas: Pacific Gas and Electric Company (PG&E)
- Refuse: West Valley Recycles

Water

San José Water would supply the project site with potable water. An existing water line is located along Pierce Road to the east of the project site. The proposed project would include 8-inch water lines that would be placed underground along Masson Estates Way and Masson Estates Court. These water lines would connect the proposed project to the existing water lines on Pierce Road in two locations. Seven new fire hydrants would serve the project site: five along Masson Estates Way, one at the end of Masson Estates Court, and one at the intersection of Pierce Road and Saratoga Heights.

Stormwater Drainage

The City would serve the project site's stormwater drainage needs. The project site is located within Drainage Area (DA) 54A. Drainage for the proposed project would outlet into the eight proposed on-site bioretention basins ranging from 227 to 3,200 square feet. Drainage at the site is defined by sheet flow to the north and east as well as to the west, where it is intercepted by the ephemeral drainage that flows to the north.

The proposed project would be divided into six drainage management areas (DMAs), each containing a treatment control measure consisting of a bioretention basin. Runoff from roofs, sidewalks, and patios would be directed to adjacent landscaped areas. On-site drainage from impervious areas would be discharged or conveyed via underground storm drains to a proposed network of 15- and 18-inch PVC storm drains within Masson Estates Way, which would outlet into

the bioretention basins. Routine maintenance would ensure that water drainage would not remain in the bioretention basins for more than 5 days, to prevent mosquito generation. Mosquito larvicides would be applied only when necessary and only as indicated by the Santa Clara Valley Vector Control District.

Natural Gas

PG&E has no existing natural gas facilities adjacent to the site; however, the proposed project would connect to the existing lines located just outside of the City along Saratoga Avenue, currently terminating southwest of Campbell Avenue.

Electricity

The proposed project would connect to existing electricity from Pierce Road. All electricity infrastructure would be undergrounded.

Sanitary Sewer

The proposed project would be served by the existing Cupertino Sanitation District's sanitary sewer system. The proposed project's on-site mains and laterals, located beneath on-site roadways, would connect to the existing 8-inch sewer line located in Pierce Road near the project site's northeastern corner.

Solid Wase and Recycling Collection

West Valley Recycles provides solid waste and residential recycling services for the City and the project site. West Valley Recycles the exclusive green waste and garbage hauler for the City. West Valley Recycles would provide solid waste and recyclable materials removal services for the project site.

Construction

Construction of the proposed project is anticipated to begin in June 2026 and would last approximately 46–58 months. Construction activities would consist of demolition, grading, underground utilities and street construction (10 months), and building construction (36–48 months). Additionally, notice would be provided to neighboring property owners and schools of heavy construction activities and heavy construction would not start before 8:30 a.m. on days when schools are in session. No construction would be allowed on Sundays.

2.3 - Project Objectives

The objectives of the proposed project are to:

- Develop well-designed ownership residential single-family housing that adds diversity to Saratoga's ownership housing supply and meets a variety of residents' needs by providing four-bedroom units to meet the needs of families.
- Develop residential uses (including on-site affordable units) on a site that does not currently contain any housing, which will help to meet the City's Regional Housing Needs Assessment (RHNA) obligations.

- Construct a cohesive development consisting of high-quality, contemporary urban design that respects and relates well to its surroundings and preserves sensitive features of the project site, such as oak trees and ephemeral drainage areas.
- Develop housing that is environmentally sound and preserves the City's natural beauty and small-town residential character.
- Achieve streamlined and efficient processing and approval of the proposed project, including benefits available to developments that include market-rate and affordable housing consistent with State law, including the Housing Accountability Act, Density Bonus Law, Senate Bill (SB) 330, and Permit Streamlining Act.
- Develop the project site in an environmentally sensitive manner, including through implementation of current codes and building standards that require water efficiency and energy efficiency as well as implementation of water quality best management practices, drought-tolerant landscaping, and other water conservation standards.
- Create a fire-safe community through a series of fire protection measures that incorporate fuel modification zones, fire-resistant landscape design, ignition resistant building materials, fire alarm and sprinkler systems, and adequate ingress-egress points for emergency personnel and residents consistent with applicable regulations.

2.4 - Intended Uses of this Draft EIR

This Draft EIR is being prepared by the City of Saratoga to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed project. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of Saratoga is the lead agency for the proposed project and has discretionary authority over the proposed project and project approvals. The Draft EIR is intended to address all public infrastructure improvements and all development within the parameters of the proposed project.

2.4.1 - Discretionary and Ministerial Actions

Discretionary approvals and permits are required by the City of Saratoga for implementation of the proposed project. If the City Council certifies the EIR in accordance with CEQA requirements, the City may use the EIR to support the following discretionary approvals and actions related to the proposed project:

- Certification and/or approval of CEQA documentation
- Approval of Tentative Subdivision Map
- Tree removal permit
- Grading permit
- Building permit

Subsequent ministerial actions would be required for the implementation of the proposed project, including issuance of grading and building permits.

2.4.2 - Responsible and Trustee Agencies

A number of other agencies in addition to the City of Saratoga will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR will provide environmental information to these agencies and other public agencies which may be required to grant approvals, or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- West Valley Sanitation District (District Permit)
- San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) (Section 401 Permit).
- California Department of Fish and Wildlife (CDFW) (Section 1602, Streambed Alteration Agreement).
- San Francisco Bay RWQCB (Issuance of National Pollutant Discharge Elimination System [NPDES] Permit and issuance of Construction General Permit Coverage).
- Santa Clara County Fire Department (Construction Permit)

CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

Organization of Issue Areas

This Draft Environmental Impact Report (Draft EIR) provides analysis of impacts as required under the California Environmental Quality Act (CEQA) for those environmental topics where it was determined in the Notice of Preparation, or through subsequent analysis, that the proposed project would result in "potentially significant impacts." Sections 3.1 through 3.18 discuss the environmental impacts that may result from the proposed project.

Issues Addressed in this Draft EIR

The following environmental issues are addressed in Chapter 3:

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Additional environmental issues determined to have no impact as a result of the proposed project are addressed in Chapter 4, Effects Found Not to be Significant, including, but not limited to, scenic highways, agricultural and forestry resources, historic resources, conflict with a local, regional, or state Habitat Conservation Plan, historic resources, wastewater disposal systems, hazards related to proximity to schools or airports, division of an established community, mineral resources, excess noise levels from airport activity, housing displacement, and recreational facilities physical effect on the environment.

Level of Significance

Determining the level of severity of project impacts is fundamental to achieving the objectives of CEQA. CEQA Guidelines Section 15091 requires that decision-makers mitigate, to the extent feasible, the significant impacts identified in the Draft EIR.

CEQA requires public agencies to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. When "economic, social, or other conditions" make alternatives and mitigation measures "infeasible" (PRC § 21002), a project may be approved *despite its significant environmental effects* if the lead agency adopts a statement of overriding considerations and finds the benefits of the project outweigh the potential environmental impacts. In such a situation, Public Resources Code Section 21081 requires the agency to first make findings with respect to each significant effect

for which alternatives or mitigation measures are infeasible. Then, the public agency may make a finding that specific overriding benefits of the project outweigh the significant effects on the environment. The level of significance for each impact examined in this Draft EIR was determined by considering the predicted magnitude of the impact against the applicable threshold of significance. Thresholds were developed using criteria from the CEQA Guidelines and checklist; State, federal, and local regulatory schemes; local/regional plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

Impact Analysis and Mitigation Measure Format

The format adopted in this Draft EIR to present the evaluation of impacts is described and illustrated below in the following example.

Summary Heading of Impact

Impact AES-1:	**An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact number identifies the section of the report (AES for Aesthetics, Light, and Glare in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.**

Impact Analysis

A narrative analysis follows the impact statement. In some cases, the impact discussion will reference State and federal regulations and agency policies that would fully or partially reduce the impact. In addition, policies and programs from applicable local land use plans that partially or fully address impacts may be cited and the proposed project would be evaluated in the context of these requirements.

Level of Significance Before Mitigation

This section identifies the level of significance of the impact before any mitigation is proposed.

Mitigation Measures

Project-specific mitigation measures, beyond requirements contained in other documents or applicable by law, are set off with a summary heading and described using the format presented below:

MM AES-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact it is associated with (**AES-1** in this example); mitigation measures are numbered sequentially.

Level of Significance After Mitigation

This section identifies the resulting level of significance of the impact after mitigation.

Abbreviations used in the mitigation measure numbering are:

Code	Environmental Issue
AES	Aesthetics, Light, and Glare
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
ENER	Energy
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LAND	Land Use and Planning
NOI	Noise
POP	Population and Housing
PUB	Public Services
REC	Recreation
TRANS	Transportation and Traffic
TCR	Tribal Cultural Resources
UTIL	Utilities and Service Systems
WILD	Wildfire

Cumulative Impacts

Cumulative impacts of the proposed project are discussed within each topical subsection of this Draft EIR. An EIR must discuss the cumulative impacts of a project when its incremental effect is "cumulatively considerable" (CEQA Guidelines § 15130). The discussion of cumulative impacts analyzes the cumulative impacts of the proposed project, taken together with other past, present, and reasonably foreseeable future projects producing related impacts, within an identified geographic scope of review. As explained further herein, the goal of this analysis is to determine whether the combined impacts of all such projects would be cumulatively significant and, if so, then to determine whether the proposed project itself would cause a "cumulatively considerable" incremental contribution to any such cumulatively significant impacts. Both conditions must exist for a cumulative impact to be considered significant.

The cumulative impact analysis generally considers the following:

- The geographic area in which the proposed project's impacts would be experienced.
- The nature of the proposed project's impacts that are expected in the area.
- Other past, proposed, and reasonably foreseeable projects that have had or are expected to have impacts in the same area.

- The impacts or expected impacts of these other projects.
- The cumulative impacts from these projects.

"Cumulative impacts" refers to two or more individual impacts that, together, are considerable, or that compound or increase other environmental impacts (CEQA Guidelines § 15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over time (CEQA Guidelines § 15355(b)).

If the analysis determines that the potential exists for the individual project, taken together with other past, present, and reasonably foreseeable future projects, to result in a significant or adverse cumulative impact, the analysis then determines whether the individual project's incremental contribution to any significant cumulative impact is itself significant (i.e., "cumulatively considerable"). However, an EIR need not discuss cumulative impacts that do not result in part from the individual project (CEQA Guidelines § 15130(a)(1)). Accordingly, where the analysis determines that the proposed project would have no impact on the environment, no further analysis of cumulative impacts is required.

CEQA Guidelines (Section 15130 [b][1]) state that the information utilized in an analysis of cumulative impacts should come from one of two sources:

A. A list of past, present, and probable future projects producing related cumulative impacts, including, if necessary, those projects outside the control of the agency, or

B. A summary of projections contained in an adopted General Plan or related planning document designed to evaluate regional or area-wide conditions.

The cumulative impact analysis in this Draft EIR uses both methods (i.e., a "blended" approach) as appropriate and as described more specifically in each cumulative impact subsection, including projects as listed in Table 3-1 and General Plan growth projections. The cumulative impact analysis for each individual resource topic is presented in each resource section of this chapter immediately after the description of the individual project impacts and identified mitigation measures.

The geographic area in which cumulative impacts are considered varies depending on the specific environmental topic and is identified in the Cumulative Impacts subsection of each section of Chapter 3. For instance, for utilities and service systems, the area considered is the service area of each utility provider; the geographic scope of air quality is the San Francisco Bay Area Air Basin, which is the air basin where the project site is located.

Table 3-1 lists the relevant projects considered for this cumulative impacts analysis, and Exhibit 3-1 shows their locations. For purposes of identifying reasonably foreseeable future projects for this cumulative impacts analysis, the City identified projects that are either under review, where an application has been preliminarily submitted to the City (in terms of discretionary review), or approved as of the date the Notice of Preparation (NOP) was published and as updated during the drafting of this document as of April 1, 2025. As such, Table 3-1 below may include projects that are no longer moving forward and therefore represents a conservative analysis.

Table 3-1: Cumulative Projects

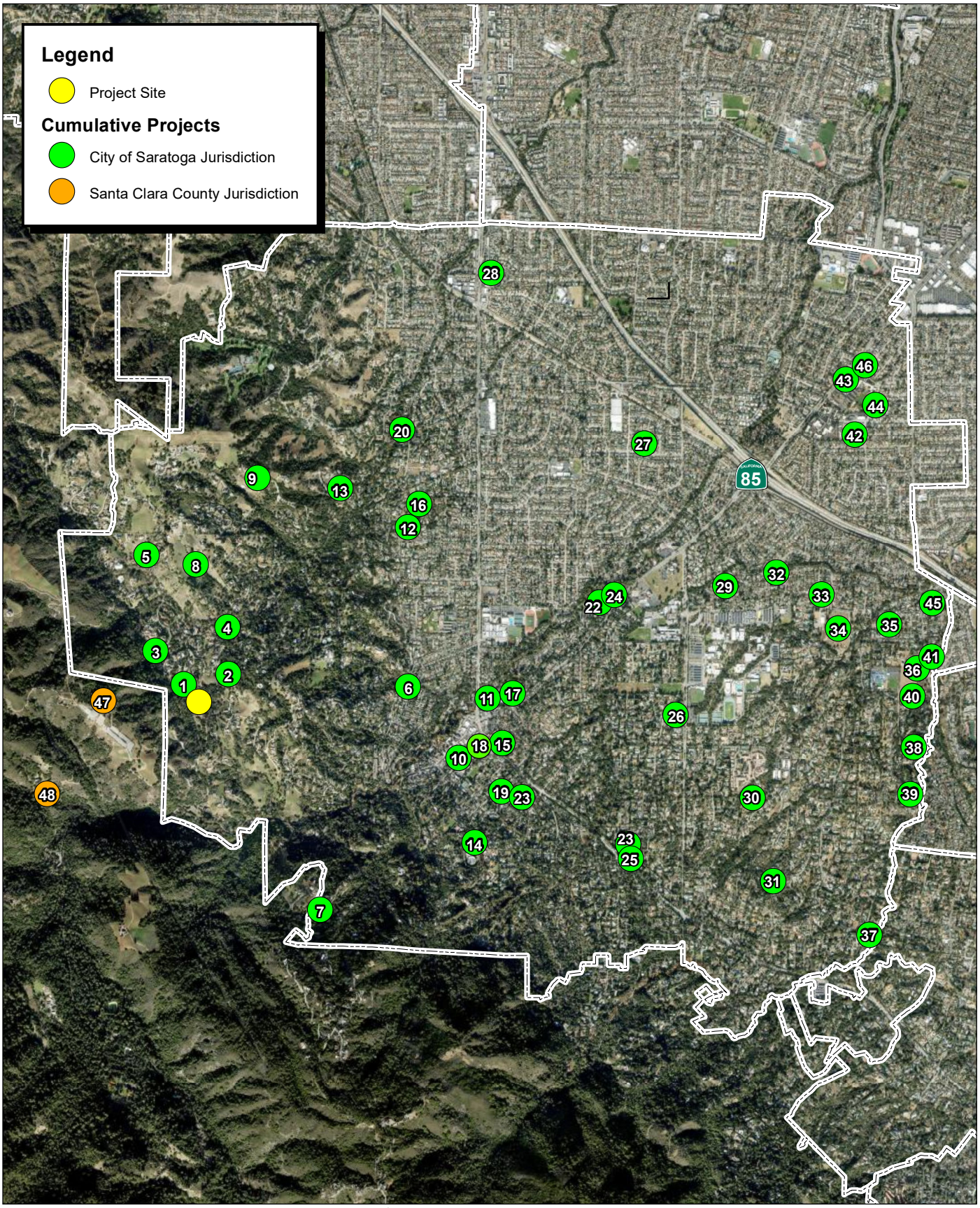
	Project Name	Project Type	Units (approximate)	Location	Approximate Distance from Project Site (miles)	Status
City of Saratoga Jurisdiction						
1	21800 Heber Way	Residential	2	21800 Heber Way	0.17	Incomplete[1]
2	Ma and Sheng Residence	Residential	1 single-family home	14190 Palomino Way	0.28	Incomplete
3	Mt. Eden Home	Residential	1 single-family home	13947 Albar Court	0.37	Incomplete
4	21711 Mt. Eden Road	Residential	2 single-family units	21711 Mt. Eden Road	0.44	Approved
5	22200 Mt. Eden Road	Residential	5 detached single-family homes, 1 attached single-family duet (7 total)	22200 Mt. Eden Road	0.75	Deemed complete. Currently inconsistent.
6	Elva Avenue 503-27-081	Residential	1	Elva Avenue	1.05	Approved 10/18/2024
7	Bohlman Road 517-14-067	Residential	1	Bohlman Road	1.13	Incomplete
8	Mt. Eden 503-13-067	Residential	23 single-family homes (23 total)	0 Mt. Eden Road	1.13	Deemed complete. Currently inconsistent.
9	House Family Vineyards	Winery	1,300-square-foot tasting deck, 2,604-square-foot subterranean wine cave	13336 Old Oak Way	1.16	Scheduled for 4/9/2025 PC Meeting
10	14575 Oak Street	Residential	2 units (2 total)	14575 Oak Street	1.23	Incomplete
11	20440 Arbeleche Lane	Residential	10 units (10 total)	20440 Arbeleche Lane	1.35	Incomplete
12	13460 Saraview Drive	Residential	5 single-family homes, 2 accessory dwelling units (7 total)	13460 Saraview Drive	1.37	Incomplete

	Project Name	Project Type	Units (approximate)	Location	Approximate Distance from Project Site (miles)	Status
13	Chadwick Heights	Residential	3 single-family homes, 94 multi-family units (97 total)	Chadwick Court	1.42	Incomplete
14	14950 Vickery Avenue	Residential	12 units (12 total)	Incomplete	1.46	Incomplete
15	14486 Oak Place	Residential	4 proposed units (4 total)	14486 Oak Place	1.47	Deemed complete. Currently inconsistent.
16	13605 Surrey Lane	Residential	6 single-family homes, 2 accessory dwelling units (8 total)	13605 Surrey Lane	1.49	Deemed complete. Currently inconsistent.
17	14285 and 14301 Saratoga Avenue	Residential	19 proposed units (19 total)	14285 and 14301 Saratoga Avenue	1.49	Incomplete
18	14486 Oak Street	Residential	1	14486 Oak Street	1.50	Approved 3/28/2024
19	14768 Vickery Avenue	Residential	1	14768 Vickery Avenue	1.53	Approved 11/13/2024
20	12991 Pierce Road Subdivision	Residential	28 units	12991 Pierce Road	1.67	Deemed incomplete. Currently inconsistent.
21	14471 Montalvo Road	Residential	1	14471 Montalvo Road	1.68	Approved 11/13/2024
22	13845 Saratoga Avenue	Residential	7 units (7 total)	13845 Saratoga Avenue	1.98	Deemed complete. Currently inconsistent.
23	19761 Three Oaks Way	Residential	8 proposed units (8 total)	19761 Three Oaks Way	2.14	Deemed complete. Currently inconsistent.
24	13785 Saratoga Avenue	Residential	1	13785 Saratoga Avenue	2.14	Incomplete
25	19765 Saratoga-Los Gatos Road	Residential	9 units (9 total)	19765 Saratoga-Los Gatos Road	2.18	Incomplete
26	19521 Douglass Lane	Residential	8 units (8 total)	19521 Douglass Lane	2.25	Deemed incomplete. Currently inconsistent.

	Project Name	Project Type	Units (approximate)	Location	Approximate Distance from Project Site (miles)	Status
27	13081 La Vista Avenue	Residential	2	13081 La Vista Avenue	2.55	Under Review 2/13/2024
28	12230 Saratoga Sunnyvale Road	Mixed Use	20 units 2,603 square feet commercial	12230 Saratoga Sunnyvale Road	2.59	Incomplete
29	19301 Harleigh Drive	Residential	1	19301 Harleigh Drive	2.65	Approved 5/8/2024
30	Saratoga Retirement Community (SRC)	Residential	Increase from 249 residential units to 298 residential units	14500 Fruitvale Avenue	2.80	Approved Project 6/5/24
31	El Camino Senda 397-08-090	Residential	1	El Camino Senda	2.90	Incomplete
32	19099 Harleigh Drive	Residential	1	19099 Harleigh Drive	2.90	Approved 1/31/2024
33	13760 Manteca Way	Residential	1	13760 Manteca Way	3.06	Approved
34	Chester Avenue/Allendale Avenue	Residential	231 units (231 total)	Chester Avenue/Allendale Avenue	3.06	Deemed incomplete. Currently inconsistent.
35	18580 Allendale Avenue	Residential	5 units (5 total)	18580 Allendale Avenue	3.30	Deemed incomplete. Currently inconsistent.
36	18500 and 18520 Marshall Lane	Residential	125 units	18500 and 18520 Marshall Lane	3.40	Deemed incomplete. Currently inconsistent.
37	15398 Quito Road	Residential	4	15398 Quito Road	3.41	Incomplete
38	14521 Quito Road	Residential	2	14521 Quito Road	3.47	Approved
49	14691 Quito Road	Residential	1	14691 Quito Road	3.48	Incomplete
40	18470 Sobey Road	Residential	4	18470 Sobey Road	3.48	Approved 4/1/2025
41	14076 Quito Road	Residential	69 units	14076 Quito Road	3.49	Incomplete
42	The Elms	Residential	90	18784 Cox Avenue	3.49	Under Construction
43	12650 Saratoga Avenue	Townhomes	3	12650 Saratoga Avenue	3.56	Approved 12/14/2022

	Project Name	Project Type	Units (approximate)	Location	Approximate Distance from Project Site (miles)	Status
44	12820 Paseo Presada	Residential	1	12820 Paseo Presada	3.60	Under Review
45	18394 Montpere Way	Residential	1	18394 Montpere Way	3.60	Approved 4/10/2024
46	12611 Paseo Cerro	Residential	2	12611 Paseo Cerro	3.66	Approved 1/21/2024
Santa Clara County Jurisdiction						
47	Encore Estates	Residential and Hotel	237 residential units, club house, and 81-room hotel	14831 Pierce Road	0.08	Application in Progress
48	14910 Pierce Road	Residential	1 single-family home and club house	14910 Pierce Road	0.59	Under Review

Notes:
[1] "Incomplete" indicates that the application is deemed complete but plans are currently inconsistent with development standards.



Source: ESRI Aerial Imagery. Hanna-Brunetti Civil Engineers, 02/2024.

FCS
An ADEC Innovation

0.65 0.325 0 0.65
Miles

Exhibit 3-1
Cumulative Projects

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CITY OF SARATOGA
MASSON ESTATES
ENVIRONMENTAL IMPACT REPORT

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3.1 - Aesthetics, Light, and Glare

3.1.1 - Introduction

This section describes the existing aesthetics, light, and glare conditions in the project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to aesthetics, light, and glare that could result from implementation of the proposed project. Descriptions and analysis in this section are based, in part, on review of aerial and street-view images of the project area.

One public comment was received during the Environmental Impact Report (EIR) scoping period related to aesthetics, requesting that power lines be underground to beautify the project area.

This comment is addressed in the analysis of this section and in Section 3.17, Utilities.

3.1.2 - Environmental Setting

Visual Character

Visual character in the California Environmental Quality Act (CEQA) context is an impartial description of the defining physical features, landscape patterns, and distinctive physical qualities within a landscape. Visual character is informed by the composition of land, vegetation, water, and structures and their relationship (or dominance) to one another and by prominent elements of form, line, color, and texture that combine to define the composition of views. Visual character-defining resources and features within a landscape may derive from notable landforms, vegetation, land uses, building design and façade treatments, transportation facilities, overhead utility structures and lighting, historic structures or districts, or panoramic open space.

City of Saratoga

The City of Saratoga (City) is located in the western portion of Santa Clara County (County) just southwest of the City of San José and approximately 35 miles south of San Francisco. The City is located at the southerly end of the San Francisco Peninsula.

The predominant land use in the City is residential, most of which is low-density, single-family homes on individual lots. The City's valley floor is characterized by single-family residences, commercial uses, and public facilities. As a result, very few of the orchards and agricultural lands that dominated the area in the past remain.[1]

Within the City there exists a diversity of open space lands. The majority of the open space consists of hillsides and mountains in the southern and western areas of the City and its Sphere of Influence

[1] City of Saratoga. 2024. Saratoga Housing and Safety Elements and 2040 General Plan Updates EIR. February. Website: https://www.saratoga.ca.us/DocumentCenter/View/4852/Updated-Environmental-Analysis---Chapter-III. Accessed September 10, 2024.

(SOI). Most of this land is undeveloped and undisturbed in hillside areas and is subject to significant constraints, such as steep slopes and unstable soils.[2]

Project Site

The project site is located in the western portion of the City, east of The Mountain Winery along Pierce Road, within the western foothill hillsides of the Santa Cruz Mountains (Chapter 2, Project Description, Exhibit 2-2 and Exhibit 2-5). The project site is undeveloped with the exception of a single-lane road, Vintage Lane, which extends through the southern portion of the project site, connecting to Pierce Road. Vintage Lane is paved for the first approximately 650 feet from its intersection with Pierce Road and then becomes a dirt road that forms an approximate 800-foot loop. A small, abandoned structure is present in the western portion of the Development Area. The project site is located within the planning area of the Hillside Specific Plan, an area with a visual character that is defined by low-density single-family residential development, changes in elevation, abundant vegetation, and a rural character.[3]

The visual character of the project site is characterized by steep slopes and canyons, drainages, existing vegetation consisting of oak woodlands, understory shrubs and weeds, and the partially paved Vintage Lane.

The project site is surrounded by low-density hillside residential uses to the north, east, and south and by The Mountain Winery to the west. Public views of the project site are available from Pierce Road, Teerlink Way, Saratoga Heights Drive, and Vintage Lane and include views of undeveloped hillsides and woodlands.

Scenic Resources

Scenic resources typically involve prominent, unique, and identifiable natural features in the environment (e.g., trees, rock outcroppings, islands, ridgelines, channels of water, and aesthetically appealing open space) (California Public Resources Code [PRC] § 21084(c)) and cultural features or resources (e.g., regional or architecturally distinctive buildings or structures that serve as a focal point of interest).

City of Saratoga

The Open Space and Conservation Element of the General Plan identifies the main scenic resources within the City as hillside areas and mountains as well as scenic roadways. According to the General Plan, the City's low-lying foothills and the Santa Cruz Mountains are valuable scenic open space resources. The City's General Plan indicates that the conservation of these open spaces, with their scenic views, undisturbed wildlife habitat, and native forests, is essential for the well-being of the City and greater region.[4]

[2] City of Saratoga 2024. Saratoga General Plan. Open Space and Conservation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5404/General-Plan-Open-Space-and-Conservation-Element-PDF. Accessed December 16, 2025.
[3] City of Saratoga. 2017. Hillside Specific Plan Map. December 11.
[4] City of Saratoga. 2024. General Plan Land Use Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5402/General-Plan-Land-Use-Element-PDF . Accessed December 16, 2025.

There are two land types of resources, undeveloped and agricultural lands, identified for conservation within the Saratoga Planning Area (area within the City's SOI). While about 90 percent of the land in the City is developed, there are approximately 900 acres of undeveloped land within the incorporated City limits and approximately 700 acres in the SOI that are essentially vacant. Most of these lands are in hillside areas and are subject to significant constraints, such as steep slopes and unstable soils.[5]

Project Site

The project site contains undeveloped hillsides, which the General Plan identifies as important scenic open space resources. Designated scenic resources near the project site include the Fremont Older Open Space Reserve, located 1.97 miles northwest of the project site, and the El Sereno Open Space Preserve, located 3.30 miles southeast of the project site.

Views

Views may be generally described as panoramic vistas from publicly accessible locations of a large geographic area for which the field of vision may be wide and/or may extend into the distance. Examples of distinctive views include urban skylines, valleys, mountain ranges, or large bodies of water.

City of Saratoga

The General Plan Open Space and Conservation Element defines scenic viewsheds generally as areas of natural scenic views, ridgelines, hillsides, valleys, areas with natural vegetation, orchards, and roadway scenery.[6]

While the City does not have any officially designated scenic vistas, the low-lying foothills and the Santa Cruz Mountains provide scenic views that balance the growing urbanized areas of the valley floor. The hills to the west and south of the City similarly provide a scenic backdrop, especially to those neighborhoods in the western and southern portions of the City. The General Plan indicates that conservation of these open spaces with their scenic views, undisturbed wildlife habitat, and native forests is important in maintaining the visual character of the planning area.[7]

The undulating terrain and extensive natural and cultivated foliage (e.g., vineyards) provide scenic drives throughout the City. As development in the hillside areas has increased, the City has employed strict policies to preserve the natural beauty of the mountains. In addition, many of the City's connector, residential collector, and local streets are very attractive.

An officially designated scenic highway provides a continuous, varied visual experience. Scenic highways are selected by how pleasing the field of vision is for people traveling through the area. Currently, State Route (SR) 9 is officially designated as a State Scenic Highway Corridor from the Los

[5] City of Saratoga. 2024. Saratoga General Plan Open Space and Conservation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5402/General-Plan-Land-Use-Element-PDF. Accessed December 16, 2025.
[6] Ibid.
[7] City of Saratoga. 2024. Saratoga General Plan Housing and Safety Elements and 2040 General Plan Updates EIR. February. Website: https://www.saratoga.ca.us/DocumentCenter/View/4852/Updated-Environmental-Analysis---Chapter-III. Accessed September 10, 2024.

Gatos town limit (southeast of the City), through The Village Specific Plan area (located approximately 0.8 mile southeast of the project site), to SR-35/Skyline Boulevard at the Santa Cruz County Line. [8]

County of Santa Clara Scenic Roadways

Based on Section 3.30.050 of the Santa Clara County Municipal Code, these five roadway segments are the nearest roadways currently designated as County Scenic Roadways:

- Bohlman Road/Montevina Road;
- Congress Springs Road/SR-9 (Saratoga City boundary to Santa Cruz County boundary);
- Mount Eden Road;
- Sanborn Road;
- Saratoga-Los Gatos Road (SR-9 from Saratoga Avenue to the city limits).

Project Site

Views between the project site and scenic resources such as the Fremont Older and El Sereno Open Space Reserves are obstructed due to distance, topography, existing development, and hillside vegetation. The nearest scenic highway to the project site is SR-9, located directly south of the project site; however, project-related development would occur more than 0.3 mile to the north of the highway. Views of the project site from State Scenic Highway SR-9 are also obstructed due to distance, topography, existing development and hillside vegetation.

View of the project site from publicly accessible locations are limited to those as seen from Pierce Road, Teerlink Way, Saratoga Heights Drive, and Vintage Lane. However, views from these roadways are primarily obstructed by topography and vegetation.

Light and Glare

In the context of the CEQA Guidelines, light is nighttime illumination that stimulates sight and makes things visible. Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light by surfaces such as window glass or reflective materials. Glare can also be produced during evening and nighttime hours by the reflection of artificial light sources such as automobile headlights.

Project Site and Vicinity

The project site is currently undeveloped; thus, there is no lighting or large reflective surfaces associated with buildings on the project site that contribute to daytime glare.

The primary sources of nighttime light in the surrounding area are streetlights on Pierce Road, Teerlink Way, and Saratoga Heights Drive and vehicle headlights traveling along other surrounding roadways, as well as exterior lighting associated with surrounding homes. Surrounding homes

[8] City of Saratoga. 2024. City of Saratoga Circulation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5720/General-Plan-Circulation-Element-PDF . Accessed December 16, 2025.

contribute to daytime glare within the project area through reflective surfaces such as windows; however, no significant sources of glare are present on-site.

3.1.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to aesthetics are applicable to the proposed project.

State

California Scenic Highway Program

The State Legislature created the California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), in 1963. The purpose of the State Scenic Highway Program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The status of a proposed State Scenic Highway changes from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway.

Government Code Section 65589.5 (Housing Accountability Act)

The Housing Affordability Act (HAA), specifically Government Code Section 65589.5, limits the basis upon which a city or county can deny a Builder's Remedy project that includes a certain percentage of affordable units. Although the proposed project has been submitted for consideration pursuant to the Builder's Remedy, the proposed project is not exempt from all local regulations. Specifically, the HAA does not waive, or require the City to waive, objective zoning, subdivision and design standards that were in effect when the project application was submitted. Those standards remain applicable to Builder's Remedy projects in other ways; for example, through the potential imposition of conditions of approval.

Local

City of Saratoga General Plan 2040

Open Space and Conservation Element

Goal OSC-1 To provide and maintain open space resources of local and regional significance accessible to the public.

Goal OSC-2 Maintain the predominantly small-town residential character of Saratoga, which includes a mix of larger residential parcels, long-established neighborhoods, scenic hillsides, and open space areas.

Policy OSC-2.1 Ensure that all development proposals, public and private, are sensitive to the natural environment and the community's open space resources.

Goal OSC-6 Preserve and protect viewsheds, view corridors, scenic open spaces, and the hillside lands in their natural condition and inherent natural beauty.

Land Use Element

Policy LU 1.1 Affirm that the City shall continue to be predominately a community of single-family detached residences.

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

Policy LU-1.5 Condition all land use approvals upon compliance with all applicable City ordinances, regulations, and policies, including without limitation all applicable mitigation measures adopted in connection with environmental review of the proposed project or other applicable plans, including this General Plan.

Policy LU 8.1 Development proposals shall minimize impacts to ridgelines, significant natural hillside features, including but not limited to steep topography, major stands of vegetation, especially native vegetation and oak trees, and watercourses.

Policy LU 8.2 Adhere to the Hillside Specific Plan (derived from Measure A).

Policy LU 9.1 Limit expansion of Urban Development in the hillside areas.

Policy LU 9.2 Limit the amount of grading within the hillside areas to the minimum amount needed for dwellings and access.

Policy LU 10.1 Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts, especially to ridgelines.

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

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

Policy LU 13.2 When considering development proposals, including new construction, remodeling and/or additions to existing buildings, the City shall adhere to applicable adopted design guidelines, such as, but not limited to, the Residential Design Handbook, the

Village Plan Design Guidelines and the Saratoga-Sunnyvale Road Gateway Guidelines, as may be adopted and revised by City Council from time to time.

City of Saratoga Code of Ordinances

Chapter 15-13, Hillside Residential District

The City Zoning Map designates the site as Hillside Residential (HR). As stated in Chapter 15-13.010, the intent of the HR district is to maintain, to the maximum degree feasible, the natural environment and existing rural character of the district and to encourage development on gently sloping sites having natural screening features in preference to development on steep, visually exposed sites.[9]

Chapter 15-30, Signs

Section 15-30.030(f) establishes that the allowable area of signage for a single use shall not exceed the maximum allowable area of signage for that individual use, regardless of the amount of signage allowed for other uses on the site.

Hillside Specific Plan

The Hillside Specific Plan (originally named the Northwestern Hillside Specific Plan) was adopted in 1981. The Hillside Specific Plan provides a comprehensive plan to guide residential development in approximately 2,100 acres of hillside area, primarily within City boundaries but also including some adjacent lands within Santa Clara County. The Hillside Specific Plan contains policies to protect the scenic hillside resources by limiting the intensity of residential development, limiting the impacts of new developments on the environment, and regulating the expansion of City utilities to these sites.

Aesthetic/Scenic Qualities

Policy 1 Grouping of residential units shall be encouraged to preserve the rural character and to allow reasonable economics of land use provided there is no increase in yield.

Policy 2 Place homes near streets where appropriate to minimize grading. Arrange lot patterns to minimize the length of roads and driveways.

Policy 3 Predominant ridgelines shall be protected to allow clear views from streets and roads. Scenic easements shall be established to protect the ridgelines which cup the City.

Policy 4 All structures shall be approved through Design Review prior to issuance of building permits.

3.1.4 - Methodology

This analysis provides a discussion of the visual impacts associated with the proposed project. Several variables affect the degree of visibility, visual contrast, and ultimately project impacts: (1) scale and size of facilities, (2) viewer types and activities, (3) distance and viewing angle, and (4)

[9] City of Saratoga. 2024. Code of Ordinances. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH15ZORE_ART15-13HRHIREDI_15-13.030PEUS. Accessed September 10, 2024.

influences of adjacent scenery or land uses. Viewer sensitivity refers to the extent to which the public would notice or experience a substantial change in visual quality. Viewer sensitivity is based on several factors that can differ in level of importance from one viewer to another. Viewer sensitivity varies depending on viewer attitudes and expectations. Accordingly, viewer sensitivity varies among individuals and changes depending on viewing location. For purposes of this analysis, recreational areas and scenic corridors are considered to have relatively high viewer sensitivity.

The General Plan, Hillside Specific Plan, and the City Code of Ordinances were also evaluated to determine applicable policies and design requirements for the proposed project. The project's site plan was evaluated to determine whether the proposed project would comply with applicable provisions of the City's design guidelines and policies in the General Plan and Zoning Ordinance.

3.1.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to aesthetics are significant environmental effects.

Would the project:

a) Have a substantial adverse effect on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway (Refer to Section 4, Effects Found not to be Significant).

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

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

3.1.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the construction and operation of the proposed project and provides mitigation measures where appropriate.

Scenic Vistas

Impact AES-1:	**The proposed project would not have a substantial adverse effect on a scenic vista as identified in the General Plan.**

Impact Analysis

While the City does not have any officially designated scenic vistas identified in the General Plan, the 2040 General Plan Update EIR states that westward views of the foothills and ridgelines of the Santa Cruz Mountains are considered scenic vistas. Accordingly, for purposes of this analysis, the proposed project could have the potential to affect scenic vistas if the development would block or alter

westward views of the foothills or ridgelines of the Santa Cruz Mountains. Such alteration could be either positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.[10]

Intermittent long-range views of the Santa Cruz Mountains can be seen from the project site and from the surrounding public roadways, but the majority of these views are partially or fully obstructed due to existing structures, vegetation, and undulating topography. The nearest locations with potential westward views of the project site and the Santa Cruz Mountains include Pierce Road, Heber Way, Damon Lane, and Albar Court. Saratoga Heights Drive also provides publicly accessible views of the western hillsides and project site. However, westward views of the project site and Santa Cruz Mountains from Albar Court, Damon Lane, and Heber Way are completely obstructed by topography, vegetation, and residential development.

Views of the Santa Cruz Mountains and ridgelines from Pierce Road would remain unchanged by the proposed project because development of the project site would not occur on the ridgelines and would be mostly obstructed by topography and existing vegetation, including mature trees. While portions of the project site are partially visible from Pierce Road, these intermittent views of project site residential structures would not block or obscure views of the Santa Cruz Mountains or ridgelines.

Construction

Construction equipment would be present on the project site intermittently throughout the construction period. However, there are no scenic resources on-site, so the presence of construction equipment would not affect any scenic resources on-site. Additionally, westward views of the Santa Cruz Mountains and ridgelines from publicly accessible locations would not be impacted by the presence of construction equipment, because the proposed project would not be located on the ridgeline and would be primarily obstructed from public views by existing mature trees, landscaping, and undulating topography. Furthermore, the presence of construction equipment would be temporary. Therefore, impacts to scenic vistas due to construction would be less than significant.

Operation

The area proposed for development would be limited to the northern part of the project site (Development Area), which does not include the ridgeline area directly to the west or on the southern portion of the project site. Therefore, the proposed project would not obstruct views of the western hillsides from Saratoga Heights Drive or Pierce Road, nor would the proposed project adversely affect the overall scenic vista. While the project site would be visible from Saratoga Heights Drive and intermittently from Pierce Road, views of the western hillsides would be maintained with adherence to the City's policies and programs designed to protect scenic resources.

The proposed project would minimize impacts to ridgelines and hillsides, as well as native vegetation, oak trees, and watercourses on the project site (see Policy LU 8.1). Consistent with Policy LU 10.1, this Draft EIR provides a visual analysis. Finally, the proposed project would be required to

[10] City of Saratoga. 2024. Saratoga Housing and Safety Elements and 2040 General Plan Updates EIR. State Clearinghouse Number 22020707. Certified April 3, 2024.

comply with the objective development requirements outlined in Code of Ordinances Chapter 15-12, HR: Hillside Residential District. The HR development regulations would place limits on slope, cut and fill grading amounts, site coverage, floor area, and minimum setbacks.

The Housing Accountability Act (Government Code § 65589.5), as amended, limits local discretion over qualifying housing projects and requires that such projects be evaluated only against objective design standards. Projects processed under the Builder's Remedy provision, which is applicable when a jurisdiction lacks a substantially compliant Housing Element, are exempt from subjective design review criteria. However, the proposed project would be subject to objective, measurable, and uniformly verifiable standards (e.g., numeric height limits, setbacks, materials specifications) provided these do not physically preclude the proposed project's permitted density or affordability. Accordingly, while the proposed project is not subject to discretionary aesthetic review, the proposed project would be required to comply with objective General Plan and the Hillside Specific Plan. Consistent with the Hillside Specific Plan Policy 1, residential units would be grouped on the northern portion of the project site to preserve the rural character of the undeveloped portions of the project site. Consistent with Hillside Specific Plan Policy 2, the length of roadways would be minimized through the lot pattern (see Chapter 2, Project Description, Exhibit 2-6). Furthermore, the proposed project would consist of homes that would be significantly consistent with the scale and location of surrounding residential areas. On-site tree retention would occur wherever possible, and trees removed would be replaced as necessary.

Compliance with General Plan Policy OSC-6.2 and implementation measures, adherence to the development and design standards in the Saratoga Municipal Code, and conformance with the Hillside Specific Plan would ensure that impacts to scenic vistas remain less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Visual Character

Impact AES-2:	**The proposed project would not, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). The proposed project would not conflict with applicable zoning or other regulations governing scenic quality in an urbanized area.**

Impact Analysis

According to the 2040 General Plan Update EIR, non-urbanized areas include the low-lying foothills of the Santa Cruz Mountains located within the western portion of the City, which are dominated by coastal oak woodland, montane hardwood-conifer, redwood forest, chamise-redshank chaparral,

coastal scrub, and blue oak woodland. Urbanized areas are primarily located within the central and eastern portions of the City.[11]

Per Public Resources Code Section 21071, an urbanized area includes an incorporated city that has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000. The project site is located within the City of Saratoga, which has a population of 31,110 as of January 2025. Saratoga is on the edge of a densely populated area, including directly adjacent San José (population 979,415), Los Gatos (population 33,355), Campbell (population 43,281), and Cupertino (population 59,831).[12] Combined with the population of San José, the total population exceeds 100,000 persons and, therefore, the proposed project is analyzed as an urban area.

Construction

Hills and mountains within the City are valuable scenic open spaces with scenic views. Public views of the project site and the surrounding hillsides are available from portions of Pierce Road and Saratoga Heights Drive, as discussed under Impact AES-1. Views of the project site are also intermittently available from Teerlink Way. Construction of the proposed project would include vegetation removal. Construction would also include certain public right-of-way off-site improvements. Considering the residential character of the project site surroundings, construction activities could result in temporary visual changes of the project site and area as seen from Pierce Road, Saratoga Heights Drive, and Teerlink Way. However, this impact would be temporary, occurring only during project construction. Furthermore, existing vegetation and mature trees near the project site would partially shield construction equipment and activities from these views. Therefore, the construction of the proposed project would not substantially degrade existing visual character or quality of public views of the project site and its surrounding area, and impacts would be less than significant.

Operation

The analysis of operational impacts addresses both consistency with zoning and other regulations governing scenic quality (the threshold of significance for urban areas), as well as the potential for substantial degradation to the existing visual character and quality (the threshold for non-urban areas). However, because the proposed project submitted a Senate Bill (SB) 330 Builder's Remedy application, the proposed project is entitled to review under the HAA and Housing Crisis Act processes requiring local agencies to approve certain affordable housing projects that do not strictly comply with zoning regulations. The City is prohibited from requiring or enforcing application of non-objective design standards.

[11] City of Saratoga. 2024. Saratoga Housing and Safety Elements and 2040 General Plan Updates EIR. State Clearinghouse Number 22020707. Certified April 3, 2024.

[12] California Department of Finance (CDF). 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020–2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/ . Accessed December 16, 2025.

Non-urbanized Discussion

The proposed project would result in visual changes to the site, specifically the Development Area located on the northern 18.38 acres of the site. Portions of existing vegetation would be removed, and the site would be developed with 25 single-family homes.

The tree inventory (Appendix C) lists trees that are considered protected by the City's Municipal Code. There were 682 trees comprised of 11 different species inventoried and assessed. The proposed project would remove 367 of these City Code-protected trees and would implement tree protection plans to reduce impacts to the remaining 315 trees. Trees would be replaced where feasible and in accordance with fire prevention best practices, or payment shall be made for the replacement of trees in accordance with the requirements of Chapter 15-50 of the Municipal Code. The proposed homes would range from 2,375 to 7,091 square feet in floor area on lots ranging from 2,086 to 86,351 square feet. Homes would consist of one to three stories, and streets would be designed to ensure the homes are located among vegetation and placed to reduce their prominence within the landscape. The exterior of the buildings would be composed of standard home-construction materials, such as vinyl, metal, glass, and cement, with exterior color schemes of white, gray, and brown. Existing residential development in the surrounding area consists of similar HR single-family homes. The proposed project would not result in development on ridgelines. Overall, the proposed project would be consistent with the HR character of the surrounding area. Because the proposed project would be consistent with the visual character of the area, public views of the project site from Saratoga Heights Drive and Teerlink Way would not be significantly degraded. Public views of the surrounding hillsides would be preserved with adherence to the applicable development regulations. Therefore, the proposed project would not substantially degrade the existing visual character or quality of public views of the project site and its surroundings. As such, impacts would be less than significant.

Urbanized Discussion

The General Plan designates the site Residential Hillside Conservation, and it is zoned HR. The HR designation has a maximum density of 0.5 dwelling units per acre (du/acre) and is intended to maintain the natural environment and existing rural character while encouraging development on gently sloping sites. The proposed project would develop 25 single-family homes on 18.38 acres and would have a density of 1.36 du/acre. The HR development regulations would place limits on slope, cut and fill grading amounts, site coverage, floor area, and minimum setbacks.

The proposed project would be consistent with the permitted use identified in Section 15-13.030 of the Municipal Code related to the HR zoning district. Additionally, the project site is located in the planning area of the Hillside Specific Plan and would be required to comply with the development requirements outlined in the Specific Plan.

The proposed project would minimize impacts to ridgelines and hillsides, as well as to native vegetation, oak trees, and watercourses on the project site (see Policy LU 8.1). Consistent with Policy LU 10.1, the proposed project would be required to undergo visual analysis and mitigate any significant visual impacts, as detailed here within this section of the Draft EIR.

The proposed project would be required to comply with objective standards in the General Plan and the Hillside Specific Plan. Consistent with the Hillside Specific Plan Policy 1, residential units would be grouped on the northern portion of the project site to preserve the rural visual character of the undeveloped portions of the project site. Additionally, utilities would be undergrounded, which would reduce impacts to visual character of the surrounding area. Consistent with Hillside Specific Plan Policy 2, the length of roadways would also be minimized through the lot pattern (Chapter 2, Project Description, Exhibit 2-6).

Furthermore, all new single-family residential development is subject to the objective standards within the Single-Family Residential Design Review Handbook, which contains objective standards to minimize impacts related to visual character. The Hillside Guidelines chapter requires a design review process to ensure that development would blend in with the hillside's natural environment by limiting the use of obtrusive colors and reviewing the height, placement, and design of structures. However, the proposed project would not be subject to design review. Development is also required to minimize grading and impacts to ridgelines and significant natural hillside features, including but not limited to steep topography, native vegetation and trees, and watercourses.[13]

The proposed project also includes implementation of a landscaping plan, including the planting of trees and shrubs to replace trees proposed for removal. The establishment of trees and other plantings would support the transition of the site to reflect the residential character of surrounding properties. Therefore, impacts related to consistency with regulations that address applicable scenic quality and visual character would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Light and Glare

Impact AES-3:	**The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.**

Impact Analysis

Construction

No construction activity would take place during the early morning or at night; therefore, no construction lighting is proposed or required. Impacts related to light and glare are limited to operational impacts. No construction impacts would occur.

[13] City of Saratoga. 2014. Single-Family Residential Design Review Handbook. Website: https://www.saratoga.ca.us/DocumentCenter/View/88/Residential-Design-Review-Handbook-PDF?bidId=. Accessed September 10, 2024.

Operation

The proposed project would have a significant impact if substantial light or glare would adversely affect nighttime or daytime views, respectively, in the area. The proposed project would result in 25 single-family homes with associated windows, as well as exterior lighting.

The proposed project would result in the development of HR uses that would include nighttime lighting consistent with nearby residential development. Potential sources of light associated with the proposed project would consist of typical sources of lighting associated with a residential development and from vehicles traveling to and from the project site. Exterior lighting would be located on and around residences.

The General Plan contains policies and implementation measures that reduce new sources of lighting and glare within the City. Policy LU-5.1 requires the City to evaluate development proposals against City standards and guidelines to ensure that the related traffic, noise, light, appearance, and intensity of the proposed use have limited adverse impact on the area. Additionally, the proposed project is subject to design standards, which include standards that reduce lighting and glare impacts. All outdoor lighting would also be required to comply with the City's Code of Ordinances Section 15-80.030(m), which requires that outdoor lighting fixtures shall be located, aimed, and shielded to prevent excessive glare or direct illumination onto adjacent properties and public street rights of way, notwithstanding the minimum lighting necessary to ensure adequate safety, night vision, and comfort.

Glare is generally caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. Generally, darker or mirrored glass would have a higher visible light reflectance than clear glass. Buildings constructed of highly reflective materials from which the sun reflects at a low angle can cause adverse glare. However, the proposed project includes residential development and does not include buildings that would use highly reflective surfaces or include glass-sided buildings. Glare resulting from the proposed residences' windows would be minimal and would be partially obscured by landscaping, depending on the time of day and the location of the reflecting light source. Furthermore, residential glass typically has a low reflectivity rate. Glare may also occur from on-site vehicles; however, such glare would be transient, depending upon the time of day and location of the vehicle. Additionally, as discussed above, in accordance with Section 15-80.030(m) of the City's Municipal Code, the proposed project would be required to have outdoor lighting fixtures located, aimed, and shielded to prevent excessive nighttime glare and direct illumination onto adjacent properties and public street right of ways.

Further, all new single-family residential development is subject to the objective standards within the Single-Family Residential Design Review Handbook, which contains objective standards to minimize impacts related to nighttime lighting and glare. The Hillside Guidelines chapter requires light sources to be located at ground level, the avoidance of light sources that may be seen at a distance, and the screening of light sources. The Hillside Guidelines chapter also requires that structures be designed to avoid light, bright, or reflective colors and materials.[14]

[14] City of Saratoga. 2014. Single-Family Residential Design Review Handbook. Website: https://www.saratoga.ca.us/DocumentCenter/View/88/Residential-Design-Review-Handbook-PDF?bidId=. Accessed September 10, 2024.

Additionally, the proposed project would be subject to the requirements set forth by the California Energy Code (Title 24, Part 6 CCR). Compliance with the applicable lighting and energy requirements established by the California Energy Code would ensure that light and glare associated with the project development would not spill over onto adjacent land uses. Specifically, California Code of Regulations, Title 24, Part 6, Section 132, regulates lighting characteristics such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. These standards require that outdoor lighting be automatically controlled so that it is turned off during daytime hours and other times when not needed.

As a result of compliance with local requirements and State Energy Code regulations, lighting and glare impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.1.7 - Cumulative Impacts

The geographic scope of the aesthetic cumulative analysis is limited to projects located in the same viewshed as the project. Of the projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, only Encore Estates located at 14831 Pierce Road and a residential project located at 21800 Heber Way fall within this viewshed. Because of the varied topography and distance from the project site, the remaining cumulative projects listed in Table 3-1 would not contribute to adverse aesthetic and visual resource impacts in conjunction with the proposed project.

Scenic Vistas

The development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are mostly residential and commercial in nature. The proposed project and the projects listed in Table 3-1 propose urban development.

The City does not officially identify any scenic vistas near the project site; however, westward views of the Santa Cruz Mountains and ridgelines are recognized by the City as scenic vistas (See Chapter 2, Project Description, Exhibit 2-1). Cumulative development would not obstruct these views because visibility around the project site is already limited due to topography and dense vegetation. Furthermore, the City includes limitations on building height and design to ensure future buildings blend with existing buildings and would not result in visual impacts to the ridgelines. All projects within the City would be required to comply with City ordinances and General Plan policies that include objective design guidelines related to aesthetics, including the preservation of scenic vistas and ridgelines. Cumulative projects within the County would be required to comply with the County Design Review Guidelines[15] and the development standards that are applicable to the County's

[15] Santa Clara County. 1999. Santa Clara County Design Review Guidelines. Website: https://stgenpln.blob.core.windows.net/document/DR_Guidelines.pdf. Accessed June 3, 2025.

Hillside zone.[16] Accordingly, because there are no officially designated scenic vistas in the City and because cumulative projects would not impede or obstruct views of the Santa Cruz Mountains or ridgelines, cumulative impacts to scenic vistas would be less than significant.

Moreover, as discussed above in Impact AES-1, the proposed project would not make a cumulatively considerable contribution to impacts to scenic resources because the proposed project itself would not impede or obstruct any westward views of the Santa Cruz Mountains or ridgelines.

Visual Character

Of the projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, only two are within the same viewshed as the proposed project. The 21800 Heber Way project would develop one residential unit and would be consistent with surrounding visual character and views. However, Encore Estates at 14831 Pierce Road would construct 237 residential units and an 81-room hotel on a hill west of the project site. While this hillside is not a protected view, it is non-urbanized in character. The project site and most cumulative projects listed in Table 3-1 are located within an urbanized area; however, Encore Estates would introduce development into a hillside area that is non-urbanized in character. Because this project could alter the visual character of a hillside in a non-urbanized area, this represents a potentially significant cumulative impact due to its inconsistency with existing visual character and views.

The two cumulative projects that are located in the same viewshed as the proposed project would be subject to City or County codes and guidelines related to building heights, setbacks, undergrounding of utilities, landscaping, signage, and permitted land uses.[17] Furthermore, cumulative development in the hillsides would be mostly obstructed by topography and existing vegetation, including mature trees. While portions of cumulative projects are partially visible from publicly assessable locations, such as Pierce Road, due to required setbacks and placement of structures, intermittent views of residences and landscaping would not adversely impede views of the Santa Cruz Mountains or ridgelines. Nonetheless, due to the potential change in visual character related to Encore Estates, it is conservatively assumed that there is a potentially significant cumulative impact. However, the proposed project would not make a cumulatively considerable contribution to this impact because the proposed project does not include development on ridgelines. Additionally, the proposed project would be overall consistent with the HR character of the surrounding area. Because the proposed project would be consistent with the visual character of the area, the proposed project would not contribute to degradation of public views from Saratoga Heights Drive and Teerlink Way. .

Light and Glare

The development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are mostly residential and commercial in nature. The proposed project and the projects listed in Table 3-1

[16] Santa Clara County. 2025. Development Standards for Residential Uses by Zoning District. Website: https://plandev.santaclaracounty.gov/how-do-i/develop-my-property/single-family-residence. Accessed June 3, 2025.

[17] Note that projects proceeding pursuant to Section 655.89.5 of the HAA may not be rejected for inconsistency with local zoning and general plan requirements. The nearest project utilizing this process is located over 0.64 mile from the proposed project. Because of intervening topography, this project and the proposed project do not combine to create cumulative impacts.

propose primarily suburban single-family residential development. Other proposed uses include multi-family residential development, accessory dwelling units, a winery, and an 81-room hotel.

The relevant geographic scope for evaluating light and glare impacts is localized to those projects within the same field of view as the proposed project. Two cumulative projects are within this geographic scope. Encore Estates, located approximately 0.08 mile west of the project site at 14831 Pierce Road, would include 237 residential units, a clubhouse, and an 81-room hotel. Encore Estates would be located on the existing Mountain Winery property. The next nearest cumulative project is located approximately 0.17 mile north of the project site at 21800 Heber Way. Substantial vegetation between these two sites and the proposed project would provide a screening effect for light and glare. Thus, new lighting from the project site would not combine with lighting from nearby projects.

Additionally, all cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 that are within the City's jurisdiction would be subject to design review at the City's discretion, as well as the applicable objective City codes and regulations related to building design and outdoor lighting, including Municipal Code Chapter 15-80.030, which requires that outdoor lighting fixtures shall be located, aimed, and shielded to prevent excessive glare or direct illumination onto adjacent properties and public street rights of way. Cumulative projects within the County's jurisdiction, including Encore Estates located at 14831 Pierce Road, would be subject to the applicable County codes and regulations related to building design and outdoor lighting, including the County of Santa Clara Building Code and the Residential Development Standards for the Hillside zone.[18] Cumulative impacts would be less than significant.

Additionally, the proposed project would not make a cumulatively considerable contribution to the less than significant cumulative light and glare impacts, as the levels of lighting would be minimal and would comply with the applicable City or County codes. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to light and glare.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

[18] Santa Clara County. 2025. Development Standards for Residential Uses by Zoning District. Website: https://plandev.santaclaracounty.gov/how-do-i/develop-my-property/single-family-residence. Accessed June 3, 2025.

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3.2 - Air Quality

3.2.1 - Introduction

This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework. This section also evaluates the possible impacts related to air quality that could result from implementation of the proposed project. Information included in this section is based on project-specific air quality modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2022.1., the American Meteorological Society/United States Environmental Protection Agency (EPA) AERMOD air dispersion model (Version 23132), and Hot Spots Analysis and Reporting Program Version (HARP2). Complete modeling output is provided in Appendix B.

No public comments were received during the Environmental Impact Report (EIR) scoping period related to air quality.

3.2.2 - Environmental Setting

The Bay Area Air Quality Management District (Bay Area Air District) is the regional air quality agency for the San Francisco Bay Area Air Basin (SFBAAB), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, as well as the southern portion of Sonoma County and the southwestern portion of Solano County. Air quality in this area is determined by such natural factors as meteorology, terrain and temperature, in addition to the presence of existing air pollution sources and ambient conditions. These factors, along with applicable regulations aimed at reducing air pollution, are discussed below.

Existing Air Quality Conditions and Air Pollution Formation

The SFBAAB is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns and induce significant variations of air flow, mixing and temperatures among subregions. These natural conditions strongly influence the formation of air pollution. Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

Air Pollutant Emissions

Although air pollution potential is strongly influenced by climate and topography, the air pollution that occurs in a location also depends on the amount of air pollutant emissions in the surrounding area or transported from more distance places. Air pollutant emissions generally are highest in areas that have high population densities, high motor vehicle use and/or industrialization. Contaminants created by photochemical processes in the atmosphere, such as ozone, may result in high concentrations many miles downwind from the sources of their precursor chemicals.

Santa Clara Valley Climatological Subregion

The SFBAAB is divided into 11 climatological subregions. These subregions experience varying climatological and topographic conditions, as well as major types of air pollutant sources, resulting in variations in air pollution.

The proposed project is located at the western edge of the Santa Clara Valley climatological subregion. This subregion is bounded by the San Francisco Bay to the north and by mountains to the east, south and west. Temperatures are warm on summer days and cool on summer nights, and winter temperatures are fairly mild. At the northern end of the valley, mean maximum temperatures are in the low 80°F (degrees Fahrenheit) during the summer and high 50°F during the winter, and mean minimum temperatures range from high 50°F in the summer to low 40°F in the winter. Further inland, where the moderating effect of the Bay is not as strong, temperature extremes are greater. For example, in San Martin, located 27 miles south of the San José Mineta International Airport, temperatures can be more than 10°F warmer on summer afternoons and more than 10°F cooler on winter nights.

Winds in the Santa Clara Valley are greatly influenced by terrain, resulting in a prevailing flow that roughly parallels the valley's northwest–southeast axis. A north–northwesterly sea breeze flows through the valley during the afternoon and early evening, and a light south–southeasterly drainage flow occurs during the late evening and early morning. In the summer, the southern end of the valley sometimes becomes a "convergence zone" when air flowing from Monterey Bay gets channeled northward into the southern end of the valley and meets with the prevailing north–northwesterly winds.

Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with the occasional winter storm.

The air pollution potential of the Santa Clara Valley is high. High summer temperatures, stable air, and mountains surrounding the valley combine to promote ozone formation. In addition to the many local sources of air pollution, ozone precursors from San Francisco, San Mateo and Alameda Counties are carried by prevailing winds to the Santa Clara Valley. The valley tends to channel pollutants to the southeast. In addition, on summer days with low level inversions, ozone can be recirculated by southerly drainage flows in the late evening and early morning and by the prevailing northwesterlies in the afternoon. A similar recirculation pattern occurs in the winter, affecting levels of carbon monoxide and particulate matter. This movement of the air up and down the valley increases the impact of the pollutants significantly.

Pollution sources are plentiful and complex in this subregion. The Santa Clara Valley has a high concentration of industry at the northern end. Some of these industries are sources of air toxics as well as criteria air pollutants. In addition, Santa Clara Valley's large population and many work-site destinations generate some of the highest mobile source emissions of any subregion in the SFBAAB.

Air Pollutant Types, Sources, and Effects

Criteria Air Pollutants

Concentrations of criteria air pollutants are used as indicators of air quality conditions. Air pollutants are termed criteria air pollutants if they are regulated by developing specific public health and welfare-based criteria as the basis for setting permissible levels. According to the EPA, criteria air pollutants are ozone, particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2), carbon monoxide (CO), lead, and sulfur dioxide (SO_2). Table 3.2-1 provides a summary of the types, sources, effects of criteria air pollutants, and the Ambient Air Quality Standards (AAQS) for each criteria air pollutant.

Table 3.2-1: Description of Criteria Pollutants of National and California Concern

Air Pollutant	Averaging Time	California Standard[1]	Federal Standard	Most Relevant Effects from Pollutant Exposure	Sources
Ozone	1 Hour	0.09 ppm	—	Irritate respiratory system; reduce lung function; breathing pattern changes; reduction of breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; some immunological changes; increased mortality risk.	Ozone is a secondary pollutant; thus, it is not emitted directly into the lower level of the atmosphere. The primary sources of ozone precursors (volatile organic compound [VOC] and nitrogen oxides [NO_X]) are mobile sources (on-road and off-road vehicle exhaust).
	8 Hours	0.070 ppm	0.070 ppm		
CO	1 Hour	20 ppm	35 ppm	Ranges depend on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease impairment of central nervous system functions; possible increased risk to fetuses; death.	CO is produced by incomplete combustion of carbon-containing fuels (e.g., gasoline, diesel fuel, and biomass). Sources include motor vehicle exhaust, industrial processes, residential wood-burning, and natural sources.
	8 Hours	9 ppm	9 ppm		
NO_2	1 Hour	0.18 ppm	0.100 ppm	Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contribution to atmospheric discoloration; increased visits to hospital for respiratory illnesses.	NO_2 forms quickly from NO_X emissions. NO_X is produced in motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers. NO_2 concentrations near major roads can be 30 to 100 percent higher than those at monitoring stations.
	Annual	0.030 ppm	0.053 ppm		

Air Pollutant	Averaging Time	California Standard[1]	Federal Standard	Most Relevant Effects from Pollutant Exposure	Sources
SO_2	1 Hour	0.25 ppm	0.075 ppm	Bronchoconstriction, accompanied by symptoms which may include wheezing, shortness of breath, and chest tightness, during exercise or physical activity in persons with asthma. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient SO_2 levels.	Human caused sources include fossil fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of SO_2. The gas can also be produced in the air by dimethyl sulfide and hydrogen sulfide. SO_2 is removed from the air by dissolution in water, chemical reactions, and transfer to soils and ice caps.
	3 Hours	—	0.5 ppm		
	24 Hours	0.04 ppm	0.14 (for certain areas)		
	Annual	—	0.030 ppm (for certain areas)		
Particulate matter (PM_{10})	24 hours	50 µg/m^3	150 µg/m^3	Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death.	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal, and recycling. Mobile or transportation-related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.
	Mean	20 µg/m^3	—		
Particulate matter ($PM_{2.5}$)	24 Hours	—	35 µg/m^3		
	Annual	12 µg/m^3	9 µg/m^3		
Visibility-reducing particles	8 Hours	—			
Lead	30 days	1.5 µg/m^3	—	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavioral and neurological impairment, learning deficiencies, and low IQs.	Lead ore crushing, lead ore smelting, and battery manufacturing. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering.
	Quarter	—	1.5 µg/m^3		
	Rolling 3-month average	—	0.15 µg/m^3		
Sources: United States Environmental Protection Agency (EPA). California Air Resources Board (ARB).					

Toxic Air Contaminants

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

TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to a particular TAC. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. Cancer risk is typically expressed as excess cancer cases per million exposed individuals, typically over a lifetime exposure or other prolonged duration. For noncarcinogenic substances, there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels may vary depending on the specific pollutant. Acute and chronic exposure to noncarcinogens is expressed as a hazard index, which is the ratio of expected exposure levels to an acceptable Reference Exposure Levels (RELs). Table 3.2-2 provides a summary of the types, sources, and effects of TACs.

Table 3.2-2: Description of Toxic Air Contaminants of National and California Concern

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Diesel Particulate Matter (DPM)	DPM is a source of $PM_{2.5}$—diesel particles are typically 2.5 microns and smaller. Diesel exhaust is a complex mixture of thousands of particles and gases that is produced when an engine burns diesel fuel. Organic compounds account for 80 percent of the total particulate matter mass, which consists of compounds such as hydrocarbons and their derivatives, and polycyclic aromatic hydrocarbons and their derivatives. Fifteen polycyclic aromatic hydrocarbons are confirmed carcinogens, a number of which are found in diesel exhaust.	Diesel exhaust is a major source of ambient particulate matter pollution in urban environments. Typically, the main source of DPM is from combustion of diesel fuel in diesel-powered engines. Such engines are in on-road vehicles such as diesel trucks, off-road construction vehicles, diesel electrical generators, and various pieces of stationary construction equipment.	Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, lightheadedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Volatile Organic Compounds (VOCs)	Reactive organic gases (ROGs), or VOCs, are defined as any compound of carbon—excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although there are slight differences in the definition of ROGs and VOCs, the two terms are often used interchangeably.	Indoor sources of VOCs include paints, solvents, aerosol sprays, cleansers, tobacco smoke, etc. Outdoor sources of VOCs are from combustion and fuel evaporation. A reduction in VOC emissions reduces certain chemical reactions that contribute to the formulation of ozone. VOCs are transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility.	Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations because of interference with oxygen uptake. In general, concentrations of VOCs are suspected to cause eye, nose, and throat irritation; headaches; loss of coordination; nausea; and damage to the liver, the kidneys, and the central nervous system. Many VOCs have been classified as toxic air contaminants (TACs).
Benzene	Benzene is a VOC. It is a clear or colorless light-yellow, volatile, highly flammable liquid with a gasoline-like odor. The EPA has classified benzene as a "Group A" carcinogen.	Benzene is emitted into the air from fuel evaporation, motor vehicle exhaust, tobacco smoke, and from burning oil and coal. Benzene is used as a solvent for paints, inks, oils, waxes, plastic, and rubber. Benzene occurs naturally in gasoline at 1 to 2 percent by volume. The primary route of human exposure is through inhalation.	Short-term (acute) exposure of high doses from inhalation of benzene may cause dizziness, drowsiness, headaches, eye irritation, skin irritation, and respiratory tract irritation, and at higher levels, loss of consciousness can occur. Long-term (chronic) occupational exposure of high doses has caused blood disorders, leukemia, and lymphatic cancer.
Asbestos	Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite.	Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States.	Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
			naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present.
Hydrogen Sulfide	Hydrogen sulfide (H_2S) is a flammable, colorless, poisonous gas that smells like rotten eggs.	Manure, storage tanks, ponds, anaerobic lagoons, and land application sites are the primary sources of hydrogen sulfide. Anthropogenic sources include the combustion of sulfur containing fuels (oil and coal).	High levels of hydrogen sulfide can cause immediate respiratory arrest. It can irritate the eyes and respiratory tract and cause headache, nausea, vomiting, and cough. Long exposure can cause pulmonary edema.
Sulfates	Sulfates occur in combination with metal and/or hydrogen ions. Many sulfates are soluble in water.	Sulfates are particulates formed through the photochemical oxidation of sulfur dioxide. In California, the main source of sulfur compounds is combustion of gasoline and diesel fuel.	(a) Decrease in ventilatory function; (b) aggravation of asthmatic symptoms; (c) aggravation of cardiopulmonary disease; (d) vegetation damage; (e) degradation of visibility; (f) property damage.
Visibility-Reducing Particles (suspended particulate matter)	Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is between 2.5 and 10 microns in diameter (1 micron is one-millionth of a meter). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal; and recycling. Mobile or transportation-related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	• Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravates existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. • Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death.
Vinyl Chloride	Vinyl chloride, or chloroethene, is a chlorinated hydrocarbon and a colorless gas with a mild, sweet odor. In 1990, the California Air Resources Board (ARB) identified vinyl	Most vinyl chloride is used to make polyvinyl chloride plastic and vinyl products, including pipes, wire and cable coatings, and packaging materials. It can be formed when plastics	Short-term exposure to high levels of vinyl chloride in the air causes central nervous system effects, such as dizziness, drowsiness, and headaches. Epidemiological studies of occupationally

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	chloride as a toxic air contaminant and estimated a cancer unit risk factor.	containing these substances are left to decompose in solid waste landfills. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites.	exposed workers have linked vinyl chloride exposure to development of a rare cancer, liver angiosarcoma, and have suggested a relationship between exposure and lung and brain cancers.
Lead (Pb)	Lead is a solid heavy metal that can exist in air pollution as an aerosol particle component. Leaded gasoline was used in motor vehicles until around 1970. Lead concentrations have not exceeded State or federal standards at any monitoring station since 1982.	Lead ore crushing, lead ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering.	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavior disorders, mental retardation, neurological impairment, learning deficiencies, and low IQs.

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Air Quality

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

Existing Regional Ambient Air Quality

Monitoring Data

The Bay Area Air District operates a regional air quality monitoring network that regularly measures the concentrations of the five major criteria air pollutants. The local air quality can be evaluated by reviewing relevant air pollution concentrations near the project site.[1]

Emissions Inventory

The V estimates emissions of criteria air pollutants from approximately 900 source categories. The estimates are based on Bay Area Air District permit information for stationary sources (e.g., manufacturing industries, refineries, dry-cleaning operations), and more generalized estimates for area sources (e.g., space heating, landscaping activities, use of consumer products), and mobile sources (e.g., trains, ships and planes, as well as on-road and off-road motor vehicles).[2]

SFBAAB Attainment Status

The EPA and the ARB designate air basins where AAQS are exceeded as “nonattainment” areas. If standards are met, the area is designated as an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered “unclassified.” Areas in nonattainment of national standards are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

The current attainment designations for the Air Basin are shown in Table 3.2-3. Currently in the Air Basin, 8-hour average ozone (both State and national), 1-hour average ozone (State), annual arithmetic mean PM_{10} (State), 24-hour average PM_{10} (State), annual arithmetic mean $PM_{2.5}$ (State), and 24-hour average $PM_{2.5}$ (national) are in nonattainment status.

Table 3.2-3: San Francisco Bay Area Air Basin Attainment Status

Pollutant	State Status	National Status
Ozone	Nonattainment	Nonattainment
CO	Attainment	Attainment
NO_2	Attainment	Attainment
SO_2	Attainment	Attainment

[1] California Air Resources Board (ARB). Air Quality Data Statistics. Website: https://www.arb.ca.gov/adam. Accessed December 16, 2025.

[2] California Air Resources Board (ARB). Criteria Pollutant Emissions Inventory. Website: https://ww2.arb.ca.gov/criteria-pollutant-ei. Accessed December 16, 2025.

Pollutant	State Status	National Status
PM_{10}	Nonattainment	Unclassified
$PM_{2.5}$	Nonattainment	Nonattainment
Sulfates	Attainment	N/A
Hydrogen Sulfates	Unclassified	N/A
Visibility-reducing Particles	Unclassified	N/A
Lead	N/A	Attainment

Notes:
CO = carbon monoxide
NO_2 = nitrogen dioxide
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
SO_2 = sulfur dioxide

Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Air Quality Standards and Attainment Status. January. Website: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status#:~:text=%E2%80%9CAttainment%E2%80%9D%20status%20for%20a%20pollutant%20means%20that%20the,ensures%20that%20these%20standards%20are%20met%20and%20maintained. Accessed July 8, 2024.

Toxic Air Contaminants: Sources and Health Effects

Industrial facilities and mobile sources such as cars, trucks, trains, and ships are significant sources of TACs. Other sources of TACs include gasoline stations and backup generators (commonly required in many commercial and residential buildings). More recently, diesel particulate matter (DPM) was identified as a TAC by the ARB. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. According to the Bay Area Air District, mobile source emissions of DPM, benzene and 1,3-butadiene represent a substantial portion of the ambient background risk from TACs in the SFBAAB.

Several studies indicate that DPM poses the greatest health risk among the TACs. A 10-year research program demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. In addition to increasing the risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

Odors and Dust

Other air quality issues of concern in the SFBAAB include nuisance impacts of odors and dust. Objectionable odors may be associated with a variety of pollutants. Common sources of odors include wastewater treatment plants, landfills, composting facilities, refineries, and chemical plants. Similarly, nuisance dust may be generated by a variety of sources including quarries, agriculture, grading, construction and roads. Odors rarely have direct health effects among the public. Each year the Bay Area Air District receives thousands of citizen complaints about objectionable odors. Dust

emissions can contribute to increased ambient concentrations of PM_{10} and can also contribute to reduced visibility and soiling of exposed surfaces.

Air Pollution Sensitive Receptors

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Children and infants are among the most susceptible to air pollution due to their developing lungs, higher inhalation rates, narrow airways, and less mature immune systems. Children and adults with allergies may also have an enhanced allergic response when exposed to particulate matter pollution. Other sensitive populations include the elderly, pregnant women (due to the developing fetus), and those with respiratory or cardiovascular illnesses affected by air pollution.

Sensitive land uses (also referred to as receptors) are places where sensitive populations are most likely to spend their time, such as residences, schools, day care centers, hospitals, nursing and convalescent homes, and playgrounds/parks. The groups identified with these land uses may have increased susceptibility to respiratory distress or, as in the case of residences, their exposure time is greater than that of other land uses. The Bay Area Air District defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities.

Project Site Vicinity

The closest sensitive receptors include single-family residences within approximately 280 feet of the project site to the east.

Project Site

The project site is undeveloped and does not contain any sensitive land uses, therefore no sensitive receptors currently exist on the project site.

Existing Air Pollutant Emissions

Project Site Vicinity

The primary sources of air pollutants (both criteria air pollutant and TACs) in the project site vicinity include the surrounding residential properties, open space and commercial winery, and their building-related energy use and motor-related vehicle trips. Other activities that may result in emissions include space and water heating devices, and landscape maintenance equipment.

Project Site

There are no currently operating uses on-site.

3.2.3 - Regulatory Framework for Criteria Pollutants

Federal

The EPA is the governing body responsible for regulating air pollution in the United States and setting nationwide air quality and emissions standards. The EPA's air quality mandates are drawn primarily from the federal Clean Air Act (Clean Air Act), which was enacted in 1963.

Congress established much of the basic structure of the Clean Air Act in 1970, and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the Clean Air Act. These are particulate matter, ground level ozone, CO, sulfur oxides, nitrogen oxides, and lead. The EPA calls these pollutants criteria air pollutants because it regulates them by developing human health-based and/or environmentally based criteria (science-based guidelines) for setting permissible levels. The set of limits based on human health are called primary standards. Another set of limits intended to prevent environmental and property damage are called secondary standards.[3] The federal standards are called National Ambient Air Quality Standards (NAAQS). The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards. The criteria pollutants are:

- Ozone
- Nitrogen dioxide (NO_2)
- Lead
- Particulate matter (PM_{10} and $PM_{2.5}$)
- Carbon monoxide (CO)
- Sulfur dioxide

The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health.

The Clean Air Act also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The Clean Air Act Amendments of 1990 require states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The EPA has responsibility to review all state SIPs to determine that they conform to the mandates of the Clean Air Act and to determine whether implementation will achieve air quality goals. If the EPA determines a SIP to be inadequate, a Federal Implementation Plan may be prepared for the nonattainment area that imposes additional control measures. Failure to submit an approvable SIP or to implement the plan within the mandated timeframe may result in the EPA applying sanctions to transportation funding and stationary air pollution sources in the air basin.

In addition, the EPA issues federal emissions standards for new motor vehicles and nonroad engines and for categories of new industrial equipment (e.g., power plants, industrial boilers, cement manufacturing, secondary lead smelting). In 2014, EPA issued standards commonly known as Tier 3, which consider the vehicle and its fuel as an integrated system, setting new vehicle emissions standards and a new gasoline sulfur standard beginning in 2017. The vehicle emissions standards will reduce both tailpipe and evaporative emissions from passenger cars, light-duty trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. The gasoline sulfur standard will enable more stringent vehicle emissions standards and will make emissions control systems more effective. The

[3] United States Environmental Protection Agency (EPA). 2025. Clean Air Act Requirements and History. Website: https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history. Accessed December 16, 2025.

standards will reduce atmospheric levels of ozone, fine particles, nitrogen dioxide and toxic pollution.[4]

Before 1994, there were no standards to limit the amount of emissions from off-road equipment. In 1994, the EPA established emission standards for hydrocarbons, NO_X, CO, and particulate matter to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (Interim and Final) standards were adopted by the EPA, as well as by the ARB. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards. In other words, new manufactured engines cannot exceed the emissions established for Tier 4 Final emissions standards.

State

California Air Resources Board

The ARB is the Statewide governing body that focuses on California's unique air quality challenges by setting the State's own, stricter, air pollutant emissions standards for a range of Statewide pollution sources including vehicles, fuels, on- and off-road equipment, and consumer products. The ARB implements the California Clean Air Act (CCAA) which was adopted in 1988 and developed to address air quality concerns not adequately addressed by the federal Clean Air Act. The CCAA requires that all air districts in the State endeavor to achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practicable date. The CCAA specifies that air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides air districts with authority to regulate indirect sources. The CAAQS set standards for 10 air pollutants; the six federal pollutants listed above as well as visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride.

The ARB is responsible for Statewide pollution sources and produces a major part of the SIP, including addressing transport of pollutants. Local air districts are still relied upon to provide additional strategies for sources under their jurisdiction. The ARB combines this data and submits the completed SIP to EPA. Other ARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air districts) and updating area designations and maps.

The ARB is responsible for rulemakings to adopt and amend specific regulations to reduce emissions from mobile sources such as cars, trucks, buses, on- and off-road equipment, fuels, harbor craft, locomotives, ocean-going vessels at berth, and motorcycles, as well as consumer products, and select stationary sources including gas stations. These wide-ranging air quality regulations address all major sources of smog-forming air pollution (and other forms of air pollution). As a result, cars today are 99 percent cleaner than in the 1970s, resulting in less pollution overall, shorter hospital stays, and fewer days missed from school and work due to respiratory and cardiopulmonary diseases.[5] A list of ARB rulemakings can be reviewed at https://ww2.arb.ca.gov/rulemaking-activity.

[4] United States Environmental Protection Agency (EPA). May 2025. Website: https://www.epa.gov/regulatory-information-topic/regulatory-and-guidance-information-topic-air. Accessed December 16.
[5] California Air Resources Board (ARB). 2025. Website: https://ww2.arb.ca.gov/about. Accessed December 16.

Regional

Bay Area Air Quality Management District

The Bay Area Air District is one of 35 local air pollution control districts created by the California legislature with authority to regulate air pollutant emissions from businesses and stationary facilities, ranging from oil refineries to auto body shops and dry cleaners. The Bay Area Air District is the primary agency responsible for ensuring that the NAAQS and CAAQS are attained and maintained in the SFBAAB. The air quality strategy employed by the Bay Area Air District includes a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The Bay Area Air District also inspects stationary sources of air pollution and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by the federal and California Clean Air Acts.

The Bay Area Air District Board of Directors adopted California Environmental Quality Act (CEQA) Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (Bay Area Air District CEQA Thresholds) in 2022. The Bay Area Air District CEQA Thresholds (and associated guidance) were developed to assist lead agencies in evaluating air quality and climate impacts from proposed land use projects and plans in the SFBAAB. The CEQA Guidelines are designed to provide Bay Area Air District-recommended procedures for evaluating potential air quality and climate impacts during the environmental review process that are consistent with CEQA requirements. The CEQA Guidelines contain instructions and examples for how a lead agency can evaluate, measure, and mitigate air quality and climate impacts generated from land use construction and operational activities. They focus on emissions of criteria air pollutants and precursors, toxic air contaminants, greenhouse gas (GHG) emissions, and odors from local plans and projects.

City of Saratoga General Plan

The following policies in the City's General Plan are relevant to the proposed project and aim to reduce air quality impacts.

Land Use Element

Goal LU-15 Support regional efforts to improve air quality by reducing greenhouse gas emissions from both stationary and non-stationary sources.

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

Policy LU-15.3 Require compliance with BAAQMD's guidelines for wood-burning fireplaces.

Implementation Policies

IM LU-15.a. Revise standard conditions of approval to require that all projects comply with BAAQMD dust emission reduction measures and to encourage trip demand measures for major non-single-family residential projects.

3.2.4 - Regulatory Framework Specific to Toxic Air Contaminants

TACs can be separated into carcinogens and noncarcinogens based on the nature of the physiological degradation associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts will not occur. Noncarcinogenic TACs differ in that there is a safe level in which it is generally assumed that no negative health impacts would occur. These levels are determined on a pollutant-by-pollutant basis.

It is important to understand that TACs are not considered criteria air pollutants and thus are not specifically addressed through the setting of AAQS. Instead, the EPA and ARB regulate TACs (known by the EPA as HAPs) through statutes and regulations that generally require the use of Maximum Achievable Control Technology (MACT) or Best Available Control Technology (BACT) to limit emissions. The requirements to use MACT or BACT, in conjunction with additional rules set forth by the Bay Area Air District, establish the regulatory framework for TACs.

Federal Air Quality Regulations for TACs

The Clean Air Act requires the EPA to regulate TACs, from large industrial facilities in two phases. The first phase is "technology-based," where EPA develops standards for controlling the emissions of TACs from sources in an industry group (or "source category"). These MACT standards are based on emissions levels that are already being achieved by the controlled and low-emitting sources in an industry. The second phase is a "risk-based" approach called residual risk. Here, EPA must determine whether more health-protective standards are necessary. Within eight years of setting the MACT standards, the Clean Air Act requires EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects.

Every eight years after setting the MACT standards, the Clean Air Act also requires EPA to review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention. The first eight-year review, when combined with the residual risk review, is called the risk and technology review.

State Air Quality Regulations for TACs

California has a comprehensive and effective air toxics program. Several pieces of legislation form the basis for ARB to identify and control air toxics from a multitude of sources, inform the public of significant toxic exposures and provide ways to reduce risks from these exposures. The key programs outlined by legislative mandates include the Toxic Air Contaminant Identification and Control Program (Assembly Bill [AB] 1807), the Air Toxics Hot Spots Information and Assessment Act (AB 2588), the Children's Environmental Health Protection Act, and the Community Air Protection Program. The ARB has identified more than 200 toxic air pollutants and has adopted and implemented 25 Airborne Toxic Control Measures (ATCMs). Some of the air toxics that have been identified and controlled include benzene in gasoline, hexavalent chromium from chrome platers, perchloroethylene from dry cleaners, and diesel exhaust from cars and trucks. The Community Air Protection Program (AB 617) was signed into law to reduce exposure in communities experiencing

high cumulative exposure to air pollution including air toxic chemicals, many of which occur in disadvantaged communities.[6]

The ARB has adopted diesel exhaust control measures and more stringent emission standards for various on-road mobile sources including transit buses, and off-road diesel equipment (e.g., tractors, generators), encompassed in the ATCMs aimed at reducing TACs from mobile sources (including on-road and off-road vehicles) and stationary sources. The ATCMs that are relevant and applicable to the proposed project are listed below:

- Diesel PM Control Measure for On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles;
- ATCM for Diesel PM from Portable Engines Rated at 50 Horsepower and Greater;
- ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling;
- Asbestos ATCM for Construction, Grading, Quarrying and Surface Mining Operations;
- ATCM to Reduce Particulate Emissions from Diesel-Fueled Engines–Standards for Nonvehicular Diesel Fuel.

As a result of these actions, mobile source emissions of TACs (benzene, 1,3-butadiene, DPM) and stationary sources of TACs have been reduced significantly since 1990, leading to a reduction of ambient cancer risk in California by about 80 to 85 percent.

Regional Air Quality Regulations for TACs

The Bay Area Air District has regulated TACs since the 1980s. At the local level, air pollution control or management districts may adopt and enforce ARB's control measures. Under Bay Area Air District Regulation 2-1 (General Permit Requirements), Regulation 2-2 (New Source Review), and Regulation 2-5 (New Source Review), all nonexempt sources that possess the potential to emit TACs are required to obtain permits from Bay Area Air District. Permits may be granted to these operations if they are constructed and operated in accordance with applicable regulations, including new source review standards and air toxic control measures. The Bay Area Air District limits emissions and public exposure to TACs through a number of programs. The Bay Area Air District prioritizes TAC-emitting stationary sources based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors. In addition, the Bay Area Air District has adopted Regulation 11 Rules 2 and 14, which address asbestos demolition, renovation, manufacturing and standards for asbestos-containing serpentine.

The Bay Area Air District adopted Regulation 11, Rule 18 (Reduction of Risk from Air Toxic Emissions at Existing Facilities) in 2017, which requires any facility with health risks above risk action thresholds to make reasonable reductions in those health risks.

AB 617 required all air districts around the State to identify and select communities that suffer a high cumulative exposure burden from air pollution. In the Bay Area, these communities include all the

[6] California Air Resources Board (ARB). 2025. Website: https://ww2.arb.ca.gov/our-work/programs/air-toxics-program. Accessed December 16, 2025.

Community Air Risk Evaluation (CARE) Areas, as well as areas with large sources of air pollution, areas that have been identified via Statewide screening tools as having pollution and/or health burden vulnerability, and areas that have low life expectancy. The proposed project is not located within a CARE Area or AB 617-identified community.

City of Saratoga General Plan 2040

The following policies are relevant to the proposed project and aim to TAC emissions and/or exposure.

Land Use Element

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

Policy LU 15.3 Require compliance with BAAQMD's guidelines for wood-burning fireplaces.

Implementation Policies

IM LU.15.a. Revise standard conditions of approval to require that all projects comply with BAAQMD dust emission reduction measures and to encourage trip demand measures for major non-single-family residential projects.

3.2.5 - Methodology

Model Selection, Modeling Parameters and Assumptions

The California Emission Estimator Model (CalEEMod) is used to calculate and assess criteria air pollutant (including ozone precursors), TAC and GHG emissions,[7] which consist of those on-site and off-site construction and operational emissions generated from all facets of the proposed project. CalEEMod provides a uniform platform for government agencies, land use planners, and environmental professionals to estimate emissions from land use development and linear projects in California.

Criteria air pollutant, TAC and GHG emissions can be estimated by using emission factors and a level of activity. Emission factors represent the emission rate of a pollutant over a given time or activity, for example, grams of NO_X per vehicle mile traveled or grams of NO_X per horsepower hour of equipment operation. The level of activity is a measure of how active a piece of equipment is, and it can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, the fuel consumption rate of the equipment, or its Vehicle Miles Traveled (VMT) per day. The ARB has published emission factors for on-road mobile vehicles/trucks in the Emission Factors mobile source emissions model (EMFAC) and emission factors for off-road equipment and vehicles in the OFF-ROAD emissions model. An air emissions model (or calculator) combines the emission factors and the levels of activity, and it outputs the emissions for the various pieces of equipment.

[7] GHG Emissions are evaluated in Section 3.7.

Construction and operational emissions reported in this analysis were modeled using CalEEMod Version 2022.1.1.24.

Criteria Pollutants Assessed

The following air pollutants are assessed in this analysis:

- Reactive organic gases (ROG)
- Nitrogen oxides (NO_X)
- Carbon monoxide (CO)
- Particulate matter less than 10 microns in diameter (PM_{10})
- Particulate matter less than 2.5 microns in diameter ($PM_{2.5}$)

Note that the proposed project would emit ozone precursors ROG and NO_X. However, the proposed project would not directly emit ozone since it is formed in the atmosphere during the photochemical reaction of ozone precursors. Particulate matter emissions are analyzed based on their contribution to regional levels within the SFBAAB; as discussed below, localized concentrations of $PM_{2.5}$ emissions are assessed separately.

Toxic Air Contaminants and $PM_{2.5}$ Concentrations Assessed

The following TACs are assessed in this analysis:

- DPM
- Particulate matter less than 2.5 microns in diameter ($PM_{2.5}$)

As stated, the ARB is responsible for identifying TACs, which are defined as pollutants "which may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health." DPM is the most significant TAC in the region, accounting for roughly 85 percent of the cancer risk from air toxics in the region. In addition, epidemiological studies have established that exposure to $PM_{2.5}$ has serious adverse health impacts, particularly to the cardiovascular system; because of the serious cardiovascular effects of exposure to $PM_{2.5}$, studies have found a clear correlation between $PM_{2.5}$ levels and exposure, and mortality. Therefore, the Bay Area Air District recommends analyzing localized $PM_{2.5}$ concentrations along with TACs (DPM) because they pose the greatest risk to people's health in the Bay Area.

3.2.6 - Thresholds of Significance

Appendix G to the CEQA Guidelines is a sample Initial Study Checklist that includes questions for determining whether impacts to air quality are significant. These questions reflect the input of planning and environmental professionals at the California Governor's Office of Planning and Research (OPR) and the California Natural Resources Agency, based on input from stakeholder groups and experts in various other governmental agencies, nonprofits, and leading environmental consulting firms.

Additional guidance on analyzing air quality impacts is found in CEQA Guidelines Section 15065, subdivision (a)(4), which provides that a lead agency shall find that a project may have a significant

effect on the environment if "the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."

Additionally, where available, significance criteria established by the applicable air quality management or air pollution control district may be relied upon to assist in making significance determinations. As explained earlier, the Bay Area Air District's 2022 CEQA Air Quality Guidelines were prepared to assist in evaluating air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air quality impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and GHGs.

While the final determination of whether a project is significant is within the purview of the lead agency pursuant to Section 15064(b) of the CEQA Guidelines, the Bay Area Air District recommends that its quantitative air pollution thresholds be used to determine the significance of project emissions.

Here, the EIR uses thresholds of significance from the CEQA Guidelines Appendix G under which a project could have an impact on the environment if it would:

a) Conflict with or obstruct implementation of the applicable air quality plan;

b) Result in cumulative considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard;

c) Expose sensitive receptor to substantial pollutant concentrations; or

d) Create objectionable odors affecting a substantial number of people.

Additionally, within each of these impact areas, the analysis applies the applicable Bay Area Air District thresholds and methodologies. If a lead agency finds that a project has the potential to exceed these air pollution thresholds, the project should be considered to have significant air quality impacts.

Construction Toxic Air Contaminants

TACs are air pollutants in minuscule amounts in the air that, if a person is exposed to them, could increase the chances of experiencing health problems. Exposures to TAC emissions can have both chronic long-term (over a year or longer) and acute short-term (over a period of hours) health impacts. Construction-period TAC emissions could contribute to increased health risks to nearby residents or sensitive receptors.

An assessment was made of the potential health impacts to surrounding sensitive receptors resulting from TAC and $PM_{2.5}$ emissions during project construction and operation. For the purposes of this analysis, exhaust emissions of DPM are represented as exhaust emissions of $PM_{2.5}$.

Regional Significance Criteria

Table 3.2-4 shows the Bay Area Air District's criteria for regional significance for project construction and operations.

Table 3.2-4: Bay Area Air District Regional (Mass Emissions) Air Pollutant Significance Thresholds

Pollutant	Construction Phase	Operational Phase	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
PM_{10} and $PM_{2.5}$ Fugitive Dust	Best Management Practices*	None	None

Notes:
NO_X = oxides of nitrogen
PM_{10} = particulate matter less than 10 micrometers in diameter
$PM_{2.5}$ = particulate matter less than 2.5 micrometers in diameter
ROG = reactive organic gas
*Implementation of BMPs for fugitive dust are a significance threshold; if implemented, project impacts are assumed to be less than significant (for fugitive dust).
Source: Bay Area Air Quality Management District (Bay Area Air District) 2022. April. California Environmental Quality Act Air Quality Guidelines.

In developing the above significance thresholds, the Bay Area Air District considers the emission levels for which a project's individual emissions would be cumulatively considerable. In addition, the significance thresholds are based on criteria pollutants for which the region is in nonattainment. If a project were to exceed the emission thresholds in Table 3.2-4, that project's emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Consistency with Air Quality Plan

The applicable air quality plan is the Bay Area Air District's 2017 Bay Area Clean Air Plan, which identifies measures to:

- Reduce emissions and reduce ambient concentrations of air pollutants;
- Safeguard public health by reducing exposure to the air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and
- Reduce GHG emissions to protect the climate.

A project would be determined to conflict with or obstruct implementation of an applicable air quality plan if it would result in substantial new regional emissions not foreseen in the air quality planning process.

Local CO Hotspots

Congested intersections have the potential to create elevated concentrations of carbon monoxide (CO), referred to as CO hotspots. The significance criteria for CO hotspots are based on the CAAQS for CO, which is 9.0 ppm (8-hour average) and 20.0 ppm (1-hour average). However, with the turnover of older vehicles, the introduction of cleaner fuels, and implementation of control technology, the SFBAAB is in the attainment of the CAAQS and NAAQS for CO, and CO concentrations in the SFBAAB have steadily declined. Because CO concentrations have improved, the Bay Area Air District does not require a CO hotspot analysis if all the following criteria are met:

- The project is consistent with an applicable congestion management program established by the County Congestion Management Agency for designated roads or highways, the regional transportation plan, and local congestion management agency plans; and
- The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at the affected intersection to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).[8]

Community Risk and Hazards

The Bay Area Air District's significance thresholds for local community risk and hazard impacts—which relates to Impact AIR-3 (would the project expose sensitive receptors to substantial pollutant concentrations)—apply to the siting of a new source of emissions. Local community risk and hazard impacts are associated with TACs and $PM_{2.5}$ because emissions of these pollutants can have significant health impacts at the local level.

The thresholds to evaluate whether the proposed project would expose sensitive receptors to substantial pollutant concentrations from construction-related emissions are the same as for the proposed project's operation-related emissions.

The proposed project would generate TACs and $PM_{2.5}$ during construction activities that could elevate concentrations of air pollutants at sensitive receptors. Accordingly, a site-specific analysis of TACs and $PM_{2.5}$ impacts on sensitive receptors from the proposed project's construction and operation was conducted and compared against the thresholds identified below:

[8] Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening_final-pdf.pdf?rev=ac551d35a52d479dad475e7d4c57afa6&sc_lang=en. Accessed July 10, 2024.

- An excess cancer risk level of more than 10 in one million or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a significant cumulatively considerable contribution.
- An incremental increase of greater than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$ from a single source would be a significant cumulatively considerable contribution.

Community Risk and Hazards: Cumulative

For assessing the cumulative impacts from a project's source(s) in combination with existing sources, The Bay Area Air District recommends a specific project radius of 1,000 feet.[9] The Bay Area Air District recommends that the cumulative analysis combine the risks and hazards from existing sources within 1,000 feet of the project's source(s) with the risks and hazards from the project's source(s). After the location of the maximally affected receptor is identified for the project's source(s), impacts from surrounding sources within the project radius are then assessed to determine their cumulative impact on the maximally affected receptor. Assessments should sum individual hazards or risks to find the cumulative impact at the location of the maximally affected receptor from the project source(s) and then compare against Bay Area Air District-recommended cumulative thresholds:

- Has excess cancer risk levels of more than 100 in 1 million or a chronic non-cancer hazard index (from all local sources in combination with the project's source(s)) greater than 10.0.
- Exceeds 0.8 $\mu g/m^3$ annual average $PM_{2.5}$(from all local sources in combination with the project's source(s)).

The analysis follows the guidance and methodology recommended by the Bay Area Air District and the California Office of Environmental Health Hazard Assessment (OEHHA), which adopted additional HRA guidance in February 2015 that includes several efforts to be more protective of children's health. These updated procedures include age sensitivity factors to account for the higher sensitivity of infants and young children to cancer-causing chemicals and age-specific breathing rates.[10]

Odors

The Bay Area Air District thresholds for odors are qualitative, based on Bay Area Air District Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds. Odors are also regulated under Bay Area Air District Regulation 1, Rule 1-301, Public Nuisance, which states that "no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health, or safety of any such persons or the public; or which causes, or has a natural tendency to cause, injury, or damage to business or property." Under Bay Area Air District Rule 1-301, the Bay Area Air District has established odor screening

[9] Bay Area Air Quality Management District. 2022. California Environmental Quality Action Air Quality Guidelines Appendix E: Recommended Methods for Screening and Modeling Local Risks and Hazards.

[10] California Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments. February. Website: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed July 10, 2024.

thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. Table 3.2-5 shows the screening distances for various land uses that are considered to have objectionable odors.[11]

Table 3.2-5: Bay Area Air District Odor Screening-level Distances Thresholds

Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Metal Smelting Plants	2 miles
Source: Bay Area Air Quality Management District (Bay Area Air District). 2022.	

3.2.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the construction and operation of the proposed project and provides mitigation measures where appropriate.

Consistency with Air Quality Management Plan

Impact AIR-1: **The proposed project could conflict with or obstruct implementation of the applicable air quality plan.**

[11] Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines. April. Website: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed July 10, 2024.

Impact Analysis

The Bay Area Air District has adopted several air quality policies and plans to address the attainment and maintenance of State and federal air quality standards. The most recently adopted Bay Area Air District plan is the 2017 Clean Air Plan, adopted in April 2017. The 2017 Clean Air Plan primarily aims to protect both public health and the climate and serves as the applicable Air Quality Plan (AQP) for the Air Basin for attaining federal AAQS. In addition, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria air pollutants and GHG emissions. The 2017 Clean Air Plan also accounts for population growth projections provided by the Association of Bay Area Governments (ABAG) and VMT projections provided by the Metropolitan Transportation Commission (MTC) and identifies strategies to bring regional emissions into compliance with State and federal air quality standards. A project would be judged to conflict with or obstruct the 2017 Clean Air Plan implementation if it would result in substantial new regional emissions not foreseen in the air quality planning process.

The Bay Area Air District outlines the following criteria that will be used for determining a project's consistency with the AQP.

- Does the project support the primary goals of the AQP?
- Does the project include applicable control measures from the AQP?
- Does the project disrupt or hinder implementation of any AQP control measures?

Primary Goals of the AQP

The primary goals of the 2017 Clean Air Plan are to attain air quality standards, reduce population exposure to unhealthy air and protect the public health in the Bay Area, and reduce GHG emissions and protect the climate.

As discussed below, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant during project construction or operation and, therefore, would not impede the 2017 Clean Air Plan's goal to attain air quality standards. Thus, the proposed project supports the 2017 Clean Air Plan's goal to attain air quality standards.

Also discussed below, implementation of the proposed project would not expose sensitive populations to unhealthy air during project construction or operation, and, therefore, the proposed project supports the 2017 Clean Air Plan's goal to reduce population exposure to unhealthy air and protect public health in the Bay Area.

Finally, as discussed under the GHG impact analysis, the proposed project would not result in significant GHG impacts after implementation of MM GHG-1 (which would require the purchase of GHG offsets to reduce impacts to less than significant levels). Therefore, the proposed project supports the 2017 Clean Air Plan's goal to reduce GHG emissions and protect the climate.

Overall, the proposed project supports the primary goals of the 2017 Clean Air Plan and is consistent with the first criterion for determining consistency with the AQP.

Applicable Control Measures

The 2017 Clean Air Plan contains 85 control measures that describe specific actions to reduce air pollutants and GHGs at the local, regional, and global levels. Stationary source control measures are implemented via the Bay Area Air District's permitting program and enforcement of the Bay Area Air District Rules and Regulations. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains several control measures designed to protect the climate and promote mixed-use and compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. The 2017 Clean Air Plan also includes an account of the implementation status of control measures identified in the 2010 Clean Air Plan.

To establish compliance with the Clean Air Plan, the proposed project would be required to comply with applicable Clean Air Plan control measures listed in Table 3.2-6.

The control measures that are relevant to the proposed project are summarized below; as indicated, the proposed project would not conflict with the applicable control measures of the 2017 Clean Air Plan.

Table 3.2-6: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Measure Description	Project Consistency
Buildings Control Measures		
BL1: Green Buildings	This control measure aims to increase energy efficiency and the use of on-site renewable energy, as well as decarbonize existing end uses for all types of buildings. It includes policy assistance, incentives, and partnerships to enhance energy efficiency and renewable energy use. This measure will reduce greenhouse gas (GHG) emissions, criteria pollutants, and toxic air contaminants (TACs) associated with building operations.	**Consistent.** The proposed project would not conflict with the implementation of this measure. The proposed project would comply with the latest energy efficiency standards and incorporate applicable energy efficiency features required by the Building Energy Efficiency Standards which include requirements in the Energy Code (Title 24, Part 6) designed to reduce project energy consumption.
BL4: Urban Heat Island Mitigation	This control measure aims to reduce urban heat island effects and associated energy use by promoting the use of cool surface treatments for new and resurfaced parking facilities. It also involves developing model building code requirements for cool roofing in new construction and roofing upgrades.	**Consistent.** The proposed project would not involve parking facilities, such as parking lots. However, the proposed project would include approximately 50 acres of lands that are not intended for future housing development and therefore the preserved tree coverage would help to minimize potential urban heat island effect. Furthermore, compliance with California Building Standards Code, also known as Title 24, would require use of cool roofing materials.

Control Measure	Measure Description	Project Consistency
Energy Control Measures		
EN1: Decarbonize Electricity Generation	This measure focuses on lowering carbon emissions by switching fuel sources in electricity generation from fossil fuels to renewable energy sources like wind and solar. It also promotes cogeneration, which produces useful heat along with electricity.	**Consistent.** The project applicant would, at a minimum, be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24, which require, for example, the use of energy efficient building materials and solar readiness. Compliance would assist in the lowering of carbon emissions from energy use.
EN2: Decrease Electricity Demand	This measure focuses on decreasing energy use in the Bay Area by increasing consumer awareness about energy efficiency through education and outreach, and by tracking electricity use.	**Consistent.** The project applicant would, at a minimum, be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24.
Natural and Working Lands Control Measures		
NW2: Urban Tree Planting	This control measure promotes the planting of trees in urbanized settings to provide shading, reduce the urban heat island effect, and absorb ambient criteria air pollutants and carbon dioxide (CO_2).	**Consistent.** The project site would include approximately 50 acres of lands that are not intended for future housing development. In addition, according to applicant-provided information, any removed trees would be replaced, maintaining tree canopy and coverage.
WA3: Green Waste Diversion	This control measure aims to develop model policies to facilitate local adoption of ordinances and programs to reduce the amount of green waste going to landfills.	**Consistent.** The waste service provider for the proposed project will be required to meet the Assembly Bill (AB) 341 and Senate Bill (SB) 939 and SB 1374 requirements that require waste service providers to divert green waste. Since September 1, 2017, the City has used the web-based Green Halo System to document and monitor compliance with State mandated standards regarding waste diversion. In addition, AB 1383 went into effect on January 1, 2022, which aims to reduce organic waste disposal by 75 percent by 2025 and to secure 20 percent of surplus edible food for the food insecure by 2025.
WA4: Recycling and Waste Reduction	This control measure aims to identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	**Consistent:** The waste service provider for the proposed project will be required to meet the AB 341, SB 939, and SB 1374 standards that require recyclable waste to be recycled and 75 percent of waste to be removed from the landfill waste stream by 2020.

Control Measure	Measure Description	Project Consistency
Stationary Control Measures		
SS36: Particulate Matter from Trackout	This measure aims to develop a regulation (Regulation 6, Particulate Matter; Rule 6: Trackout) to address mud and dirt tracked out from construction sites, bulk material storage locations, and disturbed surfaces onto public paved roads, where it can be pulverized into fine particles and entrained into the air.	**Consistent with mitigation**. To reduce fugitive dust emissions and demonstrate consistency with SS36, MM-AIR 1 is proposed, which would require the implementation of the Bay Area Air District's recommended mitigation measures for construction fugitive dust control. MM AIR-1 would be implemented to reduce fugitive dust and trackout during project construction. In addition, mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on the Bay Area Air District's requirements. Therefore, with implementation of MM AIR-1 the proposed project would be consistent with this measure.
Transportation Control Measures		
TR9: Bicycle and Pedestrian Access and Facilities	This measure will expand bicycle facilities and improve pedestrian facilities to serve employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Improvements include bike lanes, routes, paths, bicycle parking, and a bike share pilot project for bicycles. Pedestrian improvements include sidewalks/paths, benches, crosswalks, curb extensions, and street trees.	**Consistent.** The proposed project would include improvements to an approximately 1,600-foot-long emergency access road primarily in the vicinity of the proposed project that would remain undeveloped (see Exhibit 2-6) and would connect the western end of the proposed Masson Estates Way to the intersection of Pierce Road and Vintage Lane to the south, providing bicycle and/or pedestrian access throughout the site for future residents and users of the proposed project.
Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Final 2017 Clean Air Plan. April 19.		

As shown in Table 3.2-6, the proposed project would not conflict with the control measures contained in the 2017 Clean Air Plan and would be consistent with the second criterion for determining consistency with the AQP.

Hindrance of Implementation of AQP Control Measures

The proposed project would not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementing any AQP control measures. As discussed above, the proposed project would be consistent with the primary goals of the 2017 Clean Air Plan and would not disrupt or hinder the implementation of any AQP control measures. Accordingly, the proposed project is consistent with the third criterion for determining consistency with the AQP.

Summary

With incorporation of MM AIR-1, the proposed project would not conflict with or obstruct implementation of the applicable AQP and impacts would be less than significant.

Level of Significance

Potentially significant impact.

Mitigation Measures

MM AIR-1 Implement Bay Area Air District Best Management Practices to Control Dust During Construction

The following dust control measures, as recommended by the Bay Area Air Quality Management District (Bay Area Air District), shall be included in the project construction plans and implemented during construction:

- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The construction contractor shall take corrective action within 48 hours. The Bay Area Air District's and Santa Clara County's phone numbers shall also be visible to ensure compliance with applicable regulations.

Level of Significance After Mitigation

Less than significant impact.

Impact AIR-2: The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.

Impact Analysis

This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. A region's nonattainment status results from past and present development within the region. The SFBAAB is in nonattainment for State and federal ozone and $PM_{2.5}$ standards and in nonattainment for State PM_{10} standards. Potential impacts could result in exceedances of State or federal standards for NO_X, ROG, particulate matter (PM_{10} and $PM_{2.5}$), or CO. NO_X and ROG emissions during both construction and operation are precursors in the formation of airborne ozone, for which the region is in nonattainment. PM_{10} and $PM_{2.5}$ are of concern during construction because of the potential exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion and potential health effects. Therefore, new development projects (such as the proposed project) within the SFBAAB could contribute to this impact on a cumulative basis.

According to CEQA Guidelines Section 15355, a cumulative impact is the change in the environment that results from the incremental impact of the project under review in conjunction with other past, present, and reasonably foreseeable future projects. Furthermore, according to the Bay Area Air District 2022 CEQA Guidelines, the central requirement of the CEQA environmental analysis is to determine whether implementing a project would result in any significant adverse impact on the environment, either individually or cumulatively. This requires an evaluation of whether the project would have a significant impact by itself, and then an evaluation of whether the project may contribute to a significant cumulative impact in conjunction with other past, present, and reasonably foreseeable future projects that also contribute to the impact. According to the Bay Area Air District, both parts of this evaluation must be met for a project's impact to be treated as significant under CEQA. If the overall cumulative impact does not rise to the level of a "significant" impact, or if the project's incremental contribution is not cumulatively considerable, then the project's impact is not treated as significant. Cumulatively considerable means that the incremental effect of the specific project under review would be significant when viewed in the context of the overall cumulative problem.

According to the Bay Area Air District, if a project exceeds the identified project-level thresholds of significance, its emissions would result in a significant adverse air quality impact.

Construction Emissions

Construction Fugitive Dust

During construction, fugitive dust (PM_{10}/$PM_{2.5}$) would be generated from site grading and other earthmoving activities. The majority of this fugitive dust would remain localized and deposited near the project site; however, fugitive dust may have regional impacts unless control measures are implemented to reduce this source's emissions. Exhaust emissions would also be generated from the operation of the off-road construction equipment and on-road construction vehicles.

For a project to have a less than significant criteria air pollutant impact related to construction-related fugitive dust emissions, it must implement all of Bay Area Air District's basic Best Management Practices (BMPs) listed in the Bay Area Air District guidelines.[12] As discussed above, the proposed project would implement MM AIR-1, which would require all construction BMPs to be implemented to control dust. Therefore, construction impacts related to fugitive dust would be less than significant with implementation of MM AIR-1.

Construction Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

CalEEMod was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from various land use projects and is the model recommended by the Bay Area Air District for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the Bay Area Air District to assess ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions to determine significance for this impact.

For purposes of this analysis, the construction of the proposed project was assumed to begin mid-2026 and last approximately 18 months.[13]

Construction activities such as demolition (of trees), site preparation, grading, excavation, and travel on unpaved surfaces would generate dust and may lead to elevated concentrations of PM_{10} and $PM_{2.5}$. As the Bay Area Air District dust control measures would be required pursuant to MM AIR-1 to ensure fugitive dust impacts are less than significant, the emission estimates shown below account for the implementation of these dust control measures. The operation of construction equipment results in exhaust emissions, which include ROG and NO_X.

Table 3.2-7 presents construction-period emissions that would result from the development of the proposed project. Complete CalEEMod output files are included as part of Appendix B.

Table 3.2-7: Construction Emissions by Construction Year

Construction Activity	Criteria Pollutant Emissions (tons)			
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Site Preparation (2025)	0.017	0.1650	0.007	0.006
Grading	0.049	0.451	0.019	0.017
Building Construction (2025)	0.065	0.592	0.024	0.022
Building Construction (2026)	0.102	0.929	0.035	0.033

[12] Bay Area Air Quality Management District (Bay Area Air District). 2022. Project-Level Air Quality Impacts, Table 5-2, California Environmental Quality Act Air Quality Guidelines.

[13] The worst-case scenario was modeled for construction-related emissions. The modeling assumed that construction would begin in mid-2026 and would occur over approximately 18 months. Because fuels and equipment fleets become cleaner over time, construction-related emissions decrease over time as well. Therefore, if construction begins in later years, construction-related emissions will be lower than when modeled to occur in earlier years. While applicant-provided information indicates that construction may include a duration of 36–48 months, the 18-month modeling represents a conservative, worst-case scenario because emissions are assumed to occur in earlier years and over shorter periods of time (which would result in higher daily emissions).

Construction Activity	Criteria Pollutant Emissions (tons)			
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Paving (2026)	0.012	0.082	0.003	0.003
Architectural Coating (2026)	0.855	0.009	0.000	0.000
Total Emissions (tons)	1.10	2.22	0.09	0.08
Total Emissions (pounds)	2201.4	4445.8	177.3	163.1
Average Daily Emissions (pounds/day)	**5.79**	**11.70**	**0.47**	**0.433**
Bay Area Air District Significance Thresholds (pounds/day)	**54**	**54**	**82**	**54**
Significant Impact?	No	No	No	No

Notes:
Bay Area Air District = Bay Area Air Quality Management District
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
ROG = reactive organic gases

This analysis relies on a 380-day construction schedule, consistent with the construction schedule and modeling results contained in Appendix B. The analysis includes dust-reduction measures. Tree demolition is included in the site preparation phase.

The average daily emissions are calculated using 380 construction working days for the proposed project.
Source: Appendix B.

As shown above in Table 3.2-7, the proposed project's construction emissions would not exceed any of the applicable significance thresholds. Therefore, the proposed project would not have a cumulatively considerable contribution to air quality during project construction.

Cumulative Operational Emissions

Operational Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

Following project construction, long-term operational emissions would be generated from daily operations of the project. Operational emissions would include area, energy, and mobile sources. Area sources would include emissions from architectural coatings, consumer products, and landscape equipment. Energy sources include emissions from the combustion of natural gas for water heaters and other heat sources. Mobile sources include exhaust and road dust emissions from the automobiles that would travel to and from the project site. Stationary sources include emissions from stationary source equipment, such as backup generators, which would require a permit issued by the Bay Area Air District (and are not applicable for the proposed project). As previously discussed, pollutants of concern include those for which the SFBAAB is in nonattainment, including ozone precursors ROG and NO_X, PM_{10}, and $PM_{2.5}$.

Proposed project operations were analyzed at full buildout immediately following the completion of construction in 2026 and are compared against the Bay Area Air District quantitative threshold in Table 3.2-8.

Table 3.2-8: Operational Regional Pollutants

Emissions Source	ROG	NO_X	PM_{10} Total	$PM_{2.5}$ Total
Mobile (tons/year)	0.13	0.13	0.30	0.08
Area (tons/year)	0.56	0.00	0.00	0.00
Energy (tons/year)	0.00	0.05	0.00	0.00
Total (tons/year)	0.70	0.18	0.30	0.08
Total (pounds/year)	**1,398**	**356**	**601**	**162**
Significance Threshold (tons/year)	**10**	**10**	**15**	**10**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**
Average Daily Emissions				
Daily Average (pounds/day)[1]	**3.83**	**0.97**	**1.65**	**0.44**
Significance Threshold (pounds/day)	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

Notes:
Bay Area Air District = Bay Area Air Quality Management District
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
ROG = reactive organic gases
[1] The average daily emissions are calculated using 365 operational days in 2027.
Source: Appendix B.

As shown in Table 3.2-9, the proposed project's daily operational emissions would not exceed any of the Bay Area Air District thresholds of significance.

Therefore, the proposed project would not result in a considerable net increase of any criteria pollutant for which the project region is in nonattainment during operation or construction.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM AIR-1.

Level of Significance After Mitigation Measures

Less than significant impact.

Sensitive Receptors Exposure to Pollutant Concentrations

Impact AIR-3: The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

Impact Analysis

The proposed project could expose sensitive receptors to elevated pollutant concentrations if it causes or contributes significantly to elevated pollutant concentration levels. The closest sensitive receptors include single-family residences within 1,000 feet to the east of the project site (specifically, approximately 280 feet from the proposed project site). Unlike regional emissions, localized emissions, such as those from a specific source like the proposed project, are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects. A construction HRA was prepared for the proposed project and the modeling details are contained in Appendix B and the results of the HRA are summarized below. The project operation would constitute 25 single-family homes. Operation-related sources of emissions from single-family homes include passenger vehicles—which are primarily gasoline-fueled, with an increasing percentage being all-electric—and landscaping equipment, fireplaces and hearths, and delivery trucks. These sources do not represent significant sources of TACs or $PM_{2.5}$ and, accordingly, an operational HRA is not warranted.

Construction Health Risk Assessment

Diesel Particulate Matter and Cancer Risks

The proposed project would include the construction and operation of 25 single-family homes. During construction, the proposed project would result in emissions of several TACs that could potentially impact nearby sensitive receptors. The Bay Area Air District has defined health risk significance thresholds. These thresholds are represented as a cancer risk and a non-cancer hazard to the public from exposures to TACs. Cancer risk represents the probability (in terms of risk per million individuals) that an individual would contract cancer resulting from exposure to TACs continuously over a period of several years.

The principal TAC emission analyzed in this assessment was DPM from operation of off-road equipment and diesel fuel delivery and worker vehicles during construction. DPM has been identified by the ARB as a carcinogenic substance. Diesel PM is the most significant TAC, accounting for roughly 85 percent of the cancer risk from air toxics in the region. For purposes of this analysis, DPM is represented as exhaust emissions of PM_{10}.

Cancer risks are estimated as the upper-bound incremental probability that an individual will develop cancer as a direct result of exposure to potential carcinogens over a specified exposure duration. The cancer risk attributed to a chemical is calculated by multiplying the chemical intake or dose at the human exchange boundaries (e.g., lungs) by the chemical-specific cancer potency factor (CPF). A risk level of 10 in a million implies a likelihood (or risk) that up to 10 persons out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer risk that is in addition to any environmental cancer risk borne by a person not exposed to these air toxins.

Health Risk Assessment Calculations

The HRA was conducted utilizing the ARB's Hot Spots Analysis and Reporting Program Version 2 (HARP2) to automatically calculate risks for the project using the Office of Environmental Health Hazard Assessment's (OEHHA) promulgated cancer potency and RELs. HARP2 is the recommended model for calculating and presenting HRA results because it follows the Bay Area Air District risk assessment guidance methodology and is consistent with Bay Area Air District Regulation 2-5. Since AERMOD (the EPA's recommended air dispersion modeling system) was run with project emission rates to directly calculate potential DPM and $PM_{2.5}$ concentrations, the Health Risk Assessment Stand-alone Tool (RAST) version of HARP2 was used.

The HRA follows Bay Area Air District CEQA Guidelines based on OEHHA guidance. This risk assessment intake methodology addresses children's greater sensitivity and health impacts from early exposure to carcinogenic compounds. The chemical intake or dose, describing the frequency and duration of the exposure, is estimated using the receptor's breathing rates, exposure duration, and exposure frequency. The calculations include the use of age-specific weighting factors, breathing rates, fraction of time at home, and reduced exposure durations. These factors are described below. A summary of the HARP2 HRA inputs and cancer and non-cancer risk results for each receptor group (i.e., resident, off-site worker, and student), as well as additional modeling details and data, are available in Appendix A.

Age Sensitivity Factors–According to OEHHA, young animals are more sensitive than adult animals to exposure to many carcinogens. Therefore, OEHHA developed age sensitivity factors (ASFs) to account for the increased sensitivity to carcinogens during early-in-life exposures. Accordingly, the cancer risk methodology applies different ASFs by age groups. The ASFs utilized a 10-fold multiplier in sensitivity for the third trimester and infants less than age 2, a 3-fold increase in sensitivity for children ages 2 to 16 years old, and a sensitivity factor of 1 for ages 16 and older.

Daily breathing rates (age-specific daily air intake)–For residential receptors, the HRA utilizes the 95th percentile breathing rates for the most sensitive age groups (less than 2 years of age) and 80th percentile for all other age groups. This approach jointly developed by the ARB and California Air Pollution Control Officers Association (CAPCOA) and adopted by Bay Area Air District is referred to as the "Risk Management Policy" and was developed to consider the new science in risk assessment while providing a reasonable estimate of potential cancer risk for risk management decisions and was used in this HRA. The HRA uses 95th percentile 8-hour breathing rates for moderate intensity activities for worker and student exposure.

Time at home–The time at home applies only applies to residential receptors. Residents are assumed to be at home 350 days per year, which assumes individuals are away for approximately 2 weeks of vacation. The fraction of time at home refers to the estimated amount of time residents stay at home during these 350 days. The HRA uses the OEHHA and Bay Area Air District recommended values of 73 percent time at home for 16-year-olds and above based on based on population and activity statistics. The HRA also assumes 100 percent time at home for receptors under age 16 to address exposures at local schools close to emitting sources. Even though infants and children may not be at their residence all the time, they are likely to remain in the neighborhood (at schools or neighbors) and would be exposed to similar levels of the pollutants.

Exposure Duration–OEHHA 2015 guidelines specify a 30-year residential exposure duration for estimating cancer risk at the Maximally Exposed Individual Receptor (MEIR), which is the individual resident who is assumed to be at the highest exposure. This is based on studies showing that 30 years is a reasonable estimate of the 90th to 95th percentile of residency duration in the population. A 25-year standard exposure duration is the default to estimate cancer risk for off-site workers. However, risk assessors can use other exposure durations with proper justification and documentation. For example, short-term projects (e.g., construction projects) can now be evaluated for as short a duration as 6 months. The proposed project is evaluated based on the construction schedule from June 2, 2025—November 13, 2026, over a period of 18 months.

Residential Cancer Risk–Cancer risk for individual resident receptors exposed to DPM were calculated utilizing the "Risk Management Policy" option for inhalation, specifying that residents spend 100 percent time at home for ages less than 16 years old. Consistent with OEHHA guidance, the start of residential exposure was assumed to occur in the third trimester (-0.25 years) to accommodate the increased susceptibility of exposures in early life. Since the construction is anticipated to occur for 1.45 years, the residential exposure starts with the unborn child at the third trimester (when construction begins) and continues until the child is 1.2 years of age. Because there are no significant sources of TAC emissions during operations, the exposure assessment is limited to the duration of the proposed project construction, which is conservatively anticipated to be 18 months but could be as long as 36–48 months. However, an 18-month modeling analysis represents a worst-case scenario, as emissions would occur over shorter periods of time and therefore daily emissions would be higher.

Non-cancer Chronic Health Risks–Chronic RELs are used to assess not only residential health impacts but also worker and student health impacts. As discussed below, there are no workplaces or schools identified within 1,000 feet of the proposed project site.

Worker Cancer Risk–No notable commercial, office or industrial workplaces were identified within the 1,000 feet buffer area. The cancer and non-cancer risk at the MEIR represent the maximum impact. Any workers within the 1,000-foot modeling radius would be exposed at levels lower than the MEIR.

HARP2 Inputs and Results–HARP2 Output files are included in Appendix B to document the HRA exposure parameters and risk results.

Toxic Air Contaminant Construction Analysis

Major sources of DPM during construction include off-road construction equipment and heavy-duty delivery truck activities. The results of the HRA prepared for project construction for cancer risk and long-term chronic health risk are summarized below. Air dispersion modeling was utilized to assess the proposed project's potential health risks using AERMOD Version 22112, which is the air dispersion model accepted by the EPA and the Bay Area Air District for preparing HRAs. Exhaust emissions of DPM (as PM_{10} exhaust) were estimated using CalEEMod Version 2022.1.1.24. The health risk exposure assessment was conducted using the ARB HARP2 model. The construction emissions were assumed to be distributed over the project area with a working schedule of eight hours per day and 5 days per week. Emissions were adjusted by a factor of 4.2 to convert an 8 hour-

per-day, 5 day-a-week construction scenario for use with a 24-hour-per-day, 365 day-per-year averaging period. Detailed parameters, a description of methodology, and calculations are contained in Appendix B.

Grid receptors were placed in a grid out to a distance of 1,000 feet of the project site. No notable commercial, office, or industrial workplaces were identified within the 1,000-foot buffer area. The cancer and non-cancer risk at the MEIR represent the maximum impact. Any workers within the 1,000-foot modeling radius would be exposed at levels lower than the MEIR. The estimated health and hazard impacts at the residential MEIR are provided in Table 3.2-9.

Table 3.2-9: Summary of Health Risks at the Maximum Exposed Individual Receptor (Unmitigated Construction)

Impact Scenario	Cancer Risk[1] (risk per million)	Chronic Non-Cancer Hazard Index[2]	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Residential MEIR (Located near the southeastern border of the project site)			
Unmitigated Project Construction	8.7	0.008	0.0414
Thresholds of Significance	10	1	0.3
Exceeds Individual Source Threshold?	**No**	**No**	**No**

Notes:
MEIR = Maximally Exposed Individual Receptor
$PM_{2.5}$ = particulate matter 2.5 micrometers or less in diameter
$\mu g/m^3$ = micrograms per cubic meter
[1] Cancer risk is identified by multiplying the risk sum from HARP2 by 1,000,000.
[2] Chronic non-cancer hazard index was estimated using HARP2.
[3] The 0.3 ($\mu g/m^3$) is $PM_{2.5}$ concentration threshold. PM_{10} concentration is calculated in HARP2. If the PM_{10} does not exceed the threshold, then $PM_{2.5}$ would not exceed the threshold.
Source of Thresholds: Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines.
Sources of Project-specific Data: Appendix B.

As shown in Table 3.2-10, the proposed project's construction DPM emissions would not result in health risks exceeding the cancer risk significance threshold or non-cancer HI significance threshold at the residential MEIR. Therefore, the proposed project would not result in a significant impact on nearby receptors from TACs during construction.

Cumulative Health Risk Assessment

A cumulative HRA was conducted in accordance with Bay Area Air District guidance. The cumulative health risk values were determined by adding the health risk values from refined modeling of the proposed project's construction to the screening-level health risk values from stationary and mobile sources identified within a 1,000-foot radius of the site. It should be noted that there is one stationary source identified within 1,000 feet of the project boundary. The Bay Area Air District stationary sources are added to the MEIR health risks (from project construction) because there are no school or worker sensitive receptors as defined by the Bay Area Air District within 1,000 feet of the proposed project.

The analysis results of the HRA are shown in Table 3.2-10. The cumulative health risks from proposed project construction in addition to the existing stationary source to off-site receptors would not exceed the Bay Area Air District cumulative health risk significance thresholds, and therefore this impact would be less than significant.

Table 3.2-10: Cumulative Health Risks at the Maximally Exposed Individual Receptor

Source	Cancer Risk (per million)	Chronic HI	$PM_{2.5}$ Concentration ($\mu g/m^3$)
***Residential MEIR* (located at southeastern border of project site)**			
Project Source–Unmitigated Construction	8.700	0.008	0.0414
Air Basin Roadways	0.571	0.003	0.027
Air Basin Railways	0.000	0.000	0.000
Bay Area Air District Permitted Stationary Source: Verizon Wireless (Facility ID 21425)	1.236	0.002	0.002
Cumulative Health Risks at MEIR	10.507	0.013	0.0704
Bay Area Air District Cumulative Thresholds of Significance	100	10	0.8
Exceeds Threshold?	**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
Bay Area Air District = Bay Area Air Quality Management District
DPM = diesel particulate matter
HI = hazard index
MEIR = Maximally Exposed Individual Receptor
ND = No Data
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
The health risks and concentrations from railway, roadway and stationary sources are based on Bay Area Air District screening tools.

Carbon Monoxide Hotspot

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at areas with high vehicle density, such as intersections with heavy peak-hour traffic. The CO emissions from traffic generated by the proposed project are a potential concern at the local level because project trip generation could lead to congested intersections that can result in high localized concentrations of CO.

The Bay Area Air District provides screening criteria to determine whether implementing the proposed project could result in local CO emissions that exceed thresholds of significance.[14] If all the

[14] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 10, 2024.

screening criteria are met, operation of the proposed project would result in a less than significant impact related to CO:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; and
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Consistency with an Applicable Congestion Management Program

In accordance with SB 743, transportation analyses in accordance with CEQA no longer use delay-based metrics such as congestion to analyze project impacts. The proposed project does not involve a change in zoning, nor would it involve a major transportation project, and it is therefore consistent with the applicable congestion management program, which is the regional plan implemented by the Valley Transportation Agency (VTA). The VTA is the congestion management agency for Santa Clara County and is tasked with monitoring roadway traffic congestion.

Increase Traffic Volumes at Affected Intersections to No More Than 44,000 Vehicles Per Hour

The California Department of Transportation (Caltrans) Traffic Census Program[15] provides traffic volume data for the State Highway System. State Route (SR) 9 is the nearest highway which would experience the most traffic compared to other nearby roadways. According to the Traffic Census Program, the sections of U.S. Highway 101 (US-101) near the project site (at Pierce Road) receive a peak-hour traffic volume of 1,100 vehicles. Trip generation rates were calculated in CalEEMod (Appendix B); the proposed project is anticipated to add approximately 238 daily trips (according to the peak day, Saturday). Therefore, even with the addition of daily trips generated by the proposed project, no nearby intersections impacted by the proposed project would experience traffic volumes of 44,000 vehicles per hour. Therefore, the proposed project would not result in any nearby intersection having peak-hour traffic volumes exceeding 44,000 vehicles per hour.

Increase Traffic Volumes Where Vertical and/or Horizontal Mixing Is Substantially Limited

CO hotspots can occur when a transportation facility's design or orientation prevents the adequate dispersion of CO emissions from vehicles, resulting in the accumulation of local CO concentrations. The design or orientation of a transportation facility that may prevent the dispersion of CO emissions include tunnels, parking garages, bridge underpasses, natural or urban canyons, below-grade roadways, or other features where vertical or horizontal atmospheric mixing is substantially limited. The proposed project does not include such features, and adjacent roadways that would receive new vehicle trips generated by the proposed project do not include roadway segments where vertical or

[15] California Department of Transportation (Caltrans). 2025. Traffic Census Program. Website: https://dot.ca.gov/programs/traffic-operations/census. Accessed December 16, 2025.

horizontal atmospheric mixing is substantially limited. Accordingly, the proposed project would not increase traffic volumes at affected intersections where vertical and/or horizontal mixing is substantially limited.

Therefore, based on the above criteria, the proposed project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Objectionable Odors Exposure

Impact AIR-4:	**The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.**

Impact Analysis

Odor impacts on residential areas and other sensitive receptors, such as hospitals, daycare centers, schools, etc., warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.

According to Bay Area Air District 2022 CEQA Guidelines, odor impacts could occur if the proposed project proposes a new odor source near existing receptors. The presence of odor impacts is dependent on several variables, including the nature of the odor source (e.g., wastewater treatment plant, food processing plant), frequency of the odor, intensity of the odor, distance of the odor to sensitive receptors, wind direction and sensitivity of the sensitive receptor.

Table 3.2-11 demonstrates the Bay Area Air District list of recommended odor screening distances for specific odor-generating facilities. Notably, single-family residential homes are not considered odor-generating facilities.

Table 3.2-11: Bay Area Air District Odor Screening-level Distances Thresholds

Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles

Land Use/Type of Operation	Project Screening Distance
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Metal Smelting Plants	2 miles
Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. 2022 CEQA Guidelines.	

Construction-related Odors

Potential sources that may emit odors during construction activities include exhaust from diesel construction equipment. However, because of the temporary nature of these emissions, the intermittent nature of construction activities, and the highly diffusive properties of DPM exhaust, nearby receptors would not be affected by diesel exhaust odors associated with project construction. Odors from these sources would be localized and generally confined to the immediate area surrounding the project site. The proposed project would utilize typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Therefore, construction of the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts would be less than significant.

Operational-related Odors

The proposed project includes the construction of 25 single-family residential homes. As previously stated, land uses that are typically identified as sources of objectionable odors include those outlined in Table 3.2-11. The proposed project would not involve any of the uses in Table 3.2-11. Minor sources of odors, such as exhaust from mobile sources, are not typically associated with numerous odor complaints, but are known to have temporary and not significant odors. Therefore, operation of the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.2.8 - Cumulative Impacts

Consistency with Air Quality Management Plan

Regional air quality effects are inherently cumulative. The nonattainment status of regional pollutants results from multiple sources in the air basin, both past and present. The potential for the proposed project to result in significant criteria air pollutant emissions, and therefore a cumulatively considerable contribution to potential impacts associated with consistency with the AQP, is addressed under Impact AIR-1, Impact AIR-2, and Impact AIR-3. According to the Bay Area Air District 2022 CEQA Guidelines, for a project to result in a cumulative impact, there must be a significant overall cumulative impact and the project's incremental contribution must be cumulatively considerable (meaning the incremental effect of the specific project will be significant when viewed in the context of the overall cumulative problem). If a project's individual emissions would be less than the thresholds identified above, the project would not be expected to result in a cumulatively considerable incremental contribution to the significant cumulative impact. As discussed under Impact AIR-1, the proposed project is consistent with the current AQP and impacts related to consistency with the AQP would be less than significant with implementation of MM AIR-1. Therefore, the proposed project's incremental contribution would also be less than cumulatively considerable with regard to consistency with the AQP.

Criteria Pollutants

The geographic area of this cumulative analysis is the SFBAAB. The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable.

Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in emissions that exceed the Bay Area Air District thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. As noted in the analysis above, the proposed project does not exceed project-level thresholds of significance for construction and operational-related emissions of criteria air pollutants with implementation of MM AIR-1. Therefore, the proposed project would have a less than significant cumulative impact.

Toxic Air Contaminants

The geographic area of this cumulative analysis is a 1,000-foot boundary around the project site, as recommended by the Bay Area Air District.[16] The closest sensitive receptors include single-family residences within 280 feet of the project site; additional single-family residences are present within the full 1,000-foot radius. An HRA was conducted to assess potential health impacts from exposure to TACs from construction-related activities. The estimated health impacts at the MEIR (after mitigation) are below the Bay Area Air District thresholds of significance. Therefore, the proposed project will not result in significant health risks to nearby receptors.

New development projects within 1,000 feet of the project site (such as The Mountain Winery Project) may introduce construction-related TAC emissions; however, these emissions are unlikely to occur simultaneous to the proposed project, and construction emissions are short-term and temporary in nature.

Operation of the proposed project itself will not introduce new sources of TACs to the area. Accordingly, the proposed project would not have a cumulatively considerable contribution to impacts that would expose the public within the geographic area to substantial cumulative pollutant concentrations. Therefore, no cumulative impact would occur.

Objectionable Odors

Odors are a localized impact. The type of facilities that are considered to result in emissions leading to objectionable odors generally include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food processing facilities. No such uses are present in the vicinity of the project site and the proposed project is limited to residential uses. Therefore, there is no significant cumulative impact related to odor.

Level of Cumulative Significance

Potentially significant impact.

Mitigation Measures

MM AIR-1 Implement Bay Area Air District Best Management Practices to Control Dust During Construction

The following dust control measures, as recommended by the Bay Area Air Quality Management District (Bay Area Air District), shall be included in the project construction plans and implemented during construction:

[16] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Guidelines, Appendix E. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/appendix-e-recommended-methods-for-screening-and-modeling-local-risks-and-hazards_final-pdf.pdf?rev=b8917a27345a4a629fc18fc8650951e4&sc_lang=en. Accessed July 10, 2024.

- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The construction contractor shall take corrective action within 48 hours. The Bay Area Air District and the Santa Clara County's phone numbers shall also be visible to ensure compliance with applicable regulations.

Level of Cumulative Significance After Mitigation

Less than significant impact.

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3.3 - Biological Resources

3.3.1 - Introduction

This section describes the existing biological setting and potential effects from project implementation on the project site and the surrounding area. This section also identifies mitigation measures to reduce potential effects to less than significant levels where applicable. Descriptions and analysis in this section are based, in part, on a Biological Resources Assessment (BRA) prepared by FirstCarbon Solutions (FCS), including an Aquatic Resource Delineation Report (2023) prepared by FCS; a Habitat Assessment for California Red-Legged Frog (2019) by Mark Jennings; a Pre-construction Dusky-footed Woodrat Survey (2014) prepared by Olberding Environmental, Inc; and a Tree Inventory, Assessment and Protection Report (2023) prepared by Monarch Consulting Arborists. All supporting documents are contained in Appendix C.

The following public comments were received during the Environmental Impact Report (EIR) scoping period related to biological resources.

- Statement that the project area is a place for wildlife to live and roam.
- Concerns about tree removal on-site.
- Questions related to replacement of protected trees by Coast Live Oak trees.
- Reference to Saratoga regulations for tree removal and replacement.
- Concerns related to newborn birds in nests.
- Concerns related to squirrels, squirrel nests, and newborn squirrels.
- Concerns related to newborn rabbits, bobcats, fox, or other animals living on the property.
- Concerns related to impacts on wildlife movement.
- Concerns related to plant and wildlife species on the site.
- Reference to Saratoga City Ordinance 12-29.020.
- Concerns related to the impact of the removal of 367 trees on-site on animal habitat.
- Concerns related to the environmental impact on native wildlife species.
- Concerns related to the environmental impact of tree removal.
- California Department of Fish and Wildlife (CDFW) recommended measures for bats, nesting birds, sensitive natural plant communities, and wildlife movement and connectivity.
- Request to report any special-status species and natural communities detected during project surveys to the California Natural Diversity Database (CNDDB).
- Concerns related to noise impacts to wildlife.

These comments are addressed throughout this section. Noise impacts are addressed in Section 3.11, Noise.

3.3.2 - Environmental Setting

The project site consists of 72.45 acres. Within the northern portion of the 72.45-acre parcel is the 19.03-acre Study Area, which comprises an 18.29-acre Development Area and a 0.74-acre Emergency Access Road. There is a small, abandoned structure present in the western portion of the Development Area. The Study Area is the focus of the biological components of this report, as the remaining areas (53.42 acres) are not proposed for development. The project site is generally located within the southwestern corner of the City of Saratoga (City). More specifically, the project site is located east of The Mountain Winery, north of State Route (SR) 9 and west of Pierce Road. The project site is located within Assessor's Parcel Number (APN) 503-46-005 and within the *Cupertino, Californi*a United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map (Latitude: 37.259797, Longitude: -122.057001) (Chapter 2, Project Description, Exhibit 2-2 and Exhibit 2-2a).

Soils, Typography, and Hydrology

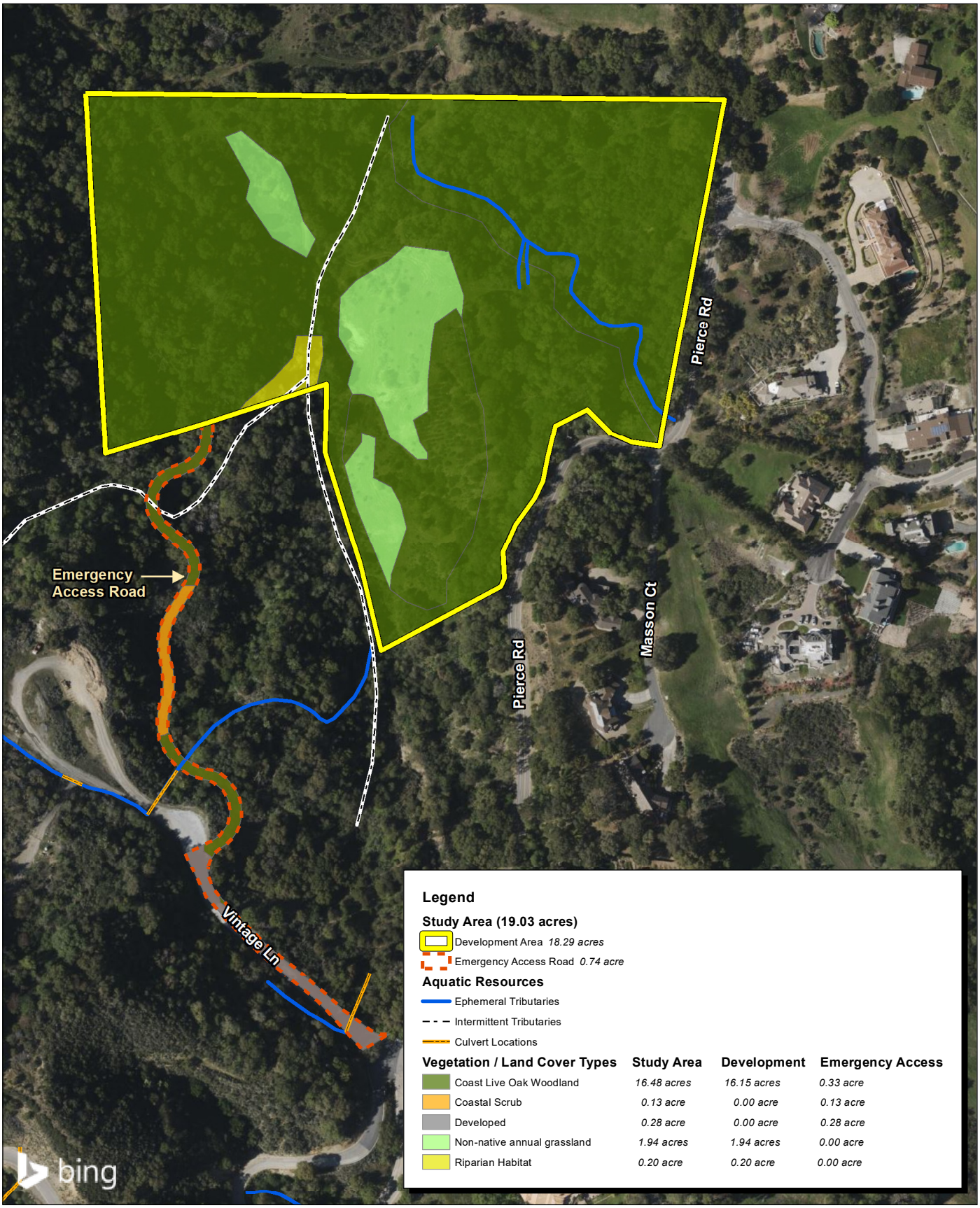
Elevations within the Study Area range from 1,118 feet above mean sea level (AMSL) on the western boundary to 625 feet AMSL along the northern boundary. Elevations along the eastern and southern boundary are approximately 865 and 750 feet AMSL, respectively. A ridge occurs on the western boundary of the Study Area which extends in a southeasterly direction toward the center of the Study Area. Given that the northern site boundary represents the Study Area's lowest elevation, precipitation drains in a northerly direction through a network of ephemeral and intermittent drainage channels. These flows travel northeast off-site for approximately 0.3 mile before ultimately emptying into Calabazas Creek, a tributary of the San Francisco Bay. The location and extent of each drainage channel is shown on Exhibit 3.3-1, Vegetation Communities and Land Cover Types.

Soil survey information for the Study Area was obtained from the United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Web Soil Survey.[1] The NRCS Web Soil Survey (WSS) depicts two soil types within the Study Area: Mouser-Katykat-Sanikara complex and Literr-Urbanland-Merbeth complex. The Mouser-Katykat-Sanikara is a well drained non-saline soil and generally include colluvium derived from mudstone and/or colluvium derived from sandstone and/or residuum weathered from sandstone and/or residuum weather from mudstone. The Literr-Urbanland-Merbeth is also a well drained and non-saline soil generally derived from old, eroded alluvium.

Vegetation Communities and Land Cover Types

Vegetation communities are assemblages of plant species growing in an area of similar biological and environmental factors. The following section describes the vegetation communities and land cover types found in the Study Area during the Aquatic Resources Delineation survey completed on October 26, 2023, and the BRA survey completed on March 21, 2024. The location and extent of each vegetation community is shown on Exhibit 3.3-1.

[1] United States Department of Agriculture (USDA). 2024. National Resources Conservation Service Web Soil Survey. Website: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed December 16, 2025.



Vegetation / Land Cover Types	Study Area	Development	Emergency Access
Coast Live Oak Woodland	16.48 acres	16.15 acres	0.33 acre
Coastal Scrub	0.13 acre	0.00 acre	0.13 acre
Developed	0.28 acre	0.00 acre	0.28 acre
Non-native annual grassland	1.94 acres	1.94 acres	0.00 acre
Riparian Habitat	0.20 acre	0.20 acre	0.00 acre

Source: Bing Aerial Imagery. Hanna-Brunetti Civil Engineers, 02/2024.

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250 125 0 250 Feet

Exhibit 3.3-1
Vegetation Communities and Land Cover Types

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Intermittent Tributaries

An intermittent tributary is defined as a watercourse that is temporally intermittent or seasonal and that flows during the wet season, continues to flow after a period of precipitation, and ceases surface flow during at least part of the dry season.

There are two intermittent tributary features within the Study Area. The first segment is part of a naturally occurring headwater drainage that drains direct precipitation from the Study Area. It runs through the center of the Study Area, where it generally drains to the north, connecting to Calabazas Creek outside the northern Study Area boundary (Appendix C.2). This feature is heavily incised and composed of gravelly substrate. At the time of the survey no flowing water was present, but small areas of stagnant water were observed in various reaches, indicating an intermittent hydrological regime. This drainage segment is located under an intermittently closed and open canopy of mixed oak woodland, with dominant species consisting of coast live oak *(Quercus agrifolia)*, arroyo willow (*Salix lasiolepis*), coyote brush (*Baccharis pilularis*), California buckeye (*Aesculus californica*), scouring brush (*Equisetum sp*.), and others. This segment originates within the project site, outside the southern boundary of the Development Area.

The second tributary is also a naturally occurring headwater drainage that drains direct precipitation from the Study Area. It is characterized by scour and sediment deposits. At the time of the survey, flowing water was observed and moist soils were present, indicating an intermittent hydrological regime. This drainage segment is located under a closed canopy of mixed oak woodland, with dominant species consisting of coast live oak, California bay (*Umbellularia californica*), and arroyo willow. This segment likely drains the northern section of the westerly adjacent Mountain Winery property. This segment first enters the western portion of the Study Area, where it passes through the proposed Emergency Access Road under coast live oak woodland habitat; it then enters the southwestern portion of the Development Area before it meets the intermittent segment outlined above where it conveys intermittent flows to the north. Much of the western reach of this drainage was inaccessible due to site topography and dense vegetation. As such, this segment was partially mapped using topographic maps, breaks in vegetation, and the United States Fish and Wildlife Service (USFWS) National Wetland Inventory Mapper. This segment originates off-site, outside the western boundary of the Study Area.

Ephemeral Tributaries

An ephemeral tributary is defined as a watercourse that only carries surface runoff and flows during and immediately after periods of precipitation.

Several ephemeral tributary segments travel through the Study Area. Three segments are located in the northeastern portion of the Study Area (Appendix C.2). Hydrological input is provided by two off-site culverts, one on each side of Pierce Road. These segments drain the northeastern portion of the Study Area to the north/northwest. The segments are characterized by the presence of deeply incised beds and banks and contain scour and sediment deposits. Two of the drainage segments connect to the main segment and appear to be erosional gullies that have developed over time into natural headwater drainages collecting runoff from the terrace upslope. However, at the time of the survey, no flowing water or soil moisture was present.

Two additional segments cross the Emergency Access Road and are located to the south of the Development Area. The first segment is characterized as a continuation of the constructed drainage ditch that has developed into a headwater drainage. This segment originates off-site, outside the western boundary of the Study Area, where it is connected by two culvert segments that pass water under an unnamed road and Vintage Lane before crossing over the proposed Emergency Access Road within coast live oak woodland habitat. This segment conveys ephemeral flows into the intermittent drainage segment which ultimately drains to the north outside the Study Area.

The second segment is an erosional gully/ditch that has developed into a semi-vegetated headwater drainage, which parallels an on-site access road (Vintage Lane) and drains runoff from the adjacent western hillside. This segment originates off-site, immediately to the west/southwest of the Study Area boundary. This segment is connected through a culvert that passes water under Vintage Lane and down the slope to the north/northeast.

Coastal Scrub

Coastal scrub habitat occurs throughout the proposed Emergency Access Road between stands of coast live oak woodland. This habitat type is relatively arid and is characterized by shrubby vegetation. Dominant vegetation includes, but is not limited to, poison oak (*Toxicodendron pubescens*), California sagebrush (Artemisia californica), coyote brush, chamise (*Adenostoma fasciculatum*), sticky monkey flower (*Mimulus aurantiacus*), French broom (*Genista monspessulana*), toyon (*Heteromeles arbutifolia*), and pampas grass (*Cortaderia jubata*).

Non-native Annual Grassland

Patches of non-native annual grassland habitat occur within the central portions of the Development Area. This habitat type is dominated by species like coyote brush, wild oat (*Avena fatua*), rip-gut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), Italian rye grass (*Festuca perennis*), yellow star thistle (*Centaurea solstitialis*), and scarlet pimpernel (*Lysimachia arvensis)*.

Developed

Developed habitat is characterized by areas that have been constructed upon or otherwise physically altered to an extent that native vegetation is no longer supported and retains no soil substrate. Developed land is characterized by permanent or semi-permanent structures, pavement or hardscape, and landscaped areas that often require irrigation. Areas where no natural land is evident due to large amounts of debris or other materials having been placed upon it may also be considered urban/developed (e.g., car recycling plant, quarry). Characteristic vegetation includes unvegetated/bare ground or landscaped with a variety of ornamental (usually non-native) plants.

The Study Area contains a developed road (Vintage Lane) that runs through the southern portions of the proposed Emergency Access Road. Vintage Lane enters the Study Area at Pierce Road and eventually terminates at a large cul-de-sac adjacent to the western boundary of the project site.

Coast Live Oak Woodland

Coast live oak woodland occur in several natural settings over large parts of California, with elevations ranging from sea level to around 5,000 feet. The Development Area and the proposed

Emergency Access Road contain coast live oak woodland, which is the dominant habitat found within the Study Area. These areas are characterized by a relatively closed canopy woodland dominated by coast live oak. Although coast live oak is the dominant species in this habitat, other tree species do co-occur, including valley oak (*Quercus lobata*) and California bay laurel, with a limited number of madrone (*Arbutus menziesii*), black oak (*Quercus kelloggii*), and California buckeye. Dominant understory vegetation included poison oak, coast live oak saplings, French broom, snowberry (*Symphoricarpos albus*), catchweed bedstraw (*Gallum aparine*), and others.

Riparian Habitat

The term "riparian" generally refers to the transition zone between wetlands and uplands, often referring to the primarily woody vegetation associated with both lentic (nonflowing water) and lotic (flowing water) systems. CDFW defines riparian vegetation as "native vegetation occurring naturally along banks or margins of lakes or streams" (Fish and Game Code [FGC] §§ 1600–1607). The USFWS further defines riparian areas as "plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways)" that exhibit "distinctly different vegetative species than adjacent areas" and/or "species similar to adjacent areas but exhibiting more vigorous or robust growth forms."[2]

Riparian habitat occurs within the south/southwestern portion of the Development Area and bounds the southern portion of the on-site intermittent tributaries as they converge. Vegetation is similar to the coast live oak woodland surrounding this area. Vegetation observed within the area consists of arroyo willow, valley oak, California buckeye, and California bay, with a limited number of western sycamore (*Platanus racemora*). Along the banks, within open canopy areas, inclusions of pampas grass was observed. Mule fat (*Baccharis salicifolia*) and scouring brush were observed along the banks and within the creek channel.

Sensitive Natural Communities

CDFW maintains a list of natural communities that classifies vegetation types found within the State of California and ranks them based on rarity. Communities ranked S1–S3 are considered sensitive natural communities.[3] Wetlands and riparian habitats are also typically considered sensitive natural communities and are addressed below.

Riparian Habitat

Riparian habitat occurs within the south/southwestern portion of the Development Area and bounds the southern portion of the on-site intermittent tributaries as they converge. The riparian habitat occurring within the south/southwestern portion of the Development Area is within the jurisdiction of CDFW pursuant to California Fish and Game Code 1600–1607, which regulates activities within or

[2] United States Fish and Wildlife Service (USFWS). 2019. A System for Mapping Riparian Areas in The Western United States. Website: https://www.fws.gov/sites/default/files/documents/a-system-for-mapping-riparian-areas-in-the-western-united- s-2019.pdf. Accessed May 30, 2024.

[3] California Department of Fish and Wildlife (CDFW). 2024. Natural Communities List, Sacramento: California Department of Fish and Wildlife. Website: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities. Accessed March 12, 2024.

affecting rivers, streams, or lakes. As such, riparian habitat is generally identified as a sensitive natural community. Impacts to riparian habitat are addressed further in Section 3.3.6 below.

Common Wildlife

The vegetation community and land cover types discussed above provide habitat for numerous wildlife species. Wildlife activity consisted primarily of avian species, including American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), yellow-breasted warbler (*Phylloscopus montis*), turkey vulture (*Cathartes aura*), red tail hawk (*Buteo jamaicensis*), dark-eyed junco (*Junco hyemalis*), golden-crowned sparrow (*Zonotrichia atricapilla*), ruby-crowned kinglet (*Regulus calendula*), Bewicks wren (*Thryomanes bewickii*), California scrub-jay (*Aphelocoma californica*), acorn woodpecker (*Melanerpes formicivorus*), Steller's jay (*Cyanocitta stelleri*), California quail (*Callipepla californica*), American bushtit (*Psaltriparus minimus*), oak titmouse (*Baeolophus inornatus*), wrentit (*Chamaea fasciata*), and hermit thrush (*Catharus guttatus*).

Other species observed included mice (*Mus sp.*), black-tailed jackrabbit (*Lepus californicus*), western fence lizard (*Sceloporus occidentalis*), and California mule deer (*Odocoileus hemionus californicus*).

Special-status Species

Special-status species include those species listed by the federal and state governments as endangered, threatened, or rare or candidate species for these lists. Endangered or threatened species are protected by the federal Endangered Species Act of 1973 as amended, the California Native Plant Protection Act of 1977, and the California Endangered Species Act of 1970. The California Environmental Quality Act (CEQA) provides additional protection for unlisted species that meet the "rare" or "endangered" criteria defined in Title 14, California Code of Regulations Section 15380. Special-status species also include those species listed by the CDFW as Species of Concern which face extirpation in California if current population and habitat trends continue, those identified as Fully Protected in the California Fish and Game Code (a designation that provides additional protection to those animals that are rare or face possible extinction), and bird species designated as Bird Species of Conservation Concern by the USFWS. These State and federal Species of Concern must be evaluated in the context of evaluation under CEQA. Under Title 14, California Code of Regulations Section 15380, mentioned above, many biologists and the lead agencies for whom they work evaluate impacts to plant species on California Native Plant Society (CNPS) Lists 1 and 2. Special-status species included in CEQA review also include bat species that have been designated with conservation priority by the Western Bat Working Group.

The CDFW maintains records for the distribution and known occurrences of special-status species and sensitive habitats in the CNDDB. The CNDDB is organized into map areas based on 7.5-minute topographic quadrangle maps produced by the USGS. All known occurrences of special-status species are mapped onto quadrangle maps maintained by the CNDDB. The database gives further detailed information on each occurrence, including specific location of the individual, population, or habitat (if possible) and the presumed current state of the population or habitat.

Special-status Plant Species

The CNDDB and CNPS list 64 special-status or sensitive plant species that have been recorded within the *Cupertino, California* USGS Topographic Quadrangle Map and the eight surrounding quadrangles (Appendix C.1: [Appendix B: Database Searches]).[4,5,6] No rare or special-status plant species were observed during the general biological survey completed by FCS on March 21, 2024, in support of the BRA. The objective of the general biological survey was to ascertain general site conditions, determine wildlife use, and identify whether existing vegetation communities within the project site provide suitable habitat for special-status plant or wildlife species (Appendix C.1).

Based upon the field survey, literature review, and on-site habitat conditions, five special-status plant species have the potential to occur within the site, although, as previously indicated, none were observed on-site during the 2024 field survey. The remaining 59 special-status species are not expected to occur within the Study Area due to the absence of suitable habitat. Although the site does not have a history of disturbance, it lacks microhabitats such as vernal pools, and alkaline, serpentine, or acidic soils, which are typically necessary to support many rare plants. For the reasons outlined above, it is reasonable to conclude that the remaining 59 special-status plant species are determined to be absent from the Study Area. The five special-status plant species with potential to occur within the site are discussed in further detail below.

Loma Prieta Hoita

Loma Prieta hoita (*Hoita strobilina*) is a perennial herb that can be found in openings in chaparral or oak woodland, cismontane or riparian woodland, serpentine, or related Franciscan-formation substrata and descending in gravelly creek beds draining from the mountains into the Santa Clara Valley. The closest CNDDB record was documented 0.8 mile east of the Study Area. Additionally, there were three recent recorded occurrences of this species within 5 miles of the Study Area. The Study Area does contain oak and riparian woodland that may potentially support this species; however, it lacks serpentine soil, lowering the likelihood of this species presence. Although this species was not observed during the 2024 general biological survey, it has a low potential to occur within the Study Area.

Anderson's Manzanita

The Anderson's manzanita (*Arctostaphylos andersonii*) is a perennial evergreen shrub found in coastal dunes, marshes and swamps, coastal scrub, chaparral, redwood, and evergreen forest communities. This species also prefers mesic sites in dunes, along streams, or in coastal salt marshes. The closest CNDDB record was documented 4.5 miles west of the Study Area adjacent to SR-9. The site does contain scrub habitat and streams that could potentially support this species, although it lacks coastal dunes and marshes and swamps, lowering the likelihood of this species presence on-

[4] United States Geological Survey (USGS). 2024. National Geospatial Program. Website: https://www.usgs.gov/core-science-systems/national-geospatial-program/us-topo-maps-america?qt-science_support_page_related_con=4#qt-science_support_page_related_con. Accessed March 12, 2024.

[5] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed March 12, 2024.

[6] California Native Plant Society (CNPS). 2024. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed March 12, 2024.

site. Although this species was not observed during the 2024 field survey, it has a low potential to be found within the Study Area and potential presence cannot be ruled out.

Santa Clara Red Ribbons

Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*) is an annual herb that prefers foothill woodland, chaparral, and scrub habitat on slopes and near drainages. The closest CNDDB occurrence of this species is mapped immediately south of the Study Area on the other side of SR-9 in Congress Springs Canyon, which is approximately 0.4 mile from the Study Area. The Study Area does contain woodland and scrub habitat to potentially support this species, along with sloping topography and drainages. This species was not observed on-site during the 2024 field survey, but due to suitable habitat and the proximity of occurrences of this species, there is a low potential for it to occur within the Study Area.

Western Leatherwood

The western leatherwood (*Dirca occidentalis*) is a perennial deciduous shrub found in broadleaf upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, North Coast coniferous forest, riparian forest, riparian woodland, and mesic habitats. There are two recent occurrences of this species within 5 miles of the Study Area, with the nearest occurrence located 2.3 miles to the northwest. The Study Area contains woodland habitat that may potentially support this species. Although this species was not observed on-site during the 2024 field survey, due to suitable habitat and the proximity of occurrences of this species, there is a low potential for it to occur within the Study Area.

Arcuate Bush-mallow

The Arcuate bush-mallow (*Malacothamnus arcuatus* var*. arcutatus*) is a perennial deciduous shrub found in chaparral, coastal scrub, and cismontane woodland. The site does contain suitable coastal scrub and woodland to support this species. Three occurrences were identified within 5 miles of the Study Area. One individual was observed in 2015 within the Rancho San Antonio Open Space Preserve, about 5 miles from the Study Area. This species was not observed on-site during the 2024 field survey, but due to suitable habitat and the proximity of occurrences of this species, there is a low potential for it to occur within the Study Area.

Special-Status Wildlife Species

The CNDDB identifies 48 federal and State-listed threatened and/or endangered wildlife species and State Species of Special Concern that have been recorded within the *Cupertino, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles ((Appendix C.1: [Appendix B: Database Searches]).[7,8] Based upon the field survey, literature review, and on-site habitat conditions, six special-status wildlife species (and functional groups like nesting birds that include special-status species) could have the potential to occur within the site, perhaps as vagrant, dispersing, nesting, or foraging individuals, and are therefore discussed in more detail below. The

[7] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed March 12, 2024.

[8] California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS 6). Website: https://map.dfg.ca.gov/bios/. Accessed March 12, 2024.

additional 42 species are not expected to occur within the Study Area due to the absence of suitable habitat.

California Red-legged Frog

California red-legged frog (*Rana draytonii)* (CRLF) is listed as threatened under the Endangered Species Act and is a CDFW Species of Special Concern. CRLF inhabits lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. This species requires 11 to 20 weeks of permanent water for larval development. It is important that this species has access to estivation habitat during the dry season. There are four CNDDB occurrences of this species within 5 miles of the Study Area with the nearest occurrence approximately 0.5 mile north of the site located in Calabazas Creek.

A Habitat Assessment for CRLF was conducted by Mark Jennings on April 17, 2019, which did not find any evidence of CRLF within the Study Area (Appendix C.3). This assessment found that there were no pools deep enough to provide CRLF habitat in the intermittent drainages on-site. While there are three CRLF occurrences within 1.5 miles of the Study Area, they are all from perennial ponded aquatic habitats within major stream channels such as Calabazas and Saratoga Creeks. Both of these channels contain bullfrogs (*Lithobates catesbeiana)* and are separated from the Study Area by a combination of vineyards, roads, dry and steep terrain, and urban development, which precludes the likelihood of dispersal from known occurrences. Moreover, with nearby urban developments, there are predators to CRLF, including raccoons and domestic cats, which likely ensure that any juvenile or adult CRLF that attempts to move out of perennial, deep water aquatic habitats into intermittent, shallow water habitats would be subject to predation. For these reasons, the assessment concludes that CRLF is not present within the Study Area, nor would the species be able to disperse into the Study Area. Therefore, CRLF is concluded to be absent from the Study Area and is not discussed further in this report.

San Franciso Dusky-footed Woodrat

The San Francisco dusky-footed woodrat (*Neotoma fuscipes* ssp.) is a CDFW Species of Special Concern. This species occurs in a variety of woodland and scrub habitats throughout the South San Francisco Bay. The Study Area is located within the known range of the San Francisco dusky-footed woodrat. Olberding Environmental conducted a dusky-footed woodrat survey for this site in 2014 and identified a total of 22 woodrat nests within the Study Area, 13 of which were determined to be active (Appendix C.4). No dusky-footed woodrats or active nests were identified within the Study Area during the 2024 FCS general biological survey. However, due to previous survey efforts, the presence of suitable habitats, and recorded occurrences of this species within the Study Area, there is high potential for the dusky-footed woodrat to be present within the Study Area.

Santa Cruz Black Salamander

The Santa Cruz black salamander (*Aneides niger*) is a CDFW Species of Special Concern. This species prefers mixed deciduous and coniferous woodlands, coastal grasslands, and riparian zones in San Mateo, Santa Cruz, and Santa Clara counties. Adults can be found under rocks, talus, and damp woody debris. The Study Area does contain suitable habitat to support this species in the form of grassland, woodland, and riparian habitats. The nearest CNDDB occurrence of this species is 0.5 mile

west of the Study Area with 11 historic occurrences within 5 miles of the Study Area. This species was not observed on-site during the 2024 field survey, but due to the presence of suitable habitat and the proximity of occurrences of this species, there is a low potential for it to occur within the Study Area. Therefore, it cannot be ruled out that this species may be found within the Study Area.

California Giant Salamander

The California giant salamander (*Dicamptodon ensatus*) is a CDFW Species of Special Concern. This species requires cold permanent or semi-permanent streams. The Study Area contains suitable habitat for this species, such as woodland, streams, and riparian habitat. There are five CNDDB occurrences of this species within 5 miles of the Study Area. The nearest occurrence is 0.41 mile south of the Study Area. This species was not observed on-site during the 2024 field survey, but due to suitable habitat present within the Study Area and the proximity of occurrences within the area, there is a low potential for this species to occur.

White-tailed Kite and Cooper's Hawk

Both the white-tailed kite and Cooper's hawk are designated Species of Special Concern within California and have been documented within 4 miles of the Study Area. The existing trees within the Study Area and/or within disturbance distance could provide suitable nesting habitat for either species. These species were not observed on-site during the 2024 field survey; however, it cannot be ruled out that white-tailed kite or Cooper's hawk could nest within the Study Area or within the relevant disturbance distance.

Protected Nesting Birds (Including All Special-status Bird Species)

In addition to the specific special-status bird species discussed in more detail above, the active nests of most resident and migratory (game and non-game) birds are protected by the Migratory Bird Treaty Act (MBTA) and/or Fish and Game Code and are, therefore, categorized as "special-status" wildlife functional group during this time.

The Study Area provides nesting opportunities for different taxa of birds. The native woodland vegetation within the Study Area, along with the riparian corridor, understory shrubbery, and non-native grassland, could provide nesting and foraging opportunities to support successful nesting and rearing habitat. Therefore, it is likely that protected bird nests are present on-site during the nesting season (typically considered to last from February 1 to August 31 for most species).

Bats (Including Special-status Bats)

Roosts are used during the daytime to seek refuge; at night between foraging excursions to rest, digest prey, seek refuge from predators or poor weather conditions, or for social purposes; and in winter for hibernation. Adult females and their young use some particularly secure roosts as maternity roosts. The number of bats occupying a given roost can vary from a solitary individual to a large colony, depending on the species. Roosting sites are very sensitive to human disturbance, especially when bats are hibernating or rearing young.

At dusk, bats leave their roosts to forage for insects in nearby ponds or riparian habitats. Bats generally prey on insect species that are locally abundant near water bodies. Ecotone areas (areas of

transition between habitats) are also used as foraging areas. The annual grasslands and riparian habitat of the Study Area have foraging potential for bat species.

The Study Area offers degraded but potentially viable roosting habitat for bat species. Bats could use cavities in trees and the abandoned structure within the Study Area as potential roosting habitat. Bat species are often grouped together based on their roosting habitat requirements. Of the special-status bat species that have potential to occur in the region, Townsend's big-eared bat (*Corynorhinus townsendii*) and pallid bat (*Antrozous pallidus)* have the potential, albeit low, to occur within the Study Area.

State or Federally Protected Waters and Wetlands

FCS conducted a field survey on October 26, 2023, in support of the Aquatic Resource Delineation Report (Appendix C.2). The Delineation Report identified three ephemeral drainage segments within the Development Area and two within the proposed Emergency Access Road. Two intermittent drainage segments were also located within the Development Area, with one extending into the proposed Emergency Access Road. It should be noted that the Delineation Report covered the entire project site, but only the aquatic features within the Study Area are discussed in this section.

Based on the findings of the Delineation Report, the two on-site intermittent drainage segments would likely be classified as waters of the United States under the jurisdiction of the United States Army Corp of Engineers (USACE). However, the remaining drainage segments delineated within the Study Area would likely be exempt from USACE jurisdiction as these drainages are ephemeral streambeds that would not be subject to USACE jurisdiction pursuant to the *Sackett* decision, as further discussed below (3.3.3–Regulatory Framework), recently levied by the U.S. Supreme Court.

All drainages within the Study Area boundary would likely fall under the jurisdiction of the Regional Water Quality Control Board (RWQCB) as jurisdictional waters of the State. Additionally, activities potentially impacting beds, banks, or riparian habitat are expected to be protected through the Fish and Game Code Streambed Alteration Program, administered by the CDFW.

Wildlife Movement Corridors and Nursery Sites

A wildlife corridor is an area of habitat connecting wildlife populations separated by human activities or structures (such as roads, development, or logging). This allows an exchange of individuals between populations, which may help prevent the negative effects of inbreeding and reduced genetic diversity (via genetic drift) that often occur within isolated populations.

An FCS Biologist evaluated the CDFW's BIOS 6 information on wildlife linkages within the Study Area and concluded that the proposed project does have the potential to interfere with the movement of native wildlife. The Study Area has no history of associated disturbance and currently contains aquatic features that provide potential movement corridors for aquatic wildlife species. The aquatic features associated with the Study Area generally drain to the north, ultimately emptying into Calabazas Creek. The intermittent and ephemeral drainage and associated riparian habitat on-site do not contain adequate habitat for fish, but amphibian and reptile species were observed during the CRLF Habitat Assessment survey. While no formal corridor movement studies were carried out, the

Study Area's intermittent and ephemeral drainage does constitute a potential wildlife movement corridor.

Wildlife nursery sites include nesting birds and maternity bat roosts, aquatic breeding habitats, and special-status and non-special-status wildlife breeding or nesting colonies. No significant breeding/nesting colonies were observed during the wildlife surveys. However, individual nesting birds and roosting bats have the potential of being present on-site and within disturbance distance seasonally. For example, songbirds and raptor species likely nest in native trees that occur throughout the entirety of the site.

3.3.3 - Regulatory Framework

Federal

Endangered Species Act

The United States Congress passed the Endangered Species Act in 1973 to protect those species that are endangered or threatened with extinction. The Endangered Species Act is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

The Endangered Species Act prohibits the "take" of endangered or threatened wildlife species. "Take" is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (16 United States Code [USC] § 1531, *et seq*.). "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] § 17.3). "Harass" is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR § 17.3). Actions that result in take can result in civil or criminal penalties.

The Endangered Species Act and the Clean Water Act (CWA) Section 404 guidelines prohibit the issuance of wetland permits for projects that jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. The USACE must consult with the USFWS and/or the National Marine Fisheries Service (NOAA Fisheries) when threatened or endangered species under their jurisdiction may be affected by a proposed project. In the context of the proposed project, Endangered Species Act consultation would be initiated if development resulted in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could result in take of an endangered species or adversely modify critical habitat of such a species.

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of State and federal laws. The MBTA prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior.

Clean Water Act

The USACE administers Section 404 of the Clean Water Act (CWA), which regulates the discharge of dredge and fill material into waters of the United States.

The final "Revised Definition of Waters of the United States" rule was published in the Federal Register on January 18, 2023, and took effect on March 20, 2023. However, the final rule is not currently operative in certain states and for certain parties due to litigation. Moreover, the United States Environmental Protection Agency (EPA) and USACE (hereafter known as the agencies) are in receipt of the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency* [*Sackett*]. In light of this decision, the agencies will interpret the phrase "waters of the United States" consistent with the Supreme Court's decision in *Sackett*. On August 29, 2023, the EPA and the USACE issued a final ruling that amends the "Revised Definition of 'Waters of the United States'" to conform key portions of the regulatory text to the U.S. Supreme Court's May 25, 2023, decision, defining "waters of the United States" as follows:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
2. The territorial seas or interstate waters.
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters:
    a. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    c. Which are used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as waters of the United States under this definition.
5. Waters that are relatively permanent, standing or continuously flowing bodies of water.
6. Tributaries of waters identified in paragraphs(s) (1) or (2) of this section.
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs(s) (1) through (5) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 Code of Federal Regulations 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the

purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA and/or USACE.

"Wetland" refers to areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and seasonal wetlands. Wetlands are considered jurisdictional if they fall under one of the categories of waters of the United States defined above. The USACE jurisdiction typically extends up to the ordinary high water mark (OHWM).

In general, a USACE permit must be obtained before placing fill in wetlands or other waters of the United States. The type of permit depends on the impacted acreage, the purpose of the proposed fill, and other factors.

State

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents. The purpose of CESA is to ensure that the lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those species if there are reasonable and prudent alternatives available (Fish and Game Code [FGC] § 2080). CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the State's prohibition against take of a listed species if the take is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Fish and Game Code Sections 2050 through 2098 outline the protection provided to California's rare, endangered, and threatened species. Fish and Game Code Section 2080 prohibits the taking of plants and animals listed under the CESA. Fish and Game Code Section 2081 established an incidental take permit program for State-listed species. The CDFW maintains a list of "candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the NPPA allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from

a canal, lateral ditch, building site, or road, or other right-of-way." Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

In addition to formal listing under the Endangered Species Act and CESA, some species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are those listed as a "Species of Special Concern." The CDFW maintains lists of "Species of Special Concern" that serve as species "watch lists." Species with this status may have limited distributions or limited populations and/or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and specific protection measures may be warranted. In addition to Species of Special Concern, the CDFW Special Animals List identifies animals that are tracked by the CNDDB and may be potentially vulnerable but that warrant no federal interest and no legal protection.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the CNPS List ranked 1A, 1B, and 2 would typically require evaluation under CEQA.

Fish and Game Code Sections 3500 to 5500 outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that authorize the take of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Fish and Game Code Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. To comply with the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project Study Area and determine whether the proposed project would have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from the CDFW would be in the form of an Incidental Take Permit.

Fish and Game Code Section 1602 requires any entity to notify the CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses with a subsurface flow. A Lake or Streambed Alteration Agreement would be required if the CDFW determines that project activities may substantially adversely affect fish or wildlife resources through alterations to a covered body of water. CDFW jurisdiction typically extends to the edge or "drip line" of the riparian habitat or top of bank.

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under the Endangered Species Act and CESA, certain species receive additional consideration by CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW that tracks species in California whose numbers, reproductive success, or habitats may be threatened. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the CNDDB but warrant no federal interest and no legal protection. These species are identified as "California Special Animals."

Porter-Cologne Water Quality Control Act

The RWQCB regulates actions that would involve "discharging waste, or proposing to discharge waste, within any region that could affect the water of the State" (Water Code § 13260(a)), pursuant to provisions of the Porter-Cologne Water Quality Act. "Waters of the State" are defined as "any surface water or groundwater, including saline waters, within the boundaries of the State" (Water Code § 13050(e)). In 2019, the California State Water Resources Control Board (State Water Board) published the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) to guide wetland/waters of the State determinations and the permitting process.[9]

California Native Plant Society

CDFW, in collaboration with CNPS and other technical experts, maintains a rank of plant species that are native to California and that have low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. The California Rare Plant Rank (CRPR) system includes six rarity and endangerment ranks that are defined as follows:

- **Rank 1A:** Plants presumed extirpated in California and either rare or extinct elsewhere
- **Rank 1B:** Plants rare, threatened, or endangered in California and elsewhere
- **Rank 2A:** Plants presumed extirpated in California but common elsewhere
- **Rank 2B:** Plants rare, threatened, or endangered in California but more common elsewhere
- **Rank 3:** Plants about which more information is needed

[9] California State Water Resources Control Board (State Water Board). 2021. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Website: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf. Accessed March 8, 2024.

- **Rank 4:** Watch List: Plants of limited distribution

Potential impacts to populations of CRPR-ranked plants receive consideration under CEQA review. All plants appearing on the CRPR List ranked 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria and therefore are considered rare. Rank 3 and 4 plants do not automatically meet this definition. Rank 4 plants do not clearly meet CEQA standards and thresholds for impact considerations. Nevertheless, some level of CEQA review is justified for CRPR 4 taxa, and under some circumstances, a full impact analysis is warranted. Taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Section 15380(d) or that can be shown to be regionally rare or unique as defined in CEQA Section 15125(c) must be fully analyzed in a CEQA document. Some circumstances, such as local rarity, having occurrences peripheral to the taxon's distribution, or having occurrences on unusual substrates or rare and declining habitats, provide justification for treating some CRPR 4 taxa occurrences as regionally rare or unique. One limitation to fully analyzing impacts on CRPR 4 taxa is the difficulty in obtaining current data on the number and condition of the occurrences.[10] See Impact BIO-1 for details on special-status plant species located within the Study Area.

Local

City of Saratoga General Plan 2040

Goals, Policies, and Implementation

The following goals, policies, and implementation measures (IM) are applicable to the proposed project.

Goal OSC 10 Protect and enhance sensitive vegetative and wildlife habitat in the Saratoga Planning area.

Policy OSC 10.1 Minimize development that would encroach into important wildlife habitats, limit, or restrict normal range areas, or restrict access to water food or shelter. This includes limitations on the installation of barrier fencing in hillside areas.

Policy OSC 10.2 Through the development and CEQA process, preserve, protect, and maintain riparian habitats and creek corridors. This includes requiring biological surveys of parcels of land that could contain sensitive species or their habitats prior to allowing development on these parcels, including, but not limited to, essential habitat for special-status animals and plants, oak woodlands, riparian woodland, vernal pools, and native grasslands. Ensure the preservation in place of habitat areas found to be occupied by State and federally protected species.

Policy OSC 10.4 Mature vegetation shall be preserved wherever possible.

[10] California Native Plant Society (CNPS). 2024. Considerations for Including CRPR 4 Plant Taxa in CEQA Biological Resource Impact Analysis. Sacramento, CA. Accessed March 8, 2024.

IM OSC.10.a The City shall continue to utilize the design review and environmental review process for all development applications to ensure that projects are designed in a manner that minimizes disruption to important wildlife, riparian and plant habitats.

IM OSC.11.a The City shall continue to require that all projects conform to the City's Tree Ordinance. The preservation of existing trees shall be ensured through the collection of security deposits.

Policy OSC 11.1 Support appropriate management for sustaining the health and increasing the extent of arbor resources in the City.

Policy OSC 11.2 Development projects should include the preservation of protected trees and other significant trees. Any adverse effect on the health and longevity of native oak trees, protected or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, individual development projects shall include appropriate tree replacement as approved by the City.

Policy OSC 11.3 Trees used for new or replacement plantings should be selected primarily for low water use characteristics.

Policy OSC 11.5 Forested lands in the City's Sphere of Influence shall be managed to maximize environmental protection and to discourage logging to the maximum extent possible, consistent with proper fire protection standards and practices.

IM OSC 11.a The City shall continue to require that all development projects conform to the City's Tree Ordinance. The preservation of existing trees shall be ensured through the collection of security deposits.

Goal OSC 12 The preservation of native and other plant species indicative of Saratoga's cultural heritage shall be given priority over development and provide for the perpetuation of such species.

Policy OSC 12.1 To further preserve the City's inventory of arbor resources, the City should encourage owners to consider formal designation of heritage trees.

Policy OSC 12.3 Fire safety shall be an important consideration when evaluating the preservation of native vegetation.

IM OSC 12.a Continue to utilize the design review process, Historic Preservation Ordinance and Tree Ordinance to ensure preservation of significant arbor resources.

City of Saratoga Code of Ordinances

The City of Saratoga Code of Ordinances Chapter 15-50.050 defines protected trees as any native tree having a DBH of 6 inches or greater; any other tree having a DBH of 10 inches or greater; any

street tree (any tree within the public street or right-of-way) regardless of size; any heritage tree (means any tree of historic significance as a tree having historic value related to the heritage of the City and designated by action of the City Council upon recommendation of the Heritage Preservation Commission) regardless of size; any tree required to be planted or retained as a condition of any approval granted under Chapter 15 or Chapter 14 of this Code; and any tree required to be planted as a replacement, as provided in Section 15-50.170.

Pursuant to the Code of Ordinances, it is unlawful for any person to remove, damage, prune, or encroach upon, or cause to be removed, damaged, pruned, or encroached upon, any protected tree located on any private or public property in the City without first having obtained a tree removal, pruning, or encroachment permit issued pursuant to Article 15-50.050 and authorizing the proposed action. Additionally, an Arborist Report shall be required for any application for discretionary development approval that would require the removal of one or more trees protected by Chapter 15 and for any other projects where the Community Development Director determines it is necessary.

3.3.4 - Methodology

Literature Review

A literature review was conducted to analyze existing documentation regarding biological resources and habitat conditions within the project site and vicinity. The literature review is summarized below.

Existing Documentation

As part of the literature review, an FCS Biologist compiled and analyzed existing environmental documentation for the Study Area and relevant areas in its vicinity. This documentation included literature pertaining to the habitat requirements of special-status species with the potential to occur in the project vicinity; and federal register listings, protocols, and species data provided by the USFWS, CDFW, and CNPS. Additionally, FCS reviewed and evaluated all available supporting documentation provided by the applicant, including species-specific studies and habitat assessments. These documents are attached to this EIR and include the following: Appendix C.1: Biological Resources Assessment; Appendix C.2: Aquatic Resources Delineation Report; Appendix C.3: CRLF Habitat Assessment; Appendix C.4: Pre-Construction Dusky-footed Woodrat Survey Report; Appendix C.5: Tree Inventory Report.

Topographic Maps and Aerial Photographs

An FCS Biologist reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity.[11] Information obtained from the topographic maps included elevation, general watershed information, and potential drainage feature locations using Google Earth in conjunction with the EPA Watershed Assessment, Tracking, and Environmental Results System (WATERS).[12] Aerial

[11] United States Geological Survey (USGS). 2024. National Geospatial Program. Website: https://www.usgs.gov/core-science-systems/national-geospatial-program/us-topo-maps-america?qt-science_support_page_related_con=4#qt-science_support_page_related_con. Accessed March 14, 2024.

[12] United States Environmental Protection Agency (EPA). 2024. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed December 16, 2025.

photographs provided a perspective of the current site conditions relative to on-site and off-site land use, vegetation community locations, and potential locations of wildlife movement corridors.

Soil Surveys

The USDA NRCS has published soil surveys that describe the soil series (i.e., group of soils with similar profiles) occurring within a particular area.[13] These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units that provide specific information regarding soil characteristics. Many special-status plant species have a limited distribution based exclusively on soil type. Therefore, pertinent NRCS soil survey maps were reviewed to determine the existing soil mapping units within the project site and to inform whether the soil conditions on-site are potentially suitable for any special-status plant species. However, NRCS soil maps utilize an approximately 1.4-acre minimum mapping unit, and line placement may not be accurate on a large (i.e., parcel-level) scale.

Special-status Species Database Search

An FCS Biologist compiled a list of threatened, endangered, and otherwise special-status species previously recorded within the project vicinity based on a search of the USFWS Information for Planning and Consultation (IPaC) database,[14] the CNDDB, and the CNPS Inventory of Rare Plants (CNPS Inventory) for the *Cupertino, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles.[15,16] The CNDDB Biogeographic Information and Observation System (BIOS 6) was used to determine the distance between the known occurrences of special-status species and the Study Area.[17]

Field Surveys and Focused Surveys

Biological Resources Assessment and Aquatic Resources Delineation Report

FCS Biologists familiar with the biological resources of the region conducted field surveys on October 26, 2023, and March 21, 2024, in support of the Aquatic Resources Delineation Report and the BRA, respectively. The objective of the BRA field survey was to ascertain general site conditions and wildlife use and to identify whether existing vegetation communities provide suitable habitat for special-status plant or wildlife species. Potentially sensitive areas identified during the literature review were ground-truthed during the field survey for mapping accuracy. Special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

Wildlife species detected during the reconnaissance-level surveys by sight, calls, tracks, scat, or other signs were recorded. Notations were made regarding suitable habitat for those special-status species

[13] Natural Resources Conservation Service (NRCS). 2025. Web Soil Survey (WSS). United States Department of Agriculture (USDA). Website: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed December 16, 2025.

[14] United States Fish and Wildlife Service (USFWS). 2024. Information for Planning and Consultation (IPaC). Website: https://ecos.fws.gov/ipac/. Accessed March 14, 2024.

[15] California Department of Fish and Wildlife (CDFW). 2025. California Natural Diversity Database (CNDDB) RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed December 16, 2025.

[16] California Native Plant Society (CNPS). 2025. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed December 16, 2025.

[17] California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS 6). Website: https://apps.wildlife.ca.gov/bios6/?al=ds85. Accessed December 16, 2025.

determined to have the potential to occur within the Study Area.[18] Appropriate field guides were used to assist in species identification during surveys, such as Peterson, Reid, and Stebbins.[19,20,21] Online resources such as eBird and California Herps were also consulted, as necessary.[22,23]

The presence/absence of wetlands was determined based on the requirements of the Corps of Engineers Wetlands Delineation Manual and revised procedures in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.[24,25] Drainage channels were characterized through presence/absence of bed, bank, and OHWM. The OHWM was determined and characterized using definitions and guidance of A Field Guide to the Identification of the OHWM in the Arid West Region of the Western United States.[26] Culverted drainage sections were examined for evidence of concentrated flow, including presence of water stains, mineral or sediment deposits, and biofilm.

California Red-legged Frog Habitat Assessment

A CRLF survey was conducted by Mark Jennings on April 17, 2019 (Appendix C.3). The survey covered the northeastern portion of the Study Area. The USFWS protocol for the CRLF Habitat Assessment was followed and observations regarding amphibians and reptiles were made. Additionally, CRLF occurrences recorded within 3.1 miles of the Study Area were mapped as were USGS 7.5-minute quadrangle maps and aerial photographs for potentially suitable aquatic habitats within a 3.1-mile radius of the site and connectivity of these habitats with the Study Area. The survey resulted in negative findings. It should be noted that although this survey was conducted in 2019, there have been no events within the last 5 years that would have altered habitat conditions within the site to increase the potential occurrence of this species. Additionally, the habitat conditions recorded within Mark Jenning's survey were ground-truthed by FCS with results conclusive with Jenning's findings.

Pre-construction Woodrat Survey Report

A pre-construction dusky-footed woodrat survey was conducted by Olberding Environmental, Inc., in March 2014 (Appendix C.4). The survey covered the northeastern portion of the Study Area. All woodrat nests were pin flagged to be made clearly visible. A total of four woodrat stick nests were monitored nightly with motion censored wildlife trail cameras also having infrared capabilities for nighttime photos. After the cameras were up for a period of 24 hours, they were removed and placed on four new nests. If a nest was determined to host the dusky-foot woodrat, the word

[18] California Department of Fish and Wildlife (CDFW). 2025. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed December 16, 2025.
[19] Peterson, T.R. 2010. A Field Guide to Birds of Western North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[20] Reid, F. 2006. A Field Guide to Mammals of North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[21] Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. 3rd Edition. Boston: Houghton Mifflin Harcourt.
[22] eBird. 2024. Online bird occurrence database. Website: http://ebird.org/content/ebird/. Accessed March 14, 2024.
[23] California Herps. 2024. A Guide to the Amphibians and Reptiles of California. Website: http://www.californiaherps.com/. Accessed March 14, 2024.
[24] Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1.
[25] United States Army Corps of Engineers (USACE). 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28.
[26] Lichvar, R.W., and S.M. McColley. 2008. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States.

"active" was written on an orange flagging tape outside the nest. The presence of fresh woodrat scat outside the entrance to the nest was also used to determine whether a nest was active or not.

Tree Inventory Report

A Tree Inventory, Assessment, and Protection Report was conducted by Monarch Consulting Arborist Richard Gessner on December 13, 2024 (Appendix C.5). The survey boundaries covered the entirety of the Study Area and consisted of an assessment of the trees within the project area and on the adjacent sites where necessary. This assessment included species, size, condition, and suitability for preservation. Tree protection specifications, guidelines, and expected impact rating for those affected by the proposed project were also included.

Wildlife Movement Corridors and Nursery Sites

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by natural and anthropogenic dispersal barriers, including rugged terrain, changes in vegetation, development, or human disturbance. Urbanization and the resulting fragmentation of open space areas create isolated "islands" of wildlife habitat, forming separated populations. Corridors act as an effective link between populations.

The Study Area was evaluated for evidence of wildlife movement corridors and nursery sites during the reconnaissance-level survey and review of aerial photographs. The focus of this study was to determine whether a change in land use at the project site could have significant impacts on the regional movement of wildlife. Conclusions are based on the information compiled during the literature review, aerial photographs, USGS topographic maps and resource maps for the vicinity, the field survey, and professional experience with the desired topography, habitat, and resource requirements of the special-status species potentially utilizing the Study Area and vicinity.

3.3.5 - Thresholds of Significance

Significance Criteria

The Lead Agency has elected to derive its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. These questions reflect the input of planning and environmental professionals at the Governor's Office of Planning and Research and the California Natural Resources Agency, based on input from stakeholder groups and experts in various other governmental agencies, nonprofits, and leading environmental consulting firms. They also reflect the requirements of laws other than CEQA that protect biological resources (e.g., the federal Clean Water Act, the Porter-Cologne Water Quality Control Act, the federal and State endangered species acts, and the Natural Community Conservation Planning Act. Additional detail is found in CEQA Guidelines Section 15065, Subdivision (a)(1), which provides that a lead agency shall find that a project may have a significant effect on the environment if "[t]he project has the potential to: . . . substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; [or]substantially reduce the number or restrict the range of an endangered, rare or threatened species[.]" The "mandatory findings of significance" also address potential impacts to biological resources. Accordingly, the City has determined

that impacts resulting from the implementation of the proposed project would be considered significant if the proposed project would:

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

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

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

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan (Refer to Section 4, Effects Found Not to be Significant).

Approach to Analysis

Impacts on biological resources were evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present in the Study Area and the likely effects of project construction or operation on these resources. For the purposes of this EIR, the word "substantial" as used in the significance thresholds above is defined by the following three principal components:

- Magnitude and duration of the impact (e.g., substantial/not substantial),
- Uniqueness of the affected resource (rarity), and
- Susceptibility of the affected resource to disturbance.

For purposes of this analysis, the following factors are considered when evaluating the significance of biological resources impacts resulting from implementation of the proposed project in accordance with the significance criteria listed above. Specifically, whether the proposed project would:

- Result in direct take or habitat removal or alteration for candidate, sensitive, or special-status species;
- Remove vegetation or damage water quality related to riparian habitat or other sensitive natural community;

- Remove, fill, or damage a federally protected wetland;
- Interrupt fish movement in an aquatic channel or impede terrestrial movement via a land corridor;
- Remove, damage, or replace trees designated by the City's Tree Ordinance; or
- Conflict with the provisions of an applicable habitat conservation plan (Refer to Section 4, Effects Found not to be Significant).

3.3.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Special-status Species

Impact BIO-1:	**The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

Impact Analysis

Special-status Plant Species

Five special-status plants were identified as having the potential to occur due to the presence of coast live oak woodland, coastal scrub, and riparian habitat within the Study Area: Loma Prieta hoita, Anderson's manzanita, Santa Clara red ribbons, western leatherwood, and Arcuate bush-mallow. The proposed project is likely to impact the majority of habitat types within the Study Area and therefore could significantly impact special-status plants if they are present. Mitigation Measure (MM) BIO-1a requires botanical surveys to be conducted in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (2018). If special-status plants species are found on-site during the required protocol surveys, compensatory mitigation is required to offset losses to these populations. Protocol surveys were not able to be conducted prior to the writing of this report due to the active blooming season of the species identified above and the limited window in which to survey the site. However, with implementation of MM BIO-1a, potential impacts to special-status plants would be less than significant.

Special-status Wildlife Species

San Francisco Dusky-footed Woodrat

Although no active nests or individuals were observed on the site during the 2024 FCS general biological survey, foraging and nesting habitat is present within the Study Area and previous recorded occurrences of this species were documented on-site in 2014. Surveys were conducted for this species in 2014 by Olberding Environmental and the positive results of the woodrat surveys were ground-truthed by FCS. Because of the proposed project's likely impact on most habitat types within the Study Area, the known occurrences of this species within the greater project area, and the 2014 reports outlining observations of woodrat nests, there is a high likelihood that this species is present within the site and that the proposed project would significantly impact the San Francisco

dusky-footed woodrat if they are present. To avoid potential project-related impacts on San Francisco dusky-footed woodrats that may utilize the site, the project proponent shall implement MM BIO-1b, requiring pre-construction surveys and avoidance of direct and indirect impacts on nests. With implementation of MM BIO-1b, potential project-related impacts on San Francisco dusky-footed woodrats would be reduced to a less than significant level.

California Giant Salamander and Santa Cruz Black Salamander

No California giant salamanders or Santa Cruz black salamanders (SCBS) were observed during the 2024 field survey conducted by FCS. However, potential habitat for these species is present in the form of intermittent and ephemeral drainages, including riparian habitat within the Study Area. Since both of these species are mobile species that could move into the Study Area prior to development, the proposed project could result in significant impacts if either species is present on-site prior to grading. To reduce the potential for impacts, pre-construction surveys would be required. If either of these species are present on-site before grading, the proposed project may result in potentially significant impacts due to habitat disturbance and accidental take. However, with implementation of MM BIO-1c which requires pre-construction surveys, Worker's Environmental Awareness Program (WEAP) training to ensure proper identification of species as well as establish the proper protocol to ensure avoidance, and potential relocation of individuals in coordination with CDFW, impacts to either of these species would be reduced to less than significant.

Protected Nesting Birds

The vegetated habitats within the Study Area provide suitable nesting habitat for a variety of species of nesting birds. Woodland, grassland, and riparian habitat provide potential nesting opportunities for ground- and tree-nesting birds, including special-status species such as the white-tailed kite and Cooper's hawk. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb protected nesting sites within the construction footprint and within disturbance distance. Grading and the removal of vegetation during the nesting season could result in direct harm to nesting birds, while noise, light, and other construction-related disturbances may cause nesting birds adjacent to the vegetation removal areas to abandon their nests. However, implementation of MM BIO-1d would require pre-construction nesting bird surveys, tree removal limits, and the implementation of avoidance buffers if active nests are found, lowering impacts to nesting birds. Therefore, through the implementation of MM BIO-1d, project-related impacts on protected nesting birds would be reduced to less than significant.

Protected Roosting Bats

The Study Area contains trees and an abandoned structure that could provide marginal roosting habitat, including for special-status bats such as Townsend's big-eared bat and pallid bat. Potential direct and indirect impacts could occur to roosting bats due to removal of potential roosting habitat during project construction. These activities could potentially subject bats to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. However, MM BIO-1e requires pre-construction roosting bat surveys prior to ground disturbance and the installation of one-way exclusion devices to ensure bats vacate the Study Area should they be found on-site. These mitigations would reduce project-related impacts to less than

significant. Therefore, with implementation of MM BIO-1e, potential project-related impacts on protected roosting bats would be reduced to less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM BIO-1a Protocol-level Rare Plant Surveys

Prior to the initiation of construction, a qualified Botanist shall conduct protocol-level rare plant surveys during the appropriate blooming period for the target species. Protocol surveys were not able to be conducted prior to the writing of this report due to the active blooming season of the species idenfitied and the limited window in which to survey the site. Rare plant surveys shall be conducted following the California Department of Fish and Wildlife (CDFW) Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. The results of the rare plant surveys shall be summarized in a rare plant report following the CDFW requirements defined in the protocol and shall be submitted to CDFW within 60 days after completion of field work.

If any special-status or rare plant species are found, then they shall be flagged and avoided with a minimum 20-foot buffer. However, if avoidance is not feasible, seeds shall be collected and population(s) shall be re-established at a minimum 1:1 ratio (number of plant established: number of plants impacted) in preserved, suitable habitat. Re-established populations shall be monitored annually in accordance with an approved Habitat Mitigation and Monitoring Plan (HMMP) for a minimum of 5 years. The HMMP (including monitoring and reporting requirements) shall be prepared under supervision of a qualified Botanist or restoration ecologist and submitted to the CDFW for approval. The HMMP shall also be approved and verified by the City prior to the issuance of the first certificate of occupancy for the proposed project.

The HMMP will include, at a minimum, the following information:

- Summary of habitat impacts and the proposed mitigation;
- Description of the location and boundaries of the mitigation site and description of existing site conditions;
- Description of measures to be undertaken for mitigation site preparation for the focal special-status species;
- Description of measures to transplant individual plants or seeds from the impact area to the mitigation site;
- Description of monitoring methodology on the mitigation site, including performance criteria, monitoring, reporting requirements, and monitoring schedule; and

- Adaptive management measures for plants that do not meet performance criteria.

MM BIO-1b San Francisco Dusky-footed Woodrat Protection Measures

Prior to the onset of construction activities, a qualified Biologist shall conduct a pre-construction survey for San Francisco dusky-footed woodrat nests. If active nests are determined to be present within the impact area the following measures shall be implemented:

The project proponent shall avoid woodrat nests to the greatest extent feasible by installing a minimum 10-foot buffer with silt fencing or other material that will prohibit encroachment. In some situations, a smaller buffer may be permitted if in the opinion of the qualified Biologist removing the nest would have a greater impact than that anticipated as a result of project activities.

If avoidance of active nests is not feasible, then, in coordination with the California Department of Fish and Wildlife (CDFW), the woodrats shall be evicted from their nests prior to the removal of the nests and onset of any clearing or ground-disturbing activities to avoid injury or mortality of the woodrats. The nests shall be dismantled and the nesting material moved to a suitable new location outside the project's impact areas so that it can be used by woodrats to construct new nests. Prior to nest deconstruction, each active nest shall be disturbed by a qualified wildlife Biologist to the degree that all woodrats leave the nest and seek refuge outside the impact area. Whether the nest is on the ground or in a tree, the nest shall be nudged to cause the woodrats to flee. For tree nests, a tarp shall be placed below the nest and the nest dismantled using hand tools (either from the ground or from a lift). If feasible, the nest material shall then be piled at the base of a nearby hardwood tree or shrub (preferably an oak with refuge sites among the tree roots or with dense vegetation or other refugia nearby) outside of the impact area. The spacing between relocated nests shall not be less than 100 feet, unless a qualified Biologist has determined that the habitat can support higher densities of nests.

MM BIO-1c California Giant Salamander and Santa Cruz Black Salamander Protection Measures

A qualified Biologist shall survey the project's development footprint no more than 3 days before the onset of work activities. If any life stage of the California giant salamander or Santa Cruz black salamander (SCBS) is detected, California giant salamander or SCBS should be allowed to move out of the area on their own. If California giant salamander or SCBS are unable to move out of the project area on their own within 24 hours, a qualified Biologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall relocate California giant salamander or SCBS out of the project area into habitat similar to where it was found,

construction activities shall not be allowed to commence until consultation among the CDFW and the project proponent has occurred to the satisfaction of the CDFW.

Before any construction activities begin, the project proponent shall retain a qualified Biologist to conduct a Worker's Environmental Awareness Program (WEAP) for all construction personnel. At a minimum, the training shall include a description of the California giant salamander and SCBS and their habitats, the specific measures that are being implemented to conserve these species for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in WEAP, provided that a qualified Biologist is on hand to answer any questions.

MM BIO-1d Protection of Active Bird Nests

Removal of trees shall be limited to only those necessary to construct the proposed project as reflected in the relevant project approval documents.

If the proposed project requires vegetation to be removed during the nesting season (February 1 to August 31), pre-construction surveys shall be conducted no more than 5 days prior to the start of ground or vegetation disturbance (including tree removal) to determine whether active nests are present.

If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level (the California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors). A qualified Biologist shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s).

The qualified Biologist shall monitor the active nest during construction activities and modify the avoidance buffer accordingly to prevent project-related nest disturbance, until the young have fledged.

MM BIO-1e Roosting Bat Pre-construction Survey and Avoidance

No more than 7 days prior to beginning ground disturbance and/or construction, a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of bats) shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (i.e., observation of bats during foraging period), inspection for suitable habitat, bat

sign (i.e., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees and buildings within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction-related to the subject proposal may proceed.

If the Biologist determines or presumes roosting bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Tree and/or building demolition shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31. Exclusion efforts may be restricted during periods of sensitive activity (i.e., during hibernation or while females in maternity colonies are nursing young).

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Sensitive Natural Communities or Riparian Habitat

Impact BIO-2:	**The proposed project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

Project implementation would impact 0.20 acres of riparian habitat (as shown on Exhibit 3.3-1), which is considered sensitive natural community. Impacts to sensitive natural communities would be considered a significant impact. However, with implementation of MM BIO-2, requiring compensatory mitigation for loss of riparian habitat, impacts to sensitive natural communities would be reduced to a less than significant level.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measure

MM BIO-2 Compensatory Mitigation for Loss of Riparian Habitat

The project proponent shall compensate for the loss of 0.20 acre of riparian habitat by restoring and conserving native riparian vegetation at a ratio of at least 1:1, or, if the restoring of riparian vegetation at a 1:1 ratio is not feasible, by purchasing adequate mitigation credits as determined by the California Department of Fish and Wildlife (CDFW) through a Streambed Alteration Agreement. Restoration may include removal of invasive species from riparian areas and planting and maintenance of native riparian species, where feasible.

The project proponent shall submit a Mitigation and Monitoring Plan (MMP) to CDFW prior to issuance of a grading permit. The MMP shall be prepared by a qualified restoration Biologist and shall include planting and maintenance protocols, performance criteria, and a monitoring and reporting program. At a minimum, the planting and maintenance protocols shall define planting locations, density and spacing, a native species palette, browse protection, irrigation regime, replacement of dead plants, annually increasing the standards of the performance criteria until the mitigation goal is achieved, long-term funding commitments, and monitoring and reporting based on the trajectory for achieving the 1:1 minimum replacement.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Wetlands and Jurisdictional Features

Impact BIO-3: **The proposed project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

Based on findings concluded in the Delineation Report for the proposed project, two intermittent drainage segments would likely be classified as waters of the United States under the jurisdiction of the USACE. However, the remaining drainage segments delineated within the Study Area would likely be exempt from USACE jurisdiction as these drainages are ephemeral streambeds that would not be subject to USACE jurisdiction pursuant to the *Sackett* decision levied by the U.S. Supreme Court.

FCS proposes that all drainages within the Study Area boundary would fall under the jurisdiction of the RWQCB as jurisdictional waters of the State. These features are therefore also protected by CDFW's Streambed Alteration Program. Thus, the proposed project would result in direct impacts to potential State or federally protected waters through impacts to the intermittent and ephemeral drainage channels within the Study Area (as shown Exhibit 7 of the BRA).

Impacts to these features are regulated pursuant the CWA, Porter-Cologne Water Quality Control Act, and Fish and Game Code Section 1602, *et seq*. and would require the project proponent to comply with the avoidance, minimization, and compensatory mitigation measures defined by the USACE, RWQCB, and CDFW (trustee agencies). The agency-defined permitting regimes that enforce Section 1602 require no-net-loss policies regarding aquatic areas and function. Through the implementation of these regimes, impacts to jurisdictional features would be avoided and/or offset to a level of less than significant under CEQA. Therefore, no additional mitigation measures to those required by the trustee agencies are warranted to reduce any potential impacts to less than significant under CEQA.

Accordingly, impacts would be reduced to less than significant with implementation of MM BIO-3 (or mitigation measures required by the trustee agencies, whichever are more conservative).

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measure

MM BIO-3 Jurisdictional Waters

The fill of jurisdictional waters in the form of ephemeral and intermittent streams shall be avoided and minimized to the extent feasible. Authorization for the fill of waters of the United States and/or State shall be obtained by the project proponent prior to the start of construction. Mitigation for the fill of jurisdictional waters shall be accomplished through creation or restoration of other waters at a minimum 1:1 ratio within the Study Area, at an approved mitigation bank or at another location within the San Francisco Bay Basin watershed as approved of by the United States Army Corp of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). The mitigation goal shall be to create and/or enhance aquatic habitats with habitat functions and values greater than or equal to those that could be impacted by the proposed project. Compensatory mitigation within the Study Area or at another location within the watershed would be described in a stream mitigation plan that would:

- Define the location of all restoration and creation activities.
- Describe measures that would ensure that adjacent land uses would not adversely affect the ecological functions and values of the stream mitigation area so as to ensure consistency with the foregoing federal guidelines and rules. Such measures may include the use of appropriately sized buffers between the stream mitigation area and any adjacent development, the use of fencing or walls to prevent unauthorized access, lighting in adjacent development designed to avoid light spillage into the stream mitigation area, landscape-based Best Management Practices (BMPs) for adjacent development prior to discharge into the stream mitigation area, and signage describing the sensitive nature of the wetland mitigation area.
- Provide evidence of a suitable water budget to support restored and created streams.
- Identify the species, quantity, and location of plants to be installed in the stream habitats.
- Identify the time of year for planting and method for supplemental watering during the establishment period.
- Identify the monitoring so as to ensure consistency with the foregoing federal guidelines and rules, which shall be not less than 5 years for stream restoration.
- Define success criteria that shall be required for restoration efforts to be deemed a success.
- Identify adaptive management procedures that may be employed as needed to ensure the success of the mitigation project and its consistency with the foregoing federal guidelines and rules. These include, but are not limited to, remedial measures to address exotic invasive species, insufficient hydrology to support the attainment of performance standards, and wildlife harm.

- Define management and maintenance activities, including weeding, supplemental irrigation, and site protection.
- Define responsibility for maintaining, monitoring, and ensuring the preservation of the mitigation site in perpetuity. The project proponent shall comply with all terms of the permits issued by these agencies, including mitigation requirements, and shall provide proof of compliance to the applicable State agency and the City of Saratoga prior to issuance of a grading permit.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Fish and Wildlife Movement Corridors

Impact BIO-4:	**The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.**

The Study Area contains numerous drainage segments, with one drainage supporting riparian habitat. These drainages likely maintain a hydrological downstream connection to Calabazas Creek. Within the greater region, Calabazas Creek is expected to function as a wildlife movement corridor, and the drainages within the Study Area that function as tributaries to Calabazas Creek are also expected to facilitate wildlife movement. Although the drainages present within the Study Area are not expected to support the movement of local sensitive aquatic species such as CRLF or western pond turtle, they are likely to support other aquatic species that would utilize the on-site drainage as a movement corridor through the Study Area given its connection to Calabazas Creek.

Other natural upland habitats within the Study Area (i.e., coast live oak woodland, coastal scrub) may function as pathways for terrestrial wildlife movement. While these natural upland habitats may facilitate terrestrial wildlife movement, the Study Area is surrounded by large swaths of undeveloped natural habitats to the west and south with rural residential development to the north and east. Moreover, the Study Area does not provide funneled connectivity between two or more large areas of open space on a local scale, as is necessary to meet the requirements of a wildlife movement corridor, but rather allows larger-scale wildlife movement throughout the Study Area and surrounding undeveloped areas. Moreover, the project site consists of 72.45 acres and development of the proposed project would impact a small portion of the overall project site and the remaining 53.42 acres are not proposed for development. As such, the upland habitats of the Study Area do not function as and are not part of a well-defined movement corridor since wildlife are able to traverse through the Study Area and surrounding areas on a large scale.

The Study Area does not contain unique breeding or nesting colony opportunities as no significant breeding or nesting colonies were observed during the 2024 field survey. However, individual nesting wildlife mentioned above, including salamanders, woodrats, birds, and roosting bats, have the potential to be seasonally present on-site and within areas of potential disturbance distance.

Project implementation would require grading and the potential fill of some of the drainage features within the Study Area, including various crossings over the ephemeral drainage channel located in the northeastern portion of the site and the intermittent drainage channel that travels through the center of the site. The proposed project therefore could result in direct impacts to individual wildlife species using these drainages for dispersal. Additionally, project implementation would require the removal of trees, which may result in direct loss of nesting bird and roosting bat habitat. Implementation of MM BIO-1a through MM BIO-3 (see above) and adherence to the City's Tree Preservation guidelines would reduce impacts to wildlife movement corridors and nursery sites to a less than significant level through avoidance and minimization of impacts to wildlife species and habitat, and compensatory mitigation for impacts to jurisdictional features (i.e., on-site drainages) and associated riparian habitat.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM BIO-1a through MM BIO-3.

Level of Significance After Mitigation

Le***s***s than significant impact with mitigation incorporated.

Local Policies or Ordinances

Impact BIO-5:	**The proposed project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

Local policies or ordinances applicable to the proposed project include the City of Saratoga General Plan (General Plan) and Municipal Code as described in Section 2.3 above. Where Builders Remedy is being utilized, only objective standards, those that are measurable and uniformly verifiable, may be applied by the local agency.

The General Plan Policies require the protection of sensitive vegetation and wildlife habitat, along with the minimization of a development's impacts on wildlife movement, riparian habitats, and native trees. Project construction has the potential to impact wildlife, riparian habitat, native trees, and wildlife movement prior to mitigation, resulting in a potentially significant impact under CEQA. However, the proposed project would meet the General Plan Goals OSC 10 and 11 through the implementation of MM BIO-1a through MM BIO-3, which would protect and preserve sensitive habitat and special-status species with the potential to occur within the Study Area. Accordingly, the proposed project would not conflict with General Plan Policies. Additionally, the preparation of a Tree Inventory, Assessment, and Protection Report provided by Monarch Consulting Arborists is consistent with objective portions of Section 15-50 of the Municipal Code. However, to the extent the review by the City Arborist required under Chapter 15-50 is discretionary, subjective standards cannot be enforced on Builders' Remedy projects. It should be noted that the applicant does not own any other property that could be developed in an economically feasible manner. No fiscally realistic alternatives exist to achieve the scope of the project as described. Therefore, the project as

proposed would not conflict with Chapter 15-50. Accordingly, the proposed project would be consistent with any applicable objective local policies and ordinances.

Therefore, with adherence to the General Plan and the Municipal Code, the proposed project would not conflict with the City's local policies or ordinances.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM BIO-1a through MM BIO-3.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.3.7 - Cumulative Impacts

The general geographic scope of the cumulative biological resources analysis is resource specific and discussed in greater detail in each section below. Cumulative projects in the project site vicinity are primarily residential and commercial uses; other relevant cumulative projects include a hotel and winery projects. Several of these planned developments are located in areas that have already been disturbed and built out with limited potential to support special-status wildlife and plant species, wildlife corridors and wildlife nursery sites, and protected trees. Furthermore, as noted below and to compensate for projects that may be in areas of more undeveloped settings, there is a comprehensive regulatory framework that would be imposed on cumulative projects to help ensure protected biological resources are identified and any significant impacts are feasibly mitigated. Accordingly, there is a low likelihood of special-status wildlife or plants, wildlife corridors or nursery sites, or protected trees occurring within these urban cumulative project areas due to past ground disturbance and planned development and a regulatory framework exists to protect areas that may contain protected biological resources.

Special-status Species

The cumulative geographic scope for special-status plant and wildlife species consists of the range of each species combined with the met habitat requirements of each species, most of which require undeveloped grassland, woodland, scrub, and riparian habitat. Therefore, the cumulative geographic scope for this discussion consists of a 1-mile range around the project site, at which point undeveloped/semi-developed land meets the urban interface of Saratoga and the potential for special-status plant and wildlife species to be present decreases exponentially. Project Nos. 1–6, 9, and 50–51, as observed on Chapter 3, Environmental Impact Analysis, Exhibit 3-1, exist within this geographic scope and are considered the cumulative project list within this discussion.

Cumulative project construction within the cumulative geographic context has the potential to impact special-status plant and wildlife species, their habitats, and wildlife movement prior to mitigation, resulting in a significant impact under CEQA. However, cumulative projects would be required to comply with applicable federal, State, and local laws, regulations, policies, and all

applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. These include regulations under the Endangered Species Act, the MBTA, CESA, and the California Fish and Game Code. These regulations protect and recover imperiled species and ecosystems and prohibit the kill, capture, selling, or harm of special-status species through means such as conservation.

Cumulative projects are also required to adhere to local policies and ordinances, including Saratoga General Plan Policies 10.1, 10.2, 10.4, 11.1, 11.2, 11.3, 11.5, 12.1, and 12.3 and Saratoga Code of Ordinances Chapters 15-50.050 and 15-50.170. These policies and ordinances require the protection of sensitive vegetation, wildlife, and habitats along with the minimization of a development's impacts on wildlife movement, riparian habitats, and native trees. Cumulative projects would be required to adhere to standard pre-construction surveys and to implement, if necessary, avoidance procedures for projects with the potential to impact special-status wildlife species. A majority of the cumulative developments are located in semi-urbanized areas and less urbanized, hilly environments. Biological impacts are project-specific, and it is not the obligation of this report to analyze speculative future project impacts to biological resources. However, all cumulative developments within the City, regardless of location, would be required to comply with the above requirements and applicable General Plan and Municipal Code policies and ordinances, as well as applicable State and federal regulations (as described in Section 3.3.3, Regulatory Framework).

Therefore, through the adherence to federal, State, and local policies and regulations, cumulative biological impacts related to special-status species would be reduced to a less than significant level. Similarly, the proposed project would implement applicable regulations and permitting and would implement MM BIO-1a through MM Bio-1e to ensure project impacts are less than significant. As such, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable, and the proposed project would have a less than significant cumulative impact on special-status species.

Special-status Plant Species

The cumulative project list contains projects predominately located in less urbanized environments but in areas adjacent to some urban development. Many of these projects are surrounded by active vineyards and scattered residential development areas. As described above, cumulative projects would be required to abide by federal, State, and local laws and regulations related to the protection of special plant species and project-specific implement mitigations (e.g., MM BIO-1a) as needed. As such, with implementation of federal, State, local laws and regulations, and project-specific mitigations, it is reasonable to conclude that cumulative impacts related to special-status plant species would be reduced to a less than significant level. Furthermore, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable. Upon compliance with applicable laws and regulations and with the implementation of the recommended mitigation measure (MM BIO-1a), potential impacts to special-status plant species due to the proposed project are not expected to be cumulatively significant. Therefore, this would constitute a less than significant cumulative impact.

Special-status Wildlife Species

Cumulative development would be required to comply with the applicable federal, State, and local policies and ordinances, as described above and in the Regulatory Framework section (Section 3.3.3). As stated above, these policies and ordinances require the protection of sensitive vegetation and wildlife habitat along with the minimization of a development's impacts on wildlife movement, riparian habitats, and native trees. Although project-specific construction could potentially impact wildlife, riparian habitat, native trees, and wildlife movement prior to mitigation, implementation of the above listed policies and requirements would ensure cumulative biological impacts would be less than significant. Therefore, cumulative impacts on these protected wildlife species are expected to be less than significant. Moreover, the proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable.

The project site is currently undeveloped and only a small portion of the site will be developed. Therefore, the implementation of recommended mitigation measures (MM BIO-1b and MM BIO-1c) would reduce potential project impacts to special-status wildlife species to be less than significant. Potential project-related impacts on protected active bird nests and bat roosts will be avoided by compliance with the MBTA and Fish and Game Code, and through implementation of MM BIO-1d and MM BIO-1e. Therefore, the proposed project is not expected to substantially affect special-status wildlife species and would not make a cumulatively considerable contribution to any impact.

Sensitive Natural Communities or Riparian Habitat

The cumulative geographic scope for sensitive natural communities or riparian habitats consists of the boundaries in which these communities can occur. Therefore, the geographic scope consists of a 1-mile radius around the project site at which point undeveloped/semi-developed land meets the urban interface of Saratoga and the occurrence of sensitive natural communities and riparian habitats significantly decrease. Project Nos. 1–6, 9, and 50–51, as observed on Chapter 3, Environmental Impact Analysis, Exhibit 3-1, exist within this geographic scope and are considered the cumulative project list within this discussion.

Within the cumulative project areas, development would not directly and significantly impact riparian habitat or other sensitive natural communities because they are largely located in partially urbanized or disturbed areas. All of the currently proposed developments within the cumulative project list are designed to address future growth problems and are considered residential project types. Additionally, all cumulative developments, in accordance with General Plan Policies and Municipal Code Ordinances, are designed to prevent urban sprawl and minimize developmental impacts to sensitive natural communities. Cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies relating to riparian habitat or other sensitive natural communities. These include the perseverance, protection, and maintenance of riparian habitats and creek corridors. Additionally, the City utilizes design and environmental review processes for all developments to ensure that project designs are in a manner that minimizes disruption to riparian habitats. Therefore, through adherence to federal, State, and local policies and regulations, cumulative impacts on sensitive natural communities or riparian habitat would be less than significant.

The proposed project would implement applicable General Plan and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework) and would implement MM BIO-2 and, therefore, would not have a cumulatively considerable contribution to the less than significant cumulative impacts to riparian habitat or other sensitive natural communities.

Waters of the United States

The cumulative geographic scope for waters of the United States consists of the boundaries in which these waters can occur. Therefore, the geographic scope consists of a 1-mile radius around the project site at which point undeveloped/semi-developed land meets the urban interface of Saratoga and the occurrence of waters of the United States significantly decrease. Project Nos. 1–6, 9, and 50–51, as observed on Chapter 3, Environmental Impact Analysis, Exhibit 3-1, exist within this geographic scope and are considered the cumulative project list within this discussion.

Within the cumulative project areas, cumulative development would not directly and significantly impact the waters of the United States because the proposed cumulative developments are largely sited in partially urbanized or disturbed areas, as is indicated in Chapter 3, Environmental Impact Analysis, Exhibit 3-1 and Table 3-1. Furthermore, cumulative projects with the potential to impact wetlands or other waters would be required to adhere to any applicable laws and regulations, including, for example, consultation with the applicable regulatory agencies (i.e., USACE, RWQCB, CDFW), quantification of their potential impacts in a formal jurisdictional delineation, and implementation of any required mitigation pursuant to applicable laws and regulations. Through adherence to regulatory agency requirements and required mitigations, along with local policies and ordinances, these projects will have a less than significant cumulative impact.

Additionally, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. The drainages present on-site would likely be considered State or federally protected aquatic resources pursuant to CWA Sections 404/401 and/or Fish and Game Code Section 1602. However, consistent with the City's standard practice, implementation of MM BIO-3 would ensure that any potentially significant impacts to State or federally protected waters and wetlands would be identified and avoided to the extent feasible, and the proposed project would otherwise be required to comply with the comprehensive regulatory framework to the extent applicable. Therefore, the development of the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact on State or federally protected waters and wetlands.

Local Policies or Ordinances

The cumulative geographic scope for local policies or ordinances consists of the boundaries in which these local policies and ordinances apply. Therefore, the geographic scope consists of a 3.5-mile area north, east, and south of the project site where local policies and ordinances apply. All projects listed in Chapter 3, Environmental Impact Analysis, Exhibit 3-1 and Table 3-1 exist within this geographic scope and are considered the cumulative project list within this discussion.

It is reasonably foreseeable that other cumulative projects identified in Table 3-1 may result in the removal of trees, which would be governed by the applicable local protection ordinance, including the City's Street Tree Ordinance and relevant General Plan Policies. Therefore, with adherence to

applicable Municipal Code ordinances and General Plan Policies which require tree removal permits for the removal of protected trees, impacts in this regard would not be cumulatively significant.

Moreover, the proposed project or any additional cumulative project would not conflict with recommended mitigation measures (MM BIO-1a and MM BIO-3), local tree policies or ordinances protecting trees, or other biological resources, given the requirement that all projects must adhere to applicable standards and mandates, including the City's Tree Preservation Ordinance. As such, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative impact. With compliance with the City's Street Tree Ordinance, cumulative impacts on trees regulated by the City's Street Tree Ordinance would be less than significant.

Wildlife Nursery Sites

The cumulative geographic scope for wildlife nursery sites consists of the boundaries in which these nursery sites can occur. Therefore, the geographic scope consists of a 1-mile radius around the project site, at which point undeveloped/semi-developed land meets the urban interface of Saratoga and the potential for the occurrence of wildlife nursery sites significantly decreases. Projects #1–6, 9, and 50–51, as observed on Chapter 3, Environmental Impact Analysis, Exhibit 3-1, exist within this geographic scope and are considered the relevant cumulative projects within this discussion.

Nesting birds and roosting bats, including groups of species that are protected under federal and State law and are considered sensitive and protected under certain conditions (e.g., when nesting, breeding), are known to use the sites within the cumulative development areas for nesting and roosting. Removal of tall nest trees that are critical for species reliant on taller nest trees (e.g., the ash and pine trees on-site) may contribute to significant cumulative impacts on loss of suitable nest trees for bird species reliant on tall trees (e.g., *Buteo* species) if similar trees nearby are also removed, and not replaced in kind. Therefore, there are potential cumulative impacts to wildlife nursery sites.

Potential project-related impacts on active bird nests and bat roosts are analyzed and discussed under Impact BIO-1 and are considered potentially significant. However, implementation of MM BIO-1d and MM BIO-1e would avoid impacts on active bird nests and bat roosts by establishing protection zones if nests or roosts are found and would reduce the proposed project's incremental contribution to this impact to less than significant. Therefore, the implementation of the proposed project would not cause any cumulatively considerable contribution to any significant cumulative impacts in this regard.

Additionally, the planned developments listed in Table 3-1 are predominantly located in areas that have been semi-developed and contain disturbed areas, lowering the potential to support wildlife nursey sites. Cumulative projects within the cumulative geographic context would be required to comply with applicable General Plan Policies, Municipal Code requirements, and other applicable regulations (as described in Section 3.3.3, Regulatory Framework) that protect wildlife nursey sites. For example, the MBTA prohibits the disturbance or destruction of active nests and eggs of migratory birds without a permit, ensuring that nesting birds in nursery sites are not harmed during critical breeding periods. Additionally, General Plan Policy OSC 10.1 requires the minimization of development encroachment into important wildlife habitat, which nursery sites are. In the case

where adherence to applicable policies and ordinances do not reduce impacts to less than significant, project-specific mitigation (i.e., MM BIO-1d and MM BIO-1d) may be necessary to further reduce impacts. Therefore, with implementation of federal, State, and local policies, along with the addition of applicable project-specific mitigations, cumulative projects would result in less than significant cumulative impacts to wildlife nursery sites.

Fish and Wildlife Movement Corridors

The cumulative geographic scope for fish and wildlife movement corridors consists of the boundaries in which these corridors can occur. Therefore, the geographic scope consists of a 1-mile radius around the project site, at which point undeveloped/semi-developed land meets the urban interface of Saratoga and the potential for the occurrence of fish and wildlife movement corridors significantly decreases. Project Nos. 1–6, 9, and 50–51, as observed on Chapter 3, Environmental Impact Analysis, Exhibit 3-1, exist within this geographic scope and are considered the cumulative project list within this discussion.

The planned developments listed in Table 3-1 are predominantly located in areas that are semi-developed or disturbed with limited potential to support wildlife corridors, although some are in less developed environments. The proposed project contains drainages present that are not expected to support the movement of local sensitive aquatic species such as CRLF or western pond turtle but are likely to support other aquatic species that would utilize the on-site drainage as a movement corridor through the Study Area given its connection to Calabazas Creek. Therefore, this area is considered a movement corridor. However, with implementation of MM BIO-1a through MM BIO-3, project-related impacts would be reduced to a less than significant level and would not cause any cumulatively considerable contributions to cumulative impact.

Cumulative projects within the cumulative geographic context would be required to comply with applicable General Plan Policies and Municipal Code requirements (as described in Section 3.3.3, Regulatory Framework Section). As stated above, these policies and ordinances require the protection of sensitive vegetation and wildlife habitat, along with the minimization of development's impacts on wildlife movement, riparian habitats, and native trees. However, depending on the environmental settings of individual projects, project-specific mitigation may be necessary to lower impacts to movement corridors to a less than significant level (such as MM BIO-1a through MM BIO-3). However, adherence to General Plan and Municipal Code policies and ordinances, coupled with the implementation of project-specific mitigations, as necessary, would ensure potential cumulative impacts to protected fish and wildlife movement corridors would be less than significant.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM BIO-1a through MM BIO-3.

Level of Cumulative Significance After Mitigation

Less than significant impact.

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3.4 - Cultural Resources

3.4.1 - Introduction

This section describes the existing cultural resources setting and potential effects that may result from project implementation on the site and its surrounding area. The descriptions and analysis in this section are based, in part, on information provided by a records search conducted at the Northwestern Information Center (NWIC), archival research, and a pedestrian survey as presented in the Phase I Cultural Resources Assessment (Phase I CRA) prepared for the proposed project, which is included in the confidential Appendix D.[1] The applicable regulatory framework is also discussed below. In addition, recommendations provided in the Phase I CRA pertaining to feasible mitigation of potential impacts to cultural resources are also addressed in this section. For an analysis of the potential effects related to Tribal Cultural Resources (TCRs) and information related to Assembly Bill (AB) 52 Consultation, refer to Section 3.16, Tribal Cultural Resources.

No comments were received during the Environmental Impact Report (EIR) scoping period related to cultural resources.

3.4.2 - Environmental Setting

Overview

The term "cultural resources" encompasses historic resources, archaeological resources, and burial sites, which are generally defined as follows:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State's history and are generally less than 200 years old. Historic resources often take the form of buildings, structures, and other elements of the built environment.
- **Archaeological Resources:** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with precontact indigenous cultures as well as later historic periods.
- **Burial Sites and Cemeteries:** Burial sites are formal or informal locations where human remains, usually associated with indigenous cultures, are interred.

More specifically, cultural resources may be understood as resources that have been formally recognized by a lead agency and/or are listed or determined eligible for listing on the California Register of Historical Resources (CRHR) (Public Resources Code [PRC] § 5024.1, Title 14 California Code of Regulations [CCR] § 4852). However, the fact that a resource is not yet identified as a

[1] This report contains sensitive information. Information that is provided by a Tribe as part of the Assembly Bill (AB) 52 consultation process is also specifically identified as confidential and may not be publicly disclosed in a California Environmental Quality Act (CEQA) document without the consent of the Tribe that provided the information. Public Resources Code (PRC) §21082.3(c)(1). Section 21082.3(c)(1) specifically states that such "information shall be published in confidential appendix to the environmental document. . . ." Further, an Environmental Impact Report (EIR) may not include or publicly disclose information that is protected against disclosure under the California Public Records Act (Government Code §§ 7920.000–7930.215, CEQA Guidelines § 15120(d)). The Public Records Act exempts from disclosure records "of Native American graves, cemeteries, and sacred places and records of Native American places, features and objects," as described in Public Resources Code §§ 5097.9 and 5097.993.

historical resource or found eligible for the CRHR does not preclude a lead agency from determining that said resource is a historical resource pursuant to Public Resources Code Sections 5020.1(j), 5024.1, and 21084.1 or Title 14 California Code of Regulations Section 15064.5(a). Under the California Environmental Quality Act (CEQA), a substantial adverse change in the significance of a historical resource would constitute a significant effect on the environment.

Cultural Setting

The following is a brief overview of the historic background, providing context in which to understand the background and relevance of sites found in the general project area. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I CRA conducted by FirstCarbon Solutions (FCS).[2]

Regional Historic Background

Spanish Period (1769–1821)

According to Hart, Spanish colonial policy from 1769–1821 was directed at the founding of presidios, missions, and secular towns, with the land held by the Crown. The depletion of the coastal populations resulted in Spanish missionaries shifting to conversion of the interior peoples. Spanish mission records indicate that by 1800, Ohlone-speaking peoples and others were being taken to Mission Dolores, and Mission Sonoma, built in 1823, was baptizing Tribal members until secularization of the missions in 1833. Tribal members' traditional lifeways apparently disappeared by 1810 as a result of disruption by Euro-American diseases, a declining birth rate, and the impact of the mission system. After secularization of the missions between 1834 and 1836, some Native Americans returned to traditional religious and subsistence practices while others labored on Mexican ranchos. Thus, multi-ethnic Indian communities grew up in and around the area and provided informant testimony to ethnologists from 1878 to 1933.

Mexican Period (1821–1848)

The Mexican Period, 1821 to 1848, was marked by secularization and division of mission lands among the *Californios* as land grants, termed ranchos. During this period, Mariano G. Vallejo assumed authority of Sonoma Mission and established a rapport with the Native Americans who were living there. In particular, Vallejo worked closely with Chief Solano, a Patwin who served as Vallejo's spokesperson when problems with Native American Tribes arose. The large rancho lands often were worked by Native Americans who were used as forced labor.

Shoup and Milliken state that mission secularization removed the social protection and support on which Native Americans had come to rely. It exposed them to further exploitation by outside interests, often forcing them into a marginal existence as laborers for large ranchos. Following mission secularization, the Mexican population grew as the Native American population continued to decline. Euro-American settlers began to arrive in California during this period and often married into Mexican families, becoming Mexican citizens, which made them eligible to receive land grants. In 1846, on the eve of the U.S.-Mexican War (1846 to 1848), the estimated population of California was 8,000 non-Natives and 10,000 Native Americans. However, these estimates have been debated.

[2] FirstCarbon Solutions (FCS). 2024. Masson Estates Project Phase I Cultural Resources Assessment.

Cook suggests the Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385.

Gold Rush and American Expansion Period (1848-1864)

In 1848, James W. Marshall discovered gold at Coloma in modern-day El Dorado County, which started the Gold Rush into the region that forever altered the course of California's history. The arrival of thousands of gold seekers in the territory contributed to the exploration and settlement of the entire State. By late 1848, approximately four out of five men in California were gold miners. The Gold Rush originated along the reaches of the American River and other tributaries to the Sacramento River, and Hangtown, present-day Placerville, became the closest town offering mining supplies and other necessities for the miners in El Dorado County. Gold subsequently was found in the tributaries to the San Joaquin River, which flowed north to join the Sacramento River in the great delta east of San Francisco Bay.

By 1864, California's Gold Rush had essentially ended. The rich surface and river placers were largely exhausted, and the miners either returned to their homelands or stayed to start new lives in California. After the Gold Rush, people in towns such as Jackson, Placerville, and Sonora turned to other means of commerce, such as ranching, agriculture, and timber production. With the decline of gold mining, agriculture and ranching came to the forefront in the State's economy. California's natural resources and moderate climate proved well suited for cultivation of a variety of fruits, nuts, vegetables, and grains.

History of Santa Clara County

The County of Santa Clara (County) derives its name from Mission Santa Clara de Asís, and it is one of the original counties created at statehood, sharing its name with the City of Santa Clara. The County of Santa Clara was founded on February 18, 1850, originally having been named San José County a month prior; the California legislature decided to change the name after recommendations from General Mariana Guadalupe Vallejo's committee. The County is made up of 15 cities, with San José serving as the county seat, and it encompasses 1,312 square miles.

As more and more settlers came to the area, they found the climate and soil in the County of Santa Clara pristine for farming and agriculture, compounded with underground aquifers underlying the entire valley, making the land particularly valuable. When gold was discovered in California in 1848, it brought an influx of settlers to the region, prompting several cities and towns to be established in the County, thus expanding its borders. Some of the prominent individuals who helped in the growth of the valley were Martin Murphy Jr., who by 1849 controlled six of the County's largest ranchos, planted the valley's first orchards, and helped institute Santa Clara University; Senator Leland Stanford, who established Leland Stanford Junior University in Palo Alto; and Rafael Soto, who helped lay out Palo Alto's original townsite in 1888. The addition of several rail lines was pivotal in facilitating the growth of agricultural businesses. After World War II, the communities in the County of Santa Clara experienced a population boom with thousands of veterans settling in the area seeking suburban living.

Today, the County of Santa Clara is nicknamed Silicon Valley and is home to Apple, Facebook, Google, and Tesla, etc. Its population of 1,877,592 is one of the largest in the State and is the largest of the

nine Bay Area Counties. Aside from being a leader in technology, the County is also home to Stanford University, San José State University, and Santa Clara University, as well as several sports teams, including the San José Sharks. The County of Santa Clara is continuously listed as one of the best places to live in the United States and is celebrated for its high standards of living and natural diversity.

History of the City of Saratoga

In 1846, William Campbell came to the Saratoga area and with his brother established a lumber mill. The lumber camp, about 2 miles west of present-day Saratoga Village, was known as Campbell's Gap, and the creek in the area was originally named Campbell's Creek (now Saratoga Creek). During the 1848 California Gold Rush, an Irish immigrant, Martin McCarthy, moved to the Saratoga area. McCarthy met Hannah Barry in San José, and they were married after a brief courtship. In 1852, they acquired a substantial tract of land in the Saratoga hills. They registered and platted their land, naming the city after themselves, McCarthysville. The City's name changed from McCarthysville to Bank Mills and finally, in 1865, to Saratoga.

In 1850, McCarthy leased Campbell's lumber mill and began improving access to the mill by building a toll road that made it easier to transport the lumber from the mill to the nearby settlement. Teamsters bringing wagonloads of timber from the mountains took 2 to 3 days to traverse the road on their way to San José. The City of Saratoga (City) became one of the first stopping points for the wagons coming down the mountains and soon accommodations and eateries were developed to serve the travelers. This gave Saratoga an economic boost that helped establish the City's foundation. "Hotels and saloons were strung out along Lumber Street, now Big Basin Way, and a rough frontier atmosphere prevailed as late as the 1880s." A nearby town's newspaper commented that:

> Saratoga was a notorious town with its lumbering and sawmills back in the mountains. There were lots of Chinese in the villages and opium smoking as well as lotteries were going on all the time. There were even saloons in the village and to be a 'drunk from Saratoga' was the last word in drunkenness . . .

During this time, other mills were established in the local area, including a flour mill and a paper manufacturer that was the only Bay Area source for brown butcher's paper.

Lumbering was not the only economic activity in the small foothill community. By the late nineteenth century, Saratoga was known as an industrial manufacturing center and as a tourist locale owing to the nearby mineral springs. The proximity of the lumber mill prompted William York to start a furniture manufacturing business using local sycamore, redwood, and madrone wood. A tannery, store, gristmill, and blacksmith shop were introduced to the City of Saratoga in the early 1860s by Charles Maclay. Saratoga had the distinction of becoming the first city on the West Coast to produce fiberboard, heavy butcher paper, and cardboard. The Saratoga Paper Mill flourished until 1883 when it was destroyed by fire.

In addition to lumber mills, blacksmith shops, and tanneries, two limestone rock quarries were established in Saratoga. One of the primary resources, Saratoga slag, was created by crushing local

gravel, which produced a superior road-building material that provided a smooth, waterproof driving surface.

Starting in the late 1860s, farming families began to plant large orchards of fruit trees that extended into the foothills. The trees included the French prune, Blenheim apricots, cherries, walnuts, almonds, and grapes. As time passed, fruit trees became the primary economic activity of the Saratoga area as the other businesses faded away. The beauty of the mountains combined with the flowering trees created scenery that inspired poets and authors and helped to establish the local tourism industry. Out of this springtime beauty, the Saratoga Blossom Festival was started in 1899, drawing visitors from San Francisco and other parts of the country who arrived on the South Pacific Coast train. The Festival lasted until 1941 when the realities of the war effort made it impossible to continue with the tradition.

Starting with the Blossom Festival, Saratoga gained a reputation as a center for the arts. Poets, artists, and writers took up residence in the foothill community. In the 1930s and 1940s, the Theater of the Glade was established behind the Saratoga Inn and staged Shakespeare's plays in the summer months. Senator James D. Phelan built a beautiful estate, Villa Montalvo, to serve as his home and as a center for the arts. Important artists of all types were invited to be his guests; today, the estate continues to serve as a local cultural center in accordance with Senator Phelan's wish. The Montalvo Foundation continues to stage a full range of musical and artistic programs on the grounds.

Saratoga's weather, location, and natural amenities attracted wealthy San Francisco residents to the area as a resort destination. Residents discovered a local mineral spring in the 1860s, and since the spring's chemical content was similar to that of the famous Congress Spring at Saratoga Springs in New York, the City was officially named Saratoga in 1865. Lewis Sage owned the Congress Springs hotel in Saratoga, which had 63 rooms, several cottages, a dairy, a trout pond, an orchard, and a vineyard. This resort served San Franciscan travelers and Santa Clara Valley's elite.

The development of fruit orchards and vineyards established Saratoga as a popular trading post. Saratoga was noted as having the largest prune orchard in the world, named Glen Una, covering over 600 acres. In 1878, Paul Masson arrived in Santa Clara County and began making wine in the New Almaden area, approximately 16 miles southeast of Saratoga. In 1896, Masson acquired a vineyard in Saratoga from the Rodoni family and began producing excellent sparkling wines. The old winery site is now known as Mountain Winery and is an entertainment venue. Several other inns, hotels, and resorts developed in the Saratoga area, ranging from small inns serving lumberman and other workers who came to work in the local hills to elaborate, more formal resorts that attracted prestigious and elite visitors.

One of the major events to bring economic development to the City was the arrival in 1904 of the San José-Los Gatos Interurban Railway, later the Peninsular Railway—the first electric railway system to come to Saratoga. The line traversed across the valley as far as Stanford University in Palo Alto. This meant that students could travel to school by rail and businessmen from other areas could choose to live in Saratoga and take the train to their businesses. It only took 15 minutes to travel by train from Saratoga to San José, a bonus for residents. Because of the advent of the automobile, the line was phased out, and by 1933, the last of the trains were removed from service.

Big Basin Redwoods State Park, established in 1902, is located east of the City of Saratoga and is the oldest State park in California. Big Basin has the largest continuous stand of ancient coast redwoods south of San Francisco. The City of Saratoga is considered the gateway to the park. Saving the redwoods marked a significant turning point in the development of California, and local residents proudly changed the name of their main thoroughfare from Lumber Street to Big Basin Way in 1927.

The early residents of Saratoga created a notably excellent school system and parents with children sought residence in Saratoga because of the school system. The first school in Saratoga was the Little Brown Schoolhouse, built by the Sons of Temperance as the Temperance Hall. Starting in 1854, classes were held in the Temperance Hall, but over time, several other schools were constructed, and today Saratoga has more than a dozen schools across five school districts.

The period after World War II introduced new aerospace and electronics industries to the Bay Area, and the Santa Clara Valley and Saratoga was considered a prime area for employees of the new industries to settle and raise their families. In addition to an increased population, the period after World War II increased pressures on Saratoga to alter its rural nature. In 1956, residents of Saratoga voted to incorporate and establish their own city government, partially to deter potential annexation plans from the City of San José.

Today, Saratoga is a city of 31,051 people, many of whom commute to San José and San Francisco for work. The City has maintained its pioneer heritage through its preservation work in saving older buildings and creating the Saratoga Historical Foundation and Historic Park. Several of the older buildings were moved to the Historic Park for preservation. The City continues to prosper and serves as a prime residential and business community within the Santa Clara Valley.

3.4.3 - Methodology

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

The information in this section is based, in part, on the Phase I CRA prepared for the proposed project by FCS in June 2024. The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

Northwest Information Center

On March 5, 2024, a records search for the project area and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for the County of Santa Clara were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that two cultural resources (one pre-contact, one historic) (Table 3.4-1) have been recorded within a 0.5-mile search radius; however, no resources were recorded within the project boundary. In addition, 10 survey reports are on file within a 0.5-mile

radius (Table 3.4-2). One survey report (S-004587) addresses the entire proposed project site, indicating the project site has been completely surveyed for cultural resources.

Table 3.4-1: Cultural Resources Within 0.5 Mile of the Project Site

Resource No.	Resource Description	Date Recorded
P-43-000373	CA-SCL-000367; AP04 Bedrock milling feature	1978
P-43-000374	CA-SCL-000368H/ Pacific Congress Springs; AH04 Privies/dumps/trash scatters, AH07 Roads/trails/railroad grades, AH11 Walls/fences, AH15 Standing structures	1979, 1984, 2009
Source: Northwest Information Center (NWIC) Records Search. March 5, 2024.		

Table 3.4-2: Previous Investigations Within 0.5 Mile of the Project Site

Report No.	Report Title/Project Focus	Author	Date
S-004501	An Archaeological Field Survey of the Boisseranc Property in Saratoga (letter report).	David Chavez	1978
S-004587	**An Archaeological Reconnaissance of The Proposed Paul Masson Chateau Area Development Located in The Santa Cruz Mountains West of the Cities Of Saratoga And Los Gatos In the County Of Santa Clara (letter report).**	**Miley Paul Holman**	**1979**
S-004608	Archaeological Reconnaissance of the Parnas Subdivision, Pierce and Congress Springs Roads, City of Saratoga (ARS 78-100).	Katherine Flynn and William Roop	1978
S-004821	Archaeological Reconnaissance of the Rights-Of-Way of the Saratoga Water Improvement Project (letter report).	Katherine Flynn	1979
S-008498	An Archaeological Reconnaissance of the Teerlink and De Martini properties, Saratoga, CA (letter report).	William Roop	1978
S-011911	Archaeological Survey Report, Proposed Replacement of Bridge Crossing Over Saratoga Creek, 04-SCL-9 P.M. 5.5/5.6 910054-13086G (Caltrans).	Patricia Dolan and Mara Melandry	1990
S-020171	Cultural Resource Evaluation of Approximately 28 Acres Located off Mount Eden Road in the City of Saratoga, California	Robert Cartier	1998
S-033511	Cultural Resources Inventory of Caltrans District 4 Rural Conventional Highways in Alameda, Marin, Napa, San Mateo, Santa Clara, and Sonoma Counties.	Laura Leach-Palm, Patricia Mikkelsen, Jerome King, Paul Brandy, Lindsay Hartman, and Bryan Larson	2007

Report No.	Report Title/Project Focus	Author	Date
S-036977	Archaeological Survey Report: Three Spot Safety Improvements on State Route 9 Near the City of Saratoga, Santa Clara, County, California.	Maureen Zogg, Janet Pape, and Stephen Bryne	2009
S-038710	Cultural Resources Records Search and Site Visit for AT&T Mobility, LLC Candidate CN3805 (Mountain Winery), 14831 Pierce Road, Saratoga, Santa Clara County, California (letter report).	David R. Cohen and Kathleen A. Crawford	2011
Notes: Reports listed in **Bold** are within the project site. Source: Northwest Information Center (NWIC) Records Search. March 5, 2024.			

Historic Maps and Aerial Photographs

A review of 20 historic aerial photographs spanning 1948 to 2020 reveals the project site remained undeveloped throughout this period. The surrounding area, however, exhibited agricultural use until 1991, when residential development began to the east and north of the project site.

Cultural Resources Pedestrian Survey

On April 12, 2024, FCS Director of Cultural Resources/Principal Investigator Dr. Dana DePietro and FCS Cultural Resources Specialist Brandon Carroll surveyed the project site to identify any unrecorded cultural resources within the project boundary. The survey began at the southernmost point of the project site and moved counter-clockwise across the site using approximately 15-meter transects where possible. The project site is within a northerly trending canyon along the west side of Pierce Road. Upper Calabazas Creek trends northerly through the central portion of the canyon and the project site. The topography of the project site is characterized by steep west- and east-facing slopes. There is a deep drainage gully that extends westerly along the northern border of the project site. The vegetation at the project site consists of oak, madrone, shrubs and weeds, and riparian vegetation along the corridor of Upper Calabazas Creek. For these reasons, sections of the project site were inaccessible due to steep grade or extensive ground cover.

With the exception of the planned emergency access road leading north from Vintage Lane, all areas of proposed development were accessible and inspected closely by the surveyors. Native soils in southwest of the project site were only partially visible (10–20 percent) and consisted of medium brown (Munsell 10YR 5-2) clay-rich soil interspersed with medium stones (5–8 centimeters [cm]) composed of sandstone, slate, chert, and schist. Native soils in the northwest of the project site lay at the base of the adjacent hills and were composed of eroded iron-rich soils (Munsell 7.5YR 3-3) that contained quartz and slate inclusions.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro examined all areas of the exposed ground surface for pre-contact artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). Particular

attention was paid to level areas in close proximity to the stream running through the project site, as these locations have higher potential to have been utilized by Native American peoples in the past.

During the pedestrian survey, a corrugated metal water tank installation was observed near lot 20, along with a historic-era glass bottle and rusted aluminum cans. The installation appeared to be relatively modern in construction (less than 50 years old), and the isolated bottle and cans did not appear to be part of a larger historic-era trash scatter with depositional integrity. As such, no potentially eligible historic or pre-contact archaeological resources were found over the course of the pedestrian survey; however, poor soil visibility across the site hindered the survey's overall ability to accurately gauge the presence of subsurface archaeological resources.

Buried Site Potential

In addition to the pedestrian survey, the potential for yet identified cultural resources in the vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. The proposed project was evaluated against a set of criteria identified by a geoarchaeological overview of the Nine Bay Area Counties in California Department of Transportation (Caltrans) District 4 that was prepared for Caltrans. This study mapped the "archaeological sensitivity," or potential to support the presence of buried pre-contact archaeological deposits, throughout the San Francisco Bay Area based on geology and environmental parameters including distance to water and landform slope. The methodology used in the study is applicable to other parts of California and concluded that sites consisting of flat, Holocene-era deposits in close proximity to water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers.

The project site is situated on sloping, undeveloped land. According to the geological map of the Cupertino and San Jose West quadrangles, the project site is almost entirely situated upon Pleistocene to late Pliocene Santa Clara Formation/Nonmarine Sedimentary Rocks. Applying the criteria set forth in Meyer et al., all Pleistocene to late Pliocene era deposits have minimal potential to contain archaeological deposits. This, coupled with the negative Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search (refer to Section 3.16 Tribal Cultural Resources), indicates a low potential to discover cultural resources (pre-contact resources, historic resources, and burial sites) within the project site.

Summary of Existing Cultural Resources at the Project Site

Historic Architectural Resources

Based on the NWIC record search results, pedestrian survey, and archival research, no known historic architectural resources are located within the project site boundaries.

Archaeological Resources

No known archaeological sites or burial sites are located within the project site boundaries. However, as noted in Table 3.4-1, recorded resources (one precontact resource and one historic resource) are located within an 0.5-mile search radius surrounding the project site.

3.4.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA), as amended, established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under 36 Code of Federal Regulations 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433), set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

State

Public Resources Code 5024.1(c)—Definition of a Historic Resource

PRC Section 5024.1(c), indicates that a resource may be listed as a historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under CEQA, even if a resource is not included on any local, State, or federal register or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Archaeological and historical sites are protected pursuant to a wide variety of State policies, laws and regulations, as enumerated in the Public Resources Code Section 5024.1. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3)(A–D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).

- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)(2)).

Health and Safety Code Section 7050.5

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. As the code states, "every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor" except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the Coroner.

Public Resources Code Section 5097.98

Section 5097.98 provides protocol for the discovery of human remains. It states that "whenever the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American." It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

Local

City of Saratoga General Plan 2040

The following current General Plan goals, policies, and implementation measures are applicable to the proposed project.

Open Space and Conservation Element

IM OSC-12.a	Continue to utilize the design review process, Historic Preservation Ordinance, and Tree Ordinance to ensure preservation of significant arbor resources.
Goal OSC-13	Through coordination with and implementation of other related General Plan Policies, encourage preservation of the City's heritage by providing for the protection of irreplaceable historic and cultural resources representing significant elements of City and regional history.
IM OSC-13.a	Periodically update the Heritage Resource Inventory and Designated Landmark Structures list and publish on the City Website information regarding incentives for preservation of heritage properties, such as the Mills Act Program. (See Land Use Element for additional related Implementation Measures)

3.4.5 - Approach to Analysis

This evaluation focuses on whether implementation of the proposed project would impact historic, architectural, archaeological resources, or human remains.

The proposed project may have an impact on a historical resource if construction of the proposed project would impair a resource's eligibility for inclusion in the CRHR; thus, this information has been considered, where appropriate, as part of the methodology used in this evaluation. Analysis is based on information collected from record searches at the NWIC, additional archival research, pedestrian surveys, and information from historic architectural assessment of existing properties more than 45 years in age located within the project boundaries. If an identified impact would leave a cultural resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the proposed project's impact would be considered a significant adverse change. According to CEQA Guidelines Section 15126.4(b)(1), if a project adheres to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, then the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant."

The proposed project may impact an archaeological resource or human remains if construction would physically damage or destroy archaeological data or human remains (including those buried outside of formal cemeteries).

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with construction and/or ground-disturbing activities and have the potential to immediately alter, diminish, or destroy all or part of the character and quality of archaeological resources and/or historic architecture or human remains. Indirect impacts are typically associated with post-project implementation conditions that have the potential to alter or diminish the historical setting of a cultural resource (generally historic architecture) by introducing visual intrusions on existing historical structures that are considered undesirable.

3.4.6 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether cultural resources impacts resulting from the implementation of the proposed project would be considered significant. A significant impact would occur if the proposed project would:

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5 (The proposed project will have no significant impacts related to this threshold; therefore, this criteria is addressed in Chapter 4, Effects Found not to be Significant.)

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

c) Disturb any human remains, including those interred outside of formal cemeteries.

3.4.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Archaeological Resources

Impact CUL-1: **The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**

Impact Analysis

Construction

Record search results from the NWIC did not identify any archaeological resources located within the project site; however, there are two archaeolgical resources (one precontact and one historic) recorded within the 0.5-mile search radius. The project site is situated on Pleistocene and Late Pliocene Santa Clara Formation/Nonmarine Sedimentary geologocal deposits geologocal deposits, and poor soil visibility across the project site hindered the ability to accurately gauge the presence of subsurface archaeological resources. Thus, no archaeological resources were encountered during the pedestrian survey.

However, there is always the possibility that earthmoving activities associated with project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact. Implementation of Mitigation Measure (MM) CUL-1a and MM CUL-1b would reduce potential impacts to archaeological resources that may be discovered during project construction. As such, impacts would be less than significant after the implementation of mitigation.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of an archeological resource are limited to construction impacts. No direct or indirect operational impacts related to archeological resources would occur.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-1a Prior to the initiation of construction activities, all construction personnel conducting ground disturbance activities at the project site shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids and a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology (a

"qualified Archaeologist") and any Native American Monitors or representatives consulting on the proposed project.

An Archaeological Monitor reporting to the qualified Archaeologist, along with a Tribal Monitor, shall be present during clearing, grubbing, trenching, grading, or other project-related ground disturbance to check for the inadvertent discovery of archaeological resources or human remains. During construction of the proposed project, should the Archaeologist determine that the probability of inadvertent discovery during construction is low, they may make a recommendation to the Lead Agency that monitoring be reduced to regular periodic or "spot-check" monitoring, or that monitoring may cease altogether.

MM CUL-1b In the event that buried archaeological resources are discovered during construction, operations shall stop within a 100-foot radius of the find, and an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the Archaeological Monitor and recommended to the Lead Agency. The Lead Agency, along with other relevant or Tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the Lead Agency. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Upon coordination with the Lead Agency, any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.

Level of Significance After Mitigation

Less than significant impact.

Human Remains

Impact CUL-2: The proposed project could disturb human remains, including those interred outside of formal cemeteries.

Impact Analysis

Construction

While no formal cemeteries or areas containing human remains are known to be in the project vicinity, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Implementation of MM CUL-2, which details inadvertent discovery procedures, would reduce potential impacts to previously undiscovered human remains to a less than significant level.

Operation

Impacts related to a project's potential to disturb human remains are limited to construction. No direct or indirect operational impacts related to human remains would occur.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-2 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.
2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
- The descendant identified fails to make a recommendation.
- The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Level of Significance After Mitigation

Less than significant impact.

3.4.8 - Cumulative Impacts

The geographic scope for the cumulative analysis is described further below for each type of resource. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact related to historical (built environment resources) and archaeological resources (pre-contact resources, historic resources, and burial sites). This analysis then considers whether the incremental contribution of the proposed project's impacts would be significant. Both conditions must apply for the proposed project's cumulative effects to rise to the level of significant.

Historical Resources

The relevant geographic scope for potential cumulative impacts to historical, built environment resources is the City. This is because the City provides the smallest geographic boundary of potential significance when a historic property is evaluated at the local, State, or federal level. The cumulative setting includes existing agricultural, residential, and commercial uses. There are four cumulative projects within 0.5 mile of the project site. However, only one historic resource was identified in the NWIC records search that is within a 0.5 mile of the project site and no historical resources were identified during a pedestrian survey of the project site. As the proposed project would not impact any existing historical resources, it would not contribute to a cumulative impact to historical resources.

Archaeological Resources

Significant impacts to unique archaeological resources have the potential to adversely affect our understanding of the past on multiple levels and are contingent on the category of resource and reasoning behind its significance. In the absence of any known archaeological resources that would be impacted by the proposed project, the appropriate geographic scope for assessing potential cumulative impacts is the immediate project vicinity. This is because the integrity of any given archaeological resource depends on what occurs in the immediate vicinity around that resource, (such as disruption of soils, etc.) and the City provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. For this analysis, the geographic scope is defined as the 0.5-mile NWIC records search radius.

The geographic scope for this cumulative setting includes, but is not limited to, existing agricultural and residential uses. Four of the cumulative projects shown on Exhibit 3-1, Cumulative Project Map,

are within the 0.5-mile geographic scope. However, potential cumulative impacts would be mitigated at an individual project level by adherence to applicable State and federal laws and regulations, as well as regulations and mitigations as discussed in Section 3.4.4, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources. Accordingly, cumulative impacts would be less than significant.

Given that the proposed project would not have a known, direct impact on any known archaeological resources, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable in this regard. Although construction activities associated with the proposed project have the potential to encounter undiscovered cultural resources, the proposed project would be required to mitigate for these impacts through compliance with applicable federal and State laws and regulations governing archaeological and cultural resources. Additionally, project level impacts would be further reduced with the implementation of mitigation measures MM CUL-1a, MM CUL-1b, and MM CUL-2, which require WEAP training for construction staff and the presence of an Archaeological Monitor and Native American Monitor during the clearing, grubbing, trenching, and grading of the site to ensure that undiscovered archaeological resources are not adversely affected by project-related construction activities and that inadvertent discovery procedures are followed.

Therefore, the proposed project will not have a cumulatively considerable impact on cultural or archaeological resources that may be present within the broader project vicinity and no mitigation is necessary to reduce cumulative impacts.

Level of Cumulative Significance

Less than significant impact.

Cumulative Mitigation Measures

None.

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3.5 - Energy

3.5.1 - Introduction

This section describes the existing energy setting in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to energy that could result from implementation of the project. Information in this section is based, in part, on project-specific energy calculation outputs included in Appendix B.

No public comments were received during the Environmental Impact Report (EIR) scoping period related to energy.

3.5.2 - Environmental Setting

The existing setting focuses on Santa Clara County and City-level energy consumptions and factors related to the use and availability of traditional fossil fuel and alternative, renewable energy sources.

Energy Usage Sectors

Energy use in an area is distributed across several sectors: transportation, industrial, and residential and commercial.

- **Transportation Sector:** This is a significant consumer of energy, primarily in the form of gasoline and diesel for vehicles.
- **Industrial sector:** The industrial sector includes consumption from construction, in addition to manufacturing, agriculture and mining.
- **Residential and commercial sectors:** The residential sector covers energy used in homes, businesses, offices, stores, and other commercial establishments for heating, cooling, lighting, and appliances.

Transportation Sector

Sales of gasoline and diesel in Santa Clara County were approximately 563 million gallons of gasoline and 45 million gallons of diesel in 2023.[1]

A variety of alternative fuels are used to reduce petroleum-based fuel demand. The use of these fuels is encouraged through various Statewide regulations and plans, such as the Low Carbon Fuel Standard (LCFS) and Senate Bill (SB) 32. Conventional gasoline and diesel may be replaced, depending on the capability of the vehicle, with transportation fuels including hydrogen, biodiesel,

[1] California Energy Commission (CEC). 2025. 2023 Annual Retail Fuel Outlet Report Results CEC-A15 Results and Analysis, Website: https://www.energy.ca.gov/media/3874. Accessed December 16, 2025.

and electricity. In 2023, the State had 597 renewable diesel refueling stations and 57 private hydrogen stations and seven retail hydrogen stations.[2]

Electricity can be used to power electric vehicles (EVs) and Plug-in Hybrid Electric Vehicles (PHEVs) directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicles' batteries. Fuel cells are being explored to use electricity generated onboard the vehicle to power electric motors. As of August 2024, California had a reported 153,034 public and shared private electric vehicle chargers; Santa Clara County had a reported 23,665 chargers, the second highest in the State after Los Angeles County. This includes 971 Public DC fast chargers; 6,088 Public Level 2; and 16,145 Shared Private DC fast chargers.[3]

Construction Sector

While estimates of construction fuel are not available as a subcategory of industrial usage, construction fuel is known to be a significant contributor to industrial fuel consumption. The construction industry is a major user of diesel fuel as it is utilized almost exclusively in off-road construction equipment. Diesel is the fuel of choice because it has 12 percent more energy per gallon than gasoline and has fuel properties that prolong engine life making it ideal for heavy-duty vehicle applications. Biodiesel was introduced into California in 2000 and renewable diesel in 2012. Biodiesel is predominantly made from soybean and recycled oils into a unique diesel fuel (it can be blended into transportation fuels but is not a substitute for diesel fuel). Renewable diesel is predominantly made from animal waste oils and the finished fuel is nearly identical to petroleum-based diesel.[4] The chemical and structural properties of renewable diesel are similar to petroleum-derived (conventional) diesel and can be used as a direct substitute for conventional diesel (up to 100 percent or R100). Blends of renewable diesel and conventional diesel are labeled with an R followed by the percentage (by volume) of the renewable diesel content. [5]

California consumed nearly 40 million barrels of renewable diesel in 2022,[6] compared to 1 million barrels in 2011 and 28 million barrels in 2021. This is largely a result of the LCFS, which went into effect in 2011.[7] This represents a significant shift away from traditional diesel with clean fuels replacing over 50 percent of the diesel used in the State in the first quarter of 2023.[8]

Residential and Commercial Sector

Electricity is distributed through the various electric load-serving entities (LSEs) in California. These entities include investor-owned utilities (IOUs), publicly owned LSEs, rural electric cooperatives,

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2 United States Department of Energy (DOE). 2025. Alternative Fueling Station Counts by State. Website: https://afdc.energy.gov/stations/states. Accessed on December 16, 2025.

3 California Energy Commission (CEC). 2025. Electric Vehicle Chargers in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/electric. Accessed December 16, 2025.

4 California Energy Commission(CEC). 2025. Diesel Fuel Data, Facts, and Statistics, Website: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/diesel-fuel-data-facts-and-statistics. Accessed December 16, 2025.

5 California Air Resources Board (ARB). 2025. Fact Sheet: Renewable Diesel Fuel Requirements, Website: https://ww2.arb.ca.gov/resources/fact-sheets/fact-sheet-renewable-diesel-fuel-requirements. Accessed December 16, 2025.

6 United States Energy Information Administration (EIA). 2025. State Profiles and Energy Estimates, Website: https://www.eia.gov/state/seds/sep_fuel/html/pdf/fuel_use_rd.pdf. Accessed December 16, 2025.

7 United States Energy Information Administration (EIA). 2023. Almost all U.S. renewable diesel is consumed in California; most is not made there. Website: https://www.eia.gov/todayinenergy/detail.php?id=57180#, July 20.

8 California Air Resources Board (ARB). 2023. Press Release 23-24: Low Carbon Fuel Standard drives shift away from petroleum. Website: https://ww2.arb.ca.gov/news/first-time-50-california-diesel-fuel-replaced-clean-fuels. August 23.

community choice aggregators, and electric service providers. These providers are often subject to State-level regulations and standards, including Renewables Portfolio Standard (RPS).

The RPS consists of policies (applicable to the energy /utility provider) designed to increase the use of renewable energy sources for electricity generation. California's RPS, established by SB 350 and subsequently SB 100, require 60 percent of electricity to come from renewable sources by 2030 and 100 percent from zero-carbon sources by 2045.

The renewable content of the produced electricity is based on the energy mix, or the combination of different energy sources used to meet energy needs in a particular region. It includes both renewable and nonrenewable sources. For example, a typical energy mix might include coal, natural gas, nuclear, hydroelectric, wind, and solar power.

Under the Power Source Disclosure Program, retail electricity providers are required to annually disclose to their retail consumers the mix of sources used to provide electricity service during the previous calendar year. In those instances when a retail supplier offers consumers more than one electricity portfolio, the retail supplier is to provide information specific to each electricity portfolio offered. This information is provided to consumers in the form of Power Content Labels.[9]

Electricity

In 2022, the Santa Clara County's commercial and residential sectors utilized a total of 17,102 million kWh (GWh) divided into nonresidential usage of 12,852 GWh and residential usage of 4,250 GWh.[10]

Natural Gas

In 2022, Santa Clara County's natural gas usage was 424 total millions of therms (190 million therms for nonresidential usage and 234 million therms for residential).[11] PG&E supplies natural gas in Santa Clara County.

3.5.3 - Regulatory Framework

Federal

Federal energy regulations were first introduced in 1975 with the Energy Policy and Conservation Act of 1975 in response to the 1973-1974 Arab Oil Embargo to improve the average fuel economy of cars and light trucks in the US. Other subsequent federal rules included the Energy Policy Act of 2005 (which introduced numerous energy efficiency standards for appliances, building off the existing Energy Star Program) and The Energy Independence and Security Act of 2007 (which strengthened the vehicular fuel economy standards). These regulations set important groundwork and foundation for subsequently promulgated California regulations.

[9] California Energy Commission (CEC).2022. Power Content Labels. Website: https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program/power-content-label. Accessed December 16, 2025.

[10] California Energy Commission (CEC). 2025. Energy Consumption Database, Electricity Consumption by County. Website: https://ecdms.energy.ca.gov/elecbycounty.aspx. Accessed December 16, 2025.

[11] California Energy Commission (CEC). 2025. Energy Consumption Database, Gas Consumption by County. Website: https://ecdms.energy.ca.gov/gasbycounty.aspx. Accessed December 16, 2025.

State

The following addresses State regulations related to transportation fuel efficiency and regulations related to commercial and residential energy usage related to building envelope and appliance usage.

Transportation Sector

California adheres to the federal Corporate Average Fuel Economy (CAFE) standards, but also has several other State programs that influence emissions and fuel efficiency. These regulations include the following:

- Pavley Regulations and Fuel Efficiency Standards (AB 1493)
- Low Emission Vehicle Standards (LEV Program)
- Zero-Emission Vehicle (ZEV Program)
- Advanced Clean Cars Program
- CA Phase 2 Greenhouse Gas (GHG) Emissions Trailer Certification
- Truck and Bus Regulations
- Heavy-Duty Diesel GHG Certification Program
- Heavy-Duty Inspection and Maintenance (I&M) Regulation
- Clean Miles Standard

These GHG or air quality regulations aim to reduce emissions of criteria pollutants, air toxics, and greenhouse gases, resulting in decreased energy consumption. However, they are not energy regulations or policies, specifically. While these regulations increase energy efficiency and consumption from vehicles, they typically apply to vehicle/engine manufacturers or vehicle maintenance and operation rather than directly to land use projects. Land use proponents can influence on-site operational factors that affect energy consumption by enforcing air quality regulations and measures that influence emissions from vehicles, such as limits on idling of commercial motor vehicles and construction equipment.

The California Code of Regulations Title 13, Section 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, prohibits diesel-fueled commercial vehicles from idling for more than 5 minutes at any given location. Compliance with this measure results in energy savings through reduced fuel consumption from unnecessary idling.

The Sustainable Communities and Climate Protection Act of 2008 (SB 375) requires land use projects to meet target reductions of Vehicle Miles Traveled (VMT) to reduce greenhouse emissions. Because VMT is directly related to fuel consumption, this regulation also serves to reduce energy consumption related to passenger vehicle travel.

Construction Sector

Land use development projects consume fuel during construction operations. Because of energy and efficiency requirements, off-road diesel equipment dominates the industry. Provisions in California's In-Use Off-Road Diesel Fleets regulation under California Code of Regulations Title 13 not only provide protection from air pollution but also promote the use of newer, well-tuned, and maintained

equipment and provide regulatory limits on unnecessary idling. These measures minimize toxic diesel exhaust and result in energy efficiency and avoidance of wasteful energy use.

Residential and Commercial Sector (Buildings and Appliance Energy)

California Code of Regulations Title 24

Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy-efficient technologies and methods. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2022 Building Energy Efficiency Standards went into effect on January 1, 2023.

This update to the building code provides crucial steps in the State's progress toward 100 percent clean carbon neutrality by midcentury. The 2022 Energy Code builds on California's technology innovations, encouraging energy-efficient approaches to encourage building decarbonization, emphasizing in particular heat pumps for space heating and water heating. This set of Energy Codes extends the benefits of photovoltaic and battery storage systems and demands flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The Energy Code includes measures that will reduce energy use in single-family, multi-family, and nonresidential buildings. These measures will:

- Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California.
- Require photovoltaic (PV) and battery storage systems for newly constructed multi-family and selected nonresidential buildings.
- Electric-readiness is a new mandatory requirement for dwelling unit gas space heating, water heating, cooking, and laundry. Common use areas are exempt from the electric-ready requirement, with the exception of common use area clothes dryers.
- Update efficiency measures for lighting, building envelope, and heating, ventilation, and air conditioning (HVAC).
- Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

California Code of Regulations Title 20 (Appliance Efficiency Regulations)

Sets standards for the energy efficiency of appliances sold or offered for sale in California, covering a wide range of appliances. Title 20 ensures that individual appliances meet specific energy efficiency standards, complementing Title 24's focus on overall building energy efficiency.

California Code of Regulations Title 24 Part 11 (California Green Building Standards Code)

California Code of Regulations Title 24, Part 11 (commonly referred to as the CALGreen Code) provides for voluntary energy efficiency provisions designed to support local jurisdictions and other entities aiming to exceed the mandatory energy efficiency requirements set by the Energy Code. These provisions apply to newly constructed buildings as well as additions and alterations to existing buildings. These voluntary measures focus on enhancing resource efficiency, improving building energy system performance, and aligning with broader environmental and public health goals, such as decarbonizing California's economy. They complement the mandatory provisions by offering additional strategies for energy conservation and efficiency.

Renewable Portfolio Standard

Established by Senate Bill 350 and Senate Bill 100, the RPS mandates that 60 percent of California's electricity come from renewable sources by 2030 and 100 percent from zero-carbon sources by 2045. Developers can support this by integrating renewable energy systems, such as solar panels, into their projects. This not only helps meet State energy goals but also enhances the sustainability and marketability of new developments.

California Energy Commission 2023 Integrated Energy Policy Report

The Integrated Energy Policy Report (IEPR) is prepared by the CEC biennially (every 2 years), as mandated by Senate Bill 1389. This report provides a comprehensive overview of the State's major energy trends and issues, covering sectors like electricity, natural gas, and transportation fuels. The 2023 report highlights the implementation of California's innovative policies and the role they have played in establishing a clean energy economy and provides more detail on several key energy policies, including decarbonizing buildings, increasing energy efficiency savings, and integrating more renewable energy into the electricity system.

Regional

The Bay Area Air Quality Management District (Bay Area Air District) implements various policies and regulations to enhance energy efficiency and promote clean energy usage in the region. The 2017 Clean Air Plan, titled "Spare the Air, Cool the Climate," outlines several strategies to achieve these goals:

Building Electrification and Efficiency Regulations

Regulation 9, Rule 4

Targets nitrogen oxides (NO_X) emissions from residential central furnaces, requiring new appliances to meet zero-NO_X standards. This promotes the transition to electric heat pumps, which are more energy-efficient and reduce reliance on natural gas.

Regulation 9, Rule 6

Focuses on NO_X emissions from natural gas-fired boilers and water heaters, setting stringent emission standards for these appliances. Compliance with these standards is mandatory for new installations.

Clean Air Plan Control Measures

The Clean Air Plan includes specific control measures aimed at reducing energy consumption and promoting clean energy:

BL1 Green Building Standards: Encourages the adoption of green building standards that exceed the mandatory requirements, promoting energy-efficient building designs and technologies.

BL2 Decarbonizing Buildings: Focuses on reducing greenhouse gas emissions from buildings by promoting electrification and the use of renewable energy sources.

BL4 Energy Efficiency: Implements programs to improve energy efficiency in existing buildings through retrofits and upgrades.

Local

City of Saratoga General Plan 2040

The following General Plan goals and policies are related to energy:

Land Use Element

Policy 6.3 Continue to implement the City's Construction Materials Recycling Program to reduce the quantity of construction debris in local landfills.

Policy 6.4 Continue to enforce and implement existing tree protection, especially in regard to native trees.

Policy 6.5 Encourage the use of renewable energy resources and energy conservation.

Housing Element

Goal 1 **Housing Production and Variety.** A housing stock comprising a variety of housing and tenancy types at a range of prices, within close proximity to services and opportunity, which meets the varied needs of existing and future City residents.

Policy 1.3 Incentivize efficient buildings and conservation.

Program 1.3-1 Encourage Efficient Use of Energy Resources in Residential Development Encourage participation in energy efficiency programs, long-term loans for green upgrades, and clean/renewable energy services through partnerships such as the Silicon Valley Clean Energy (SVCE) and California FIRST PACE program.

Program 1.3-2 Encourage Green Building Practices in Home Construction and promote "green building" practices through the Go Green in Saratoga web page, CALGreen checklists, and green building reach codes requiring heat pump technology and stricter energy standards

City of Saratoga Climate Action Plan

The City of Saratoga adopted a Climate Action Plan (CAP) in December 2020.[12] The CAP establishes emissions reductions targets similar to the State's goals to reduce emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In Saratoga, emissions would need to drop to 91,745 MT CO_2e by 2030 and 30,582 MT CO_2e by 2050. The actions to meet these targets include:

- GHG-free electricity
- Electrification of all passenger vehicles
- Electrification of all transit buses
- Continued fuel efficiency improvements in the commercial vehicle fleet and some electrification of medium- and heavy-duty trucks
- Elimination of all organic waste from the landfill
- Continued reductions in natural gas consumption in residential and commercial buildings
- Electrification of all lawn and garden equipment

The CAP relies on both State and local actions to achieve the reduction targets. Many of the actions are voluntary in nature, which means the assumed reductions cannot be assured.

Code of Ordinances

The City of Saratoga had previously limited the use of natural gas in new construction in December 2022. Known as a "reach code," this ordinance required that newly constructed homes within the City use electricity for space heating, water heating, and clothes drying, and meet electric readiness requirements for any interior gas cooking appliance.[13] However, in September 2024, the City Council took action to remove these requirements that residential and commercial construction be mostly electric.

Chapter 17, Article 17-05, Section 17-05.010 Greenhouse Gas Reduction Policies cross-references various sections of the Code of Ordinances that seek to reduce emissions of GHGs. Pertinent sections include, but are not limited to, 9-70 Transportation demand management; 15-47 Water efficient landscapes; 15-48 Limitations on wood-burning fireplaces; 15-50 Tree regulations; 16-47 Green building regulations; 16-49 Green Building Standards Code (including CALGreen Sections 4.408, 5.408, 301.1.1, and 301.3); and 6.75.030 Water conservation devices.

Article 16-49.020 requires a control system designed to manage load across one or more electric vehicle supply equipment, circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. Article 16-49.035 requires new one- and two-family dwellings and townhouses with private garages to be supplied by a 40-ampere 208/240 volt

[12] City of Saratoga. Climate Action Plan 2030. December 2, 2020. Website: https://www.saratoga.ca.us/DocumentCenter/View/2582/Saratoga-Climate-Action-Plan-2020. Accessed December 16, 2025.
[13] City of Saratoga. Green Building Standards Code. 2025. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH16BURE_ART16-49GRBUSTCO_16-49.030AMCH4GRBUSTCOREMAME. Accessed December 16, 2025.

minimum installed specifically for a Level 2 Electric charging outlet. A second Level 1 EV dedicated branch circuit (minimum 20-amp 11v) shall also be provided.[14]

3.5.4 - Methodology

The approach to analysis for energy use is based on the California Environmental Quality Act (CEQA) Guidelines Appendix F (Energy Conservation), which is focused on energy conservation through the efficient use of energy resources. Estimates of energy consumption associated with the proposed project are based, in part, on information provided by the California Emissions Estimator Model (CalEEMod) output included in Appendix B. Assumptions for construction and operations used to determine energy consumption are consistent with those used to determine air quality and GHG impacts. Furthermore, the proposed project is assessed for whether it would conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

3.5.5 - Thresholds of Significance

The lead agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts related to energy are significant environmental effects. Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

3.5.6 - Project Impacts and Mitigation Measures

A discussion of the proposed project's anticipated energy usage is presented below.

Energy Use

Impact ENER-1:	**The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.**

Construction Impacts

The proposed project's construction was conservatively assumed to begin in June 2025 If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. In addition, while applicant-provided information indicates that construction could take 36–48 months, the modeling analysis represents a conservative, worst-case scenario because emissions are assumed to occur in earlier years and over shorter periods of time (which would result in higher daily emissions). The proposed project would require site preparation, grading, building construction, architectural coating, and paving, in addition to the removal of approximately 367 trees. The construction phase would require energy for the

[14] City of Saratoga. Green Building Standards Code. 2025. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH16BURE_ART16-49GRBUSTCO_16-49.035ELVECHRE. Accessed December 16, 2025.

manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, excavators, forklifts, and pavers. Construction equipment use on-site is estimated to consume 46,089 gallons of diesel fuel over the entire construction duration (Appendix B).

Fuel use associated with vehicle trips to the site generated by construction of the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB EMFAC mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix B. In total, the proposed project is estimated to generate 59,271 VMT and 3,888 gallons of combined gasoline and diesel for vehicle travel during construction.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Thus, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Furthermore, a comparison of the construction-related energy use associated with the proposed project against a similar project within the City (the House Family Vineyard project) demonstrates that energy consumed during project construction is similar if not more efficient. For example, the House Family Vineyards Draft EIR estimates construction-related energy consumption to be 11,446 gallons of diesel and 1,177 gallons of gasoline. The scope of the House Family Vineyards project includes approximately 36,000 square feet, including constructing an access road and a subterranean wine cave and removing an existing vineyard and replacing it with native vegetation. There would also be modifications to a tasting deck and associated bathrooms.[15]

The proposed project would be associated with approximately 800,718 square feet of building space. Therefore, based on the size difference between the House Family Vineyard project and the proposed project, it can be reasonably concluded that the proposed project would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites (such as the House Family Vineyards project). Therefore, construction-related energy impacts would be less than significant.

Operational Impacts

Operation of the proposed project would result in energy consumption from building operations (e.g., lighting and appliances and treatment, supply, and distribution of water) and transportation

[15] AECOM. 2024. Draft Environmental Impact Report – For Public Review, House Family Vineyards. November 4.

fuel (e.g., fuel usage for passenger vehicles, motorcycles). Building operations could rely on electricity and natural gas for operational energy requirements.

Fuels would be consumed from the motor vehicles that would travel to and from and within the project site. This includes a mixture of passenger vehicles, motorcycles, and motor homes, as well as small percentages of medium- and heavy-duty vehicles and buses, in the relative proportions present on the roadways.

As previously discussed, the proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168, the proposed project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources.

Decreasing Overall Per Capita Energy Consumption

Buildings associated with the proposed project would be designed and constructed in accordance with CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help to reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation. Moreover, the proposed project would use energy-efficient models and systems whenever possible and would incorporate new technologies as they become available. Therefore, the proposed project would be consistent with this criterion. The decreasing reliance on fossil fuels and increasing use of renewable energy discussed below would also reduce per capita energy consumption for the proposed project.

Decreasing Reliance on Fossil Fuels

The proposed project would incorporate elements from CALGreen, which would include water efficient landscaping, heat-reflecting roof membranes, and roofing structures to support the installation of solar panels.

Increasing Reliance on Renewable Energy Sources

The proposed project would include the installation of a Tier 1 EV charger and Tier 2 EV charger in each home. EV charging infrastructure would accelerate the proposed project's and region's adoption of EVs and allow the future transportation energy supply necessary for residents and visitors to be substituted with renewable energy sources. As such, the proposed project would facilitate a greater dependence on renewable energy sources for transportation energy demands.

In addition, the proposed project would be served by PG&E, which procures 32.8 percent of its electricity from renewable resources, including biomass and biowaste, geothermal, eligible hydroelectric, solar electric, and wind. An additional 13.8 percent is procured from large hydroelectric (which is zero-emission), and the remaining 53.4 percent of electricity is procured from nuclear (also a zero-emission electricity source).[16] Therefore, the proposed project's energy demand would rely on renewable and zero-emission energy sources and would not result in increased consumption of natural gas, coal, or other non-zero emission sources.

Finally, the proposed project would be required to comply with the 2022 Building Energy Efficiency Standards (Energy Code), which has solar photovoltaic (solar PV) system requirements for all newly constructed single-family residential buildings. The minimum required solar PV system is intended to offset the electrical consumption of the proposed building.[17] Therefore, the proposed project would produce additional renewable energy on-site to compensate for the additional electricity it would require; it would install EV chargers in each home to encourage the use of all-electric vehicles; and any additional energy required would be provided by PG&E and procured from zero-emission sources. Therefore, the proposed project would be consistent with this criterion.

Overall

As discussed above, the proposed project's energy consumption would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, consistent with the guidance derived from Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164–168. The construction-related and operation-related impacts related to electricity, natural gas, and fuel consumption would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under any scenario. No additional analysis is required, and impacts would remain less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Energy Efficiency and Renewable Energy Standards Consistency

Impact ENER-2:	**The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.**

[16] Pacific Gas and Electric Company (PG&E). 2025. PG&E and Peninsula Clean Energy Electric Power Generation Mix. Website: https://www.pge.com/assets/pge/docs/account/alternate-energy-providers/PCE_ElectricPowerGenerationMix.pdf. Accessed December 16, 2025.

[17] California Energy Commission. 2025. 2022 Single-Family Solar PV General Information. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/energy-code-support-center/2022-0. Accessed December 16, 2025.

Impact Analysis

The proposed project would utilize electricity and natural gas from PG&E. According to PG&E, approximately 32.8 percent of the energy supplied is procured from renewable sources, with an additional 53.4 percent from non GHG-emitting nuclear generation, and 13.8 percent from large hydroelectric facilities (also non GHG-emitting).[18] Therefore, the proposed project's electricity provider meets the State's current objective of 33 percent renewable energy. PG&E would also be required to meet the State's future objective of 60 percent of in-State electricity sales being generated from renewable energy sources by 2030.

In addition, as previously stated, the proposed project would include the installation of a Tier 1 EV charger and Tier 2 EV charger in each home. EV charging infrastructure would accelerate the proposed project's and region's adoption of EVs and allow the future transportation energy supply necessary for residents and visitors to be substituted with renewable energy sources. As such, the proposed project would facilitate a greater dependence on renewable energy sources for transportation energy demands.

The proposed project would be required to comply with the applicable Building Energy Efficiency Standards (Energy Code), which has solar PV system requirements for all newly constructed single-family residential buildings. The minimum required solar PV system is intended to offset the electrical consumption of the proposed building.[19] Therefore, the proposed project would produce additional renewable energy on-site to compensate for the additional electricity it would require; it would install EV chargers in each home to encourage the use of all-electric vehicles; and any additional energy required would be provided by PG&E and procured from zero-emission sources. These actions are consistent with the State's plans for transitioning to renewable energy and energy efficiency.

The City's General Plan includes several chapters that contain policies pertaining to improving air quality and transportation strategies, many of which would also result in co-benefits related to reducing energy consumption, including the Land Use Element, the Open Space and Conservation Element, and the Housing Element. The proposed project will permanently conserve a large amount of open space, will replace any removed trees, will incorporate stormwater quality features, will utilize renewable energy in the form of rooftop solar panels, and is consistent with the Zoning Ordinance. The proposed project will produce housing stock suitable for families, thereby supporting Goal 1 of the Housing Element, and the proposed project will include EV charging amenities and include the installation of rooftop solar panels, thereby demonstrating consistency with Policy 1.3 and Program 1.3-1 and Program 1.3-2 of the Housing Element as well as Goal-5, Policy 5.1, and Policy 5.3 of the Open Space and Conservation Element.

In addition, the City's Climate Action Plan includes a goal to electrify passenger vehicles throughout the City, as well as reduce natural gas use in residential homes. The proposed project would support the City's General Plan by providing EV chargers in the homes, thereby helping to reduce air

[18] Pacific Gas and Electric Company (PG&E). 2025. Website: https://www.pge.com/assets/pge/docs/account/alternate-energy-providers/PCE_ElectricPowerGenerationMix.pdf/. December 16, 2025

[19] California Energy Commission. 2025. 2022 Single-family Solar PV General Information. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/energy-code-support-center/2022-0. Accessed December 16, 2025.

pollutant emissions from transportation, and supporting the use of renewable energy in lieu of nonrenewable energy (i.e., gasoline fuel).

The proposed buildings would be compliant with Title 24 standards and would adhere to the energy efficiency, water-efficiency, and material-conservation requirements, as previously discussed. Therefore, the proposed project would be consistent with all applicable energy policies and plans, and this impact would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.5.7 - Cumulative Impacts

The cumulative analysis considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, and shown in Exhibit 3-1, in the City of Saratoga in addition to the proposed project. The geographic scope of the cumulative energy analysis is the City of Saratoga and includes all of the projects identified on Table 3-1.

Past, present, and probable future projects throughout the City would result in the irreversible use of nonrenewable resources, such as gasoline and diesel fuel, during construction, as well as the incremental increase in energy consumption from operational building, energy, and traffic associated with those projects. However, the use of such resources would be subject to the same regulatory framework relating to energy and fuel efficiency as the proposed project and would be anticipated to become more energy-efficient over time as regulatory requirements change and technological advancements are made. Future projects in the area surrounding the project site are expected to result in a similar development pattern to existing conditions; however, while the overall use of electricity on the site and surrounding areas may increase, the energy use per square foot is expected to decrease due to compliance with modern standards and incorporation of modern technologies and design standards. Specifically, regarding petroleum use during construction, the proposed project and other future projects would consume energy associated with the off-road equipment, truck trips, and worker vehicle trips. However, construction of the proposed project and future projects would be temporary, and compliance with increasingly stringent local and State regulations for fleet efficiency and construction best practices limiting vehicle idling would help reduce construction-related fuel usage. During operation of the proposed project and future projects, increased land use intensity would result in additional VMT in the area. However, over the lifetime of the proposed project and past, present, and future projects, the fuel efficiency of vehicles is expected to increase. Similarly, with increasingly stringent local and State regulations for energy efficiency in buildings, such as Title 24 of the California Code of Regulations and the Appliance Efficiency Regulations, operational building energy consumption is also expected to decrease. Therefore, the overall cumulative impact relating to energy consumption and consistency with energy plans would be less than significant.

Moreover, as described in the evaluation of Impact ENER-1 and ENER-2, the proposed project was found to have less than significant impacts with regards to energy use, renewable energy, and consistency with the State's plans and objectives related to energy use. Like the development associated with the cumulative projects, development associated with the proposed project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential Buildings and would comply with the latest CALGreen requirements for residential new construction. These standards include minimum energy efficiency requirements related to the building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs.

The incorporation of the Title 24 standards into the proposed project and cumulative projects would ensure that implementation of these projects would not result in the inefficient, unnecessary, or wasteful consumption of energy. Therefore, the proposed project, in conjunction with other planned and approved projects, would not have a cumulatively significant impact related to energy consumption.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

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3.6 - Geology and Soils

3.6.1 - Introduction

This section describes existing conditions related to geology, soils, and paleontological resources in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to geology and soils that could result from implementation of the proposed project. Information included in this section is based, in part, on the Geologic and Geotechnical Feasibility Evaluation prepared by Quantum Geotechnical, dated December 11, 2023, and Supplemental Geologic and Geotechnical Peer Review memorandum prepared by Cotton, Shires and Associates, Inc., dated July 12, 2024, included as Appendix E. This analysis is also based on data from the California Geological Survey (CGS).

The following comments were received related to geology and soils during the Environmental Impact Report (EIR) scoping period:

- Concerns related to earthquakes at the site.
- Concerns related to geotechnical issues.
- Statement that the proposed project is in a landslide area.
- Concerns about the geological strength of the hillside and the risks of landslides.
- Request for a geotechnical study to be completed and to analyze the possibility of landslides.

These comments have been addressed throughout the analysis in this section.

3.6.2 - Environmental Setting

Geologic Setting

City of Saratoga

The City of Saratoga (City) is within the Santa Clara Valley, at the southern extent of the San Francisco Bay. The valley is characterized as a depression that has been subsiding and filling with sediment since the Pleistocene Epoch. The City is primarily underlain by Pleistocene-age alluvial deposits, with some exposed bedrock (i.e., Santa Clara Formation, Franciscan Complex) in the hillside areas. The topography of the City includes low-lying, relatively flat valley floor and the northwestern foothills.

Project Site

The project site is in the foothills along the eastern margin of the Santa Cruz Mountains. Upper Calabazas Creek trends northerly through the central portion of the project site. On the west side of the creek, the topography is characterized as a mid-slope terrace with steep westerly facing slopes above the terrace and moderate to steep westerly facing slopes below the terrace. On the east side of the creek, the project site is characterized as a steep slope with a terrace located at the mid-slope. The topographic relief varies throughout the site between 6 feet and 120 feet.[1]

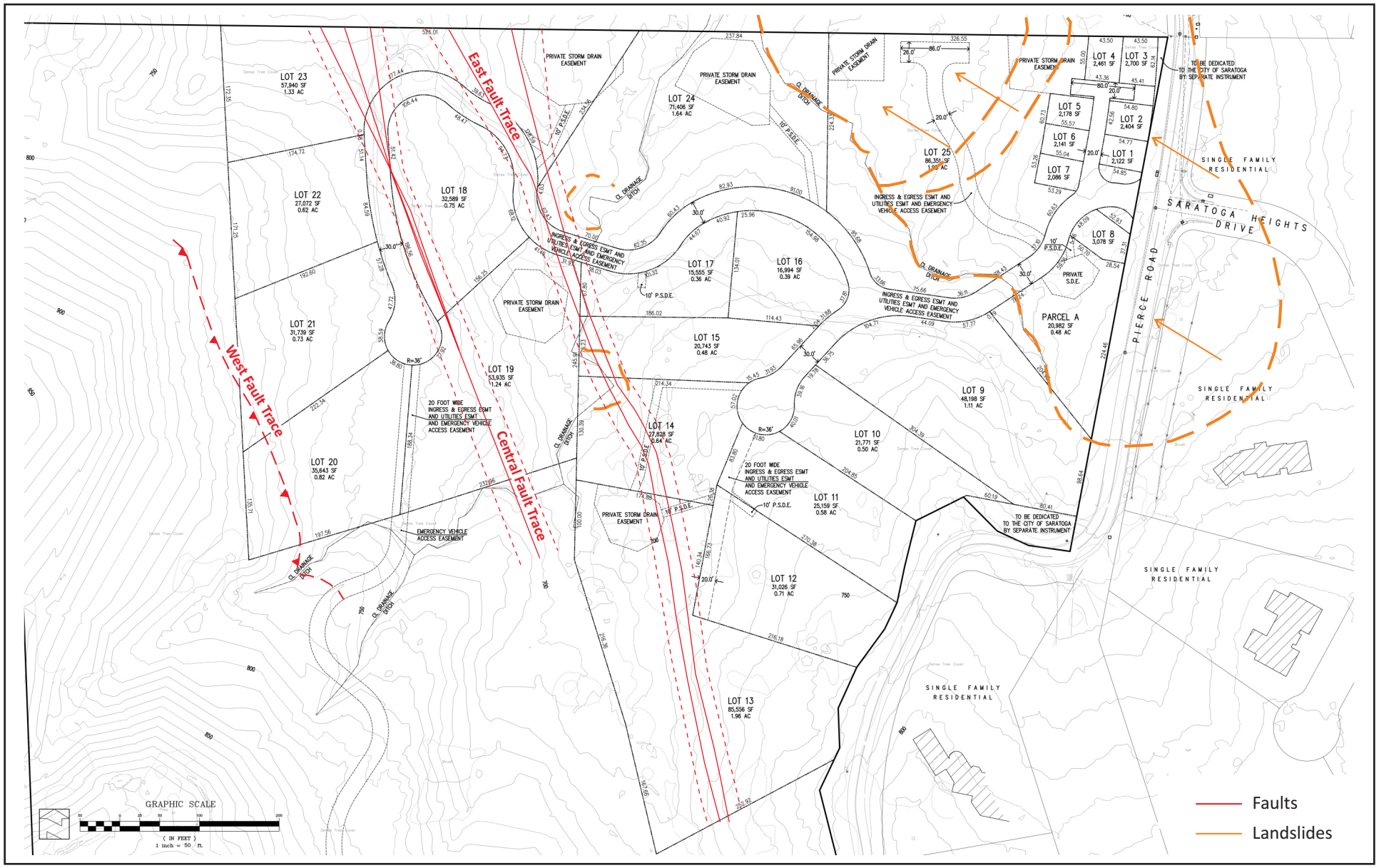
[1] Quantum Geotechnical. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.

Data gathered through a review of regional geologic maps, site reconnaissance, and exploratory borings (conducted by Quantum Geotechnical) indicates that the entire site is underlain by the Pliocene-age Santa Clara Formation. Site reconnaissance and exploratory borings at the project site further indicate that the Santa Clara Formation deposits are covered by a layer of recent-age colluvium and residual soil; this layer of colluvium and residual soil varies in thickness throughout the project site, ranging between 0 and 6 feet below ground surface (bgs). Landslide debris was also visible in the northwestern portion of the project site (Exhibit 3.6-1), and late Holocene-age stream channel alluvium is also present at the project site along the Upper Calabazas Creek. The alluvium is unconsolidated and concentrated within and directly adjacent to the channel of the creek. Locally, the stream channel deposits are overlain by anthropogenic (manufactured) deposits (i.e., glass, concrete fragments, metal cans, and other manufactured materials).[2]

Generally, the Santa Clara Formation is late Pliocene- to Pleistocene-age, with subunits that consist of claystone and conglomerate, with lesser amounts of sandstone, siltstone, and shale. The Santa Clara Formation in the immediate area belongs to the Arastradero lithofacies, which is the stratigraphically lowest (oldest) portion of the Santa Clara Formation and has been assigned to the Pliocene-age based on fossil assemblages within the facies. The Arastradero facies is characterized as moderately well sorted, sandy, cross bedded pebble gravel and minor claystone and laminated lacustrine mudstone, deposited in braided stream and floodplain/overbank settings. The predominant rock type is a moderately sorted pebble conglomerate with a moderately sorted, medium-grained sandstone matrix. Locally, mudstone occurs as massive tabular beds at least 15 meters thick.[3]

Cretaceous-age Franciscan Complex deposits are immediately adjacent to the project site to the west and southwest. Except for a small area to the west of the Berrocal Fault (Exhibit 3.6-1), Franciscan Complex deposits do not occur at the project site. The Franciscan Bedrock is relatively hard (moderately strong to strong), highly fractured sandstone and shale. The abandoned quarry on the southwest of the site was excavated in Franciscan Complex sandstone and shale, and these bedrock materials are well exposed in the various cuts within the quarry. These bedrock materials exhibit a general northwest strike and a moderately steep dip to the southwest. A large portion of the hillside located below the main quarry access road is overlain by surficial accumulations of undocumented fill. The abandoned quarry area is outside of the proposed development and therefore would not impact it.[4]

[2] Quantum Geotechnical. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.
[3] Ibid.
[4] Ibid.



Source: Hanna-Brunetti. 12/2023.

FIRSTCARBON SOLUTIONS™

Exhibit 3.6-1
Faults and Landslides at the Project Site

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Existing Soils

Potential Hazards

Expansive soils are soils that possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in the fine-grained clay sediments from the process of wetting and drying; the volume change is reported as a percent change for the whole soil.[5]

Liquefaction is a phenomenon in which unconsolidated, water-saturated sediments become unstable because of strong seismic ground shaking. During an earthquake, these sediments can behave like a liquid, potentially causing severe damage to overlying structures. Potential damaging effects of liquefaction include (but are not limited to) differential settlement, loss of ground support for foundations, and ground cracking. In general, a relatively high potential for liquefaction exists in loose, sandy soils that are within 50 feet of the ground surface and are saturated (below the groundwater table).

Lateral spreading is a variety of minor landslides that occur when unconsolidated liquefiable material breaks and spreads due to the effects of gravity, usually down gentle slopes. Lateral spreading can move blocks of soil, placing strain on buried pipelines, which can lead to breaks or pipe failure.

Subsidence is the gradual settling or sudden sinking of the ground due to subsurface movement of earth materials. Subsidence in alluvial valley areas is typically associated with groundwater or petroleum withdrawal, and regional ground subsidence or settlement is typically caused by compaction of alluvial deposits or other saturated deposits in the subsurface.[6]

City of Saratoga

Expansive soil contains high proportions of clay material, which allows for the absorption and release of water (wet/dry cycle) from soil. Areas within the City that are underlain by these materials have the potential to have expansive properties. The presence of expansive soil requires the appropriate geotechnical investigations and engineering measures to address potential impacts to structures.

As stated above, liquefaction typically occurs in loose, sandy soil that is saturated. Within the City, these areas are typically along creeks and streams but can occur anywhere with loose sediment and shallow groundwater table.

Within the City (and County), subsidence typically occurs in areas within the Santa Clara Valley floor due to the loosely compacted alluvial soil.

Project Site

The project site is not within an established liquefaction hazard zone. This indicates a low potential for liquefaction occurring at the project site. Groundwater was not encountered during subsurface explorations, and the Santa Clara Formation is not considered to be susceptible to seismically

[5] Natural Resources Conservation Service (NRCS). 2018. National Soil Survey Handbook. Part 618—Soil Properties and Qualities. Section 618.4, Linear Extensibility Percent.

[6] United States Geological Survey (USGS). 2000. Land Subsidence in the United States. USGS Fact Sheet-165-00. December 2000.

induced settlement. The soil underlying the project site is considered to be highly expansive.[7] Additionally, the project site is within an area of moderate-high subsidence susceptibility.[8]

Seismicity

The term *seismicity* describes the effects of seismic waves that are radiated from an earthquake fault in motion. Seismicity can result in seismic-related hazards such as fault rupture, ground shaking, and liquefaction faults that form in rocks when stresses overcome the internal strength of the rock. Fault rupture occurs when movement on a fault breaks through to the surface and can result in damage to infrastructure and persons. Ground movement during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geologic material. The composition of underlying soils, even those relatively distant from faults, can intensify ground shaking. Strong ground shaking from an earthquake can result in damage, with buildings shifted off their foundations and underground pipes broken.

City of Saratoga

Because of the presence of the San Andreas and Monte Vista-Shannon Fault Zones, strong seismic ground shaking is a major threat to the City and its sphere of influence. Ground shaking within the City can result in structural failure of buildings and/or failure of slopes. The Ground Movement Potential Map included in the City General Plan indicates the hillside areas of the City are highly susceptible to ground shaking and the secondary effects of ground shaking.

Project Site

The Berrocal Fault (associated with the Berrocal Fault Zone) transects the western edge of the project site. The San Andreas Fault Zone and the Monte Vista-Shannon Fault Zone are in proximity to the project site, approximately 1.3 miles west and approximately 2 miles northeast of the project site, respectively. The Hayward Fault Zone is approximately 15 miles northeast of the project site.

According to the California Earthquake Hazards Zone Application (EQ Zapp), available on the CGS website, the project site is not within an established Earthquake Fault Zone (EFZ).[9] The nearest EFZs are the San Andreas, Monte Vista-Shannon, and Hayward Fault Zones. However, due to differing criteria between the State of California and Santa Clara County (County), the Berrocal Fault Zone is considered a County Fault Rupture Hazard Zone.[10,11]

The Geologic and Geotechnical Feasibility Evaluation indicates that the City of Saratoga Ground Movement Potential Map shows that some proposed residential lots on the project site would be within an area with potential for surface faulting. The field investigation performed as part of the

[7] Quantum Geotechnical. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.

[8] Unesco Land Subsidence International Initiative. 2021. Global Maps of Land Subsidence Susceptibility. Website: https://www.landsubsidence-unesco.org/maps/. Accessed January 29, 2025.

[9] California Geological Survey (CGS). 2024. California Earthquake Hazards Zone Application (EQ Zapp). Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed September 25, 2024.

[10] Santa Clara County. 2024. Geologic Hazard Zones web application. Website: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373. Accessed September 25, 2024.

[11] Quantum Geotechnical. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.

Geologic and Geotechnical Feasibility Evaluation identified three fault traces associated with the Berrocal Fault Zone at the project site, referred to as the west fault trace, central fault trace, and east fault trace (Exhibit 3.6-1).[12]

Slope Disturbance

Slope disturbance from long-term geologic cycles of uplift, mass wasting, intense precipitation or wind, and gravity can result in slope failure in the form of mudslides and rock fall. The project area is seismically active and published mapping covering the region of the project site indicates the project site contains one or more traces of the Berrocal Fault Zone Mass wasting refers to a variety of erosional processes from gradual downhill soil creep to mudslides, debris flows, landslides, and rock fall—processes that are commonly triggered by intense precipitation or wind, which varies according to climactic shifts. Often, various forms of mass wasting are grouped together as landslides, which are generally used to describe the downhill movement of rock and soil.

Soil creep is a long-term, gradual downhill migration of soil under the influence of gravity and is generally on the order of a fraction of an inch per year. This can cause soil to creep away on downslope sides of foundations and reduce lateral support. The rate of soil creep is a function of slope angle, soil thickness, and texture. The presence of soil creep requires the appropriate geotechnical investigations and engineering measures to address potential impacts to structures.

City of Saratoga

Landslides and slope instability are the major non-seismic geologic hazards in the City, resulting from the unstable nature of the geologic materials and the steep topography. Although most of the hillside areas in the City experience these hazards to some degree, the most severe risks are found in the western portion of the City, within the vicinity of the Berrocal Fault Zone where the topography becomes steeper and more susceptible to landslides. Soil creep is prevalent in the City, primarily in the western hillside regions. Exhibit 2, Landslide Areas, included in the Safety Element of the City General Plan, depicts the areas within the City that are considered landslide hazard areas.

Project Site

The project site is within the Santa Clara County Geologic Hazard Zone for landslide hazards; the project site's inclusion in this zone is based on interpretations of the landforms in the area using aerial and topographic maps. This mapping indicates areas of landslides throughout the project site. Additionally, there is evidence of accelerated slope creep across the ground surface and multiple surfaces within the claystone and overlying colluvial soil.[13]

Based on the site-specific evaluation conducted by Quantum Geotechnical of the potential landslides at the project site, it was determined that only one landslide feature required evaluation. A large-scale, dormant landslide within the northeast quarter of the project site (Lots 1-8 and 25) is in an

[12] Quantum Geotechnical. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.
[13] Ibid.

area where several residences are proposed (Exhibit 3.6-1). This landslide feature was found to have an unacceptably low factor of safety under seismic conditions.[14]

The site-specific evaluation also identified areas of active slope processes (creep and sloughing) along the creek corridor on the border of Lot 14 and 15. There is evidence of previous landslides in this area and the active slope processes that are occurring in this area can exacerbate these unstable conditions and lead to further slope instability.[15]

Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones, such as fish, amphibians, reptiles, birds, mammals, etc.), invertebrates (animals without backbones, including starfish, clams, coral, etc.), microscopic plants and animals (microfossils), and trace fossils/ichnofossils (i.e., footprints, burrows). They are valuable, nonrenewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits.

The Society of Vertebrate Paleontology (SVP) has established standard guidelines that outline professional protocols and practices for conducting paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, and specimen preparation, identification, analysis, and curation. Most practicing professional vertebrate paleontologists adhere closely to the SVP's assessment, mitigation, and monitoring requirements as specifically provided in its standard guidelines.[16]

Based on the significance definitions of the SVP, all identifiable vertebrate fossils are considered to have significant scientific value. This position is adhered to because vertebrate fossils are relatively uncommon; therefore, every vertebrate fossil found has the potential to provide significant new information. The SVP considers all geologic units in which vertebrate fossils have previously been found to have a high potential to contain significant paleontological resources. Identifiable plant and invertebrate fossils are considered significant if found in association with vertebrate fossils. Paleontological potential is defined as the potential for the presence of significant paleontological resources. Significant paleontological resources are fossils and fossiliferous deposits, here defined as consisting of identifiable vertebrate fossils, large or small, and uncommon invertebrate, plant, and trace fossils. Paleontological resources are generally older than approximately 5,000 radiocarbon years (the middle Holocene Epoch).[17] The SVP defines four categories of paleontological potential for rock units: high, low, undetermined, and no potential.

[14] Quantum Geotechnical. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.
[15] Ibid.
[16] Society of Vertebrate Paleontology (SVP). 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Prepared by: SVP Impact Mitigation Guidelines Revision Committee.
[17] The Holocene Epoch spans from approximately 11,750 years ago to present.

As discussed above, the project site is mapped within the Santa Clara Formation, which dates to the late Pliocene[18] to early Pleistocene[19] Epoch. A layer of recent-age colluvium and residual soil (ranging from 0 to 6 feet in thickness across the project site) covers the Santa Clara Formation deposits. The areas immediately adjacent to Upper Calabazas Creek are deposited with late Holocene-age stream channel alluvium. Landslide debris is also present in the northwestern portion of the project site; these deposits overlie the Santa Clara Formation.

The Franciscan Complex deposits are adjacent to the project site to the west and southwest. Site reconnaissance conducted by Quantum Geotechnical indicates that a small area of sandstone and shale occurs in the southwest corner of the project site. Franciscan Complex deposits were not encountered in the subsurface underlying the Santa Clara Formation during the exploratory borings taken at the project site (exploratory borings were terminated between 26 and 35.5 feet bgs).

A review of the University of California Museum of Paleontology (UCMP) online fossil locality database revealed one plant fossil locality, three invertebrate fossil localities, and five vertebrate fossil localities from the Santa Clara Formation within Santa Clara County. Data provided through the UCMP's online database include taxonomic identification, locality number and name, age, county, and sometimes geologic formation. Precise locality data are not provided through the online database; in some cases, however, the locality name can be used to further refine the general vicinity of the locality within the County. The locality names associated with the vertebrate localities from the Santa Clara Formation are Scott Creek, Calabazas Creek, Anderson Lake, and Molecular Medicine Building (Stanford University).[20]

A study published in 1983 describes an important animal and plant fossil assemblage recovered from a site in the City of Saratoga from the Santa Clara Formation. The study does not include the exact location of the site; however, the study does indicate that the site is within the Santa Clara Formation and on the northeast side of the Berrocal Fault Zone in the City of Saratoga. The distance from the project site to this locality is unknown; however, a generalized map included in the study indicates that this locality is in the vicinity of the project site. Important vertebrate fossils that were recovered from this site include a snake, deer, zebra, fish, and an extinct species of large cat—possibly cheetah (*Acinonyx studeri*).[21]

The colluvium, residual soil, stream channel alluvium, and landslide debris are considered too young to have preserved fossils; as such, these deposits are considered to have a low potential to contain significant paleontological resources. Additionally, the Franciscan Complex deposits are not present underlying the Santa Clara Formation; as such, these deposits are not expected to be encountered during excavation.

[18] The Pliocene Epoch dates from 5.3 million years ago (mya) to 2.58 mya.
[19] The Pleistocene Epoch dates from 2.58 mya to 11,750 years ago.
[20] University of California Museum of Paleontology (UCMP). 2023. UC Museum of Paleontology Localities database. Santa Clara Formation fossil localities within Santa Clara County. Website: https://ucmpdb.berkeley.edu/loc.html. Accessed September 25, 2024.
[21] Adam, David P., Daniel B. Adams, Robert J. McLaughlin, Richard M. Forester, Dennis H. Sorg, and Charels A. Repenning (Adam et al.). 1983. An Animal- and Plant-fossil Assemblage from the Santa Clara Formation (Pliocene and Pleistocene), Saratoga, California. Tectonics and Sedimentation Along Faults of the San Andreas System. Society for Sedimentary Geology.

Given the previous vertebrate fossil discoveries from the Santa Clara Formation in the area, the on-site geologic formation is considered to have a high potential to contain significant paleontological resources.

An abandoned rock quarry is located to the southwest of the project site. The quarry was excavated in Franciscan Complex sandstone and shale. The quarry area is not located upslope of any of the proposed residential lots.[22]

3.6.3 - Regulatory Framework

Federal

National Earthquake Hazards Reduction Program

The National Earthquake Hazards Reduction Program (NEHRP) was established by the United States Congress when it passed the Earthquake Hazards Reduction Act of 1977, Public Law 95–124. In establishing the NEHRP, Congress recognized that earthquake-related losses could be reduced through improved design and construction methods and practices, land use controls and redevelopment, prediction techniques and early warning systems, coordinated emergency preparedness plans, and public education and involvement programs. The four basic goals remain unchanged:

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation.
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems.
- Improve earthquake hazard identification and risk assessment methods and their uses.
- Improve the understanding of earthquakes and their effects.

Several key federal agencies contribute to earthquake mitigation efforts. There are four primary NEHRP agencies:

- National Institute of Standards and Technology of the Department of Commerce
- National Science Foundation
- United States Geological Survey (USGS) of the Department of the Interior
- Federal Emergency Management Agency (FEMA) of the Department of Homeland Security

Implementation of NEHRP priorities is accomplished primarily through original research, publications, and recommendations to assist and guide State, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program, authorized by Section 402(p) of the federal Clean Water Act, controls water pollution by regulating point sources, such as

[22] Quantum Geotechnical, Inc. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.

construction sites and industrial operations, that discharge pollutants into waters of the United States. A Storm Water Pollution Prevention Plan (SWPPP) is required to control discharges from a project site, including soil erosion, to protect waterways. A SWPPP describes the measures or practices to control discharges during both the construction and operational phases of a project. A SWPPP identifies project design features and structural and nonstructural Best Management Practices (BMPs) that will be used to control, prevent, remove, or reduce stormwater pollution from the site, including sediment from erosion.

State Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code [PRC] Sections 2621 to 2630) was passed in 1972 to provide a Statewide mechanism for reducing the hazard of surface fault rupture to structures used for human occupancy. The main purpose of the act is to prevent the siting of buildings used for human occupancy across the traces of active faults. It should be noted that the act addresses the potential hazard of surface fault rupture and is not directed toward other earthquake hazards, such as seismically induced ground shaking or landslides.

The law requires the State Geologist to identify regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults and to depict these zones on topographic base maps, typically at a scale of 1 inch to 2,000 feet. Earthquake Fault Zones vary in width, although they are often 0.75-mile wide. Once published, the maps are distributed to the affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. With the exception of single-family wood frame and steel-frame dwellings that are not part of a larger development (i.e., four units or more), local agencies are required to regulate development within the mapped zones. In general, construction within 50 feet of an active fault zone is prohibited.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (PRC §§ 2690–2699.6), which was passed in 1990, addresses earthquake hazards other than surface fault rupture. These hazards include strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. Much like the Alquist-Priolo Earthquake Fault Zoning Act discussed above, these seismic hazard zones are mapped by the State Geologist to assist local government in the land use planning process. The Seismic Hazards Mapping Act states, “it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety.” The Act also states, “cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard.”

California Building Code

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations [CCR], Title 24). Where no other building codes apply, the California Building Standards Code (CBC, Part 2 of Title 24), Chapter 18 regulates excavation, foundations, and retaining walls. The CBC applies to building design and construction in

the State and is based on the 2021 International Building Code (IBC), which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis). The CBC has been modified for California conditions with more detailed and/or more stringent regulations.

The State earthquake protection law (California Health and Safety Code § 19100, *et seq*.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

The CBC is updated every 3 years, and the current 2022 CBC took effect January 1, 2023.

California Public Resources Code

California Public Resources Code Section 5097 specifies procedures for unexpected discovery of paleontological resources. California Public Resources Code Section 5097.5 states that no person shall knowingly and willfully excavate upon or remove, destroy, injure, or deface any vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other paleontological feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.

Local Regulations

City of Saratoga General Plan 2040

Safety Element

Policy SAF-1.1 Require individual site-specific geotechnical investigations to determine the depth of bedrock, soil stability, location of rift zones, and other localized geotechnical problems as part of the environmental and/or developmental review process for all structures.

Policy SAF-1.2 Limit development in areas subject to natural hazards, where possible. When development occurs in these areas, ensure it is designed to protect the environment, inhabitants, and general public. In areas that have been proven to be unsafe, structures developed for human habitation will be prohibited to the maximum extent permitted by law.

Policy SAF-2.1 To mitigate the danger of earthquake damage, the City will enforce strict earthquake construction and soil-engineering standards, selecting the most stable areas for development and requiring mitigation for soil instabilities through approved engineering and construction techniques.

City of Saratoga Code of Ordinances

Building and Construction

Article 16-15, Building Code, is based on the 2022 CBC and includes plan and permit requirements. It also includes specifications for construction of structures. All buildings and structures that are constructed, erected, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied, or maintained in the City must adhere to these requirements.

Grading, Soils, and Erosion Control Ordinances

Article 16-17, Excavation and Grading, contains rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments. It also establishes administrative procedures for the issuance of permits and provides for approval of plans and inspection of grading construction. Erosion control requirements are also included in this article.

Incorporation of Recommendations

Article 16-17.060 (3)(d)(f) requires the incorporation of recommendations included in the soils engineering report and engineering geology report in project grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

3.6.4 - Methodology

Evaluation of potential geologic, soils, and seismicity impacts of the proposed project were based, in part, on review of available documentation, including the Geologic and Geotechnical Feasibility Evaluation and Supplemental Geologic and Geotechnical Peer Review memorandum (Appendix E), as well as the General Plan and related General Plan EIR, the CGS, and review of applicable State and local laws and regulations.

Impacts to paleontological resources were determined by reviewing a records search of the UCMP online fossil locality database, regional geologic mapping, and published literature of the geology and paleontology of the area.

3.6.5 - Thresholds of Significance

The Lead Agency derives its significance criteria based on the questions in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist. Accordingly, impacts to geology and soils would be considered significant environmental effects if the proposed project would:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
    i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking.
iii. Seismic-related ground failure, including liquefaction.
iv. Landslides.

b) Result in substantial soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (The proposed project would have no significant impacts related to this threshold; therefore, this criteria is addressed in Chapter 4, Effects Found not to be Significant).

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

3.6.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Earthquakes

Impact GEO-1:	**The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:** **i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.** **ii) Strong seismic ground shaking.** **iii) Seismic-related ground failure, including liquefaction.** **iv) Landslides.**

Impact Analysis

Construction and Operation

Surface Fault Rupture

As discussed above, the project site is not within an EFZ that has been established by the State. However, the project site is within the Berrocal Fault Zone, which is considered a County Fault Rupture Hazard Zone.

A field investigation performed by Quantum Geotechnical at the project site identified three fault traces associated with the Berrocal Fault at the project site. It was concluded that these faults have the potential to rupture in the event of an earthquake within the Berrocal Fault Zone. The rupture

could also occur co-seismically in the event of an earthquake within the San Andreas Fault Zone.[23] Because of the location of these fault traces, fault rupture could impact areas that are proposed for residential structures. However, the proposed project has been designed to include setbacks for habitable structures equal to 15 feet from either side of the Central Fault/East Fault traces and 5 feet from either side of the minor splay fault trace. In addition, the proposed project would adhere to Article 16-15 (Building Code) of the City Code of Ordinances—which is based on the 2022 CBC and contains earthquake and fault rupture specific building requirements.

Furthermore, the proposed project would be subject to review by the City, which provides engineering, environmental, and construction inspection services that would confirm compliance with applicable regulations that reduce impacts associated with fault rupture. As such, with building setbacks, and adherence to the CBC and City building requirements, impacts would be less than significant

Strong Seismic Ground Shaking

As previously discussed, the San Francisco Bay Area is a seismically active region that has been subject to major earthquakes in the past. Thus, the proposed project site will likely experience seismic ground shaking from future earthquakes in the San Francisco Bay Area. Earthquakes along any of several active faults in the region could cause moderate to strong ground shaking at the project site. The potential for strong seismic shaking at the project site is high. The San Andreas and Monte Vista-Shannon Fault Zones present the highest potential for strong ground shaking given proximity to the project site and historic earthquakes along these faults. While the San Andreas and Monte Vista-Shannon Fault Zones are the most likely faults to cause ground shaking at the project site, an earthquake originating from the Berrocal Fault Zone could also cause strong seismic ground shaking at the project site. The most significant adverse impact associated with strong seismic shaking is potential damage to structures and improvements. As indicated by the Geologic and Geotechnical Feasibility Evaluation, ground shaking from a seismic event is considered the primary hazard that will impact the proposed project within its design life span. Therefore, the proposed project has the potential to expose people or structures to adverse effects associated with seismic events.

The proposed project would be required to comply with Article 16-15 (Building Code) of the City Code of Ordinances—which is based on the 2022 CBC and includes provisions specific to ground shaking and seismicity. Article 16-15 and the 2022 CBC requires that each proposed project structure undergo geotechnical evaluation. Furthermore, Article 16-17.060(d)(3)(f) states that recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. As such, MM GEO-1 requires a design-level geotechnical report that incorporates recommendations of the Geologic and Geotechnical Feasibility Evaluation investigation prior to the issuance of building permit(s). With the implementation of this mitigation, impacts related to strong seismic ground shaking would be less than significant.

[23] Quantum Geotechnical. 2023.Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.

Furthermore, the proposed project would be overseen by the City, which provides engineering, environmental, and construction inspection services that would confirm compliance with applicable regulations that reduce impacts associated with seismic ground shaking. With adherence to the 2022 CBC and City building requirements, as well as implementation of MM GEO-1, impacts would be less than significant.

Seismic-related Ground Failure, Including Liquefaction

According to the Geological and Geotechnical Feasibility Evaluation, the project site's susceptibility to liquefaction is negligible based on the soil type and consistency of the soil materials and the depth to groundwater. Therefore, liquefaction and related phenomena are not anticipated to constitute a significant hazard at the project site.

Furthermore, the proposed project would be overseen by the City, which provides engineering, environmental, and construction inspection services that would confirm compliance with applicable regulations, such as the CBC, which reduce impacts associated with liquefaction. With adherence to the 2022 CBC and City building requirements and the fact that on-site liquefaction is not likely, impacts would be less than significant.

Landslides

As discussed above, based on the site-specific evaluation conducted by Quantum Geotechnical there is a large-scale, dormant landslide within the northeast quarter of the project site (Lots 1-8 and 25) in an area where several residences are proposed (Exhibit 3.6-1). This feature is positioned at or near the base of the larger slope from which it emanated and there is minimal topographic relief in the toe area within the creek. As such, the Geologic and Geotechnical Feasibility Evaluation determined this portion of the project site exhibited an unacceptably low factor of safety under seismic conditions and without proper geotechnical engineering measures.[24] As such, this could present a potentially significant impact.

The Geologic and Geotechnical Feasibility Evaluation provided preliminary recommendations addressing the proximity of the landslide to areas proposed for residences, including excavating the area and replacing with an engineered fill and the construction of concrete piers. The design of the piers would be determined and provided in a final design-level geotechnical report—which would be conducted for each structure. It was determined that the proposed project would be geotechnically feasible with the incorporation of design recommendations provided in a final design-level geotechnical report. As such, the proposed project would be required to implement MM GEO-1 which requires design-level geotechnical reporting that incorporates recommendations from the Geologic and Geotechnical Feasibility Evaluation. Such recommendations include landslide-related mitigation such as sub-excavation and the construction of reinforced concrete piers downslope of Lot 25. Additionally, the Geologic and Geotechnical Feasibility Evaluation recommends the placement of a subgrade slough wall supported on closely spaced piers placed parallel and on the east side of the proposed access road on Lot 18. In accordance with MM GEO-1 these

[24] Quantum Geotechnical. 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. December 11, 2023.

recommendations would be incorporated into the design-level geotechnical report as well as the final project design.

Furthermore, as discussed in Section 3.6.3, Regulatory Framework, the proposed project would be required to comply with Article 16-15 (Building Code) of the City Code of Ordinances—which is based on the 2022 CBC. Article 16-15 and the 2022 CBC require that each structure constructed as part of the proposed project undergo geotechnical evaluation and construction would be based on the recommendations provided in a design-level geotechnical report.

Also, the proposed project would be overseen by the City, which provides engineering, environmental, and construction inspection services that would confirm compliance with applicable regulations that reduce impacts associated with landslides. With adherence to the 2022 CBC, City building requirements, and the implementation of MM GEO-1, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM GEO-1 Prior to the issuance of building permits for each on-site structure, the applicant shall submit a design-level geotechnical investigation to the City of Saratoga for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code geologic, soils, and seismic requirements as well as the recommendations of the Geologic and Geotechnical Feasibility Evaluation (prepared for Masson Estates by Quantum Geotechnical, Inc., dated December 11, 2023) to address on-site seismic shaking, landsliding, debris flows, and expansive soils, as applicable. The measures identified in the approved design-level geotechnical investigation shall be incorporated into the project design plans.

Level of Significance After Mitigation

Less than significant impact.

Soil Erosion or Topsoil Loss

Impact GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.

Impact Analysis

Construction

Construction activities would involve ground-disturbing earthwork, including earthmoving, excavation, and grading. These activities could increase the susceptibility of soils on the project site to erosion by wind or water and subsequently result in the loss of topsoil. The proposed grading activities associated with the proposed project would temporarily expose underlying soils to water

and air, which would increase erosion susceptibility while the soils are exposed. Exposed soils would be subject to erosion during rainfall events or high winds because of the temporary exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the proposed project's structure foundations are established and paving and landscaping occur. Erosion by wind would be highest during periods of high wind speeds when soil is exposed. Soil erosion is controlled and managed by adherence to mandatory applicable regulations.

As the proposed project would disturb over 1 acre, a SWPPP would be developed and implemented as part of the proposed project, in compliance with the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance activities (General Permit) (Order WQ 2022-0057-DWQ). The SWPPP would include BMPs designed to control and reduce soil erosion. The BMPs include stormwater runoff quality control measures, such as minimizing land disturbance, maintenance, storm drain labeling, and the use of bioretention areas. Additionally, the proposed project would comply with Article 16-17 of the City Code of Ordinances, which includes grading, erosion, and sediment control measures. Implementation of these soil and erosion control measures would ensure that impacts associated with soil disturbance and loss would be less than significant.

Operation

During project operation, soil erosion or topsoil loss could occur as a result of soil exposure to stormwater drainage. However, upon completion of the construction phase of the proposed project, drainage for the proposed project would either outlet into the City's storm drain or into on-site bioretention basins. The proposed project would be divided into six drainage management areas (DMAs), each containing a treatment control measure consisting of a bioretention basin. Runoff from roofs, sidewalks, and patios would be directed to adjacent landscaped areas. On-site drainage from impervious areas would be discharged or conveyed via underground storm drains to a proposed network of 15- and 18-inch PVC storm drains within Masson Estates Way connecting to the City's stormwater system in Pierce Road. According to the City Storm Drainage Master Plan, the project site is located within Drainage Area (DA) 62B.[25] As such, on-site stormwater would be adequately managed to reduce the potential for soil erosion or topsoil loss.

Additionally, the requirements of the NPDES General Permit and associated SWPPP would include post-construction requirements to be implemented at the project site. Therefore, operational impacts associated with soil erosion would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

[25] City of Saratoga. 2015. City of Saratoga Storm Drainage Master Plan. Updated February 2015.

Unstable Geologic Location

Impact GEO-3: **The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.**

Impact Analysis

Construction and Operation

As discussed above, the soil underlying the project site is considered to have a low susceptibility to liquefaction and lateral spreading. The proposed project does not include the withdrawal of groundwater or petroleum; as such, the activities of the proposed project would not contribute to land subsidence at the project site.

A field investigation performed at the project site identified a large-scale dormant landslide within the northeast quarter of the project site (Lots 1-8 and 25), where several residences are proposed. This feature is positioned at or near the base of the larger slope from which it emanated and there is minimal topographic relief in the toe area within the creek. As such, the Geologic and Geotechnical Feasibility Evaluation determined this portion of the project site exhibited an unacceptably low factor of safety under seismic conditions. As a result, proposed structures would be subject to landsliding. Without proper geotechnical engineering measures, this could present a potentially significant impact.

As such, the Geologic and Geotechnical Feasibility Evaluation provided preliminary recommendations addressing the proximity of the landslide to areas proposed for residences. As such, the proposed project would be required to implement MM GEO-1 which includes landslide-related recommendations including sub-excavation, and the construction of reinforced concrete piers downslope of Lot 25. Additionally, the Geologic and Geotechnical Feasibility Evaluation recommends the placement of a subgrade slough wall supported on closely spaced piers placed parallel and on the east side of the proposed access road on Lot 18. The design of the piers was determined and provided in the Geologic and Geotechnical Feasibility Evaluation consistent with the requirements of Article 16-15 (Building Code) of the City Code of Ordinances, which requires the proposed project to undergo geotechnical evaluation, and Article 16-17.060, which requires the recommendations to be incorporated into the grading plans or specifications. It was determined that the proposed project would be geotechnically feasible with the incorporation of design recommendations provided in a final design-level geotechnical report. The recommendations provided in the final design-level geotechnical report would also be incorporated into the project in accordance with the 2022 CBC and Article 16-17.060.

Furthermore, the proposed project would be overseen by the City, which provides engineering, environmental, and construction inspection services that would confirm compliance with applicable regulations that reduce impacts associated with unstable soil. With adherence to the 2022 CBC, City building requirements, and implementation of MM GEO-1, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

Expansive Soil

Impact GEO-4: The proposed project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

Impact Analysis

Construction and Operation

The Geologic and Geotechnical Feasibility Evaluation concluded that the soil underlying the project site is highly expansive. Expansive soils expand when water is added and shrink when they dry out. This continuous change in soil volume could cause structures to move unevenly and crack. Without proper geotechnical engineering measures, the presence of highly expansive soils within the project site represents a potentially significant impact.

The Geologic and Geotechnical Feasibility Evaluation provided preliminary recommendations addressing the expansive soil at the project site. These recommendations included appropriate foundation, grading, and drainage design (i.e., use of pier and grade beam foundations and use of select fill and subdrains). The design of the foundations and piers will be determined and provided in the final design-level geotechnical report. It was determined that the proposed project would be geotechnically feasible with the incorporation of design recommendations provided in a final design-level geotechnical report. As such, implementation of MM GEO-1 requires such recommendations be incorporated into the final design-level geotechnical report.

As discussed previously, the proposed project would be required to comply with Article 16-15 (Building Code) of the City Code of Ordinances—which is based on the 2022 CBC. Article 16-15 and the 2022 CBC require that each structure constructed as part of the proposed project undergo geotechnical evaluation and construction would be based on the recommendations provided in a design-level geotechnical report.

Also, the proposed project would be overseen by the City, which provides engineering, environmental, and construction inspection services that would confirm compliance with applicable regulations that reduce impacts associated with expansive soil. With adherence to the 2022 CBC, City building requirements, and the implementation of COA GEO-1, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

Destruction of Paleontological Resource or Unique Geologic Feature

Impact GEO-5:	**The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

Impact Analysis

Construction

As discussed above, the project site is mapped entirely within the Pliocene- to early Pleistocene-age Santa Clara Formation, with a layer of recent-age colluvium and residual soil (ranging from 0 to 6 feet in thickness across the project site) covering the Santa Clara Formation deposits. The areas immediately adjacent to the Upper Calabazas Creek are deposited with late Holocene-age stream channel alluvium. Landslide debris is also present in the northwestern portion of the project site; these deposits overlie the Santa Clara Formation.

The UCMP online fossil locality database revealed one plant fossil locality, three invertebrate fossil localities, and five vertebrate fossil localities from the Santa Clara Formation within Santa Clara County. The vertebrate localities are associated with areas near the project site (i.e., Scott and Calabazas creeks). Additionally, a study published in 1983 detailed a vertebrate and plant fossil assemblage recovered from the Santa Clara Formation in the City. As such, the Santa Clara Formation is considered to have a high potential to contain significant paleontological resources.

The proposed project would include ground disturbance associated with the construction of the proposed project. If proposed project-related excavations disturb previously undisturbed Santa Clara Formation deposits and inadvertently destroy significant paleontological resources, a potentially significant impact could occur. As the project site is currently undeveloped, this analysis assumes that the Santa Clara Formation deposits are undisturbed.

To ensure that earth-disturbing construction-related activities do not impact significant paleontological resources, implementation MM GEO-5 would require paleontological monitoring of excavations in previously undisturbed areas mapped as Santa Clara Formation, as well as procedures to follow in the event of a significant fossil discovery during construction. Implementation of MM GEO-6 would ensure potential impacts to significant paleontological resources would be less than significant.

Operation

Upon completion of the construction phase of the proposed project, MM GEO-5 will have been implemented and excavation associated with construction will have been monitored for paleontological resources. Any fossil discoveries will be encountered and handled during the construction phase of the proposed project. The potential to encounter significant paleontological resources during operation of the proposed project would thus be low to none. As such, operational impacts to paleontological resources would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM GEO-5 Paleontological Resources Monitoring

Prior to the start of any ground-disturbing activity, a qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP) standards and best practices shall prepare paleontological resources sensitivity training materials for use during project-wide Worker Environmental Awareness Program (WEAP). The WEAP shall be conducted by a qualified Environmental Trainer, under the supervision of a qualified Paleontologist. In the event construction crews are phased in, additional training shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found.

Paleontological monitoring shall be conducted by a qualified Paleontological Resource Monitor meeting SVP standards and best practices, under the supervision of a qualified Paleontologist. Monitoring would be required for excavations into previously undisturbed areas mapped as Santa Clara Formation. Monitoring would not be required for excavations into colluvium, residual soil, stream channel alluvium, or landslide debris deposits. If excavation into these deposits would extend into the Santa Clara Formation, monitoring would be required for exaction in Santa Clara Formation deposits.

If earth-disturbing construction-related activities uncover any paleontological resources (i.e., bones or teeth), those activities shall be diverted at least 15 feet away from the discovery until a qualified Paleontologist is brought on-site to assess the find for possible salvage, consistent with the standards and best practices set by the SVP. Construction workers shall not attempt to remove such finds. The qualified Paleontologist shall document the discovery as needed and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. Salvaged fossils shall be deposited in an appropriate repository (i.e., University of California Museum of Paleontology [UCMP]), where they will be properly curated and made available for future research. The results of the assessment shall be detailed in a final monitoring report and submitted to the City. The qualified Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the discovery. If the applicant determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery.

Level of Significance After Mitigation

Less than significant impact.

3.6.7 - Cumulative Impacts

The geological, paleontological, and soil impacts of the proposed project would occur in concurrence with adjacent development listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, of this document. Adverse effects associated with geological, paleontological, soil, and seismic hazards tend to be site specific because each project site has its own geologic and soils conditions and each project has its own design characteristics, localized within the area near the project site most affected by project activities (generally within a 0.5-mile radius). Accordingly, the geographic scope of cumulative geology, paleontological, and soils analysis is within 0.5 mile of the project vicinity. Five projects (identified on Table 3-1 in Chapter 3, Environmental Impact Analysis) are within 0.5-mile of the proposed project and within this geographic scope. The project name, type, address, and approximate distance from project site are listed below:

- Encore Estates (Residential)–14831 Pierce Road (0.08 mile)
- 21800 Heber Way (Residential)–21800 Heber Way (0.19 mile)
- Ma and Sheng Residence (Residential)–14190 Palomino Way (0.28 mile)
- Mt. Eden Home (Residential)–13947 Albar Court (0.37 mile)
- 21711 Mt. Eden Road (Residential)–21711 Mt. Eden Road (0.44 mile)

Earthquakes

Cumulative projects may have the potential to be exposed to earthquakes and earthquake-related hazards. However, they would be subject to State and local regulations regarding design and construction, such as the CBC, to reduce related impacts. As such, it is reasonable to conclude that cumulative impacts related to earthquakes and earthquake-related hazards would be less than significant. Similarity, the proposed project's incremental contribution to the less than significant impacts would not be cumulatively considerable. Like the cumulative projects, the proposed project would be required to adhere to State and local regulations reading design and construction, including the CBC, and therefore would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Soil Erosion or Topsoil Loss

Cumulative projects would be required to adhere to State and local regulations, including those that reduce and prevent soil erosion or topsoil loss. For cumulative projects disturbing more than 1 acre, a SWPPP would be implemented in compliance with the applicable NPDES permit. Therefore, cumulative impacts related to soil erosion or topsoil loss would be less than significant.

In addition to implementation of a SWPPP and NPDES permit, as previously discussed, the proposed project would include a stormwater system designed to direct, detain, and route stormwater, thereby reducing operation erosion potential. As such, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Unstable Geologic Location

Because of the localized nature of the impact, the geographic scope for evaluating potential impacts related to unstable geologic locations is the project vicinity. Other cumulative projects may or may not be located on unstable geologic locations. In compliance with Article 16-15 (Building Code) of the City Code of Ordinances, geotechnical investigations would be required to ensure that soils are appropriate for construction or are modified to properly support construction. Furthermore, cumulative projects would be subject to State and local regulations regarding soils, including the CBC. The residential projects at 14831 Pierce Road (Encore Estates), 21800 Heber Way, 13947 Albar Court, and 14190 Palomino Way (Ma & Sheng Residence) are within the relevant geographic scope and close enough to the project site that, if a landslide were to occur at the project site, it could trigger potential unstable soil at these addresses. The residential project at 21711 Mt. Eden Road would not be affected by a landslide at the project site. All of these projects are subject to State and local regulations regarding soil stability, including the CBC which would require geotechnical investigation to ensure that soils are appropriate for construction or are modified to properly support construction. As such, cumulative impacts would be less than significant.

As indicated, the proposed project site contains landslide areas and specific recommendations have been made to address potential related impacts to proposed buildings. As such, the proposed project would be required to implement MM GEO-1, which would implement landslide-related recommendations such as sub-excavation, and the construction of reinforced concrete piers downslope of Lot 25. This would reduce the proposed project's potential to contribute to or exacerbate unstable geologic conditions to below a level of significance. Additionally, the Geologic and Geotechnical Feasibility Evaluation recommends the placement of a subgrade slough wall supported on closely spaced piers placed parallel and on the east side of the proposed access road on lot 18. As such, the proposed project would not result in or contribute to landslides or unstable geologic conditions. Therefore, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Expansive Soil

Other cumulative projects may or may not be located in areas of expansive soil. In compliance with Article 16-15 (Building Code) of the City Code of Ordinances, geotechnical investigations would be required to ensure that soils are appropriate for construction or are modified to properly support construction. Furthermore, cumulative projects would be subject to State and local regulations regarding soils, including the CBC. As such, cumulative impacts would be less than significant.

As indicated, the proposed project site contains landslide areas and specific recommendations have been made to address potential related impacts to proposed buildings. Like the cumulative projects, the proposed project would be subject to State and local regulations regarding soil stability, including the CBC. As such, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Paleontological Resource

Other cumulative projects may or may not be located in areas with the potential to contain paleontological resources or unique geologic features. Cumulative projects would be subject to State

and local regulations regarding such resources or features, such as Public Resources Code Section 5097, which specifies procedures for unexpected discovery of paleontological resources. As such, cumulative impacts would be less than significant.

The proposed project is considered to have a high potential to contain significant paleontological resources. However, implementation of MM GEO-6 would ensure that if such resources are found on-site, appropriate measures, including stopping work in the vicinity and proper recordation, would occur and therefore would reduce impacts to less than significant. As such, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

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3.7 - Greenhouse Gas Emissions

3.7.1 - Introduction

This section describes the existing greenhouse gas (GHG) emissions setting and the relevant regulatory framework. This section also evaluates the possible impacts related to GHG emissions that could result from implementation of the proposed project. Information included in this section is based, in part, on project-specific information and modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2022.1.1.24. The Greenhouse Gas Analysis is included in this Draft Environmental Impact Report (Draft EIR) as Appendix B.

One public comment was received during the EIR scoping period related to concerns with tree removal and the potential loss of carbon sequestration capacity from the removed trees.

3.7.2 - Environmental Setting

Greenhouse Effect, Global Warming, and Climate Change

Earth's temperature is rising,[1] and although the global climate has varied over the long-range time scale, there is strong scientific consensus that the rapid heating in recent decades is both unusual and caused by emissions of greenhouse gases (GHGs) from human activities such as the burning of fossil fuels including coal and oil.[2] Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons, chlorofluorocarbons, and sulfur hexafluoride. Atmospheric concentrations of CO_2, the most prominent GHG, have been increasing rapidly in recent decades from approximately 280 parts per million (ppm) before the start of the Industrial Revolution in the 1760s to more than 400 ppm as of 2013.[3] According to the Intergovernmental Panel on Climate Change (IPCC), it is *extremely unlikely* that global climate change of the past 50 years can be explained without the contribution from human activities.

As the concentration of these gases continues to increase in the atmosphere, Earth's temperature has increased by about 1.2 to 1.4°F (degrees Fahrenheit) since 1900.[4] Even if GHG emissions could be reduced to zero overnight, global temperatures would continue to rise in future years due to the build-up of GHGs that have already accumulated in the atmosphere and the oceans. As future emissions increase the atmospheric concentrations of CO_2 and other GHGs, the impacts of the warming greenhouse effect are projected to steadily worsen.

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1 National Centers for Environmental Information (NCEI) National Oceanic and Atmospheric Administration (NOAA). 2025. Global Time Series. Website: https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/global/time-series. Accessed December 16.

2 K. Myers, et al. Consensus revisited: quantifying scientific agreement on climate change and climate expertise among Earth scientists 10 years later. Environmental Research Letters Vol.16 No. 10, 104030 (20 October 2021). https://doi.org/10.1088/1748-9326/ac2774.

3 Global Monitoring Library, National Oceanic and Atmospheric Administration. 2025. Trends in CO_2, CH_4, N_2O, SF_6. Website: https://gml.noaa.gov/ccgg/trends/. Accessed December 16, 2025.

4 National Aeronautics and Space Administration (NASA). 2025. World of Change: Global Temperatures. Website: https://earthobservatory.nasa.gov/world-of-change/global-temperatures. Accessed December 16, 2025.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section discusses the proposed project's contribution to the cumulative GHG impact.

Greenhouse Gases

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of GHGs that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of Earth's atmosphere. The primary GHGs of concern are summarized in Table 3.7-1. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space.

Table 3.7-1: Description of Greenhouse Gases of Concern

Greenhouse Gas	Description and Sources
Carbon Dioxide (CO_2)	Carbon dioxide enters the atmosphere through burning fossil fuels (coal, natural gas, and oil), solid waste, trees and other biological materials, and also as a result of certain chemical reactions (e.g., cement production). Carbon dioxide is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle. Carbon dioxide accounts for nearly 80 percent of GHG emissions in the United States.
Methane (CH_4)	Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices land use, and by the decay of organic waste in municipal solid waste landfills.
Nitrous Oxide (N_2O)	Nitrous oxide is emitted during agricultural, land use and industrial activities; combustion of fossil fuels and solid waste; as well as during treatment of wastewater.
Fluorinated Gases	Hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride are synthetic, powerful greenhouse gas (GHG) emissions that are emitted from a variety of household, commercial, and industrial applications, and processes. Fluorinated gases (especially hydrofluorocarbons) are sometimes used as substitutes for stratospheric ozone-depleting substances (e.g., chlorofluorocarbons, hydrofluorocarbons, and halons). Fluorinated gases are typically emitted in smaller quantities than GHGs, but they are potent GHGs. With global warming potentials (GWPs) that typically range from thousands to tens of thousands, they are sometimes referred to as high-GWP gases because, for a given amount of mass, they trap substantially more heat than CO_2.
Source: United States Environmental Protection Agency. Overview of Greenhouse Gases. Website: https://www.epa.gov/ghgemissions/overview-greenhouse-gases. Accessed October 2, 2024.	

California Greenhouse Gas Emissions Inventory

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential,

commercial, and agricultural sectors. Emissions of CO_2 are byproducts of fossil fuel combustion. Methane, a highly potent GHG, results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. N_2O is also largely attributable to agricultural practices and soil management. CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution, respectively.

As the second largest emitter of GHG emissions in the United States, California contributes a large quantity (360.4 million metric tons of carbon dioxide equivalent [MMT CO_2e] in 2023) of GHG emissions to the atmosphere.[5] Anthropogenic CO_2 are largely byproducts of fossil fuel combustion and are attributable to transportation, industry/manufacturing, electricity generation, natural gas consumption, and agriculture processes.

Statewide Climate Impacts

Impacts from increased temperatures are expected to result in more extreme weather, increased wildfire events, and sea level rise. As reported by the California Natural Resources Agency in 2009, despite annual variations in weather patterns, California has seen a trend of increased average temperatures, more extreme hot days, fewer cold nights, longer growing seasons, less winter snow, and earlier snowmelt and rainwater runoff. Statewide average temperatures increased by about 1.7°F from 1895 to 2011, and a larger proportion of total precipitation is falling as rain instead of snow. Sea level rose by as much as 7 inches along the California coast over the last century, leading to increased erosion and adding pressure to the State's infrastructure, water supplies, and natural resources. Within the past decade, California continues to experience extreme climate events including a severe 4-year drought, a dramatic reduction in Sierra Nevada winter snowpack, forest fires, and 2 years back-to-back of the hottest recorded average temperatures.

Local and Regional Climate Impacts

The San Francisco Bay Area, where the proposed project site is located, has experienced similar trends as California. Averaged across the region, mean annual temperature has increased nearly 1°F in the last 30 years over the previous 30-year period.[6]

These observed trends in the San Francisco Bay Area are anticipated to continue in the future:

- **Substantial increases in temperatures and more extreme hot days.** By 2050, Bay Area annual average temperatures are projected to increase by an additional 2.7°F in the absence of actions to reduce GHG emissions. The number of very hot days and severe heat waves are projected to more than double across the region by midcentury.[7]
- **More precipitation extremes, more rain, and less snow.** The Sierra Nevada region has experienced some of the wettest and driest years in more than 100 years of record keeping.

[5] California Air Resources Board (ARB). 2025. Current California GHG Emission Inventory Data. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed December 16, 2025.

[6] Bay Area Air Quality Management District (Bay Area Air District). Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?rev=8c588738a4fb455b9cabb27360409529. Accessed October 2, 2024.

[7] Ibid.

The Sierra Nevada is also the source of much of the Bay Area's water supply, which is typically stored as snow melt rather than water, posing challenges to water storage and distribution, particularly during the longer fire seasons.[8]

- **Sea level rise.** Sea level at the Golden Gate Bridge has risen 8 inches over the last 100 years, creating implications on coastal flooding, erosion, and related damages.
- **Increased frequency of wildfires.** Higher temperatures, higher winds, and drought are fueling wildfires across the Bay Area and California while also lengthening the wildfire season. Wildfires can cause dramatic short-term spikes in air pollution levels and emit massive quantities of CO_2 and black carbon (a short-lived GHG), along with other pollutants.[9]
- **Exacerbation of air quality problems and impacts on public health.** The number of days with high ozone levels correlates closely with the years when the Bay Area experiences more extreme-heat days. Higher ozone levels due may increase negative health impacts, such as acute respiratory symptoms, lost school days, and even premature death. In addition, heat-related deaths and illnesses are anticipated to rise, and urban heat island impacts will grow. Higher temperatures will increase vector-borne diseases and produce more plant pollen and lengthen allergy seasons.[10]
- **Higher temperatures exacerbate pollution from cars and industry.** Higher temperatures increase the use of air conditioners in buildings and cars, which in turn requires more combustion of fossil fuels, which results in increased levels of ozone precursors, particulates, toxic air contaminants (TACs), and GHGs.[11]

While the impacts are felt locally, climate change is a global issue because GHGs are global pollutants. Pollutants with localized air quality effects, including criteria air pollutants and TACs, have relatively short atmospheric lifetimes (approximately 1 day) and generally do not travel greatly beyond their point of emission (Refer to Section 3.2, Air Quality for further discussion). By contrast, GHGs have long atmospheric lifetimes, ranging from several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe, cumulatively combining to cause a global climate effect.

Climate and Topography

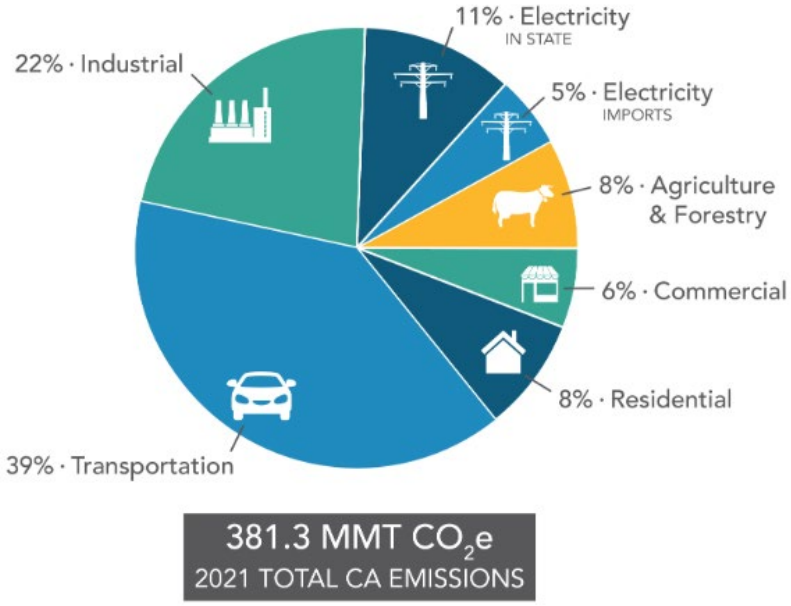
Climate is the accumulation of daily and seasonal weather events over a long period of time, whereas weather is defined as the condition of the atmosphere at any particular time and place. For a detailed discussion of existing regional and project site climate and topography, see Section 3.2, Air Quality.

[8] Bay Area Air Quality Management District (Bay Area Air District). Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?rev=8c588738a4fb455b9cabb27360409529. Accessed October 2, 2024.
[9] Ibid.
[10] Ibid.
[11] Ibid.

Existing GHG Emissions

California GHG Inventory

California is the second largest emitter of GHG emissions in the U.S. and the 12th to 16th largest in the world.[12] As previously mentioned, emissions of CO_2 are byproducts of fossil fuel combustion and are attributable in large part to human activities associated with transportation, industry/ manufacturing, electricity and natural gas consumption, and agriculture. In California, the transportation sector is the largest emitter at 39 percent of GHG emissions, followed by industry/ manufacturing at 22 percent of GHG emissions (Figure 3.7-1).[13]



Source: California Air Resources Board (ARB). 2023. California Greenhouse Gas Emission Inventory–2023 Edition. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed October 2, 2024.

Figure 3.7-1: 2020 California Greenhouse Gas Emissions by Sector

City of Saratoga

According to the City's Climate Action Plan (CAP), in 2016, the City of Saratoga GHG emissions totaled 179,893 metric tons in 2008 and 119,974 metric tons in 2017, representing a reduction of 33 percent over the timeframe.[14]

3.7.3 - Regulatory Framework

The following section describes federal, State, regional, and local regulations and policies that are specific to reducing GHG emissions and applicable to the proposed project.

[12] California Air Resources Board (ARB). 2022. California Greenhouse Gas Emission Inventory – 2023 Edition. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed December 16, 2025.
[13] Ibid.
[14] City of Saratoga. 2020. Climate Action Plan 2030. December 2. Website: https://www.saratoga.ca.us/DocumentCenter/View/2582/Saratoga-Climate-Action-Plan-2020. Accessed October 2, 2024.

Federal

The United States Environmental Protection Agency (EPA) is the governing body responsible for regulating air pollution in the United States and setting nationwide air quality and emissions standards. The EPA adopts and implements several regulations to reduce GHG emissions as well. These include GHG emission reduction standards for passenger cars and light-duty trucks, heavy-duty trucks (including buses), commercial aircraft and large business jets, heavy equipment (with spark-ignition engines and compression-ignition diesel engines), locomotives, marine vessels, recreational vehicles, and small equipment/tools.

California has implemented more stringent GHG emissions reduction regulations on the same sources listed above to reduce overall GHG emissions (excepting commercial aircraft and large business jets; the State regulates marine vessels at berth through the 2020 At Berth Regulation). Therefore, those regulations and their impact are discussed in greater detail below.

State

California has taken several legislative steps to reduce Statewide GHG emissions and is internationally known for its leadership on action to address climate change. In 2006, California legislature passed Assembly Bill (AB) 32, which created a comprehensive, multi-year program to reduce GHG emissions in California and required the State (by law) to reduce GHG emissions to 1990 levels by 2020. The legislature built upon this law by passing Senate Bill (SB) 32, which requires the State to reduce GHG emissions 40 percent below 1990 levels by 2030, and later passed AB 1279, which requires the State to achieve net-zero GHG emissions by 2045 and net-negative emissions thereafter. To achieve these State-mandated emissions reduction targets, a document known as the Scoping Plan was required to be created by the California Air Resources Board (ARB) beginning in 2007 and to be updated at least once every 5 years to "ensure the GHG emissions reduction activities to be adopted and implemented by the state board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner." The Scoping Plan outlines strategies across nearly all levels of California's government and economy and defines—at a granular level—the regulatory actions needed to reduce GHG emissions from all economic sectors to meet the targets.

The ARB is the Statewide governing body which focuses on California's unique air quality challenges by setting the State's own, stricter, GHG and air pollutant emissions standards for a range of Statewide pollution sources including vehicles, fuels, on- and off-road equipment, and consumer products. ARB also manages the cap-and-trade program to achieve GHG emission reductions from large industrial facilities. ARB has pioneered a range of approaches in California that have set the standard for effective air and climate programs for the nation and the world. ARB regulations, based on extensive research and established science, have driven innovation, leading to significant technological developments such as the production of low- and zero-emission cars and trucks and cleaner fuels. As stated, ARB is tasked by the legislature with updating the Scoping Plan, which was most recently adopted in 2022 (2022 Scoping Plan), to ensure the State carries out actions to meet the 2030 and 2045 GHG emissions reduction targets.

Other State agencies responsible for regulating GHGs include:

- **California Energy Commission (CEC)**: the State's energy policy and planning agency, responsible for climate change related programs including energy efficiency and leading the State to a 100 percent clean energy reality. The CEC mandates building energy efficiency standards (in new and existing buildings) and manages the Renewable Portfolio Standard (RPS).
- **California Department of Resources Recycling and Recovery (CalRecycle)**: California's recycling and waste management agency, responsible for implementation of State climate policies including landfill methane emissions reduction, waste-to-energy production, and composting requirements. CalRecycle implements food and yard waste recycling regulations, including mandates to cut organic waste disposal 75 percent by 2025.
- **California Governor's Office of Land Use and Climate Innovation (LCI):** California's long-range planning agency, responsible for implementing California Environmental Quality Act (CEQA) review and conducting Statewide research on all climate change policies and impacts.

As a result of these actions, California reached its 2020 GHG emissions reduction target of reducing GHG emissions back to 1990 levels 4 years early and is on track to meet the 2030 GHG reduction target. However, it should be noted that wildfires have significant impacts on California's efforts to reduce GHG emissions. According to the ARB, it is challenging to determine how much wildfire emissions alter the GHG concentrations in the atmosphere because wildfire emissions are part of the terrestrial carbon cycle. Wildfires, when they occur in a healthy way, can also bolster sequestration rates and help preserve carbon stocks by germinating seeds, mobilizing nutrients, thinning overly dense forests, and reducing risk of catastrophic wildfire. Emissions from fossil fuel combustion are contributing to putting this cycle out of balance and are contributing to a feedback loop for California's forests and lands. Because of this effect, the ARB focuses on reducing GHG emissions from transportation and other sources.[15] Below is a summary of State regulations that are applicable to the proposed project and that will serve to reduce GHG emissions now and in the future to ensure California stays on the path to meeting the State-mandated 2030 and 2045 targets:

- **Advanced Clean Cars II (ACC II)**: Designed to reach 100 percent new vehicle Zero-Emission Vehicles (ZEVs) and clean Plug-in Hybrid Electric Vehicles (PHEVs) in California by the 2035 model year.
- **Advanced Clean Fleets**: A manufacturer requirement for 100 percent of sales of medium- and heavy-duty vehicles to be ZEVs by 2036, and fleet requirements to purchase and deploy ZEVs in State and local government fleets, drayage truck operations, and high priority federal fleets.
- **Advanced Clean Trucks Regulation**: Require fleets to transition to ZEV medium- and heavy-duty vehicles.

[15] California Air Resources Board (ARB). n.d. Frequently Asked Questions: Wildfire Emissions. Website: https://ww2.arb.ca.gov/sites/default/files/classic/cc/inventory/Wildfire%20Emissions%20FAQ%202022.pdf. Accessed April 29, 2025.

- **Small Off-Road Engine Regulations**: Transition 100 percent of small off-road spark-ignition engines (at or below 25.5 horsepower and used in non-stationary equipment) to zero-emission by 2035 (where feasible).
- **Low Carbon Fuel Standard**: Increase the availability and use of low carbon fuels, including renewable diesel, biodiesel, renewable and natural gas by mandating that the fuel carbon intensity in California must achieve a 20 percent reduction by 2030.
- **Renewable Portfolio Standard**: Also known as the Clean Energy and Pollution Reduction Act (SB 350), the RPS is one of California's key programs for advancing renewable energy. It sets continuously escalating renewable energy procurement requirements for the State's load-serving entities. All entities must procure 60 percent of their electricity portfolio from renewable energy resources by 2030.
- **Building Energy Efficiency Standards–Title 24, Part 6 (Energy Code**): Contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings; the requirements have gradually increased in efficiency and technology over the past decades. The current standard, known as the 2022 Energy Code, builds on California's technology innovations, and includes encouraging heat pumps, requiring electric-ready single-family homes, and solar/battery storage standards for various building types. The 2022 Energy Code also strengthens ventilation standards to improve indoor air quality. The latest update to the Energy Code occurred in 2024 (known as the 2025 Energy Code) and will apply to newly constructed buildings effective as of January 1, 2026. The CEC updates these standards every 3 years.
- **California Green Building Standards Code–Title 24, Part 11 (CALGreen)**: Mandatory green building standards code for the State with the goal of reducing GHG emissions from buildings, including reducing energy and water consumption.

Regional

The Bay Area Air Quality Management District (Bay Area Air District) is one of 35 local air pollution control districts created by the California legislature with authority to regulate air pollutant emissions from businesses and stationary facilities, ranging from oil refineries to auto body shops and dry cleaners. The Bay Area Air District is the primary agency responsible for ensuring that the national and California ambient air quality standards are attained and maintained in its jurisdiction, which includes the San Francisco Bay Area Air Basin (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties). The Bay Area Air District Board of Directors adopted CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (Bay Area Air District CEQA Thresholds) in 2022. The Bay Area Air District CEQA Thresholds (and associated guidance) are intended to assist lead agencies in evaluating air quality and climate impacts from proposed land use projects in the San Francisco Bay Area Air Basin during the environmental review process.

Local

City of Saratoga General Plan

Multiple chapters of the City of Saratoga General Plan (General Plan) contain policies pertaining to improving air quality and transportation strategies that would also reduce GHG emissions. Specifically, the Open Space and Conservation and Land Use Elements of the General Plan include goals and policies designed to improve air quality within the City. The Circulation Element and Scenic Highway Element include policies to encourage the use of alternative forms of transportation and strategies including promoting bicycling, walking, and transit use. Many of these air quality and transportation policies would also result in co-benefits with reducing GHG emissions.

City of Saratoga Climate Action Plan

The City of Saratoga adopted a CAP in December 2020.[16] The CAP establishes an emissions reductions target similar to the State's goals to reduce emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In Saratoga, that means emissions would need to drop to 91,745 metric tons (MT) CO_2e by 2030 and 30,582 MT CO_2e by 2050. The CAP includes a community-wide inventory, emissions reductions targets, and actions/measures that will allow the City to exceed the 2030 target and put the City on the trajectory to meet the 2050 goal. The actions to meet these targets include:

- GHG-free electricity
- Electrification of all passenger vehicles
- Electrification of all transit buses
- Continued fuel efficiency improvements in the commercial vehicle fleet and some electrification of medium and heavy-duty trucks
- Elimination of all organic waste from the landfill
- Continued reductions in natural gas consumption in residential and commercial buildings
- Electrification of all lawn and garden equipment

The CAP relies on both State and local actions to achieve the reduction targets. However, many of the actions are voluntary in nature, which means the assumed reductions cannot be assured.

City of Saratoga Municipal Code

Chapter 17, Article 17-05, Greenhouse Gas Reduction Policies

Section 17-05.010 cross-references various sections of the Municipal Code that seek to reduce emissions of GHGs. Pertinent sections include, but are not limited to: 9-70, Transportation demand management; 15-47, Water-efficient landscapes; 15-48, Limitations on wood-burning fireplaces; 15-50, Tree regulations; 16-47, Green building regulations; 16-49, Green Building Standards Code

[16] City of Saratoga. Climate Action Plan 2030. December 2, 2020. Website: https://www.saratoga.ca.us/DocumentCenter/View/2582/Saratoga-Climate-Action-Plan-2020. Accessed October 2, 2024.

(including CALGreen sections 4.408, 5.408, 301.1.1, and 301.3); and 6.75.030, Water conservation devices.

Article 16-49.020 requires a control system designed to manage load across one or more electric vehicle supply equipment, circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. Article 16-49.035 requires new one- and two-family dwellings and townhouses with private garages to be supplied by a 40-ampere 208/240 volt minimum installed specifically for Level 2 Electric. A second Level 1 electric vehicle (EV) dedicated branch circuit (minimum 20-amp 11v) shall also be provided.[17]

3.7.4 - Methodology

CalEEMod is used to calculate and assess GHG emissions, which consist of those on-site and off-site construction and operational emissions generated from all facets of the proposed project. CalEEMod provides a uniform platform for government agencies, land use planners, and environmental professionals to estimate emissions from land use development and linear projects in California.

GHG emissions can be estimated by using emission factors and activity factors. Emission factors represent the emission rate of a pollutant over a given time or activity. The activity factor is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, the fuel consumption rate, or Vehicle Miles Traveled (VMT) per day. The ARB has published emission factors for on-road mobile vehicles/trucks in the Emission Factor (EMFAC) mobile source emissions model and emission factors for off-road equipment and vehicles in the OFF-ROAD emissions model. An air emissions model (or calculator) combines the emission factors and the levels of activity and outputs the emissions for the various pieces of equipment.

Construction and operational emissions reported in this analysis were modeled using CalEEMod Version 2022.1.1.24.

This analysis is restricted to GHGs identified by AB 32, which include CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Certain GHGs defined by AB 32 would not be emitted by the proposed project. Perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the proposed project. As such, this analysis only assesses CO_2, CH_4, N_2O, and hydrofluorocarbons.

3.7.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether greenhouse gas emissions impacts are significant environmental effects. The proposed project could have an impact on the environment if it would:

[17] City of Saratoga, Green Building Standards Code. 2025. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH16BURE_ART16-49GRBUSTCO_16-49.035ELVECHRE. Accessed December 16, 2025.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

A lead agency has the discretion to select and develop appropriate thresholds of significance to analyze a project's environmental impacts or rely on thresholds developed by other agencies that it deems applies to the project. According to LCI, an absolute numerical/quantitative threshold is one of the thresholds a lead agency may use to find a less than significant impact. The numerical threshold would be the emissions level below which a project's incremental contribution to global climate change would be less than "cumulatively considerable." In this case, to align with the State's long-term climate goal of achieving net-zero emissions by 2045, the EIR analyzes the proposed project's GHG emissions against a net-zero threshold.

3.7.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Greenhouse Gas Emissions

Impact GHG-1:	**The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

Impact Analysis

Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as removal of trees, site grading, operation of construction equipment, operation of on-site heavy-duty construction vehicles, hauling of materials to and from the project site, asphalt paving, and construction worker vehicle trips. On-site construction activities would vary depending on the level of construction activity.

Long-term, operational GHG emissions would result from project-generated vehicular traffic, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, on-site use and transportation of natural gas for water-heating, space-heating, and cooking, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, any fugitive refrigerants from air conditioning or refrigerators, and the operation of any proposed stationary sources such as backup generators or fire pumps.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section measures the proposed project's incremental contribution to the cumulative environmental impact. The following is a discussion of the proposed project's

contribution to GHG emissions during both the construction and operation phases. The proposed project's GHG emissions are quantified for informational purposes only.

Construction

The proposed project's construction emissions are presented in Table 3.7-2. It should be noted that the analysis conservatively assumes that construction would begin mid-2025, although it could begin in a later year. As vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve with each year, project construction emissions are likely to decrease nominally from what is shown in Table 3.7-2, should the construction schedule move to later years. In addition, while applicant-provided information indicates that the duration of construction could be 36–48 months, the modeling represents a conservative, 18-month construction duration, which is a worst-case scenario because emissions are assumed to occur in earlier years and over shorter periods of time (which would result in higher daily emissions). Therefore, the construction GHG emissions contained in Table 3.7-2 represent a conservative assessment of project construction emissions.

Table 3.7-2: Proposed Project Construction Greenhouse Gas Emissions

Construction Activity	Total GHG Emissions (MT CO_2e per year)
Site Preparation (2025)	25.60
Grading (2025)	96.14
Building Construction (2025)	129.94
Building Construction (2026)	215.76
Paving (2026)	22.64
Architectural Coating (2026)	1.35
Total Construction Emissions	491.43
Emissions Amortized Over 30 Years[1]	16.38

Notes:
GHG = greenhouse gas
MT CO_2e = metric tons carbon dioxide equivalent

Totals may not appear to sum exactly due to rounding.

[1] Construction greenhouse gas (GHG) emissions are amortized over the 30-year lifetime of the project.

Source: Appendix A.

As shown above, the proposed project would generate approximately 491.43 MT CO_2e during construction. There is no proposed construction-related climate impact threshold at this time. GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions, which represent the vast majority of project GHG emissions. Furthermore, construction GHG emissions are amortized over 30 years and accounted for as part of operational GHG emissions.

Operational GHG impact is discussed below. As demonstrated below, the proposed project (construction and operation) would have less than significant GHG impacts with incorporation of MMs GHG-1

Operation

Operational or long-term emissions occur over the life of the project. Project operations were conservatively modeled for the 2026 operational year; however, it is likely that operation would not begin any earlier than 2028. As stated previously, vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve with each year, and thus project operational emissions are likely to decrease nominally should the construction and operational schedule move to later years. Therefore, the modeling represents a conservative, worst-case scenario. Sources for operational emissions are summarized below and are described in more detail in Section 3.2 Air Quality. Sources for operational GHG emissions include:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site.
- **Natural Gas:** These emissions refer to the GHG emissions that occur when natural gas is burned on the project site.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the project.
- **Area Sources:** These emissions refer to those produced during activities such as landscape maintenance.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the project.

According to applicant-provided landscape plans, a total of 367 live oak trees are anticipated to be removed and would be replaced primarily by coast live oak (*Quercus agrifolia*). In areas where tree canopy space is limited, removed trees would be replaced by western redbud (*Cercis occidentalis*). Proposed landscaping trees, shrubs, and ground covers are all California native species, compatible with the oak woodland ecosystem. No irrigation would be supplied to the native oaks. The effect on carbon sequestration from the removed and newly planted trees was estimated using the iTree Planting Calculator. The iTree Planting Calculator was developed using current, peer-reviewed science from the United States Department of Agriculture (USDA) Forest Service to estimate tree benefits including carbon sequestration capacity.[18] The outputs from the iTree Planting Calculator are in Appendix B. The removed trees would be associated with a loss of carbon sequestration estimated to be approximately 785,809 pounds of CO_2.[19] The newly planted trees would create new carbon sequestration capacity estimated to be approximately 1,181,441 pounds of CO_2.[20] Therefore,

[18] iTree. 2025. Website: https://www.itreetools.org/. Accessed on December 16, 2025.
[19] Calculated using the iTree planting calculator, default assumptions, and 367 coast oak trees removed.
[20] Calculated using the iTree planting calculator, default assumptions, and assuming 70 new coast live oaks and 300 new manzanita plantings.

while minimal, the overall effect of the proposed project on carbon sequestration capacity is anticipated to be net positive.

Table 3.7-3 presents the estimated annual GHG emissions from the proposed project's operational activities. As shown in Table 3.7-3, the proposed project would generate approximately 384.41 MT CO_2e per year after the inclusion of 16.38 MT CO_2e per year from project construction. Total project emissions would be 11,532.3 MT CO_2e.

Table 3.7-3: Operational Greenhouse Gas Emissions

GHG Emissions Source	GHG Emissions (MT CO_2e per year)
Motor Vehicles	281.31
Energy*	75.93
Area	0.74
Water	3.79
Waste	6.11
Amortized Construction Emissions	16.38
Total Annual Project Emissions	384.41
Total Lifetime Project Emissions	11,532.3

Notes:
GHG = greenhouse gas
MT CO_2e = metric tons carbon dioxide equivalent

* Energy emissions sources include indirect GHG emissions associated with electricity use, as well as natural gas use.

30 years is an industry-accepted standard for calculating the typical lifetime of a land use development project.

Totals were summed using unrounded numbers and may not appear to sum exactly due to rounding.

Source: Appendix B.

As previously discussed, to align with the State's long-term climate goal of achieving net-zero emissions by 2045, the EIR analyzes the proposed project's GHG emissions against a net-zero threshold. As shown in the table above, the proposed project would produce 11,532.3 MT CO_2e over a 30-year lifetime.

As shown in the table, the majority of the proposed project's operational emissions are associated with mobile vehicles. All of the vehicles driven as a result of implementation of the proposed project are assumed to be private vehicles owned by future residents, as well as occasional visitors. Regulation of private vehicles is not within the control of any individual project applicant or lead agency. Therefore, there are no feasible on-site mitigation measures that can directly reduce this impact. The percentage of gasoline-fueled vehicles is anticipated to reduce as the State transitions to

ZEVs pursuant to various policies and initiatives; however, future reductions in gasoline-fueled vehicles and the associated emissions reductions cannot be assured.

MM GHG-1 has been identified and would require the proposed project to offset GHG emissions to zero by incorporating GHG emission reduction design elements (such as on-site solar, implementation of bicycle lanes or other Transportation Demand Management [TDM] measures) and/or obtaining carbon credits. Therefore, with implementation of MM GHG-1, impacts would be less than significant with mitigation incorporated.

Level of Significance

Potentially significant impact.

Mitigation Measures

MM GHG-1 The project developer shall offset greenhouse gas (GHG) emissions to zero by funding activities that directly reduce or sequester GHG emissions or, if necessary, by obtaining carbon credits. The project developer shall prioritize on-site design features, such as the installation of solar panels, and direct investments in GHG reductions in the vicinity of the project to help provide potential air quality and economic co-benefits locally. For example, direct investment in a local building retrofit program can pay for cool roofs, solar panels, solar water heaters, smart meters, energy-efficient lighting, energy-efficient appliances, energy-efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. Other examples of local direct investments include financing installation of regional electric vehicle (EV) charging stations, funding public transit improvements, implementing bicycle lanes, paying for electrification of public-school buses, and investing in local urban forests. However, it is critical that any such investments in actions to reduce GHG emissions are real and quantifiable. Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry.

GHG reductions must meet the following criteria:

- **Real**—represent reductions actually achieved (not based on maximum permit levels);
- **Additional/Surplus**—not already planned or required by regulation or policy (i.e., not double counted);
- **Quantifiable**—readily accounted for through process information and other reliable data;
- **Enforceable**—acquired through legally-binding commitments/agreements;
- **Validated**—verified through accurate means by a reliable third party, and
- **Permanent**—will remain as GHG reductions in perpetuity.

In partnership with offset providers, the project developer shall purchase carbon offsets (from available programs that meet the above criteria) and shall quantify and offset to zero all GHG emissions (after implementation of any on-site project design features which may serve to reduce emissions). Offset protocols and validation applied to the project could be developed based on existing standards (e.g., Climate Registry Programs) or could be developed independently, provided such protocols satisfy the basic criterion of "additionality" (i.e., the reductions would not happen without the financial support of purchasing carbon offsets).

Prior to issuing building permits for development within the project area, the City of Saratoga shall confirm that the project developer or its designee has fully offset the project's construction- and operational GHG emissions over the 30-year project life associated with such building permits by relying upon one of the following compliance options, or a combination thereof:

- Demonstrate that the project developer has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available) and retire such GHG reduction credits in a quantity equal to the remaining GHG emissions;
- Provide a guarantee that the project developer shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the remaining GHG emissions;
- Undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the remaining GHG emissions; or
- If it is impracticable to fully offset operational emissions through direct investments or quantifiable and verifiable programs do not exist, the project developer or its designee may purchase and retire carbon credits that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the remaining GHG Emissions.

Level of Significance with Mitigation

Less than significant impact with mitigation incorporated.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

Impact GHG-2:	**The proposed project could conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.**

Impact Analysis

The following discusses project consistency with applicable plans adopted for the purpose of reducing GHG emissions, which include ARB's 2022 Scoping Plan and the Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG) Plan Bay Area 2050.

2022 Scoping Plan Update

The principal State plan and policy for GHG emission reduction targets are set forth in Executive Order S-03-05, AB 32, and the subsequent SB 32. The quantitative goal of AB 32 was to reduce GHG emissions to 1990 levels by 2020. AB 32 required the ARB to develop a Scoping Plan that described California's approach to reducing GHGs to achieve the 2020 emission target. This target was ultimately achieved 4 years earlier than mandated. SB 32 then accelerated the GHG emission reduction goals of AB 32. The 2022 Scoping Plan, the most recent update to the ARB Scoping Plan, reflects the 2030 target of a 40 percent reduction below 1990 levels as set by Executive Order B-30-15 and codified by SB 32. It is applicable to State agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require the City to adopt policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the State agencies outlined in the Scoping Plan result in GHG emissions reductions at the local level, for example, through Statewide building codes. As a result, local jurisdictions benefit from reductions in transportation emissions, increases in water efficiency in the building and landscape codes, and other Statewide actions that affect a local jurisdiction's emissions inventory from the top down.

As discussed above, the proposed project meets a net-zero GHG emissions threshold with implementation of MM GHG-1. A net-zero emissions threshold is consistent with the 2022 Scoping Plan's goals for achieving carbon neutrality by 2045. By demonstrating net-zero GHG emission - through a combination of highly efficient building design, integration of on-site renewable energy (as applicable), and/or verified carbon offsets (MM GHG-1) – the proposed project directly aligns with the State's long-term climate targets.

Additionally, a net-zero GHG project avoids contributing to cumulative GHG emissions and reflects the type of development the ARB envisions in a net-zero future. Meeting a net-zero threshold ensures that the proposed project would not interfere with California's ability to meet its interim 2030 GHG reduction goals or its 2045 carbon neutrality mandate. Therefore, the proposed project would be considered consistent with the 2022 Scoping Plan's framework for achieving statewide emissions reductions while supporting sustainable, climate-resilient community development.

Metropolitan Transportation Commission Plan Bay Area

As part of the implementing framework for Plan Bay Area 2050, local governments have identified planned development areas to focus growth. The proposed project site is within the planning area of the General Plan. Thus, the proposed project would be consistent with the overall goals of Plan Bay Area, which include concentrating new investment in areas with existing urban and transportation infrastructure. Given these considerations, overall the proposed project would not conflict with Plan Bay Area 2050.

The proposed project is consistent with Plan Bay Area 2050 and with the 2022 Scoping Plan. Therefore, the proposed project's impacts would be less than significant with incorporation of MM GHG-1.

Level of Significance

Potentially significant impact.

Mitigation Measures

Implement MM GHG-1.

Level of Significance with Mitigation

Less than significant impact with mitigation incorporated.

3.7.7 - Cumulative Impacts

The geographic scope of the cumulative greenhouse gas emissions analysis is the San Francisco Bay Area Air Basin, which covers all or portions of the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. In a larger sense, however, the relevant geographic area is the entire Earth, as explained by the California Supreme Court in C*enter for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 219, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself."

"With respect to climate change, an individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the project's incremental addition of GHG emissions is 'cumulatively considerable' in light of the global problem, and thus significant." (Ibid., quoting Crockett, Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World (July 2011) 4 Golden Gate U. Envtl. L.J. 203, 207–208)).

The proposed project would emit new greenhouse gas emissions, as would other past, present, and reasonably foreseeable projects within the Air Basin.

The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, statewide, and regional GHG emissions, as well as the contribution of the proposed project to GHG emission impacts. Therefore, the significance conclusions reached above for the project-level GHG impacts GHG-1 and GHG-2 also constitute the significance conclusions in this EIR with respect to cumulative GHG emissions impacts. Therefore, because GHG emissions generated by the proposed project, in conjunction with other past, present, and reasonably foreseeable projects in the Basin and around the world, would not exceed established thresholds (after incorporation of MM GHG-1), the proposed project would not result in a potentially significant cumulatively considerable impact and the proposed project's incremental contribution to GHG emissions would be less than significant.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GHG-1.

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.8 - Hazards and Hazardous Materials

3.8.1 - Introduction

This section describes the existing hazards and hazardous materials setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on the Phase I Environmental Site Assessment (Phase I ESA) prepared by Cameron-Cole dated April 12, 2024, included in this Draft Environmental Impact Report (Draft EIR) as Appendix F, as well as the Evacuation Analysis prepared for the proposed project by Kittelson and Associates on October 13, 2025.

The following public comments were received during the EIR scoping period related to wildfire:

- Concern over evacuation routes along Pierce Road
- Concern over wildfire threat and evacuation routes
- Adequate fire protection
- Fire risk and uncertainty about evacuation
- Concerns over Pacific Gas and Electric Company (PG&E) equipment failing and causing wildfires
- Increased fire danger

These comments are addressed throughout this section. Potential impacts related to wildfire are discussed in additional detail in Section 3.18, Wildfire.

3.8.2 - Environmental Setting

Hazards

This description of existing conditions focuses on hazards from hazardous materials and wastes, as well as fire.[1] A hazard is a situation that poses a level of threat to life, health, property, or the environment. Hazards can be dormant or potential, with only a theoretical risk of harm. However, once a hazard becomes active, it can create an emergency. A hazardous situation that has already occurred is called an incident. Emergency response is action taken in response to an unexpected and dangerous occurrence in an attempt to mitigate its impact on people, structures, or the environment. Emergency situations can range from natural disasters to hazardous materials problems and transportation incidents.

Hazardous Materials and Wastes

Hazardous materials include but are not limited to hazardous materials, hazardous substances, and hazardous wastes, as defined in Section 25501 and Section 25117, respectively, of the California Health and Safety Code. A hazardous material is any material that, because of its quantity,

[1] Hazards commonly associated with natural disasters, including, but not limited to, earthquakes, unstable soils, and flooding, are discussed in Section 3.6, Geology and Soils and Section 3.9, Hydrology and Water Quality.

concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released; and any material that a handler or an administering regulatory agency under Section 25501 has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment. Various properties may cause a substance to be considered hazardous, including:

- Toxicity—causes human health effects;
- Ignitability—has the ability to burn;
- Corrosivity—causes severe burns or damage to materials; and
- Reactivity—causes explosions or generates toxic gases.

Hazardous Building Materials

Many older buildings contain building materials that consist of hazardous materials. These materials include lead-based paint (LBP), asbestos-containing material (ACM), and polychlorinated biphenyls (PCBs).

Prior to the United States Environmental Protection Agency (EPA) ban in 1978, LBP was commonly used on interior and exterior surfaces of buildings. Disturbances such as sanding and scraping activities, renovation work, gradual wear and tear, old peeling paint, and paint dust particulates have been found to contaminate surface soils or cause lead dust to migrate and affect indoor air quality. Exposure to residual lead can cause severe health effects, especially in children.

Asbestos is a naturally occurring fibrous material that was extensively used as a fireproofing and insulating agent in building construction materials before such uses were banned by the EPA in the 1970s.

PCBs are used in many types of electrical equipment as an insulator, including transformers and capacitors. After PCBs were determined to be a carcinogen in the mid to late 1970s, the EPA banned PCB use in new equipment and began a program to phase out certain existing PCB-containing equipment. For example, fluorescent lighting ballasts manufactured after January 1, 1978, do not contain PCBs and are required to have a label clearly stating that PCBs are not present in the unit.

Hazardous Substances

A hazardous substance can be any biological, natural, or chemical substance, whether solid, liquid, or gas, that may cause harm to human health. Hazardous substances are classified on the basis of their potential health effects, whether acute (immediate) or chronic (long-term). Dangerous goods are classified on the basis of immediate physical or chemical effects, such as fire, explosion, corrosion, and poisoning. An accident involving dangerous goods could seriously harm human health or damage property or the environment. Harm to human health may happen suddenly (acute), such as dizziness, nausea, and itchy eyes or skin; or it may happen gradually over years (chronic), such as dermatitis or cancer. Some people can be more susceptible than others. Hazardous substances and dangerous goods can include antiseptic used for a cut, paint for walls, a cleaning product for the bathroom, chlorine in a pool, carbon monoxide from a motor vehicle, fumes from welding, vapors from adhesives, or dust from cement, stone, or rubber operations. Such hazardous substances can make humans very sick if they are not used properly.

Hazardous Wastes

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. The criteria that define a material as hazardous also define a waste as hazardous. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed, or otherwise managed improperly, hazardous materials and hazardous waste can result in public health hazards. They can also result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous Materials Listing

The Cortese List is a list of known hazardous materials or hazardous waste facilities that meet one or more of the provisions of Government Code Section 65962.5, including:

- The list of hazardous waste and substances sites from the California Department of Toxic Substances Control (DTSC) EnviroStor database.[2]
- The list of Leaking Underground Storage Tank (LUST) sites by county and fiscal year from the California State Water Resources Control Board (State Water Board) GeoTracker database.[3]
- The list of solid waste disposal sites identified by the State Water Board with waste constituents exceeding hazardous waste levels outside the waste management unit.[4]
- The list of active cease-and-desist orders and cleanup and abatement orders from the State Water Board.[5]
- The list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by the DTSC.[6]

[2] California Department of Toxic Substances Control (DTSC). "Cortese" list of DTSC's EnviroStor database list of Hazardous Waste and Substances sites. DTSC's Hazardous Waste and Substances Site List—Site Cleanup (Cortese List). Website: https://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST. Accessed December 15, 2025.

[3] California State Water Resources Control Board (State Water Board). "Cortese" List of Leaking Underground Storage Tank Sites by County (Santa Clara County). Website: https://geotracker.waterboards.ca.gov/sites_by_county. Accessed December 15, 2025.

[4] California Environmental Protection Agency (Cal/EPA). "Cortese" list of solid waste disposal sites identified with waste constituents above hazardous waste levels outside the waste management unit. Website: http://www.calepa.ca.gov/files/2016/10/SiteCleanup-CorteseList-CurrentList.pdf. Accessed December 15, 2025.

[5] California Environmental Protection Agency (Cal/EPA). "Cortese" list of State Water Board sites with active Cease and Desist Orders or Cleanup Abatement Orders. Website: http://www.calepa.ca.gov/files/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx. Accessed December 15, 2025.

[6] California Environmental Protection Agency (Cal/EPA). "Cortese" list of sites subject to Corrective Action pursuant to Health and Safety Code 25187.5. Website: https://www.calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/. Accessed December 15, 2025.

Phase I Environmental Site Assessment

Cameron-Cole completed a Phase I ESA for the proposed project (Appendix F). The goal of the Phase I ESA was to identify the presence or likely presence of hazardous substances or petroleum products on the project site under conditions that indicated an existing release, a past release, or a material threat of a future release in, on or at the project site. As part of the Phase I ESA, a comprehensive government agency database search was conducted as well as site reconnaissance and interviews.

The Phase I ESA investigated three neighboring hazardous materials sites that could have impacted the project site: Carlson Property (to the north), The Mountain Winery (to the west), and Paul Masson Vineyards (to the south).

The Carlson Property, a residential property located approximately 1,500 feet north of the project site, is listed as a closed LUST site. A single 550-gallon gasoline tank was removed in 1994; subsequently, elevated levels of petroleum hydrocarbons were detected in a water sample. Following remediation, the site was considered closed in 1997 by the Regional Water Quality Control Board due to no detectable levels of petroleum hydrocarbon within the site.

The Mountain Winery, located approximately 1,800 feet directly west of the project site, is listed on the GeoTracker and EnviroStor databases as a closed Cleanup Program Site. In 1987, an underground storage tank (UST) was removed from the property and in 1991 an aboveground storage tank (AST) was removed. Soil sampling at the property indicated elevated levels of diesel fuel, Ethylbenzene, and Xylenes in the soil. In 2013, the contamination was removed via soil excavation. The case was granted closure by the County Department of Environmental Health (DEH) upon implementation of a closure sampling workplan, which did not detect any concentration of any site constituent. However, the closure letter notes that any future development such as grading, excavation, or the installation of groundwater wells may pose an unacceptable risk. The County DEH determined that any future site activity which may pose this unacceptable risk must be submitted to the County DEH and the appropriate building departments prior to implementation.

The Paul Masson Vineyards site, located approximately 700 feet south of the project site, is listed as a California Environmental Protection Agency (Cal/EPA) site, which is not a type of site that would be considered when compiling the Cortese List.

The Phase I ESA concluded that—due to the nature of the facilities, releases, and inferred groundwater flow direction—the contamination from these sites is not considered a Recognized Environmental Condition (REC)[7]. Further, the Phase I ESA concluded that there are no RECs, Controlled Recognized Environmental Conditions (CRECs),[8] or Historical Recognized Environmental

[7] The term Recognized Environmental Condition (REC) is defined by ASTM E1527-21 as "(1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment."

[8] The term Controlled Recognized Environmental Condition (CREC) is a type of recognized environmental condition and defined by ASTM E1527-21 as a "recognized environmental condition affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations)."

Conditions (HRECs)[9] associated with the project site. As such, the Phase I ESA did not recommend a Phase II ESA be completed for the proposed project.

Existing Fire Related Conditions and Presence of Hazardous Materials

The hazards in the City discussed in this section are related primarily to fire hazards and hazardous materials. Fire hazards and hazards from hazardous materials are typically site-specific, so existing conditions related to fire hazards and the transport, use, and disposal of hazardous materials are discussed below under "project site."

Fire hazards present a considerable problem to vegetation and wildlife habitats throughout the County. Grassland fires are easily ignited, particularly in dry seasons. These fires are relatively easily controlled if they can be reached by fire equipment; the burned slopes, however, are highly subject to erosion and gullying. While brushlands are naturally adapted to frequent light fires, fire protection in recent decades has resulted in heavy fuel accumulation on the ground. Wildfire is a serious hazard in undeveloped areas and on large lot home sites with extensive areas of unirrigated vegetation, and particularly near areas of natural vegetation and steep slopes, since fires tend to burn more rapidly on steeper terrain. Wildfire is also a serious hazard in areas of high wind, given that fires will travel faster and farther geographically when winds are higher.

City of Saratoga

The City is susceptible to wildland fires due to the steep topography, abundant fuel load, and climatic conditions, particularly along the western and southwestern edges of the City. The hillside areas of the City are characterized by native brush, grasslands, and trees, which are susceptible to wildfire. The areas that are most susceptible to fire hazard are west of Saratoga-Sunnyvale Road and southwest of Saratoga Los Gatos Road; this portion of the City is mapped as a Very High Fire Hazard Severity Zone (FHSZ) in a State Responsibility Area (SRA) by the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program (FRAP). An SRA is an area where the State of California is financially responsible for the prevention and suppression of wildfires. Additionally, there are approximately 3,073 acres of land within the City that are designated a Very High FHSZ in a Local Responsibility Area (LRA). An LRA is an area where the local jurisdiction is financially responsible for the prevention and suppression of wildfires. Because of these areas being classified as Very High FHSZs, the City has established a Wildland-Urban Interface (WUI) zone which covers the areas within the City that have a moderate to very high fire hazard potential.

Project Site

The project site is located in the southwestern portion of the City along Pierce Road. The project site is located in the hillsides portion of the City. The project site is currently undeveloped and covered with existing vegetation. The project site is located within a hillside residential area and is within a

[9] The term Historical Recognized Environmental Condition (HREC) is defined as a "previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations)." The ASTM E1527-21 standard has clarified that a historical recognized environmental condition is not a recognized environmental condition.

WUI area as designated by City's October 2025 WUI Map. According to CAL FIRE's FHSZ maps (updated February 24, 2025 and adopted by the City), the project site is located partially within a High FHSZ and partially within a Very High FHSZ.

The project site is located within an LRA within the City of Saratoga. LRAs are areas where the financial responsibility for fire protection primarily lies with a local agency, in this case, the City of Saratoga. Most of the Development Area, along with surrounding areas to the north, northwest, and northeast, is designated as a High FHSZ. However, the east and southeastern stretch of the Development Area near Pierce Road is designated as a Very High FHSZ within the LRA, as is much of the surrounding areas within the City of Saratoga to the south, southeast, and east, including the project remainder area (Exhibit 3.18-1).[10]

Emergency and Evacuation Routes/Access

City of Saratoga

As noted above, the Saratoga Fire Protection District and the Santa Clara County Fire Department provide fire protection and emergency medical services to the City. There are four fire stations within an approximately 5-mile radius of driving distance of the project site: Saratoga Fire Station, located 1.32 miles east at 14380 Saratoga Avenue in Saratoga; West Valley Station, located 2.49 miles northeast at 19800 Cox Avenue in Saratoga; Quito Fire Station, located 3.17 miles southeast at 18870 Saratoga Los Gatos Road in Los Gatos; and Santa Clara County Central Fire Station, located 4.93 miles southeast at 14700 Winchester Boulevard in Los Gatos.

According to the General Plan, Saratoga is susceptible to wildland fires due to the steep topography, abundant fuel load, and climatic conditions, particularly along the western and southwestern edges of the City. The areas most susceptible to fire hazard are located west of Saratoga-Sunnyvale Road and southwest of Saratoga Los Gatos Road (State Route [SR] 9).

The City's General Plan illustrates the routes for evacuation that aim to relocate residents from hazardous areas to safer spaces. The majority of the City's evacuation routes are located in the area between Prospect Avenue and Saratoga Los Gatos Road, and Saratoga-Sunnyvale Road and Quito Road, where the population is of a higher density than in the hillside areas. Depending on the nature of the disaster, some access roads in the hillside areas may be closed or impeded, creating the necessity for residents to evacuate from the area along substandard emergency access roads or by helicopter.[11]

The City's June 2025 Evacuation Route Capacity study found that several evacuation routes have volume-to-capacity ratios greater than 1. This finding indicates that these routes would require more than 1 hour to accommodate the evacuation demand from the hillside, making them bottlenecks

[10] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones. Find Your Fire Hazard Severity Zone (FHSZ). Website: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed December 15, 2025.

[11] City of Saratoga. 2024. General Plan Safety Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5405/General-Plan-Safety-Element-PDF. Accessed December 15, 2025.

during an evacuation. As relevant to the proposed project, Pierce Road has a volume-to-capacity ratio greater than 1.

Project Site

The City of Saratoga has adopted evacuation by zones, using an evacuation management tool, Genasys Protect (formerly Zonehaven Aware). The project site is located in zones SAR-008 and SCC-021.

As discussed under Impact PUB-1 in Section 3.13, Public Services, based on the project site's distance from the Saratoga Fire Station at 14380 Saratoga Avenue, the response time for a fire engine would be approximately 6 minutes in standard traffic and 7 to 9 minutes during heavy traffic.

The primary evacuation routes for the proposed project would be Pierce Road to the south and north, Saratoga Heights Drive to the east, and SR-9 to the east and west. A new road, Masson Estates Way, would be constructed as part of the proposed project. Masson Estates Way is a proposed entrance to the project site from Pierce Road and would be available to residents for evacuations. An emergency access route is also proposed for the site, connecting Masson Estates Way with Pierce Road to the south of the Development Area. There are not currently any fire hydrants on the project site. There is one fire hydrant located at the intersection of Pierce Road and Saratoga Heights Drive.

3.8.3 - Regulatory Framework

Federal

Occupational Safety and Health Act

The Occupational Safety and Health Administration (OSHA) of the United States Department of Labor is responsible for implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires specific training for hazardous materials users and handlers, provision of information (procedures for personal safety, hazardous materials storage and handling, and emergency response) to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures. Construction workers and operational employees at the project site would be subject to these requirements.

Code of Federal Regulations, Titles 29 and 40

Regulations in Code of Federal Regulations Title 29 include requirements to manage and control exposure to LBP and ACMs. In California, these requirements are implemented by the California Occupational Safety and Health Administration (Cal/OSHA) under California Code of Regulations Title 8 (see further discussion of California Code of Regulations Title 8 below). The removal and handling of ACMs are governed primarily by EPA regulations under Code of Federal Regulations Title 40. The regulations require that the appropriate State agency be notified before any demolition, or before any renovations, of buildings that could contain asbestos or ACMs above a specified threshold.

Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act

The EPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The primary legislation includes the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (known as SARA Title III).

RCRA and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and non-hazardous wastes and mandate that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment, including detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities. As permitted by RCRA, in 1992, the EPA approved California's program called the Hazardous Waste Control Law (HWCL), administered by DTSC, to regulate hazardous wastes in California, as discussed further below.

The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities.

SARA relates primarily to emergency management of accidental releases and requires annual reporting of continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. Finally, SARA Title III requires formation of State and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act of 1975, the United States Department of Transportation (USDOT), Office of Hazardous Materials Safety regulates the transportation of hazardous materials on water, rail, highways, through air, or in pipelines, and enforces guidelines created to protect human health and the environment and reduce potential impacts by creating hazardous material packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation. The USDOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.

Aboveground Petroleum Storage Act, and Spill Prevention, Control, and Countermeasure Rule

The Aboveground Petroleum Storage Act of 1990, and the Spill Prevention, Control, and Countermeasure (SPCC) Rule (amended 2010) of the Oil Pollution Prevention regulation (40 CFR 112) require the owner or operator of a tank facility with an aggregate storage capacity greater than 1,320 gallons to notify the local Certified Unified Program agency (CUPA) and prepare an SPCC plan. The SPCC plan must identify appropriate spill containment measures and equipment for diverting

spills from sensitive areas, and must discuss facility-specific requirements for the storage system, inspections, recordkeeping, security, and training.

Clean Water Act

The Clean Water Act (CWA) (Title 33 § 1251, *et seq.* of the United States Code [33 USC 1251, *et seq.*]) is the major federal legislation governing water quality. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater). The objective of the Act is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States. Responsibility for administering the CWA resides with the State Water Board and nine Regional Water Quality Control Boards (RWQCBs); the San Francisco Bay RWQCB administers the CWA for Santa Clara County. Section 404 of the CWA regulates temporary and permanent fill and disturbance of waters of the United States, including wetlands. The United States Army Corps of Engineers (USACE) requires that a permit be obtained if a project proposes to place fill in navigable waters and/or to alter waters of the United States below the ordinary high-water mark in non-tidal waters. Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Compliance with the water quality standards required under Section 401 is a condition for issuance of a Section 404 permit. Under Section 401 of the CWA, every applicant for a permit or license for any activity that may result in a discharge to a water body must obtain a State water quality certification from the RWQCB to demonstrate that the proposed activity would comply with State water quality standards.

State

California Hazardous Waste Control Law

The HWCL (codified in the California Health and Safety Code [HSC] § 25100 *et seq*.) is the primary hazardous waste statute in the State of California and implements RCRA as a "cradle-to-grave" waste management system for handling hazardous wastes in a manner that protects human health and the environment and would reduce potential resulting impacts. The law specifies that waste generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning and includes a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

The California Health and Safety Code criteria and guidelines for identification of wastes (HSC § 25141) defines hazardous waste as a waste or combination of waste that may:

> . . . because of its quantity, concentration, or physical, chemical, or infection characteristics:
>
> (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.

(2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed.

This law establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management practices for hazardous wastes; establishes permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identifies hazardous waste that commonly would be disposed of in landfills.

Under both the RCRA and the HWCL, hazardous waste manifests must be retained by the waste generator for a minimum of 3 years. The waste generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility.

In accordance with Chapter 6.11 of the California Health and Safety Code (HSC § 25404, *et seq.*), local regulatory agencies enforce many federal and State regulatory programs through the CUPA program, including:

- Hazardous Materials Business Plans (HMBPs) (HSC § 25501, *et seq*.).
- State Uniform Fire Code (UFC) requirements (UFC § 80.103, as adopted by the State Fire Marshal pursuant to HSC § 13143.9).
- Underground storage tanks (HSC § 25280, *et seq*.).
- Aboveground storage tanks (HSC § 25270.5(c)).
- Hazardous waste generator requirements (HSC § 25100, *et seq*.).

The County DEH, Hazardous Materials Compliance Division is the CUPA for the County. As the CUPA, this Division enforces State statutes and regulations through the Hazardous Materials Unified Program Agency, which oversees ASTs; generation of hazardous materials, storage, and treatment; USTs; generation of medical waste; the accidental release prevention program; and Local Oversight Program. If a facility ever handles any individual hazardous material in an aggregate amount equal to or greater than 55 gallons (liquids), 500 pounds (solids), or 200 cubic feet (gases), an HMBP must be submitted. An HMBP must include:

- Details that include facility floor plans and identify the business conducted at the site.
- An inventory of hazardous materials handled or stored on the site.
- An emergency response plan.
- A training program in safety procedures and emergency response for new employees who may handle hazardous materials, with an annual refresher course in the same topics for those same employees.

California Code of Regulations, Title 8

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations. These regulations concern the use of hazardous materials in the workplace, including requirements for employee safety training; availability of safety equipment; accident and illness prevention programs; hazardous substance exposure warnings; and preparation of emergency action and fire prevention plans.

Cal/OSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets (formerly known as material safety data sheets) be available for employee information and training programs. Cal/OSHA standards are generally more stringent than federal regulations. Construction workers at the project site would be subject to these requirements.

California Code of Regulations, Title 8, Section 1529 authorizes Cal/OSHA to implement the survey requirements of Code of Federal Regulations Title 29 relating to asbestos. These federal and State regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. Workers who conduct asbestos abatement must be trained in accordance with federal and State OSHA requirements. The Bay Area Air Quality Management District (Bay Area Air District) oversees the removal of regulated asbestos-containing materials (see "Asbestos Demolition, Renovation, and Manufacturing Rule" below).

California Code of Regulations, Title 8, Section 1532.1 includes requirements to manage and control exposure to LBP. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based material. Loose and peeling LBP must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds applicable hazardous waste thresholds. Federal and State OSHA regulations require a supervisor who is certified with respect to identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where LBP may be present. Special protective measures and notification of Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures, where LBP is present.

California Code of Regulations Title 22, Division 4.5

California Code of Regulations, Title 22, Division 4.5, contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations, Title 22, Chapter 11, Article 3, "Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits," identifies the concentrations at which soil is determined to be a California hazardous waste. California's Universal Waste Rule (22 California Code of Regulations [CCR] § 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in California Code of Regulations, Title 22, Section 66261.9. Universal wastes include fluorescent lamps, mercury thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent

light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (22 CCR § 67386) were developed by the DTSC to allow for disposal of treated wood as a non-hazardous waste, to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific non-hazardous waste landfills.

Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt water quality control plans (also known as basin plans) for all areas of the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of State Water Board and RWQCBs to adopt and periodically update water quality control plans that recognize and reflect the differences in existing water quality, the beneficial uses of the region's groundwater and surface water, and local water quality conditions and problems. It also authorizes the State Water Board and RWQCBs to issue and enforce waste discharge requirements and to implement programs for controlling pollution in State waters. Finally, the Porter-Cologne Act also authorizes the State Water Board and RWQCBs to oversee site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments.

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies. Emergency response team members respond and work with local fire and police agencies, emergency medical providers, the California Highway Patrol (CHP), CAL FIRE, California Department of Fish and Wildlife (CDFW), and California Department of Transportation (Caltrans).

California Department of Forestry and Fire Protection Fire Hazard Severity Zones

CAL FIRE has mapped fire threat potential throughout California in its FHSZ maps. CAL FIRE maps fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The FHSZ threat levels include no fire threat, moderate, high, and very high fire threat.

California Public Resources Code

The California Public Resources Code includes fire safety requirements that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arresters[12] on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These requirements include the following:

- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrester to reduce the potential for igniting a wildland fire (Public Resources Code [PRC] § 4442);
- Appropriate fire suppression equipment must be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428);
- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire suppression equipment (PRC § 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines must not be used within 25 feet of any flammable materials (PRC § 4431).

California Public Resources Code Section 4291, which delineates defensible space requirements for new and existing structures in an SRA, has recently been amended to introduce ember resistant zones 0 to 5 feet from structures.

California Public Resources Code Section 4290 requires the adoption of regulations implementing minimum fire safety standards in SRAs and in lands designated as Very High FHSZ. These standards are to include road standards for fire equipment access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fuel breaks and greenbelts.

Regional

Bay Area Air District Asbestos Demolition, Renovation, and Manufacturing Rule

The removal of building ACMs is subject to the limitations of Bay Area Air District Regulation 11, Rule 2, "Hazardous Materials; Asbestos Demolition, Renovation, and Manufacturing." This rule prohibits visible emissions to outside air from any operation involving the demolition of any structure containing asbestos, and sets out requirements for demolition of such structures, including a pre-demolition survey conducted by a certified professional. All friable (i.e., crushable by hand) or non-friable ACMs that may be damaged must be abated before demolition in accordance with applicable

[12] A spark arrester is a device that prohibits exhaust gases from an internal combustion engine from passing through the impeller blades where they could cause a spark. A carbon trap is commonly used to retain carbon particles from the exhaust.

requirements. Friable ACMs must be disposed of as asbestos waste at an approved facility. Non-friable ACMs may be disposed of as non-hazardous waste at landfills that accept such waste.

Local

Santa Clara County Operational Area Hazard Mitigation Plan

The City and a partnership of local governments within the County have developed a Hazard Mitigation Plan (HMP) to reduce future losses resulting from disasters. Hazard mitigation is the use of long- and short-term strategies to reduce the loss of life, personal injury, and property damage that can result from a disaster. It involves planning efforts, policy changes, programs, capital projects, and other activities that can mitigate the impacts of hazards.

City of Saratoga General Plan 2040

Safety Element

Goal SAF-4 Ensure the community is better equipped to address vulnerabilities associated with urban and wildland fires.

Policy SAF-4.1 Require the installation of an early warning fire alarm system in accordance with Article 16-60 of the Saratoga Code of Ordinances and Santa Clara County Fire Department requirements for commercial and community facilities.

Policy SAF-4.5 Continue to enforce existing regulations pertaining to hazardous fire areas (WUI), fire retardant construction and landscaping (fuel modification).

Policy SAF-4.7 Encourage new development outside of the Very High FHSZ. If development is proposed in the Very High FHSZ, require fire safe design (including but not limited to defensible space and home hardening) and compliance with Fire Safe Regulations.

Policy SAF-4.8 Require new development to incorporate on-site design measures that enhance fire protection in areas of elevated fire risk (including the WUI and FHSZs). This shall include but is not limited to the incorporation of fire-resistant structural design, use of fire-resistant landscaping, home hardening, defensible space and fuel modification around the perimeter of structures.

Policy SAF-4.9 Maintain safe building practices and require fire safe building materials on the sites of all new development and substantial redevelopments.

Policy SAF-4.11 Require fire protection plans consistent with the requirements of the California Fire Code, including a risk analysis, fire response capabilities, fire safety requirements (defensible space, infrastructure, and building ignition resistance), mitigation measures and design considerations for non-conforming fuel modifications, wildfire education maintenance and limitations, and evacuation plans for new development and major remodels in Very High FHSZs and WUI areas designated by the City and CAL FIRE.

Policy SAF-4.12 Require vegetation management plans in all new developments and major remodels.

Policy SAF-4.14 Require new developments and major remodels or renovations to comply with the CBC, Fire Code, Fire Safe Regulations, and local ordinances for construction and adequacy of water flow and pressure, ingress/egress, and other measures to ensure adequate fire protection.

Policy SAF-4.15 Require the sites of all developments located in the WUI and Very High FHSZ to meet or exceed Statewide Fire Safe Regulations (Title 14, CCR, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5 [commencing with Section 1270] [SRA Fire Safe Regulations] and Title 14, CCR, Division 1.5, Chapter 7, Subchapter 3, Article 3 [commencing with Section 1299.01] [Fire Hazard Reduction Around Buildings and Structures Regulations]).

Policy SAF-4.16 Ensure open space brush areas, susceptible to wildfire risk, are adequately maintained in accordance with Fire Safe Regulations.

Policy SAF-4.18 Coordinate with local and regional agencies (Santa Clara County Fire Department, CAL FIRE, Caltrans, etc.) and require vegetation clearance and long-term maintenance of fire hazard reduction projects (including community fire breaks) on all private and public roads and properties in the WUI and in fire hazard severity zones.

Policy SAF-4.19 Provide adequate clearance around structures to prevent the spread of fire by direct exposure and to assure adequate access in times of emergency and for the suppression of fire.

Policy SAF-4.22 Ensure that landscaping, lighting, building siting and design, water pressure and peak load water storage capacity, and building construction materials meet current Fire Safe Regulations.

Policy SAF-4.23 Ensure existing development in areas with sufficient supply infrastructure and roadway capacity to maintain adequate evacuation and emergency equipment access do not degrade as a result of new development.

Goal SAF-5 A community that promotes a culture of preparedness and is ready to respond to future natural and human caused hazard events.

Policy SAF-5.6 Require new development, redevelopment, and major remodels ensure effective future evacuations during emergencies by supporting feasible enhancements to the City's evacuation network and facilities.

Policy SAF-5.8 Regularly re-evaluate specific fire hazard areas and adopt reasonable safety standards covering such elements as fuel modification around homes, adequacy of existing and future water supplies, fire flow tests, fire hydrants, routes or

throughways for fire equipment access, clarity of addresses and street signs, and long-term maintenance in compliance with Fire Safe Regulations.

Policy SAF-5.9 Require all new developments and redevelopments within FHSZs, and the WUI, provide a minimum of two points of access by means of public roads that can be used for emergency vehicle response and evacuation purposes, where practicable.

City of Saratoga Municipal Code

Chapter 8, Article 8-20 (Hazardous Materials Management Plan), establishes requirements for the preparation of Hazardous Materials Management Plans, which demonstrate the safe storage and handling of hazardous materials.

Chapter 16, Article 15 adopts the 2022 California Building Standards Code (CBC) and makes amendments, including amendments regarding the use of non-combustible or ignition-resistant materials for construction of accessory structures and regarding requirements for automatic sprinkler systems in newly constructed homes. The City recently adopted the updated 2025 CBC, including local amendments, which will become effective on January 1, 2026.

Chapter 16, Article 20 adopts the 2022 California Fire Code and 2021 International Fire Code and makes amendments, including to Fire Code Chapter 49, which covers requirements for WUI Fire Areas. The City recently adopted the updated 2025 California Fire Code, including new regulations for the WUI under Article 52, which will become effective on January 1, 2026.

Chapter 16, Article 52 adopts the WUI Code with modifications which applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a WUI area and contains minimum requirements to mitigate conditions that might cause a fire originating in a structure to ignite vegetation in the WUI area, and conversely, a wildfire burning in the vegetative fuels to transmit fire to buildings. This code will become effective on January 1, 2026.

City of Saratoga Emergency Operations Plan

The City of Saratoga Emergency Operations Plan (EOP) is an all-hazards document describing the City of Saratoga incident management organization, compliance with relevant legal statutes, other relevant guidelines, whole community engagement, continuity of government focus, and critical components of the incident management structure. The incident management system is a component-based system designed to be scaled up and components activated as necessary to reflect the incident/event's escalation from routine incident(s) to emergency, disaster, or catastrophe affecting the City of Saratoga. This EOP is not intended to address specific emergency responses, scenarios, hazards, or threats. Functional and hazard specific annexes to this EOP will outline specific response activities for response organizations.[13]

[13] City of Saratoga. 2019. Emergency Operations Plan. Website: https://www.saratoga.ca.us/DocumentCenter/View/2728/Emergency-Operations-Plan-EOP?bidId=. Accessed March 20, 2025.

Santa Clara County Local Hazard Mitigation Plan, City of Saratoga Annex

The Local Hazard Mitigation Plan (LHMP), included as the City of Saratoga Annex to the Santa Clara County Multi-jurisdictional Hazard Mitigation Plan 2023 update, assesses potential hazards as well as mitigation measures to prevent loss of life, injury, and property damage.

Action items from the LHMP related to wildfire include hazardous vegetation identification and reduction, defensible space incentives, structure hardening and dead tree removal rebates, and review of regulations for needed changes related to hazards. These actions items are identified as the responsibility of various City departments.

Santa Clara County Community Wildfire Protection Plan, Annex 6

Annex 6 of the Santa Clara County Community Wildfire Protection Plan (CWPP) sets forth recommendations for improving firefighting capabilities in the City of Saratoga. Two projects are recommended to create wildfire resilient landscapes in the City of Saratoga .

Project S-FC2.1 strives to reach strategic goal FC-2 to Define Safe Refuge Areas and establish maintenance program in WUI areas where fire behavior and evacuation timing is problematic. The project is to "Define and delineate spatially Safe Refuge Areas and establish maintenance program in WUI areas where fire behavior and evacuation timing is problematic. Example: Mountain Winery." The benefits are to provide safety measures for residents of rural areas in the event that evacuation is limited, and to provide for public and firefighter safety by creating escape routes. This is ranked as the highest category of priority.

Project S-FC5.1 is intended to reach goal FC5 to Develop WUI preplans (pre-incident plan) and accompanying evacuation plans for all WUI areas in Santa Clara County using standardized format. The project is to "Develop WUI preplans and accompanying evacuation plans for the Saratoga WUI." The benefit is to help fire response agencies pre-plan for evacuations, help identify areas where mitigation measures are needed to facilitate safe evacuation, and help establish consistent model across all agencies. This is ranked as the highest category of priority.

To implement the Project S-FC5.1, the City of Saratoga has adopted evacuation by zones, using an evacuation management tool. Genasys Protect (formerly Zonehaven Aware) helps communities and first responders more effectively plan, communicate, and execute evacuations. It is a platform where residents can look up addresses using the search bar and use the zone map to find evacuation information for that area.

Another project, S-FR7.1 is intended to satisfy Strategic Goal FR7: "Develop roadside fuel treatment program, including suite of methods available and sustainability mechanism." This project is to implement roadside brushing/mowing throughout community to increase buffer from wildfire ignitions and provide for safe evacuation. The benefit of this project is to reduce fuel loading around roads and highways to ensure safe passage of vehicles in event of evacuation and reduce unplanned ignitions from vehicles and highway users.

3.8.4 - Methodology

This analysis was based, in part, on the information contained in the Phase I ESA prepared by Cameron-Cole dated April 12, 2024, to evaluate the potential presence of hazards and hazardous materials on the project site (Appendix F), as well as the Evacuation Analysis prepared for the proposed project by Kittelson and Associates on October 13, 2025.

3.8.5 - Thresholds of Significance

The lead agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether hazards and hazardous materials impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (The proposed project will have no significant impacts related to this threshold; therefore, itis addressed in Chapter 4, Effects Found not to be Significant).

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (The proposed project would have no significant impacts related to this threshold; therefore, it is addressed in Chapter 4, Effects Found not to be Significant).

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working the project area (The proposed project will have no significant impacts related to this threshold; therefore, it is addressed in Chapter 4, Effects Found not to be Significant).

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires.

3.8.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Routine Transport, Use, or Disposal of Hazardous Materials

Impact HAZ-1: **The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

Impact Analysis

Construction

During construction of the proposed project, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. The routine use of hazardous materials used in construction could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment.

Construction activities would be required to comply with the numerous federal, State, and local hazardous materials regulations, summarized in Section 3.8.3, Regulatory Framework, designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater. In accordance with Chapter 6.11 of the California Health and Safety Code (HSC § 25501, *et seq.*), contractors would be required to prepare and implement HMBPs that would provide guidelines for proper usage of hazardous materials and require that such materials be stored in appropriate containers with secondary containment, as needed, to contain a potential release. Compliance with the California Fire Code would also require measures for the safe storage and handling of hazardous materials.

Additionally, all construction activities would be subject to the National Pollutant Discharge Elimination System (NPDES) General Permit, which would require the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; protocols for responding immediately to spills; and describe BMPs for controlling site runoff.

Adherence to the HMBP, SWPPP, and applicable federal, State, and local laws, would ensure the impact is less than significant.

Operation

Aside from the use and storage of common household chemicals (e.g., cleaning agents, small quantities of petroleum products, etc.), the proposed uses would not handle, store, or use substantial quantities of hazardous materials that could potentially cause a release that endangers human health or the environment. Furthermore, the proposed project would be compliant with Article 8-20 of the Municipal Code, which outlines regulation standards related to safeguarding life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or structures. Impacts would be less than significant in this regard.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Risk of Upset

Impact HAZ-2:	**The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.**

Impact Analysis

Construction and Operation

This impact assesses the potential for the proposed project to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Because construction of the project would involve the use, transportation, and disposal of hazardous materials, it has the potential to create a significant hazard to the public or the environment through upset and accident conditions involving the release of hazardous materials into the environment. However, hazardous materials, such as those used during construction, are extensively regulated at the local, State, and federal level. Construction of the proposed project would be required to comply with all applicable standards, ordinances, regulations, and laws governing the transportation, use, and disposal of hazardous materials, as discussed above under Regulatory Setting. Compliance with these laws would reduce the project's potential impacts related to reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment to a less than significant level.

In particular, the applicable regulations include standards and procedures for containing, reporting, and remediating any accidental spill or release of hazardous materials. With respect to transportation of hazardous materials, the USDOT's Office of Hazardous Materials Safety has established strict safety regulations.

Compliance with all applicable local, State, and federal standards, ordinances, regulations, and laws would reduce the impacts associated with the reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment associated with routine use, transport, and disposal of hazardous materials to a less than significant level.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Emergency Response and Evacuation

Impact HAZ-3: The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

A significant impact would occur if the proposed project would substantially impair an adopted emergency response plan or emergency evacuation plan. As discussed under Environmental Setting, the project is subject to the County HMP, the Local HMP (City of Saratoga Annex to the County HMP), the Saratoga EOP, the CWPP Annex 6 and the Saratoga General Plan Safety Element. The Saratoga General Plan identifies Pierce Road as an emergency evacuation route, including the roadway portion along the project frontage. As further described below, the proposed project's increase in traffic on Pierce Road would be considered a significant impact to an evacuation route identified in existing emergency response or evacuation plans contained with the General Plan Safety Element.

Construction and Operation

Construction and operational activities related to the proposed project would not directly conflict with policies or goals of the County HMP, the Local HMP (City of Saratoga Annex to the County HMP), the Saratoga EOP, the CWPP Annex 6. These plans are generally applicable and do not identify any specific actions or considerations directly for the project site. The proposed project would comply with the general guidance provided by the plans and would not obstruct plan implementation. Further, the project has been designed to be consistent with site-specific policies of the General Plan Safety Element such as fire-resistant structural design and vegetation management.

Construction traffic would utilize Pierce Road and other regional roadways identified as evacuation routes. However, such traffic would be temporary and would not be expected to significantly block or impair the flow of traffic.

The Santa Clara County Fire Department has reviewed the proposed project (Plan Review no. 24-2738) and approved the project's plan with conditions (Appendix J). The conditions are related to compliance with specific regulatory requirements required by various regulations and related to roadway clearance, fire hydrants, fire sprinklers and early warning fire alarm systems. Confirmation of compliance with these conditions of approval are required prior to the issuance of project permits. As such, compliance would be ensured.

However, the proposed project would add operational traffic to Pierce Road, which is identified as an evacuation route by the General Plan Safety Element. Operational traffic would contribute to vehicle trips on Pierce Road and other regional roadways in the event of an emergency and/or evacuation. Residents of the project site would have two options for evacuation. Residents could evacuate immediately onto Pierce Road, or they could use the proposed emergency evacuation route at Lot 20, which would connect to Vintage Lane and eventually reach the Intersection of Mountain Winery Road and Pierce Road further to the south (See Chapter 2, Project Description Exhibit 2-7, and Section 3.15, Transportation and Traffic, Exhibit 3.15-1 and Exhibit 3.15-2) The roads to be used for evacuation within the project site would be maintained by the applicant management entity; the

emergency access linking Vintage Lane to Pierce Road would be maintained by the Mountain Winery.

The Evacuation Analysis prepared for the proposed project (Appendix J) analyzed roadway capacity constraints during evacuations and changes in travel times associated with the proposed development compared to existing conditions. The Evacuation Analysis used the Santa Clara Valley Transportation Authority (VTA) travel demand model to estimate travel times and volume-to-capacity (V/C) ratios in the event of an evacuation from the Genasys Protect evacuation zones closest to the project site (SAR-008, SAR-009, SCC-019, SCC-020, SCC-021, and SCC-025). Two wildfire scenarios were analyzed, both with and without the proposed project. Scenario NO. 1 represented a wildfire originating south of the proposed project, along SR-9, while Scenario #2 represented a wildfire originating from north of the project site near Mt Eden Road. Scenarios were analyzed both with and without traffic from an event at Mountain Winery. The analysis characterizes increases to volume-to-capacity (V/C) ratios as a result of the proposed project as minimal in all with-project evacuation scenarios.

The Evacuation Analysis found that, as a result of the proposed project, travel times out of the evacuation area would increase by a maximum of 0.9 minute during an event at the Mountain Winery Venue, and a maximum of 0.4 minute without the addition of event traffic from the venue. Because the Evacuation Route Capacity Study completed for the City in June 2025 showed that Pierce Road already has a V/C ratio greater than 1, any added delay on that route during an evacuation may impact existing evacuation plans. Furthermore, the Transportation Study, (Appendix I), concluded that the proposed project's traffic would represent a 9 percent increase in volume on Pierce Road under typical operating conditions (an increase of 282 daily vehicle trips to the existing 1,615). As such, due to the existing V/C ratio deficiency, the project's addition of vehicles on Pierce Road represents a potentially significant impact related to increased evacuation delay.

The Evacuation Analysis prepared for the proposed project provides multiple recommendations that may be considered to support future evacuation events. The recommendations provide a range of options that reduce the impact of the 0.9-minute increase in evacuation times. Mitigation Measure (MM) WILD-1 requires implementation of all or a combination of those recommendations to reduce the proposed project's increase in travel times out of the evacuation area through advance preparation and notification as well as evacuation planning and management. However, none of the options in the Evacuation Analysis would reduce the proposed project's increase in evacuation delay to a level of insignificance because none of the options, or combination of options, would entirely eliminate the increase in travel times resulting from the project.

A Wildfire Protection Plan (WPP) was prepared for the proposed project in coordination with federal, State, and local regulations, including those of the Saratoga General Plan, which outline and require specific actions for development in High and Very High FHSZs (Appendix J). Specifically, the WPP requires that the applicant prepare a site-specific evacuation plan in coordination with the Saratoga Fire Protection District prior to issuance of the first certificate of occupancy. The site-specific evacuation plan is required to be distributed to on-site residents. Certification of annual evacuation practice is also required. The WPP states that access to the right-of-way for emergency evacuation would be maintained by the applicant. It also calls for evacuation support treatments and roadway

treatments of fuel to ensure emergency access. Lastly, the WPP requires measures for early detection and notification in order to allow for early evacuation, including ensuring cellular coverage and internet access for receipt of emergency notifications and encouraging residents to enroll in notification systems like Nixle, Everbridge, and Watch Duty. The WPP, as required by MM WILD-1, would ensure that the proposed project would have a site-specific evacuation plan. However, it does not reduce the project's increase in traffic on the Pierce Road evacuation route or evacuation times to a level of insignificance because the V/C ratio would remain greater than 1.

In summary, because the proposed project would result in a 0.9-minute increase in evacuation times out of the evacuation area and an increase to the Pierce Road V/C ratio which cannot be mitigated to a level of insignificance (i.e., by reducing the increase in evacuation time to zero), the proposed project would be considered to have a significant impact on an evacuation route identified in existing emergency response or evacuation plans contained with the General Plan Safety Element. As such, impacts related to emergency response and evacuation planning would be significant and unavoidable.

Level of Significance

Potentially significant impact.

Mitigation Measures

Implement MM WILD-1.

Level of Significance After Mitigation

Significant and unavoidable impact.

Wildland Fires

Impact HAZ-4:	**The proposed project would expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.**

Impact Analysis

Construction

Construction activities may temporarily increase fire risk due to equipment use and other construction actions on the project site that could be ignition sources. Motorized equipment used to both construct access and maintain vegetation can start fires, even when spark arresters are in place. Moreover, the proposed project involves a prolonged period of continued construction and use of heavy equipment for hardscaping and landscaping, during which on-site residential uses would also occur. Therefore, the proposed project construction has the potential to expose people or structures to risks from wildland fires.

Standard construction best management practices such as implementation of regular construction site watering would reduce risks associated with wildfire caused by unintentional equipment sparks during grading. In addition, the proposed projects include the implementation of the site-specific WPP, which includes implementation of an ignition prevention plan to limit activities that can cause

ignitions during times of fire danger. As such, construction-related wildfire risk impacts would be less than significant.

Operation

The project site is partially within a High FHSZ and partially within a Very High FHSZ (See Section 3-18, Wildfire). The project site is within the hillsides portion of the City. The project site generally has slopes under 30 percent. As indicated in the WPP, slope does exacerbate fire risk at the project site. However, the proposed project would generally maintain the existing topology and would not include new or more pronounced slopes.

According to the WPP, the "Santa Ana" or "Diablo" winds typically blow from the northeast and present highly dangerous wind conditions at the project site, especially in the event of on-site ignition or an ignition along a road to the site's east or northeast. A northeast wind would carry embers from an off-site ignition into the northeast corner of the project site. Additionally, a southwest wind could easily carry a fire ignited along Big Basin Way just south of the property, igniting torching-prone forest-shrub fuels and shrubbery that tend to burn very intensely. As such, wind conditions at the project site could present a wildfire hazard. However, the proposed project itself would not create increased wind or exacerbate existing conditions.

Nonetheless, factors such as slope and wind are present at the project site and create hazardous conditions related to wildfire, which would also result in the potential to expose project occupants to wildfire and wildfire related risks.

The proposed project would be adequately served by fire hydrant water pressure in accordance with water distribution design criteria. As confirmed by simulation results from San José Water, fire water flow would meet the required demand of 1,000 gallons per minute (gpm) (Appendix J). If a loss of power were to occur affecting the proposed project, water pressure could reduce below the required demand level and require the use of water tenders to supplement water flow. It is reasonable to assume that other mutual aid fire agencies also have tenders that could supplement water during such an event. Therefore, lack of water pressure is not reasonably foreseeable and would not be likely to hamper efforts to control wildfire should it occur on-site.

Fire spread and structure loss is more likely to occur in low- to intermediate-density development located among flammable vegetation.[14] The project site is currently covered with a diverse range of vegetative fuel types, a portion of which would be removed and/or managed with development of the proposed project. The most dominant fuel type on the project site is very high load, dry climate forest-shrub, which covers over half of the proposed Development Area. These high-volume forest-shrub fuels are associated with extreme fire behavior, producing torching fires with flame lengths greater than 12 feet. While this fuel type is associated with low rates of spread, patches of very high load, dry climate shrub intermixed with the forest-shrub in the center of the Development Area are associated with extremely high rates of spread and could quickly act as ladder fuels for the adjoining forest-shrub fuels. Low-volume grass fuels in the center of the site are predicted to produce quick-

[14] Alexandra D. Syphard et al. 2012. Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire. March 28. PLoS ONE 7(3): e33954. Website: https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954. Accessed December 15, 2025.

moving surface fires with 4 to 8-foot flame lengths. Additionally, the Table Mountain ridgelines west and northwest of the project site contain a mix of very high-volume shrub and forest-shrub fuel types, with patches of lower-volume grass-shrub and forest-grass-shrub fuel types at the peaks and valleys of these ridges, respectively. The combination of these very high-volume fuels with their location on slopes could present a fire hazard to the proposed on-site development, especially with a westerly or northwesterly wind that could cast embers from the slopes into the project site.

The proposed project would include vegetation removal and subsequent hardscape development thereby reducing on-site fuels, however, project implementation would still result in the location of low- to intermediate-density residential development in, among, and adjacent to significant fuel sources. As such, the proposed project would have the potential to expose project occupants to the uncontrolled spread of a wildfire.

The proposed project would be required to comply with applicable regulations related to fuel management, fire safe building materials, and defensible space. For example, the proposed project would comply with the California Fire Code (as adopted by the City) which requires the development of a fire protection plan and vegetation management. Compliance with the California Building Code (as adopted by the City) would require the installation of automatic fire sprinklers in the proposed homes. Compliance with the WUI Code (as adopted by the City) requires the use of fire-resistant building materials. Furthermore, General Plan Policies such as SAF-4.8, 4.9, 4.12 and 4.14 require fuel and fire hazard reduction measures including vegetation management, fire-resistant structural design and landscaping, and creation of defensible space. Policy SAF-4.11 requires the creation of a fire protection plan for projects in Very High FHSZs and WUI areas. In compliance with Policy SAF-4.11, a WPP has been created for the project which includes fuel management and reduction strategies. As indicated in the WPP, with the reduction in on-site fuel loads consistent with fuel management standards of the City of Saratoga Fire Code, fire behavior in the area within 100 feet of proposed structures would be significantly reduced from existing conditions. Flame lengths of less than 2 feet would be expected, which typically do not threaten structure survival and travel at easily containable speeds.

While the project would be required to comply with regulations regarding the management of on-site fuels and protection of structures against wildfire, it would still locate residences within an area of significant vegetative fuel and thereby have the potential to expose occupants to the uncontrolled spread of a wildfire.

Implementation of MM WILD-1 would ensure the proposed project's WPP, which includes site-specific fuel management and wildfire hardening measures, would be implemented as a part of the project. However, due to the project's location and topography, impacts related to potential wildfire exposure would remain significant and unavoidable.

Level of Significance

Potentially significant impact.

Mitigation Measures

Implement MM WILD-1.

Level of Significance After Mitigation

Significant and unavoidable impact.

3.8.7 - Cumulative Impacts

The geographic scope of the cumulative hazards and hazardous materials analysis is the project site and immediate vicinity, unless otherwise noted. Adverse effects of hazards and hazardous materials tend to be localized; therefore, the area near the project site would be most affected by project activities. However, for the transport of hazardous materials, the geographic scope of the cumulative impacts analysis includes local and regional transportation facilities within the project vicinity and the western portion of the City. Additionally, for wildfire impacts, the geographic scope of the cumulative impacts analysis includes the project vicinity and the western portion of the City.

Hazardous Materials

Cumulative development is expected to involve typical construction-related hazardous materials, such as fuels, aerosols, and paints. However, cumulative projects may also include demolition of existing structures that have the potential to contain hazardous building materials. The nearest cumulative project in the western portion of the City that may include demolition of existing structures is the 21711 Mt. Eden Road project. Building materials may contain ACM and LBP. To address potential release of hazardous materials, the City would require the applicants of cumulative developments to assess structures and comply with standard conditions of approval/mitigation measures. The types and sizes of cumulative development anticipated in the project vicinity would not be anticipated to involve large quantities of hazardous materials or activities that transport or handle hazardous materials during operation.

During construction and operation, cumulative projects would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local laws and regulations that would reduce and limit the associated risks. Any handling, transporting, use, or disposal of hazardous materials would be required to comply with applicable laws, regulations, policies, and programs set forth by various federal, State, and local agencies, including the EPA, RCRA, Caltrans, and HMP. Additionally, a comprehensive regulatory framework involving regional, State, and federal laws and regulations would apply to these cumulative projects, which would further ensure a less than significant cumulative impact related to exposure to hazardous materials due to reasonably foreseeable upset or accident conditions.

Accordingly, because other past, present, and reasonably foreseeable projects have been and would continue to be required to comply with applicable federal, State, and local regulatory requirements regarding the transport of hazardous materials, cleanup of hazardous materials, and the use and storage of hazardous materials during construction and operation, no significant cumulative impacts would occur in this regard.

The proposed project is a residential development and would not result in any cumulatively considerable impacts associated with the routine transport, use, or disposal of hazardous materials because any use or storage of hazardous materials during construction or operations would be subject to compliance with regulatory requirements. Similarly, the proposed project would not

create a cumulatively considerable impact related to hazards through reasonably foreseeable upset or accident conditions. Accordingly, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact.

Emergency Access

Although new development would comply with applicable emergency access requirements, cumulative impacts on emergency response and evacuation planning would be significant and unavoidable.

The proposed project would similarly be required to adhere to standard conditions of approval and otherwise ensure compliance with all applicable laws, regulations, plans, and policies related to emergency access routes and emergency response requirements. The proposed project's contribution to the significant cumulative impacts would be cumulatively considerable. As discussed above, the Evacuation Analysis found that travel times out of the evacuation area studied in the analysis would increase by a maximum of 0.9 minute during an event at the Mountain Winery Venue, and a maximum of 0.4 minute without the addition of event traffic from the venue. Because the Evacuation Route Capacity Study completed for the City in June 2025 showed that Pierce Road already has a V/C ratio greater than 1, any added delay on that route during an evacuation may impact existing evacuation plans.

As such, the proposed project would be considered to have a significant impact on an evacuation route identified in existing emergency response or evacuation plans contained with the General Plan Safety Element. Accordingly, the proposed project would have a cumulatively considerable contribution to the significant cumulative impact. Several of the cumulative projects are located on Pierce Road or would be likely to use Pierce Road in the event of an evacuation. While implementation of MM WILD-1 would ensure implementation of the proposed project’s WPP and measures therein intended to support efficient evacuation, its contribution to delay would not be eliminated and would therefore be cumulatively considerable. There is no known feasible cumulative mitigation. As such, the proposed project in combination with cumulative projects would result in cumulative impacts that would be significant and unavoidable

Wildfire

The geographic scope for the wildfire cumulative impacts analysis is the project vicinity or roughly the western portion of the City, which includes approximately 22 of the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1. The area surrounding the related project sites consists primarily of hillside residential structures. A combination of federal, State, and local regulations limit or minimize the potential for exposure to wildfires by reducing the amount of development in WUI areas, ensuring new development is developed according to the City Building Code, CBC, and UFC and incorporating requirements for fire safe construction into land use planning.

The cumulative projects listed in Table 3-1, would result in predominantly infill (with the exception of the Encore Estates project), residential development and, as such, would not significantly increase people or structures to exposure to wildland fires . Infill development benefits from breaks in fuel continuity (streets, driveways, irrigated landscaping, and existing building pads) and established

defensible space requirements which reduce the probability of large, uncontrolled fire spread and minimize the cumulative effect related to exposure of people and structures to wildland fires.

Only two of the projects anticipated in Table 3-1 would be located in a designated High or Very High Fire Hazard Zones like the proposed project. Furthermore, all cumulative project construction would adhere to the City Building Codes that are designed to minimize the potential for uncontrolled fires. Adherence to City Building Codes would ensure that California Fire Code standards, such as automatic sprinkler systems and management of fuel loads in response to annual inspection by the Fire Department, are included in development as applicable. Once cumulative development is proposed, the County assesses the needs for fire protection services and informs efforts to improve or expand needed facilities. All development would comply with emergency access requirements, such as two emergency vehicle access points, as a condition of construction, which would ensure the risk of loss, injury or death would be less than significant. Additionally, cumulative projects would be required to implement measures similar to MM WILD-1, requiring the implementation of a WPP and subsequent measures to reduce wildfire risk. However, cumulative impacts would be significant and unavoidable.

Considering the predominantly infill nature of cumulative development in the project vicinity, the limited number of cumulative projects located within High or Very High FHSZ and the stringent fire-safe standards that apply to those projects, uniform compliance with City Building Code, CBC, and Fire Code requirements, mandatory emergency access standards and ongoing Fire Department inspections for vegetation management, and service planning by the Fire Department and County to maintain adequate capacity, the cumulative impact related to wildfire hazards, specifically, the potential to expose people or structures to a significant risk of loss, injury, or death involving wildland fires would be less than significant.

Therefore, the proposed project, in conjunction with other past, approved, and reasonably foreseeable future projects, would not have a cumulatively significant impact related to loss, injury or death involving wildfire.

In summary, the proposed project would have a cumulatively considerable contribution to impacts related to emergency access. All other impacts related to hazards and hazardous materials would be less than significant.

Level of Cumulative Significance Before Mitigation

Potentially significant impact (emergency response/evacuation).
Less than significant impact (remaining thresholds).

Mitigation Measures

Implement MM WILD-1.

Level of Cumulative Significance After Mitigation

Significant and unavoidable impact (emergency response/evacuation).
Less than significant impact (remaining thresholds).

3.9 - Hydrology and Water Quality

3.9.1 - Introduction

This section describes the existing hydrology and water quality setting and potential effects from implementation of the Masson Estates Project (proposed project) on the project site and its surrounding area. Descriptions and analysis in this section are based, in part, on information contained in the Preliminary Stormwater Hydromodification Management Report prepared by Hanna-Brunetti in December 2023 (Appendix G).

During the Environmental Impact Report (EIR) scoping period, public comments were received related to the project's potential hydrologic impacts requesting that the Draft EIR address the following topics:

- Changes to flood zones
- Runoff and drainage changes
- Flooding
- Requirements for destruction of wells if found on-site during development
- Water supply
- Streambed alteration
- Groundwater recharge

These comments are addressed throughout this section. Impacts related to potentially jurisdictional waters are addressed in Section 3.3, Biological Resources.

3.9.2 - Environmental Setting

Surface Hydrology

City of Saratoga

Creeks in the City of Saratoga (City) under Santa Clara Valley Water District (Valley Water) jurisdiction include Calabazas, Rodeo, Saratoga, Wildcat, and San Tomas. The City is within the Santa Clara Basin Watershed, which is divided into the San Tomas Aquino Creek, Calabazas Creek, and Saratoga Creek subwatersheds within the City. Portions of the higher elevations of the Santa Cruz Mountains within the City's Sphere of Influence (SOI) provide water runoff into local streams and recharge wells that provide a portion of the City's water supply.[1,2]

Project Site

The project site is within the Calabazas Creek subwatershed, within the Santa Clara Basin Watershed.[3] The Upper Calabazas Creek (seasonal drainage) trends northerly though the central portion of the project site. Natural runoff moves down slopes and enters the Upper Calabazas Creek,

[1] City of Saratoga. 2024. City of Saratoga General Plan 2040, Open Space and Conservation Element.
[2] Santa Clara Valley Water District (Valley Water). 2019. Santa Clara Basin Stormwater Resource Plan, Final. August 2019. Website: https://scvurppp.org/swrp/docs-maps/. Accessed March 21, 2025.
[3] Santa Clara Valley Water District (Valley Water). 2019. Santa Clara Basin Stormwater Resource Plan, Final. August 2019. Figure ES-2 Santa Clara Basin Watershed and Subwatershed Boundaries. Website: https://scvurppp.org/swrp/docs-maps/. Accessed March 21, 2025.

as well as two on-site drainage gullies that extend across the project site (Exhibit 2-6). The drainages flow downslope to the north, where they join Calabazas Creek north of the project site.[4]

Surface Water Quality

City of Saratoga

The San Francisco Bay Basin Plan (Basin Plan) is the San Francisco Bay Regional Quality Control Board (San Francisco Bay RWQCB) guiding document for protecting beneficial uses and water quality in the region. The Basin Plan outlines the beneficial water uses that the California State Water Resources Control Board (State Water Board) will protect, and the water quality objectives and strategies for achieving these objectives.[5]

Surface waters in the Santa Clara Basin Watershed provide multiple beneficial uses. These uses include agricultural supply, cold freshwater habitat, commercial and sport fishing, estuarine habitat, freshwater replenishment, groundwater recharge, marine habitat, fish migration, municipal and domestic supply, preservation of rare and endangered species, water contact and noncontact recreation, fish spawning, warm freshwater habitat, and wildlife habitat.[6]

Development and urbanization, along with various past and present human activities, are the primary contributors to pollutants and sedimentation entering surface water. Contributors to impairment of beneficial uses in Santa Clara Basin water bodies include mercury, polychlorinated biphenyls (PCBs), trash, pesticides, and sediment.[7] In the 1990s, urban creeks in the San Francisco Bay Area were found to exceed water quality standards for aquatic toxicity, primarily due to runoff of the common insecticide diazinon. Diazinon was commonly used throughout the Bay Area to manage a broad spectrum of pests, including ants and grubs.[8]

Project Site

The project site would be subject to regulations imposed by the San Francisco Bay RWQCB. As discussed above, the Upper Calabazas Creek is present at the project site. The Clean Water Act (CWA) Section 303(d) listed water bodies and impairments indicates that the pollutant of concern for the Upper Calabazas Creek is diazinon.[9]

Groundwater Basin Hydrology

City of Saratoga

The City is within the Santa Clara Subbasin (California Department of Water Resources [DWR] Basin 2-9.02), part of the larger Santa Clara Basin Watershed (Basin 2-9). The Santa Clara Subbasin is

[4] Quantum Geotechnical, Inc. (Quantum Geotechnical). 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. Project Number E041.G. December 11, 2023.
[5] Santa Clara Valley Water District (Valley Water). 2019. Santa Clara Basin Stormwater Resource Plan, Final. August 2019. Website: https://scvurppp.org/swrp/docs-maps/. Accessed March 21, 2025.
[6] Ibid.
[7] Ibid.
[8] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 2025. Diazinon and Pesticide-Related Toxicity in Urban Creeks TMDL. Website: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/urbancrksdiazinontmdl.html. Accessed December 16, 2025.
[9] Ibid.

divided into two groundwater management areas—the Santa Clara Plain and Coyote Valley; the City is within the Santa Clara Plain groundwater management area. The Santa Clara Plain has two hydrogeologic areas: the recharge area (unconfined) and the confined area.[10]

Potable water for the proposed project would be supplied by San Jose Water Company (San Jose Water). As the water supplier for San Jose Water, Valley Water provides or manages the majority of the water supplies for San Jose Water through treated water deliveries and management of groundwater supplies.

According to the San Jose Water 2020 Urban Water Management Plan (UWMP)—which is based on Valley Water's 2020 UWMP—given existing and planned sources of supply, Valley Water (and by extension, San Jose Water) will be able to meet Countywide groundwater demands through 2045 under normal, single dry, and 5 consecutive dry year conditions.[11,12,13]

Project Site

The project site is within the recharge area within the Santa Clara Plain. According to the Geologic and Geotechnical Feasibility Evaluation prepared by Quantum Geotechnical in 2023, exploratory borings (48 feet deep) did not encounter groundwater at the project site.[14]

Groundwater Water Quality

City of Saratoga

Groundwater quality in the Santa Clara Subbasin has been monitored and evaluated for decades, with regular testing since the mid-1980s. The following water quality data represents data from 2010 through 2019. Groundwater in the Santa Clara Subbasin is typically very good quality, with infrequent detections of contaminants above Maximum Contaminant Levels (MCLs). Calcium, magnesium, and bicarbonate are the dominant dissolved parameters in the Santa Clara Plain groundwater management area. Variation from this includes groundwater with sodium bicarbonate, sodium chloride, and mixed cation-mixed anion character.[15]

Project Site

Based on the Phase I Environmental Site Assessment (Phase I ESA) performed at the project site, there were no Recognized Environmental Conditions (RECs) near or adjacent to the project site that could have contaminated the groundwater. Groundwater testing was not performed as part of the

[10] Santa Clara Valley Water District (Valley Water). 2021. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. November 2021.
[11] Ibid.
[12] Santa Clara Valley Water District (Valley Water). 2021. 2020 Urban Water Management Plan. June 2021.
[13] San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan. June 2021. Website: https://www.sjwater.com/sites/default/files/2021-06/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed March 21, 2025.
[14] Quantum Geotechnical, Inc. (Quantum Geotechnical). 2023. Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. Project Number E041.G. December 11, 2023.
[15] Santa Clara Valley Water District (Valley Water). 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins. November 2021.

Phase I ESA; the conclusions provided in the Phase I ESA are based on a review of the history of the project site and the neighboring properties and on groundwater flow direction.[16]

Stormwater Runoff

City of Saratoga

The San Francisco Bay RWQCB administers the Bay Area Municipal Regional Stormwater National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit to discharge stormwater to South San Francisco Bay. The City is a member agency in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). SCVURPPP is an association that includes 13 cities and towns in Santa Clara County, as well as the County of Santa Clara and Valley Water. SCVURPPP and its member agencies implement pollution prevention, source control, monitoring, and outreach programs aimed at reducing pollution in stormwater runoff, protecting water quality and beneficial uses of San Francisco Bay and Santa Clara Valley creeks and rivers in compliance with their NPDES Municipal Regional Stormwater Permit (MRP) requirements.

All surface water originating in or passing through the City ultimately discharges into the San Francisco Bay. Runoff is collected in the City's underground storm drainage system, which discharges into the creeks throughout the City. The major drainages are located within the City, and they all drain south to north. From east to west, these creeks are the San Tomas Aquino, Saratoga, and Calabazas creeks. Wildcat, Vasona, and Sobey creeks are tributaries within the San Tomas Aquino Creek drainage system, while Prospect and Rodeo creeks are tributaries of Calabazas Creek. San Tomas Aquino and Calabazas creeks discharge into the Guadalupe Slough near the Bay, with Saratoga Creek joining San Tomas Aquino north of the City.[17]

Project Site

The City would serve the project site's stormwater drainage needs. According to the City Storm Drainage Master Plan, the project site is located within Drainage Area (DA) 62B.[18] Drainage for the proposed project would either outlet into the City's storm drain or into on-site bioretention basins. Drainage at the site is defined by sheet flow to the north, east, and west, where it is intercepted by the ephemeral drainage that flows to the north.

Flooding and Inundation

City of Saratoga

Floods are primarily caused by excessive surface runoff resulting from intense or heavy rainfall or from the failure of flood control or water supply structures, such as levees or reservoirs.

Floodplain mapping prepared by the Federal Emergency Management Agency (FEMA) indicates that there are several areas throughout the City that are within the 100-year Flood Hazard Zone (1 percent Annual Chance Flood Hazard). Several flooding events have occurred in the City, dating back to 1914. Calabazas Creek's 100-year Flood Hazard Zone within the City extends from Prospect Road to Wardell Road, between Saratoga-Sunnyvale Road and Arroyo de Arguello, where the watershed

[16] Cameron-Cole. 2024. Phase I Environmental Site Assessment, Masson Estates, APN 503-460-05, Saratoga, California. April 12, 2024.
[17] City of Saratoga. 2024. City of Saratoga General Plan 2040, Open Space and Conservation Element.
[18] City of Saratoga. 2015. City of Saratoga Storm Drainage Master Plan. Updated February 2015.

branches out in a westward direction. Although much of the terrain lying within the Upper Calabazas Creek watershed is characterized by steep hillsides, heavy rainfall during past years has saturated unstable slopes and caused groundwater level to rise, triggering landslides of mud and debris into the creek channels.[19] A discussion of on-site geologic hazards can be found in Section 3.6, Geology and Soils.

Project Site

According to the FEMA Flood Insurance Rate Map (FIRM), the project site is within Zone X, which is within the 500-year Flood Hazard Zone (0.2 percent Annual Chance Flood Hazard).[20]

3.9.3 - Regulatory Framework

Clean Water Act

The CWA (33 United States Code [USC] § 1251, *et seq*.) is the major federal legislation governing the water quality aspects of construction and operation of the project or variant. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater) and waters of the State. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States.

The CWA authorizes the United States Environmental Protection Agency (EPA) to implement pollution control programs. Under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters unless a NPDES permit is obtained. In addition, the CWA requires each state to adopt water quality standards for receiving water bodies and to have those standards approved by the EPA. Water quality standards consist of designated beneficial uses for a particular receiving water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality objectives necessary to support those uses.

Responsibility for protecting water quality in California resides with the State Water Board and nine RWQCBs. The State Water Board establishes Statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCBs develop and implement water quality control plans (basin plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. Water quality standards applicable to the proposed project are listed in the San Francisco Bay RWQCB Basin Plan.

Section 303—Water Quality Standards and Total Maximum Daily Loads

Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for all surface waters of the United States based on the water body's designated beneficial use. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numeric, although narrative criteria based on biomonitoring methods may be employed

[19] City of Saratoga. 2024. City of Saratoga General Plan 2040, Open Space and Conservation Element.
[20] Federal Emergency Management Agency (FEMA). 2009. FEMA Flood Insurance Rate Map, Panel 218 of 805, Map Number: 06085C0218H. Effective Date: May 18, 2009. National Flood Insurance Program. Map. Scale 1:6,000.

where numerical standards cannot be established or where they are needed to supplement numerical standards.

CWA Section 303(d) requires states and authorized Native American Tribes to develop a list of water quality-impaired segments of waterways. The list includes waters that do not meet water quality standards necessary to support a waterway's beneficial uses even after the minimum required levels of pollution control technology have been installed. Listed water bodies are to be priority ranked for development of a total maximum daily load (TMDL). A TMDL is a calculation of the total maximum daily load (amount) of a pollutant that a water body can receive on a daily basis and still safely meet water quality standards. The TMDLs include waste load allocations for urban stormwater runoff as well as municipal and industrial wastewater discharges, with allocations apportioned for individual Municipal Separate Storm Sewer Systems (MS4s) and wastewater treatment plants. For stormwater, load reductions would be required to meet the TMDL waste load allocations within the 20 years required by the TMDLs.

The State Water Board, RWQCBs, and EPA are responsible for establishing TMDL waste load allocations and incorporating approved TMDLs into water quality control plans, NPDES permits, and Waste Discharge Requirements (WDRs) in accordance with a specified schedule for completion. The San Francisco Bay RWQCB develops TMDLs for the San Francisco Bay, including for PCBs, mercury, and diazinon.

Section 401—Water Quality Certification

Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Under CWA Section 401, an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the United States) must first obtain a certificate from the appropriate agency stating that the fill is consistent with the State's water quality standards and criteria. In California, the State Water Board delegates authority to either grant water quality certification or waive the requirements to the nine RWQCBs. The San Francisco Bay RWQCB is responsible for the project site.

Section 402—National Pollution Discharge Elimination System Permits

The RWQCBs administer the NPDES stormwater permitting program, under Section 402(d) of the federal CWA, on behalf of EPA. The objective of the NPDES program is to control and reduce levels of pollutants in water bodies from discharges of municipal and industrial wastewater and stormwater runoff. CWA Section 402(d) establishes a framework for regulating nonpoint-source stormwater discharges (33 USC 1251). Under the CWA, discharges of pollutants to receiving water are prohibited unless the discharge complies with an NPDES permit. The NPDES permit specifies discharge prohibitions, effluent limitations, and other provisions, such as monitoring deemed necessary to protect water quality based on criteria specified in the National Toxics Rule (NTR), the California Toxics Rule (CTR), and the basin plan.

Discharge prohibitions and limitations in an NPDES permit for wastewater treatment plants are designed to maintain public health and safety, protect receiving-water resources, and safeguard the water's designated beneficial uses. Discharge limitations typically define allowable effluent quantities for flow, biochemical oxygen demand, total suspended matter, residual chlorine,

settleable matter, total coliform, oil and grease, pH, and toxic pollutants. Limitations also typically encompass narrative requirements regarding mineralization and toxicity to aquatic life. Under the NPDES permits issued to the City/County to operate the treatment plants, the City/County is required to implement a pretreatment program. This program must comply with the regulations incorporated in the CWA and the General Pretreatment Regulations (Code of Federal Regulations [CFR] Title 40, Part 403 [40 CFR 403]).

Section 404—Water Quality Certification

Section 404 of the CWA regulates temporary and permanent fill and disturbance of wetlands and waters of the United States. Under Section 404, the discharge (temporary or permanent) of dredged or fill material into waters of the United States, including wetlands, typically must be authorized by the United States Army Corps of Engineers (USACE) through either the Nationwide Permit (general categories of discharges with minimal effects) or the Individual Permit.

River and Harbors Act Section 10

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the ordinary high-water elevation of navigable waters of the United States be approved and permitted by the USACE. Regulated activities include the placement or removal of structures, work involving dredging, disposal of dredged material, and filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high-water mark and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. Section 10 also regulates tributaries and backwater areas that are associated with navigable waters of the United States and are located below the ordinary high-water elevation of the adjacent navigable waterway.

A project proponent can apply for a permit/letter of permission for work regulated under Section 404 (CWA) and Section 10 (Rivers and Harbors Act) by completing and submitting one application form. An application for a USACE permit will serve as an application for both Section 404 and Section 10 permits.

Federal Antidegradation Policy

The federal Antidegradation Policy and Implementation Methods (40 CFR § 131.12) is designed to protect existing water uses, water quality, and national water resources. The federal policy directs states to adopt Statewide policies that include the following primary provisions:

- Existing instream uses and the water quality necessary to protect those uses shall be maintained and protected.
- Where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the state finds that allowing lower water quality is necessary for important local economic or social development.
- Where high-quality waters constitute an outstanding national resource, such as waters of national and state parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

National Toxics Rule and California Toxics Rule

In 1992, the EPA promulgated the NTR under the CWA to establish numeric criteria for priority toxic pollutants for 14 states to bring all states into compliance with the requirements of CWA Section 303(c)(2)(B). The NTR established water quality standards for 42 pollutants not covered under California's Statewide water quality regulations at that time. As a result of the court-ordered revocation of California's Statewide basin plans in September 1994, the EPA initiated efforts to promulgate additional federal water quality standards for California. In May 2000, the EPA issued the CTR, which includes all the priority pollutants for which the EPA has issued numeric criteria not included in the NTR.

Executive Order 11988

Executive Order 11988, "Floodplain Management," directs all federal agencies to avoid, to the extent possible, long- and short-term adverse impacts of occupancy and modification of floodplains and to avoid supporting development in a floodplain either directly or indirectly wherever there is a practicable alternative. Compliance requirements are outlined in 23 Code of Federal Regulations 650, Subpart A, Location and Hydraulic Design of Encroachment on Floodplains.

If a project involves significant encroachment into the floodplain, the final environmental document must include:

- The reasons why the proposed action must be located in the floodplain,
- Alternatives considered and the reasons they were not practicable, and
- A statement indicating whether the action conforms to applicable State or local floodplain protection standards.

National Flood Insurance Act and Flood Disaster Protection Act

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 were enacted to reduce the need for flood protection structures and limit disaster relief costs by restricting development in floodplains. FEMA, established in 1979, is responsible for predicting hazards from flooding events and forecasting the level of inundation under various conditions. As part of its duty to develop standards for delineating fluvial and coastal floodplains, FEMA provides information on FIRMs about the potential for flood hazards and inundation and, where appropriate, designates regions as special flood hazard areas. Special flood hazard areas are defined as areas that have a 1 percent chance of flooding in a given year.

FEMA also administers the National Flood Insurance Program (NFIP), a federal program that enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damages.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt

water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt basin plans for all areas in the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the State Water Board and RWQCBs to adopt and periodically update basin plans. The San Francisco Bay RWQCB is responsible for the project site.

Basin plans are the regional water quality control plans required by both the CWA and the Porter-Cologne Act that establish beneficial uses, water quality objectives, and implementation programs for each of the nine regions in California. The Act also requires waste dischargers to notify the RWQCBs of their activities by filing reports of waste discharge, and it authorizes the State Water Board and RWQCBs to issue and enforce WDRs, NPDES permits, CWA Section 401 water quality certifications, or other approvals. The RWQCBs are also authorized to issue waivers to reports of waste discharge and WDRs for broad categories of "low threat" discharge activities that have minimal potential to cause adverse water quality effects when implemented according to prescribed terms and conditions.

National Pollutant Discharge Elimination System

The NPDES permits all involve similar processes, which include submitting notices of intent for discharging to water in areas under the San Francisco Bay RWQCB's jurisdiction and implementing Best Management Practices (BMPs) to minimize those discharges. The San Francisco Bay RWQCB may also issue site-specific WDRs, or waivers to WDRs, for certain waste discharges to land or waters of the State.

Construction Activity

The State Water Board NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit) (Order WQ 2000-0057-DWQ, NPDES No. CAS000002) applies to all construction activities that would disturb 1 acre of land or more. Construction activities subject to the general construction permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR processes, the State Water Board seeks to ensure that the conditions at a project site during and after construction do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, the project applicant must file a notice of intent with the State Water Board to obtain coverage under the permit; prepare a Storm Water Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level as specified in the SWPPP. The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. The permit also requires the discharger to consider using post-construction permanent BMPs that will

remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

Project sites served by the combined sewer system are not required to obtain coverage under the NPDES Construction General Permit.

Stormwater

In November 1990, the EPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000 persons. Phase II of the NPDES stormwater permit regulations, which became effective in March 2003, required that NPDES permits be issued for construction activity for projects disturbing 1–5 acres. Phase II of the municipal permit system (known as the NPDES General Permit for Small MS4s, Order No. 2003-0005-DWQ as amended by 2013-0001-DWQ) required small municipalities of fewer than 100,000 persons to develop stormwater management programs. This permit authorizes discharges of stormwater and some categories of non-stormwater that are not "significant contributors of pollutants."

California Toxics Rule and State Implementation Policy

The CTR, presented in 2000 in response to requirements of EPA's NTR, establishes numeric water quality criteria for approximately 130 priority pollutant trace metals and organic compounds. The CTR criteria are regulatory criteria adopted for inland surface waters, enclosed bays, and estuaries in California that are on the CWA Section 303(c) list for contaminants. The CTR includes criteria for the protection of aquatic life and human health. Human health criteria (water- and organism-based) apply to all waters with a municipal and domestic water supply beneficial use designation as indicated in the basin plans. The Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, also known as the State Implementation Policy, was adopted by the State Water Board in 2000. It establishes provisions for translating CTR criteria, NTR criteria, and basin plan water quality objectives for toxic pollutants into:

- NPDES permit effluent limits,
- Effluent compliance determinations,
- Monitoring for 2,3,7,8-tcdd (dioxin) and its toxic equivalents,
- Chronic (long-term) toxicity control provisions,
- Site-specific water quality objectives, and
- Granting of effluent compliance exceptions.

The goal of the State Implementation Plan is to establish a standardized approach for permitting discharges of toxic effluent to inland surface waters, enclosed bays, and estuaries throughout the State.

Local

San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit

The City is a member agency in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). The SCVURPPP and its member agencies implement pollution prevention, source control, monitoring, and outreach programs aimed at reducing pollution in stormwater runoff, protecting water quality and beneficial uses of San Francisco Bay and Santa Clara Valley creeks and rivers in compliance with the San Francisco Bay RWQCB MRP (Order No. R2-2022-0018, NPDES Permit No. CAS612008) requirements.[21]

The MRP requires local development projects, both publicly and privately funded, to incorporate Low Impact Development (LID) and/or Green Stormwater Infrastructure (GSI), as well as BMPs into each development to protect water quality during construction and post-construction phases of a project.

City of Saratoga General Plan 2040

Open Space and Conservation Element

Goal OSC-8 Protect existing watercourses in the community and maintain water quality in surface and subsurface water sources.

Policy OSC-8.1 Retain surface watercourses in their natural condition to the greatest extent possible.

Policy OSC-8.2 Concentrate development in those portions of the community least susceptible to soil erosion and minimize grading and the introduction of impervious surfaces. Where appropriate, consider the use of on-site detention or retention basins to minimize stormwater runoff sites.

Policy OSC-8.3 Comply with all current National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit requirements.

Goal OSC-9 Maximize efficiencies in the use of the City's water supply.

Policy OSC-9.2 Encourage Low Impact Development (LID) techniques for homeowners, such as disconnected downspouts, rain gardens, and rain barrels.

Safety Element

Goal SAF-3 Ensure public and private properties are well protected from flooding and flood-induced hazards.

Policy SAF-3.1 As part of the development review process, coordinate with water providers on all proposed projects adjacent to floodways and floodplains that could affect the providers right-of way.

[21] City of Saratoga. 2024. City of Saratoga General Plan 2040, Open Space and Conservation Element.

Policy SAF-3.3 Continue enforcing regulations pertaining to impervious coverage to reduce potential hazards from excessive runoff.

City of Saratoga Green Stormwater Infrastructure Plan

The purpose and goal of the GSI Plan is to reduce the impact of urban development on waterways within the City. The GSI Plan serves as an implementation guide for the City to incorporate GSI into storm drain infrastructure on public and private lands, where feasible, over the next several decades. The City has prepared the GSI Plan to guide the siting, implementation, tracking, and reporting of GSI projects on City-owned land. Development of the GSI Plan is required by the City's MRP.

GSI features mimic nature by using plants, soil, and/or pervious surfaces to collect stormwater, allowing it to soak back into the ground and be filtered by soil. This reduces the quantity of water and pollutants flowing into local creeks.

Integrating GSI into public spaces involves construction of stormwater capture and treatment measures in public streets, parks, and parking lots or as parts of public buildings. Types of GSI that can be constructed in public spaces include biotreatment/bioretention, stormwater tree well filters, pervious pavement, infiltration facilities, green roofs; and rainwater harvesting and use facilities.[22]

City of Saratoga Code of Ordinances

Article 15-47 Water-Efficient Landscaping, establishes standards for irrigation efficiency, including stormwater BMPs to minimize runoff and to increase on-site rainwater retention and infiltration (15-47.060–Stormwater management and rainwater retention).

Article 16-17 Excavation and Grading, contains rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments. It also establishes the administrative procedures for issuance of permits and provides for approval of plans and inspection of grading construction. Erosion control requirements are also included in this article.

Article 8-15 Containment Standards, establishes standards for the storage of hazardous materials at a site and containment requirements for facilities intended to store hazardous materials.

Article 8-20 Hazardous Materials Management Plan, includes requirements for Hazardous Materials Management Plans (HMMPs), which are required to demonstrate the safe storage and handling of hazardous materials.

3.9.4 - Methodology

Impacts related to hydrology and water quality were determined, in part, by reviewing information regarding regional and local hydrology, climate, topography, and geology contained in the General

[22] City of Saratoga. 2019. City of Saratoga Green Stormwater Infrastructure Plan. Final Draft. Approved on August 21, 2019.

Plan, Santa Clara Valley Water District Groundwater Management Plan, FEMA FIRMs, and the Preliminary Stormwater Hydromodification Management Report (Appendix G).

The evaluation of impacts is based on a comparison of existing conditions to anticipated conditions once the proposed project is constructed and operational, such as changes in impervious areas as well as facilities potentially located within flood zones. Specifically, the impact evaluation focuses on the effect of the proposed project on surface and groundwater quality, groundwater supply, and drainage (in terms of erosion, siltation, flooding, stormwater system exceedance, and polluted runoff). Water quality conditions are compared with water quality standards and WDRs by identifying potential contaminants and pollution pathways, amounts of impervious area, and runoff treatment requirements. Finally, as part of the analysis, inundation and flooding on the project site are assessed by reviewing potential inundation zones and risks and identifying relevant flood risk-reducing measures employed by the proposed project via design and/or federal, State, and local regulations.

3.9.5 - Thresholds of Significance

The City of Saratoga utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether hydrology and water quality impacts resulting from the implementation of the proposed project would be significant. Based on this Checklist, impacts would be considered significant if the project would:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
   (i) Result in substantial erosion or siltation on- or off-site;
   (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
   (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
   (iv) Impede or redirect flood flows.

d) Be located in a flood hazard, tsunami, or seiche zones, and risk release of pollutants due to project inundation.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

3.9.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Surface and Groundwater Quality

Impact HYD-1:	**The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.**

Impact Analysis

Construction

The proposed project would include approximately 11.18 acres of ground disturbance. The post-development impervious surface area would be 198,362 square feet (approximately 4.5 acres), which would be all new impervious surface area.

Construction activities and the use of construction equipment at the project site could expose soil to erosion, which could result in potential pollutants being released into the environment. Runoff from graded areas could carry eroded soils and pollutants into the storm drainage systems and into Calabazas Creek, eventually carrying these eroded soils and pollutants into Guadalupe Sough and then the San Francisco Bay, increasing sedimentation, degrading downstream water quality, and potentially affecting the groundwater table.

The proposed project would be regulated under the San Francisco Bay RWQCB MRP, which requires all development project sites to implement Construction Site Controls in the form of BMPs. Standard BMPs would include implementing sediment and erosion control plans, stabilizing slopes (to minimize exposed soil), and managing construction material and waste on-site by keeping storm drain systems clear. The proposed project would also be subject to the NPDES General Permit for construction activities (as discussed in Section 3.9.3, Regulatory Framework), which would require the preparation of a SWPPP. The SWPPP would include a site map, description of construction activities and potential pollutants, and identification of BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Specific BMPs would include minimizing the area of land disturbed, labeling and general maintenance of storm drains, and maintaining bioretention areas.

Adherence to the San Francisco Bay RWQCB MRP and NPDES General Permit would reduce the potential for construction activities to introduce pollutants into the nearby waterways. The impact on surface water and groundwater quality would be less than significant.

Operation

Operational drainage of the proposed project would outlet into on-site detention basins where it would then be metered out and sheet flow into existing drainages. The proposed project would be divided into eight drainage management areas (DMAs). Stormwater from these DMAs would be diverted into eight bioretention basins, referred to as Treatment Control Measures (TCMs). Water

drainage would not remain in the bioretention basins for more than 5 days to prevent mosquito generation.

Runoff from roofs, sidewalks, and patios would be directed to adjacent landscaped areas. On-site drainage from impervious areas would be discharged or conveyed via underground storm drains to a proposed network of 15- and 18-inch PVC storm drains within Masson Estates Way,[23] which will direct stormwater into the on-site TCMs.

Per the City MRP, and consistent with the City GSI Plan, a Stormwater Hydromodification Management Report is required for the project site because the proposed project would create 1 acre or more of impervious surface. As such, a Preliminary Stormwater Hydromodification Management Report (Appendix G) was prepared. Refer to Exhibit 3.9-1a and Exhibit 3.9-1b for a depiction of the TCMs and their locations.

Within the Preliminary Stormwater Hydromodification Management Report, the Bay Area Hydrology Model (BAHM) was used to analyze the hydromodification effects of the proposed project by providing sizing solutions to mitigate the increased runoff while considering long-term pattern flow rates. The recommended effective method for hydromodification control is flow duration control, which would be implemented using an orifice at each bioretention basin. The orifices are used to regulate the flow from post-development conditions to a level at, or below, the pre-development conditions through a 2.25-inch (TCMs 1-5), 0.95-inch (TCM 6), 0.9-inch (TCM 7), or 1-inch (TCM 8) diameter orifice. The orifices would ensure that the stormwater flow rate is controlled as it exits the TCMs. This in combination with infiltration at the TCMs will ensure that surface and groundwater quality is maintained.

In addition, the San Francisco Bay RWQCB MRP and NPDES General Permit require demonstration that post-development stormwater runoff rates do not exceed pre-development rates. As demonstrated in the Preliminary Stormwater Hydromodification Management Report, with implementation of the TCMs, the stormwater flow rate would be reduced below the existing conditions. The Preliminary Stormwater Hydromodification Management Report concluded that each treatment control measure meets the flow duration criteria. Therefore, implementation of the TCMs such as bioretention basins at the project site, and adherence to the San Francisco Bay RWQCB MRP and NPDES General Permit, would ensure that surface water and groundwater quality would not exceed pre-construction rates and therefore would not violate any water quality standards or WDRs. The impact would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

[23] Hannah-Brunetti. 2023. Preliminary Stormwater Hydromodification Management Report for Masson Estates.

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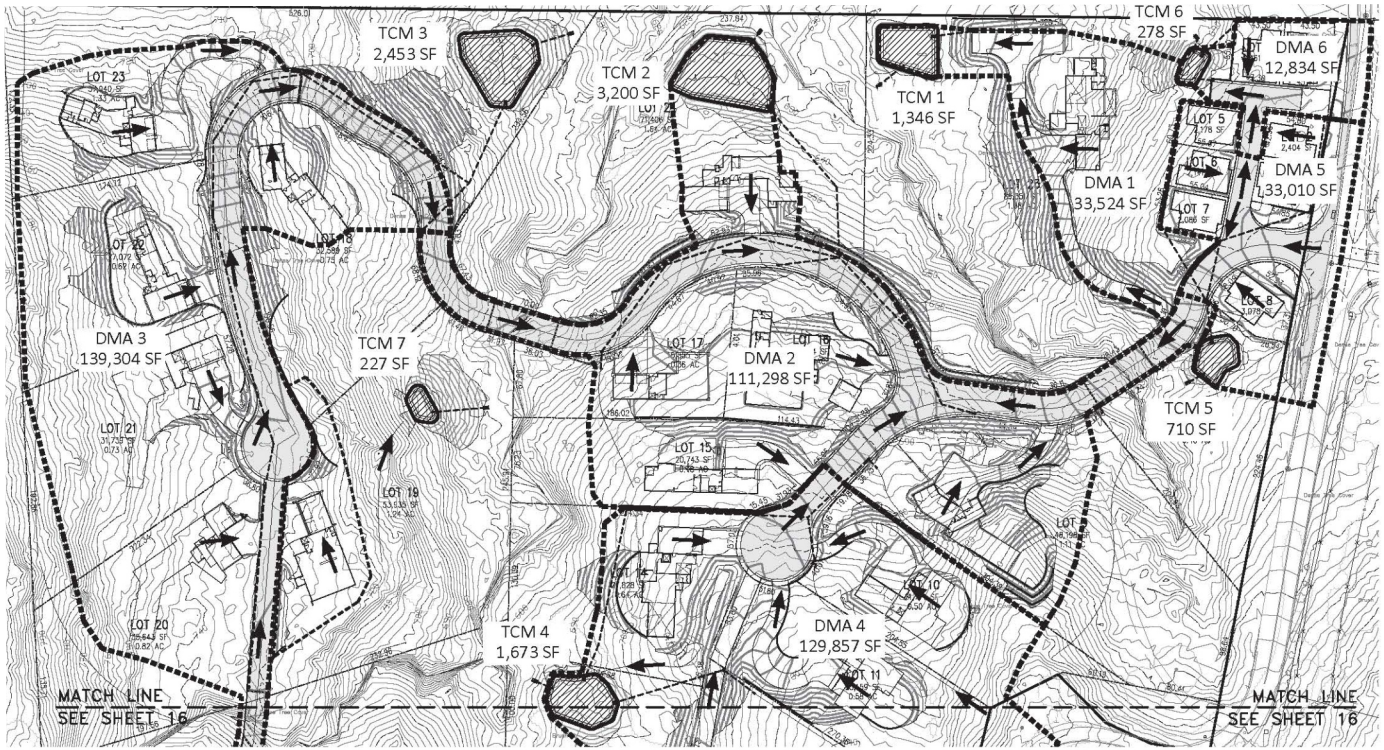

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

LEGEND

- DIRECTION OF FLOW
- STORM WATER
- DRAINAGE MANAGEMENT AREA DELINEATION
- TREATMENT CONTROL MEASURE

STANDARD STORMWATER CONTROL NOTES:

- STANDING WATER SHALL NOT REMAIN IN THE TREATMENT MEASURES FOR MORE THAN FIVE DAYS, TO PREVENT MOSQUITO GENERATION. SHOULD ANY MOSQUITO ISSUES ARISE, CONTACT THE SANTA CLARA VALLEY VECTOR CONTROL DISTRICT (DISTRICT). MOSQUITO LARVICIDES SHALL BE APPLIED ONLY AND WHEN ABSOLUTELY NECESSARY, AS INDICATED BY THE DISTRICT AND THEN ONLY BY A LICENSED PROFESSIONAL OR CONTRACTOR. CONTACT INFORMATION FOR THE DISTRICT IS PROVIDED BELOW.
- DO NOT USE PESTICIDES OR OTHER CHEMICAL APPLICATIONS TO TREAT DISEASED PLANTS, CONTROLS WEEDS OR REMOVED UNWANTED GROWTH. EMPLOY NON-CHEMICAL CONTROLS (BIOLOGICAL, PHYSICAL, AND CULTURAL CONTROLS) TO TREAT A PEST PROBLEM. PRUNE PLANTS PROPERLY AND AT THE APPROPRIATE TIME OF YEAR. PROVIDE ADEQUATE IRRIGATION FOR LANDSCAPE PLANTS. DO NO OVER WATER.

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

TABLE 1
ROUTINE MAINTENANCE ACTIVITIES FOR BIORETENTION AREAS

NO.	MAINTENANCE TASK	FREQUENCY OF TASK
1	REMOVE OBSTRUCTIONS, WEEDS, DEBRIS AND TRASH FROM BIORETENTION AREA AND ITS INLETS AND OUTLETS; AND DISPOSE OF PROPERLY.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
2	INSPECT BIORETENTION AREA FOR STANDING WATER. IF STANDING WATER DOES NOT DRAIN WITHIN 2-3 DAYS, TILL AND REPLACE THE SURFACE BIOTREATMENT SOIL WITH THE APPROVED SOIL MIX AND REPLANT.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
3	CHECK UNDERDRAINS FOR CLOGGING. USE THE CLEANOUT RISER TO CLEAN ANY CLOGGED UNDERDRAINS.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
4	MAINTAIN THE IRRIGATION SYSTEM AND ENSURE THAT PLANTS ARE RECEIVING THE CORRECT AMOUNT OF WATER (IF APPLICABLE).	QUARTERLY
5	ENSURE THAT THE VEGETATION IS HEALTHY AND DENSE ENOUGH TO PROVIDE FILTERING AND PROTECT SOILS FROM EROSION. PRUNE AND WEED THE BIORETENTION AREA. REMOVE AND/OR REPLACE ANY DEAD PLANTS.	ANNUALLY, BEFORE THE WET SEASON BEGINS
6	USE COMPOST AND OTHER NATURAL SOIL AMENDMENTS AND FERTILIZERS INSTEAD OF SYNTHETIC FERTILIZERS, ESPECIALLY IF THE SYSTEM USES AN UNDERDRAIN.	ANNUALLY, BEFORE THE WET SEASON BEGINS
7	CHECK THAT MULCH IS AT APPROPRIATE DEPTH (2 - 3 INCHES PER SOIL SPECIFICATIONS) AND REPLENISH AS NECESSARY BEFORE WET SEASON BEGINS. IT IS RECOMMENDED THAT 2" – 3" OF ARBOR MULCH BE REAPPLIED EVERY YEAR.	ANNUALLY, BEFORE THE WET SEASON BEGINS
8	INSPECT THE ENERGY DISSIPATION AT THE INLET TO ENSURE IT IS FUNCTIONING ADEQUATELY, AND THAT THERE IS NO SCOUR OF THE SURFACE MULCH. REMOVE ACCUMULATED SEDIMENT.	ANNUALLY, BEFORE THE WET SEASON BEGINS
9	INSPECT OVERFLOW PIPE TO ENSURE THAT IT CAN SAFELY CONVEY EXCESS FLOWS TO A STORM DRAIN. REPAIR OR REPLACE DAMAGED PIPING.	ANNUALLY, BEFORE THE WET SEASON BEGINS
10	REPLACE BIOTREATMENT SOIL AND MULCH, IF NEEDED. CHECK FOR STANDING WATER, STRUCTURAL FAILURE AND CLOGGED OVERFLOWS. REMOVE TRASH AND DEBRIS. REPLACE DEAD PLANTS.	
11	INSPECT BIORETENTION AREA USING THE ATTACHED INSPECTION CHECKLIST.	ANNUALLY, BEFORE THE WET SEASON

OPERATION AND MAINTENANCE INFORMATION:

I. **PROPERTY INFORMATION:**
- I.A. PROPERTY ADDRESS: PIERCE ROAD, SARATOGA, CA
- I.B. PROPERTY OWNER: CHATEAU MASSON, LLC

II. **RESPONSIBLE PARTY FOR MAINTENANCE:**
- II.A. CONTACT: WILLIAM HIRSCHMAN
- II.B. PHONE NUMBER OF CONTACT: 408-210-1998
- II.C. EMAIL: WHIRSCHMAN@LEXORBUILDERS.COM
- II.D. ADDRESS: 258 UNION AVENUE, LOS GATOS, CA 95032

PROJECT SITE INFORMATION:

1. SOILS TYPE: C/D
2. GROUND WATER DEPTH: UNKNOWN
3. NAME OF RECEIVING BODY: SARATOGA CREEK
4. FLOOD ZONE: X
5. FLOOD ELEVATION (IF APPLICABLE): N/A

SOURCE CONTROL MEASURES:

1. BENEFICIAL LANDSCAPING.
2. USE OF WATER EFFICIENT IRRIGATION SYSTEMS.
3. MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING, GOOD HOUSEKEEPING).
4. STORM DRAIN LABELING.

SITE DESIGN MEASURES:

1. DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREAS.
2. PLANT TREES ADJACENT TO AND IN PARKING AREAS AND ADJACENT TO OTHER IMPERVIOUS AREAS.

TCM NO. 1:

1,346 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 18" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 2:

3,200 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 12" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 3:

2,453 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 18" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 4:

1,673 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 12" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 5:

710 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 12" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 6:

278 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 21" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 7:

227 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 21" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 8:

554 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 24" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

Source: Hanna-Brunetti. 12/2023.

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Exhibit 3.9-1a
Stormwater Control Plan

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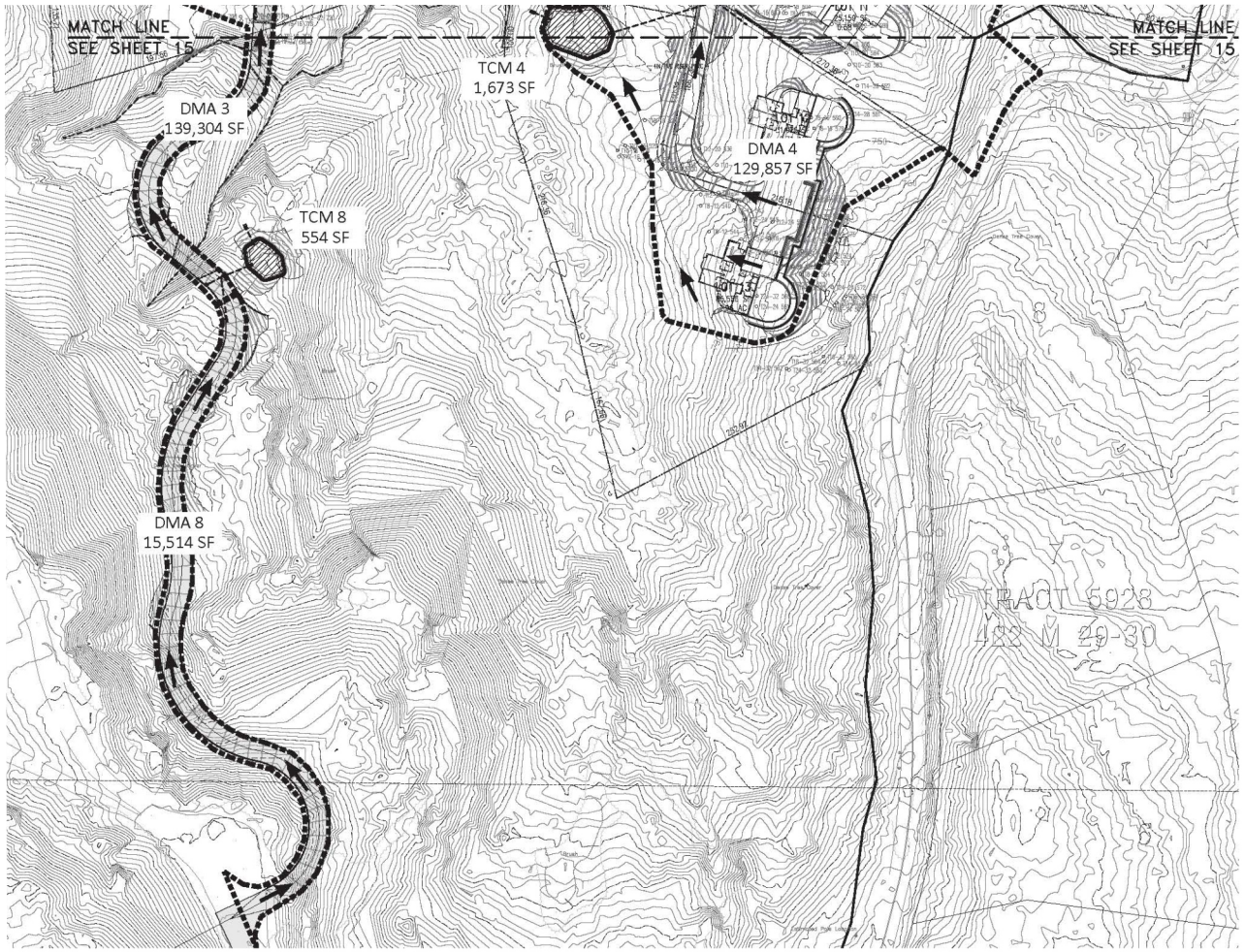

TABLE 1
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3	CHECK UNDERDRAINS FOR CLOGGING. USE THE CLEANOUT RISER TO CLEAN ANY CLOGGED UNDERDRAINS.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
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7	CHECK THAT MULCH IS AT APPROPRIATE DEPTH (2 - 3 INCHES PER SOIL SPECIFICATIONS) AND REPLENISH AS NECESSARY BEFORE WET SEASON BEGINS. IT IS RECOMMENDED THAT 2" – 3" OF ARBOR MULCH BE REAPPLIED EVERY YEAR.	ANNUALLY, BEFORE THE WET SEASON BEGINS
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11	INSPECT BIORETENTION AREA USING THE ATTACHED INSPECTION CHECKLIST.	ANNUALLY, BEFORE THE WET SEASON

STANDARD STORMWATER CONTROL NOTES:

- STANDING WATER SHALL NOT REMAIN IN THE TREATMENT MEASURES FOR MORE THAN FIVE DAYS, TO PREVENT MOSQUITO GENERATION. SHOULD ANY MOSQUITO ISSUES ARISE, CONTACT THE SANTA CLARA VALLEY VECTOR CONTROL DISTRICT (DISTRICT). MOSQUITO LARVICIDES SHALL BE APPLIED ONLY AND WHEN ABSOLUTELY NECESSARY, AS INDICATED BY THE DISTRICT AND THEN ONLY BY A LICENSED PROFESSIONAL OR CONTRACTOR. CONTACT INFORMATION FOR THE DISTRICT IS PROVIDED BELOW.
- DO NOT USE PESTICIDES OR OTHER CHEMICAL APPLICATIONS TO TREAT DISEASED PLANTS, CONTROLS WEEDS OR REMOVED UNWANTED GROWTH. EMPLOY NON–CHEMICAL CONTROLS (BIOLOGICAL, PHYSICAL, AND CULTURAL CONTROLS) TO TREAT A PEST PROBLEM. PRUNE PLANTS PROPERLY AND AT THE APPROPRIATE TIME OF YEAR. PROVIDE ADEQUATE IRRIGATION FOR LANDSCAPE PLANTS. DO NO OVER WATER.

TCM NO. 1:

1,346 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 18" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 2:

3,200 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 12" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 3:

2,453 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 18" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 4:

1,673 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 12" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 5:

710 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 12" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 6:

278 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 21" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 7:

227 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 21" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

TCM NO. 8:

554 SQUARE FEET OF BIORETENTION AREA UNLINED WITH UNDERDRAIN. OVERFLOW RISER HEIGHT SHALL BE PLACED 24" ABOVE THE BOTTOM OF POND; SEE DETAIL 5 ON SHEET 17.

LEGEND

DIRECTION OF FLOW

STORM WATER

DRAINAGE MANAGEMENT AREA DELINEATION

TREATMENT CONTROL MEASURE

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

Source: Hanna-Brunetti. 12/2023.

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Exhibit 3.9-1b
Stormwater Control Plan

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Groundwater Supply/Recharge

Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Impact Analysis

The proposed project would have a significant impact on sustainable groundwater management if it would result in a substantial decrease in groundwater supplies or substantially interfere with groundwater recharge.

Construction

Construction of the proposed project would not require the use of on-site groundwater and, therefore, would not result in a decrease in groundwater supplies or interfere with groundwater recharge. As such, the construction-related impacts to groundwater supply and recharge would be less than significant.

Operation

San Jose Water would use a combination of surface and groundwater to supply the project site with potable water. An existing water line is located along Pierce Road to the east of the project site. According to the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins, nearly all groundwater used in the Santa Clara Plain (approximately 99 percent) is for municipal and industrial uses. According to the San Jose Water 2020 UWMP, based on existing and planned sources of supply, San Jose Water will be able to meet Countywide groundwater demands through 2045 under normal, single dry, and five consecutive dry year conditions. The proposed project would introduce overall development that would be consistent with the citywide buildout anticipated in the 2020 UWMP.[24] Notably, the proposed project focused development in the northern 18.38-acre Development Area. The southern 54.06 acres (Remainder Area) would remain undeveloped with the exception of emergency access roads and a drainage ditch.

In the course of preparing the UWMP, San Jose Water estimated water demand of future development in the service area and forecasted the needed facility upgrades. The forecast included supply facility upgrades needed to accommodate growth in the City. The UWMP anticipated 1,712 units being developed in the City.[25] Consistency with the UWMP means the project's water demand falls within the overall growth assumptions used in the UWMP. As discussed in Section 3.17, Utilities, the proposed project would use approximately 1.9 MG per year, which is less than 0.01 percent of the total demand projected for San Jose Water in 2045. Table 3-1 contains a list of future planned projects within the cumulative setting. The cumulative projects contained in Table 3-1 in conjunction with the proposed project would include a total of 1,137 new residential units (See Section 3.12, Population and Housing). This number would not exceed the Regional Housing Needs Allocation (RHNA) overall growth assumption of 1,712 units. Because the proposed project's 25 units would not cause a reasonably foreseeable exceedance of the overall RHNA growth assumption of 1,712 units,

[24] San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan, Table 3-1 Retail: Population – Current and Projected. June 2021. Website: https://www.sjwater.com/sites/default/files/2021-06/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed March 21, 2025.

[25] City of Saratoga. General Plan Update Housing Element.

the proposed project would be within these overall growth assumptions. Furthermore, as discussed in Section 3.17, Utilities, the proposed project would not create a significant demand on San Jose Water's water supply, which includes groundwater supplies.

According to the Geologic/Geotechnical Feasibility Evaluation, no groundwater was encountered in the borings to the depths explored (48 feet). The post-development impervious surface area would be 198,362 square feet (approximately 4.5 acres). As the project site is currently undeveloped, the addition of impervious surface area at the project site could potentially interfere with groundwater recharge. Soils on the project site have a low infiltration rate of 0.1 inch per hour. As discussed above, due to the increase in impervious surface area at the project site, the proposed project would be required to incorporate TCMs into its design, consistent with the City GSI Plan. As detailed in the Preliminary Stormwater Hydromodification Management Report (Appendix G), runoff from the proposed project would drain to eight TCMs that are bioretention basins. TCM 1, TCM 3, TCM 4, TCM 5, TCM 6, TCM 7, and TCM 8 would have an infiltration rate of 0.1 inch per hour (in/hr), which would match the existing infiltration rate. TCM 2 would have an infiltration rate of 2 in/hr. Each TCM would be hydromodified with controlled release to limit the flow to, at, or below the pre-development rate. Additionally, an overflow riser would be placed at each TCM to allow for infiltration and continued groundwater recharge. Each riser would then convey and discharge stormwater onto a vegetated area. The overflow risers would range in height from 12 inches to 24 inches to allow for infiltration (Appendix G).

As such, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed project may impede sustainable groundwater management of the basin. The impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Drainage Leading to Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

Impact HYD-3: **The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

- **i) Result in substantial erosion or siltation on- or off-site;**
- **(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**
- **(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**
- **(iv) Impede or redirect flood flows.**

Impact Analysis

The proposed project would have a significant impact if it were to substantially alter the existing drainage pattern of the site in a manner that would result in substantial erosion or siltation, flooding, surface runoff, surface runoff pollution, or flood flow changes. Such drainage effects could occur from grade changes at the site, exposure of soils for periods of time during precipitation events, alterations to creek beds, or increased on-site impervious areas.

Construction

There is a possibility that construction activity could result in substantial erosion or siltation and could therefore result in drainage alterations and stormwater quality issues. However, as discussed above, the proposed project would be required to adhere to the San Francisco Bay RWQCB MRP and NPDES General Permit, which would include implementation of a SWPPP and associated BMPs (including but not limited to, implementing sediment and erosion control plans, stabilizing slopes [to minimize exposed soil], and managing construction material and waste on-site by keeping storm drain systems clear) designed to ensure that erosion and siltation are prevented or minimized to the maximum extent feasible during construction.[26]

Adherence to the San Francisco Bay RWQCB MRP and NPDES General Permit would reduce the potential for construction activities to increase the rate and amount of erosion, siltation, and runoff. The impact would be less than significant.

Operation

The proposed project would include 198,362 square feet of new impervious surface area. The addition of impervious surface area could increase the rate of erosion and siltation and surface runoff at the project site. This would represent a potentially significant impact if increased erosion and siltation and/or increasing the rate of surface runoff resulted in flooding and/or exceeding the capacity of the existing stormwater drainage system.

As discussed above, the proposed project would include the addition of eight TCMs at the project site, which would be operational in the post-construction phase. These TCMs are designed to control the amount and rate of runoff at the project site by directing runoff into bioretention basins, consistent with the City GSI Plan. Implementation of these TCMs would ensure that pre-development drainage patterns at the project site are not altered in such a way that the proposed project would result in increased erosion, siltation, and/or runoff.

The on-site seasonal drainages trend northerly though the central portion of the project site, joining Calabasas Creek north of the project site. The proposed project would include two bridges that would extend across these features; as such, the proposed project would not include any alteration to a stream, creek bed, or river that would impede or redirect flood flows.

In addition, the San Francisco Bay RWQCB MRP and NPDES General Permit require demonstration that post-development stormwater runoff rates do not exceed pre-development rates.

[26] United States Environmental Protection Agency (EPA). 2025. National Menu of Best Management Practices (BMPs) for Stormwater – Construction. Website: https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-construction. Accessed December 16, 2025.

Implementation of the TCMs at the project site, and adherence to the San Francisco Bay RWQCB MRP and NPDES General Permit, would ensure that the proposed project would not result in increased erosion, siltation, flooding and/or runoff. The TCMs would minimize the amount of silt and pollutants in stormwater runoff and allow infiltration through the proposed project's LID stormwater control and treatment systems (proposed bioretention areas). Additionally, the proposed project would be compliant with Provision C.3.g of the MRP, and General Plan implementation measure IM OSC-10.b would ensure that post-development runoff peak flows match pre-development conditions, which would ensure that development under the proposed project would not contribute to erosion and siltation in creeks due to increased runoff. As demonstrated in the proposed project's Preliminary Stormwater Hydromodification Management Report, with implementation of the TCMs, the stormwater flow rate would be reduced below the existing conditions. As such, impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Risk of Pollutant Release Due to Inundation

Impact HYD-4:	**The proposed project would not be located in a tsunami or seiche zone, but would be located in a Flood Hazard Zone, that would risk release of pollutants due to project inundation.**

Impact Analysis

The project site is approximately 20 miles east of the Pacific Ocean and is separated from the ocean by the Santa Cruz Mountains and is therefore not within an established tsunami hazard zone. Seiche hazards generally occur in proximity to large bodies of water, such as lakes. There are no large bodies of water in the vicinity of the proposed project that would be capable of generating seiche waves that would impact the project site. According to the FEMA FIRM, the project site is within Flood Zone X, which is within the 500-year Flood Hazard Zone with a 0.2 percent annual chance of flood hazards.

Construction

As stated above, the project site is not within a tsunami or seiche hazard zone; however, it is within the 500-year Flood Hazard Zone. As discussed in Section 3.8, Hazards and Hazardous Materials, construction associated with the proposed project would require the use of hazardous materials that are commonly used during construction. Construction activity would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints, which are typical for residential construction projects. Transport, use, and disposal of hazardous materials can increase the risk of upset and accident conditions that could involve the likely release of hazardous materials into the environment. However, the use of these materials at the project site would be limited to construction of the proposed project and would not be stored at the project site after construction is complete. Although inundation by flood water would be unlikely during construction, the proposed project would still comply with the City MRP. As discussed above, the

City MRP would require a SWPPP and associated BMPs, which would include bioretention areas that reduce peak flows within downstream sewer systems and allow pollutant removal through filtration and would thus reduce the potential for pollutants to be released into the environment. Other applicable stormwater control measures include minimizing the amount of land disturbed, maintenance of the bioretention areas, and storm drain labeling.

Furthermore, the use of these materials would be subject to applicable provisions of the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local laws and regulations that would reduce risks of accident by limiting the use of hazardous materials and thereby reduce the associated risks of exposure. Compliance with the City MRP would require hydromodification management that would incorporate stormwater control systems to ensure that post-development stormwater runoff conditions match or do not exceed the pre-development conditions. As such, the proposed project would include a system of bioretention areas that would ensure compliance with the City's MRP. Because the proposed project would result in reduced flow rates, the proposed project would be compliant with General Plan implementation measure IM OSC-10. b, which requires new development to ensure that post-development runoff peak flows match or do not exceed pre-development conditions. Additionally, the City implements an Operation and Maintenance Verification Program to ensure that stormwater control systems at projects that are regulated under the MRP are properly maintained, which ensures that the stormwater control systems continue to drain properly and would not result in flooding due to lack of maintenance. As such, compliance with applicable City regulations would ensure that the proposed project would not result in a significant effect related to the release of pollutants due to inundation from a flood, tsunami, or seiche during construction. The impact would be less than significant.

Operation

As the proposed project would be a residential development, there would be limited pollutants or hazardous materials stored or used at the project site during operation. Common household hazardous materials and/or pollutants (i.e., cleaners, pesticides) would be minimal and would be enclosed within residences. Additionally, the proposed project would be required to adhere to Chapter 8 of the City's Municipal Code pertaining to hazardous materials and the County of Santa Clara Hazardous Materials Compliance Division (HMCD) Hazardous Materials Programs, which contains provisions related to hazardous materials and would ensure that hazardous materials are stored in appropriate containers and in safe locations. As such, the proposed project would not result in the release of pollutants due to inundation from a flood, tsunami, or seiche during operation. The impact would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Water Quality Control or Sustainable Groundwater Management Plans Consistency

Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis

Construction and Operation

As discussed above, the proposed project would comply with the San Francisco Bay RWQCB MRP and the NPDES General Permit. Additionally, the proposed project would include TCMs in the form of bioretention basins—consistent with the City GSI Plan. Therefore, the proposed project would not conflict with a water quality control plan.

The project site is within the Santa Clara Subbasin, and more specifically within the Santa Clara Plain recharge area. The Santa Clara Subbasin is managed by the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins. The proposed project would be consistent with the Groundwater Management Plan sustainability goals. These goals include managing groundwater to ensure sustainable supplies and avoid land subsidence and aggressively protecting groundwater from the threat of contamination. The proposed project would be required to comply with the NPDES permit to protect water quality. The TCMs that would be included as part of the proposed project would ensure that the proposed project is consistent with sustainability goals in the Groundwater Management Plan by minimizing the amount of silt and pollutants in stormwater runoff and allowing infiltration through the proposed project's LID stormwater control and treatment systems (proposed bioretention areas). Thus, the proposed project would be consistent with the goals to manage groundwater to ensure sustainable supplies and to protect groundwater from contamination. As such, the proposed project would not conflict or obstruct a water quality management plan or a groundwater sustainability plan. The impact would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.9.7 - Cumulative Impacts

Water Quality

The geographic context for consideration of cumulative impacts related to surface water quality is the Santa Clara Basin Watershed and the Calabazas Creek subwatershed. All cumulative projects listed in Table 3-1 are within the relevant geographic scope and would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies located within the Santa Clara Basin Watershed and the Calabazas Creek subwatershed. All cumulative project construction would be required to obtain an NPDES General Permit from the State Water Board, which would require preparation of a SWPPP that would control potential discharges of contaminants into the basin. These cumulative projects would also be required to comply with the relevant provisions of the Code of Ordinances during

operation and would be subject to the NPDES General Permit. For these reasons, there would be a less than significant cumulative impact with respect to surface water quality.

Additionally, the proposed project's contribution to less than significant cumulative impacts would not be cumulatively considerable. The proposed project would also be required to obtain a Construction General Permit from the State Water Board and prepare a SWPPP. For these reasons and as discussed above, there would be a less than significant cumulative impact related to surface water quality and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the Santa Clara Plain groundwater management area and includes all projects identified on Table 3-1. All cumulative projects identified on Table 3-1would involve short-term construction and long-term operational activities that would have the potential to impact groundwater quality and management. Construction related to cumulative projects would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control pollutants that could seep into groundwater. Operations of these cumulative projects would be required to comply with all applicable laws and regulations imposed by the relevant public agencies, including the San Francisco RWQCB, thus ensuring that stormwater is pre-treated via bioretention and is otherwise handled pursuant to all applicable standards and requirements to ensure that percolation to the groundwater table would not result in degradation of groundwater quality. Operations in the City of Saratoga would be required to comply with the City of Saratoga Code of Ordinances regarding groundwater. Operations in Santa Clara County would be required to comply with the County of Santa Clara Ordinance Code regarding groundwater. In addition, the similar residential cumulative projects listed in Table 3-1 would include BMPs, as necessary and required, to reduce groundwater impacts and implement other project features that would help facilitate groundwater recharge and protect water quality. For these reasons, there would be a less than significant cumulative impact related to groundwater quality.

Similarly, as discussed in detail above, the proposed project would be mandated to comply with applicable laws and regulations related to groundwater quality. Furthermore, as discussed in Impact HYD-1, the proposed project would not violate any water quality standards or WDRs or otherwise substantially degrade groundwater quality. For these reasons, there would be a less than significant cumulative impact related to groundwater quality and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Hydrology

The geographic scope of the cumulative hydrology analysis is the Santa Clara Basin Watershed, the Calabazas Creek subwatershed, and the Santa Clara Plain groundwater management area.

Cumulative impacts related to hydrology typically occur within a defined watershed or basin. Therefore, all cumulative developments within the Santa Clara Basin Watershed, the Calabazas Creek subwatershed, and the Santa Clara Plain groundwater management area—including all those cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative

Projects—have been considered in this analysis. All cumulative projects would be required to comply with applicable laws and regulations implemented by the relevant public agencies, including the San Francisco Bay RWQCB, as well as other applicable codes, ordinances, and policies which prevent a project from increasing off-site surface water flow from existing conditions and further ensure that projects adhere to BMPs during construction to prevent pollutants from being carried off-site. Additionally, regional development would be required to comply with applicable regional, State, and federal laws and regulations regarding flooding to ensure impacts are less than significant in this regard. These regulations would result in a less than significant cumulative impact related to hydrology.

As discussed in detail above, the proposed project's contribution to less than significant cumulative hydrology impacts would not be cumulatively considerable. The proposed project would be required to comply with applicable laws and regulations implemented by the relevant public agencies, including the San Francisco Bay RWQCB and the City. The proposed project, along with the cumulative projects listed in Table 3-1, would be required to adhere to and demonstrate consistency with the City or County Code of Ordinances and other applicable local, State, and federal codes, ordinances, and policies related to preventing hydrological impacts. The combination of the requirement to adhere to these laws, regulations, and policies, as well as identified BMPs—such as Standard BMPs that could include, but not be limited to, implementing sediment and erosion control plans, stabilizing slopes (to minimize exposed soil), and managing construction material and waste on-site by keeping storm drain systems clear—would ensure that the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Operational impacts would be further reduced with the implementation of the TCMs as stormwater runoff from the project site would be directed into bioretention basins, ensuring that stormwater runoff rates would not exceed pre-development rates. Thus, there would be a less than significant cumulative impact related to hydrology.

Existing Drainage Patterns

The geographic context for consideration of cumulative impacts related to altering the drainage pattern of a site or area would be the project site and immediate drainage areas, including the Upper Calabazas Creek.

Cumulative residential projects in the area, as well as the proposed project, would add impervious surfaces that could change existing drainage patterns. Cumulative projects that are located near Upper Calabazas Creek include 18500 and 18520 Marshall Lane, which consists of the construction of 125 residential townhomes. These projects could change existing drainage patterns to the Upper Calabazas Creek drainage and result in cumulative impacts. The proposed project could contribute cumulatively to this impact.

As discussed in Impact HYD-3, the proposed project would include the two bridges that would extend across the on-site drainages and, therefore, would not alter the drainage ways. Additionally, because the proposed project would include the addition of 198,362 square feet of new impervious surface area, it is required to comply with the NPDES MRP and City GSI Plan. The proposed project's

stormwater control systems would result in a reduction of post-development stormwater flow as compared to the existing pre-development conditions. The proposed TCMs would ensure compliance with the City's MRP and General Plan implementation measure IM OSC-10. b, as discussed previously. The incorporation of TCMs in the form of bioretention basins into the project design would result in lower flow rates, which would ensure that the proposed project is compliant with the NPDES MRP and GSI Plan. Cumulative projects in the City that would propose hydromodification of a site would also be required to comply with the NPDES MRP and the GSI Plan and would have to incorporate similar project design features. Compliance with the NPDES MRP and GSI Plan would ensure impacts are less than significant. The proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Project Inundation

The geographic context for consideration of cumulative impacts related to pollutants being released due to inundation by flood, tsunami, and/or seiche would be the 500-year Flood Hazard Zone in which the project is sited. As discussed above, the project site is not within a tsunami or seiche hazard zone.

The project site is approximately 20 miles east of the Pacific Ocean and is separated from the ocean by the Santa Cruz Mountains and is therefore not within an established tsunami hazard zone. Seiche hazards generally occur in proximity to large bodies of water, such as lakes. There are no large bodies of water in the vicinity of the proposed project that would be capable of generating seiche waves that would impact the project site. According to the FEMA FIRM, the project site is within Flood Zone X, which is within the 500-year Flood Hazard Zone. As discussed in Impact HYD-4, impacts from the proposed project related to project inundation would be less than significant.

As with the proposed project, construction activity associated with cumulative projects in the City would be expected to involve the transport, use, and disposal of hazardous materials, which are typically used for residential construction projects. Transport, use, and disposal of hazardous materials can increase the risk of upset and accident conditions that could involve the likely release of hazardous materials into the environment. As discussed above, the use of these materials at the project sites would be limited to construction phases and their use and storage would be temporary, and not occur during project operations. The cumulative projects listed in Table 3-1 are primarily residential, including one mixed-use project and a winery. The types of projects listed in Table 3-1 would involve the use of common household or commercial chemicals (e.g., cleaning agents, small quantities of petroleum products, etc.). These types of uses would not handle, store, or use substantial quantities of hazardous materials that could potentially cause a release that endangers human health or the environment. Cumulative impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant because any use or storage of hazardous materials during construction or operations would be subject to compliance with regulatory requirements.

As with the proposed project, cumulative projects in the City would be required to comply with the City NPDES MRP and its associated SWPPP and BMPs. The SWPPP describes construction activities and potential pollutants and identifies BMPs that will be employed to prevent discharge of other

construction-related pollutants. Compliance with the NPDES MRP would reduce the potential impact related to flood inundation resulting in hazardous materials used during construction being released into the environment. Cumulative impacts would be less than significant. As such, the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Conflict With a Water Quality Control or Groundwater Management Plan

The geographic context for consideration of cumulative impacts related to water quality control and groundwater management plans would be the Santa Clara Basin Watershed, the Calabazas Creek subwatershed, and the Santa Clara Subbasin, which are managed by the NPDES MRP and 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins.

Projects within the Santa Clara Basin Watershed, the Calabazas Creek subwatershed, and the Santa Clara Subbasin, including the proposed project and cumulative projects, would be required to obtain a NPDES MRP and comply with its requirements prior to construction. The MRP requires local development projects to incorporate LID and/or GSI, as well as BMPs, into each development to protect water quality during construction and post-construction phases of a project. Standard BMPs would include implementing sediment and erosion control plans, stabilizing slopes to minimize exposed soil, and managing construction material and waste on-site by keeping storm drain systems clear. As discussed in Section 3.9.3, Regulatory Setting, the City has developed a GSI Plan which applies to the proposed project as well as to cumulative projects within the City. The proposed project incorporated TCMs as bioretention basins to meets the requirements of the GSI Plan. Cumulative projects in the City would be required to incorporate the same or similar project design features, which would include stormwater capture, treatment, and infiltration using biotreatment, bioretention, stormwater tree well filters, pervious pavement, infiltration facilities, green roofs, and rainwater harvesting. Compliance with the NPDES MRP and the City GSI Plan would ensure that cumulative projects would not conflict with an applicable water quality control plan or groundwater management plan and the impact would be less than significant.

Projects within the City, including the proposed project and cumulative projects, would be required to be designed consistent with the sustainability goals and basin management strategies outlined in the 2021 Groundwater Management Plan. The proposed project incorporated TCMs as bioretention basins, which will allow for groundwater recharge and aid in filtering contaminants from entering the groundwater supply. Cumulative projects in the City would be required to implement the same or similar design features to ensure compliance with the 2021 Groundwater Management Plan. As such, the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

3.10 - Land Use and Planning

3.10.1 - Introduction

This section describes the existing conditions related to land use and planning as well as the relevant regulatory framework. This section also evaluates the potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on review of applicable land use plans and policies, including the Saratoga General Plan (General Plan). During the Draft Environmental Impact Report (Draft EIR) scoping period, the following comments were received related to land use and planning:

- Concerns about development density
- Potential conflict with existing zoning

These comments are addressed in Impact LAND-1 contained within this section.

At the time of the application for the proposed project, the State Department of Housing and Community Development (HCD) had not certified that the City's 6th Regional Housing Needs Assessment (RHNA) Cycle Housing Element was substantially in compliance with statutory requirements. Under State Housing Law, a City's Housing Element can only be considered in substantial compliance if such determination is made by HCD or a court (Government Code §§ 65585.03 and 65589.55).

Because the proposed project meets the requirements of the HAA for a Builder's Remedy project, the City may not disapprove the proposed project on the grounds of its inconsistency with standards contained in the City's zoning code or in the City of Saratoga General Plan (General Plan) (Government Code § 65589.5(d)(5)). Although the proposed project has been submitted for consideration pursuant to the Builder's Remedy, the proposed project is not exempt from all local regulations. Specifically, the HAA does not waive, or require the City to waive, objective zoning, subdivision and design standards that were in effect when the project application was submitted. Those standards remain applicable to Builder's Remedy projects in other ways; for example, through the imposition of conditions of approval. (Government Code § 65589.5(f)(1)).

3.10.2 - Environmental Setting

Land Use

Project Site

The 72.45-acre project site, containing primarily oak woodland, is located on one parcel (Chapter 2, Project Description, Exhibit 2-6). The project site is located in the western hillsides of the City. The average slope of the entire site is 47 percent. The project site is undeveloped with the exception of a single-lane road, Vintage Lane, which extends through the southern portion of the project site, connecting to Pierce Road. Vintage Lane is paved for the first approximately 650 feet from its intersection with Pierce Road and then becomes a dirt road that forms an approximately 800-foot loop. A small, abandoned structure is present in the western portion of the Development Area.

The project site is surrounded by single-family homes to the north, Pierce Road and single-family homes to the east, undeveloped land and vegetation to the south, and Mountain Winery to the west.

Land Use Designations

Project Site

According to the General Plan, the site is designated as Residential Hillside Conservation (RHC) (Chapter 2, Project Description, Exhibit 2-4). The RHC designation allows for single-family dwellings, horticultural and agricultural use, and accessory uses compatible with single-family dwellings. Additionally, RHC designation allows for a maximum density of 0.5 dwelling unit per acre (du/acre) or 1.55 people per acre and 15,000 square feet or 25 percent impervious coverage of the net site area, whichever is less.[1]

The project site is also located within the planning area of the Hillside Specific Plan. The Hillside Specific Plan contains policies to protect the scenic hillside resources by limiting the intensity of residential development, limiting the impacts of new developments on the environment, and regulating the expansion of City utilities to these sites.

Surrounding Area

Land surrounding the project site to the north, east, and south is designated as RHC. Land to the west, outside of the City boundary but within the City's Sphere of Influence (SOI), is designated as Hillside Open Space (OS-H) (Chapter 2, Project Description, Exhibit 2-4). The Santa Clara County land use designation for this surrounding land to the west is Hillside.[2]

Zoning

Project Site

The City of Saratoga zoning map identifies the project site as Hillside Residential (HR) (Chapter 2, Project Description, Exhibit 2-5). According to the City zoning regulations, the HR zone allows for single-family dwellings.[3]

Surrounding Area

Land to the north, east, and south within City limits is zoned HR. Land located west of the project site is outside of the City boundary but within the SOI and is zoned Residential Open Space Prezone (ROS) (Chapter 2, Project Description, Exhibit 2-5). The Santa Clara County zoning for this surrounding land to the west is HS–Hillside.[4]

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1 City of Saratoga. 2024. General Plan. Land Use Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5402/General-Plan-Land-Use-Element-PDF. Accessed September 16, 2024.

2 County of Santa Clara. 2016. Land Use Plan. Website: https://stgenpln.blob.core.windows.net/document/landuse_plan_map.pdf. Accessed June 6, 2025.

3 City of Saratoga. Code of Ordinances. Article 15-13 – HR: Hillside Residential District, Section 15-13.030 – Permitted Uses Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH15ZORE_ART15-13HRHIREDI. Accessed September 16, 2024.

4 County of Santa Clara. 2025. SCC Map. Website: https://geoess.sccgov.org/discovergis/sccmap. Accessed December 15, 2025.

Table 3.10-1 below shows the land use and zoning designations of the area surrounding the project site.

Table 3.10-1: Surrounding Land Use and Zoning Designations

Land Use Description	Relationship to Project Site	Land Use Designation	
		General Plan	Zoning
Commercial winery	West	Hillside Open Space (City) Hillside (County)	Residential Open Space Prezone (City) HS–Hillside (County)
Residential	North	Residential Hillside Conservation	Hillside Residential
Residential	East	Residential Hillside Conservation	Hillside Residential
Vacant land	South	Residential Hillside Conservation	Hillside Residential
Sources: City of Saratoga General Plan Map City of Saratoga Zoning Map			

3.10.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to land use and planning are applicable to the proposed project.

State

Government Code Section 65589.5 (Housing Accountability Act)

The Housing Accountability Act (HAA), specifically Government Code Section 65589.5, limits the basis upon which a city or county can deny a Builder's Remedy project that includes a certain percentage of affordable units. Although the proposed project has been submitted for consideration pursuant to the Builder's Remedy, the project is not exempt from all local regulations. Specifically, the HAA does not waive, or require the City to waive, objective zoning, subdivision and design standards that were in effect when the project application was submitted. Those standards remain applicable to Builder's Remedy projects in other ways; for example, through the potential imposition of conditions of approval.

Regional

Plan Bay Area 2050-Sustainable Communities Strategy/Regional Transportation Plan

Plan Bay Area, published by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), is a long-range integrated transportation and land use/housing strategy through 2050 for the Bay Area, adopted in October 2021. Plan Bay Area functions as the Sustainable Communities Strategy/Regional Transportation Plan (SCS/RTP) mandated by Senate Bill (SB) 375. Plan Bay Area 2050 is a 30-year plan for nine counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. Plan Bay Area 2050 connects four elements—housing, the economy, transportation, and the environment—through 35 strategies that

intend to make the Bay Area more equitable for residents and more resilient in the face of unexpected challenges. The strategies lay out a $1.4-trillion vision for the Bay Area. Based on extensive analysis and modeling conducted over nearly four years of planning work by MTC and ABAG, Plan Bay Area 2050 is forecasted to make significant progress in tackling the greatest challenges facing the region, from housing affordability to the intensifying impacts of global climate change.[5]

Regional Housing Needs Allocation Plan

In December 2021, ABAG projected regional housing needs in its RHNA Plan for the San Francisco Bay Area, 2023 – 2031.[6] According to the RHNA, the City of Saratoga projected housing need from 2023 to 2031 is 1,712 housing units consisting of the following:

- 454 units within the very-low-income level (less than 50 percent of area median income);
- 261 units within the low-income level (50–80 percent of area median income);
- 278 units within the moderate-income level (80–120 percent of area median income); and
- 719 units within the above-moderate-income level (more than 120 percent of area median income).

Local

City of Saratoga

General Plan

The General Plan serves as the fundamental land use and development policy document and identifies how the City will grow and conserve its resources. The General Plan contains the following elements: Land Use, Circulation, Housing, Open Space and Conservation, Safety, and Noise. Within each element, the Saratoga General Plan sets forth goals, policies, and implementation measures to guide future development and land use activities. Goals provide a description of general community values and set the direction for more specific policies and implementation programs related to public health, safety, or general welfare. Policies are based upon goals and provide a specific statement intended to guide the decision-making body. Implementation measures are specific actions, procedures, programs, or techniques that carry out policies.

The General Plan Land Use Element includes land use goals, objectives, and policies, as well as a Land Use Element Map. The map illustrates land use designations throughout the City and its SOI. The Land Use Element Map designates the site RHC (Chapter 2, Project Description, Exhibit 2-3). Pursuant to the General Plan Land Use Element, the RHC designation allows a maximum density of 0.5 DU/net acre (du/ac) or 1.55 people/acre; and a maximum intensity of building and impervious surface coverage of 15,000 square feet or 25 percent of site area, whichever is less. Primary land

[5] Plan Bay Area 2050. 2021. Website: https:// planbayarea.org/plan-bay-area-2050. Accessed September 16, 2024.
[6] Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023 – 2031. December. Website: https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf. Accessed September 16, 2024.

uses include single-family dwellings, horticultural and agricultural use, and accessory uses compatible with single-family dwellings. [7]

The following General Plan goals and policies are applicable to the proposed project:

Land Use Element

Policy LU 1.1 Affirm that the City shall continue to be predominately a community of single-family detached residences.

Policy LU 1.3 Ensure that existing undeveloped sites zoned single-family detached residential remain so designated.

Policy LU 6.2 Development proposals shall incorporate stormwater quality features, including but not limited to grassy bio-swales, to protect surface and subsurface water quality.

Policy LU 6.3 Continue to implement the City's Construction Materials Recycling Program to reduce the quantity of construction debris in local landfills.

Policy 6.4 Continue to enforce and implement existing tree protection, especially in regard to native trees.

Policy 6.5 Encourage the use of renewable energy resources and energy conservation.

Policy LU 8.1 Development proposals shall minimize impacts to ridgelines, significant natural hillside features, including but not limited to steep topography, major stands of vegetation, especially native vegetation and oak trees, and watercourses.

Policy LU 8.2 Adhere to the Hillside Specific Plan (derived from Measure A)

Policy LU 9.1 Limit expansion of Urban Development in the hillside areas.

Policy LU 9.2 Limit the amount of grading within the hillside areas to the minimum amount needed for dwellings and access.

Policy LU 10.1 Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts, especially to ridgelines.

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

Policy LU 13.1 Utilize the design review process and the California Environmental Quality Act in the review of proposed residential and nonresidential projects to promote high

[7] City of Saratoga. 2024. General Plan Land Use Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5402/General-Plan-Land-Use-Element-PDF. Accessed December 15, 2025.

quality design, to ensure compliance with applicable regulations, to ensure compatibility with surrounding properties and use, and to minimize environmental impacts. Special attention shall be given to ensuring compatibility between residential and nonresidential uses (e.g., land use buffering).

Goal LU-15 Support regional efforts to improve air quality by reducing greenhouse gas emissions from both stationary and non-stationary sources.

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

Implementation Policies

LU.15.a. Amend the standard conditions of approval for all new development projects to require that all projects comply with Bay Area Air Quality Management District (BAAQMD) dust emission reduction measures and to encourage trip demand measures for major nonresidential project.

Circulation and Scenic Highway Element

Goal CI.6a Support a safe pedestrian and bicycle network for people of all ages and abilities. .

Goal CI-8a Protect the aesthetic, historic, and remaining rural qualities of Saratoga through street design and landscaping.

CI-Policy-8.2 Adhere to minimum City street standards based on location, terrain, character of areas and the anticipated function of the roadway.

CI-Policy-8.4 Identify the function of a street in advance of construction, and apply design criteria to minimize disruption to the area caused by through or heavy vehicle traffic.

CI-Policy-8.9 Approve designs for new hillside streets that maximize the use of natural terrain for roadbed construction and minimize “cuts and fills.”

Housing Element

Goal 1 **Housing Production and Variety.** A housing stock comprising a variety of housing and tenancy types at a range of prices, within close proximity to services and opportunity, which meets the varied needs of existing and future City residents.

Policy 1.1 Provide adequate capacity to meet the Sites Inventory for Regional Housing Needs Assessment (RHNA).

Program 1.3-1 Encourage Efficient Use of Energy Resources in Residential Development Encourage participation in energy-efficiency programs, long-term loans for green upgrades, and clean/renewable energy services through partnerships such as the Silicon Valley Clean Energy (SVCE) and California FIRST PACE program.

Program 1.3-2 Encourage Green Building Practices in Home Construction and promote "green building" practices through the Go Green in Saratoga web page, CalGreen checklists, and green building reach codes requiring heat pump technology and stricter energy standards

Open Space and Conservation Element

Goal OSC 1 To provide and maintain open space resources of local and regional significance accessible to the public.

Goal OSC 2 Maintain the predominantly small-town residential character of Saratoga, which includes a mix of larger residential parcels, long-established neighborhoods, scenic hillsides, and open space areas.

Policy OSC 2.1 Ensure that all development proposals, public and private, are sensitive to the natural environment and the community's open space resources.

Goal OSC-3 To provide and maintain parks and a variety of passive and active recreational sites that are located, designed, and improved to serve the needs of the residents, the community, and the neighborhoods of Saratoga.

Goal OSC-4 Maintain a ratio of 5 acres of park and open space area per 1,000 residents.

Policy OSC-4.1 Promote dedication of land for parks and recreational open space.

Goal OSC-5 A citywide system of hiking, bicycling, and horseback riding trails shall be provided within the community which includes regional trail linkages with City, County, State, and regional parks, and other publicly owned open space lands.

Policy OSC-5.1 The City shall continue to use the Trails and Walkways Master Plan as a day-to-day guide for the development, maintenance and financing of trails in Saratoga.

Goal OSC 6 Preserve and protect viewsheds, view corridors, scenic open spaces, and the hillside lands in their natural condition and inherent natural beauty.

IM OSC 6.2 Future land use proposals within the western hillside area shall be reviewed by the City through the development review and environmental review processes to ensure that improvements blend in with the natural environment. Criteria shall include but not be limited to the use of unobtrusive colors, controlled grading, limited disruption of natural vegetation, use of structural height limits, and structural design and density guidelines. Special consideration should be given to the eventual development of a canopy effect of tree growth.

Goal OSC 8 Protect existing watercourses in the community and enhance water quality in surface and subsurface water sources.

Policy OSC 8.1 Retain surface watercourses in their natural condition to the greatest extent possible.

Policy OSC 8.2 Concentrate development in those portions of the community least susceptible to soil erosion and minimize grading and the introduction of impervious surfaces. Where appropriate, consider the use of on-site detention or retention basins to minimize stormwater runoff from sites.

Goal OSC-9 Maximize efficiencies in the use of the City's water supply.

Policy OSC-9.1 Implement water conservation provisions of the San Jose Water Company's Urban Water Management Plan.

Policy OSC-9.2 Encourage Low Impact Development (LID) techniques for homeowners, such as disconnected downspouts, rain gardens, and rain barrels.

Policy OSC-9.3 Comply with all current National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit requirements.

Goal OSC 10 Protect and enhance sensitive vegetative and wildlife habitat in the Saratoga Planning area.

Policy OSC 10.1 Minimize development that would encroach into important wildlife habitats, limit or restrict normal range areas, or restrict access to water food or shelter. This includes limitations on the installation of barrier fencing in hillside area

Policy OSC 10.2 Through the development and CEQA process, preserve, protect, and maintain riparian habitats and creek corridors. This includes requiring biological surveys of parcels of land that could contain sensitive species or their habitats prior to allowing development on these parcels, including, but not limited to, essential habitat for special-status animals and plants, oak woodlands, riparian woodland, vernal pools, and native grasslands. Ensure the preservation in place of habitat areas found to be occupied by State and federally protected species.

Policy OSC 10.4 Mature native vegetation shall be preserved wherever possible.

Policy OSC 11.1 Support appropriate management for sustaining the health and increasing the extent of arbor resources in the City.

Policy OSC 11.2 Development projects should include the preservation of protected trees and other significant trees. Any adverse effect on the health and longevity of native oak trees, protected or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, individual development projects shall include appropriate tree replacement as approved by the City.

Policy OSC 11.3 Trees used for new or replacement plantings should be selected primarily for low water use characteristics.

Policy OSC-11.4 Continue to support tree protection programs and enforce the City's Tree Regulations to protect and enhance the City's arbor resources.

IM OSC 11.a The City shall continue to require that all development projects conform to the City's Tree Ordinance. The preservation of existing trees shall be ensured through the collection of security deposits.

Goal OSC 12 The preservation of native and other plant species indicative of Saratoga's cultural heritage shall be given priority over development and provide for the perpetuation of such species.

Policy OSC 12.3 Fire safety shall be an important consideration when evaluating the preservation of native vegetation.

Implementation Measure

OSC 12.a Continue to utilize the design review process, Historic Preservation Ordinance and Tree Ordinance to ensure preservation of significant arbor resources.

Goal OSC-13 Through coordination with and implementation of other related General Plan Policies, encourage preservation of the City's heritage by providing for the protection of irreplaceable historic and cultural resources representing significant elements of City and regional history.

Safety Element

Policy SAF-1.1 Require individual site-specific geotechnical investigations to determine the depth of bedrock, soil stability, location of rift zones, and other localized geotechnical problems as part of the environmental and/or development review process for all structures.

Policy SAF-1.2 Limit development in areas subject to natural hazards, where possible. When development occurs in these areas, ensure it is designed to protect the environment, inhabitants, and the general public. In areas that have been proven to be unsafe, structures developed for human habitation will be prohibited to the maximum extent permitted by law.

Goal SAF-2 Ensure residents and businesses are protected from seismically induced hazards.

Policy SAF-2.1 To mitigate the danger of earthquake damage, the City will enforce strict earthquake construction and soil-engineering standards, selecting the most stable areas for development and requiring mitigation for soil instabilities through approved engineering and construction techniques.

Policy SAF-2.2 Critical structures and systems vital to public health and safety (water, power, and waste disposal systems, police and fire stations, and communication facilities) will be designed to mitigate any seismic or geologic hazards associated with their sites.

Goal SAF-3 Ensure public and private properties are well protected from flooding and flood-induced hazards.

Policy SAF-3.3 Continue enforcing regulations pertaining to impervious coverage to reduce potential hazards from excessive runoff.

Policy SAF-4.1 Require the installation of an early warning fire alarm system in accordance with Article 16-60 of the Saratoga Code of Ordinances and Santa Clara County Fire Department requirements for commercial and community facilities.

Policy SAF-4.5 Continue to enforce existing regulations pertaining to hazardous fire areas (wildland-urban interface), fire retardant construction and landscaping (fuel modification).

Policy SAF-4.7 Encourage new development outside of the Very High FHSZ. If development is proposed in the Very High FHSZ, require fire safe design (including but not limited to defensible space and home hardening) and compliance with Fire Safe Regulations.

Policy SAF-4.8 Require new development to incorporate on-site design measures that enhance fire protection in areas of elevated fire risk (including the WUI and FHSZs). This shall include but is not limited to the incorporation of fire-resistant structural design, use of fire-resistant landscaping, home hardening, defensible space and fuel modification around the perimeter of structures.

Policy SAF-4.9 Maintain safe building practices and require fire safe building materials on the sites of all new development and substantial redevelopments.

Policy SAF-4.11 Require fire protection plans consistent with the requirements of the California Fire Code, including a risk analysis, fire response capabilities, fire safety requirements (defensible space, infrastructure, and building ignition resistance), mitigation measures and design considerations for non-conforming fuel modifications, wildfire education maintenance and limitations, and evacuation plans for new development and major remodels in Very High FHSZs and WUI areas designated by the City and CAL FIRE.

Policy SAF-4.12 Require vegetation management plans in all new developments and major remodels.

Policy SAF-4.14 Require new developments and major remodels or renovations to comply with the CBC, Fire Code, Fire Safe Regulations, and local ordinances for construction and

adequacy of water flow and pressure, ingress/egress, and other measures to ensure adequate fire protection.

Policy SAF-4.15 Require the sites of all developments located in the WUI and Very High FHSZ to meet or exceed Statewide Fire Safe Regulations (Title 14, CCR, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5 [commencing with Section 1270] [SRA Fire Safe Regulations] and Title 14, CCR, Division 1.5, Chapter 7, Subchapter 3, Article 3 [commencing with Section 1299.01] [Fire Hazard Reduction Around Buildings and Structures Regulations]).

Policy SAF-4.16 Ensure open space brush areas, susceptible to wildfire risk, are adequately maintained in accordance with Fire Safe Regulations.

Policy SAF-4.19 Provide adequate clearance around structures to prevent the spread of fire by direct exposure and to assure adequate access in times of emergency and for the suppression of fire.

Policy SAF-4.22 Ensure that landscaping, lighting, building siting and design, water pressure and peak load water storage capacity, and building construction materials meet current Fire Safe Regulations.

Policy SAF-4.23 Ensure existing development in areas with sufficient supply infrastructure and roadway capacity to maintain adequate evacuation and emergency equipment access do not degrade as a result of new development.

Policy SAF-5.6 Require new development, redevelopment, and major remodels ensure effective future evacuations during emergencies by supporting feasible enhancements to the City's evacuation network and facilities.

Policy SAF-5.8 Regularly re-evaluate specific fire hazard areas and adopt reasonable safety standards covering such elements as fuel modification around homes, adequacy of existing and future water supplies, fire flow tests, fire hydrants, routes or throughways for fire equipment access, clarity of addresses and street signs, and long-term maintenance in compliance with Fire Safe Regulations.

Policy SAF-5.9 Require all new developments and redevelopments within FHSZs, and the WUI, provide a minimum of two points of access by means of public roads that can be used for emergency vehicle response and evacuation purposes, where practicable.

Noise Element

Goal NOI-1 Maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise.

Goal NOI-2 Promote land use compatibility by addressing noise exposure from existing noise sources.

Policy NOI-2.1 An acoustical analysis is to be conducted for proposed Residential and Quasi-Public development where the existing noise level exceeds Outdoor DNL 60 dB to determine measures needed to reduce noise impacts to meet City noise standards.

Policy NOI-2.2 New residential development shall be designed and constructed to provide an interior noise level of DNL 45 dB or less in habitable rooms (due to outdoor sources).

NOI-2.3 Residential outdoor open space intended for use and enjoyment shall be designed to meet Outdoor DNL 60 dB. This policy does not apply to private exterior balconies. Where this level cannot feasibly be met by incorporating reasonable measures, such as strategic site layout and noise barriers, DNL 65 dB may be approved.

Goal NOI-3 Promote land use compatibility by addressing noise exposure from new noise sources.

NOI-3.1 Changes in use and development shall be reviewed for noise impacts to neighboring land uses.

NOI-3.2 New development shall be required to utilize appropriate measures to reduce noise impacts to the adopted noise standards; and acoustical analysis may be required by the approving authority.

Hillside Specific Plan

The Hillside Specific Plan (originally named the Northwestern Hillside Specific Plan) was adopted in 1981. The Hillside Specific Plan provides a comprehensive plan to guide residential development in approximately 2,100 acres of hillside area, primarily within City boundaries but also including some adjacent lands within Santa Clara County. The Hillside Specific Plan contains policies to protect the scenic hillside resources by limiting the intensity of residential development, limiting the impacts of new developments on the environment, and regulating the expansion of City utilities to these sites.

The Hillside Specific Plan establishes the following goals and policies related to land use:

Density

Policy 1 Land use in the western hillside area should be limited to agricultural and residential uses and appurtenances thereto with plant nurseries, wineries, and recreational facilities subject to the granting of a conditional use permit. Such other uses will be allowed as may be added by the City Council consistent with the purposes and intent of the Specific Plan and Zoning District established.

Policy 2 Maximum density of development shall be based on the 2-10 acre slope density formula subject to the following criteria.

a. Any uncorrectable geotechnical hazard areas of the site, (areas designated Md or Mrf, as described in Table 7 of the Geological Hazard Analysis of the Upper Calabazas Creek Watershed by William Cotton and Associates dated January 1980, and those portions of the Cocciardi and Paul Masson quarries shown by a geotechnical analysis to be unsuitable for development as approved by the City Geologist) shall be placed in permanent open space and subtracted from the gross acreage prior to application of the slope density formula. Calculation of the slope shall be done for the entire parcel prior to the slope density calculation.
b. Density may be further reduced due to site restrictions (see Geologic and Site Grading policies for siting restrictions due to geology, riparian areas, etc.). In locating building sites, preference should be given to areas designated as stable (Sbr, Sls, Sun) on the Ground Movement Potential Maps. Especially sites on potentially moving slopes, (Pmw, Ps, Pd) and moving slopes (Ms) shall not be approved unless geologic and soils engineering analysis and design provided by the developer clearly demonstrate the long-term stability of such sites to the satisfaction of the City, its Geologist and other professional consultants.

Site Grading

Policy 1 Grading, when required, shall be contoured wherever possible even though this practice increases quantity somewhat, and provide cut and fill slopes of three to one. Graded slopes should be 3:1 overall (with potential for terracing and ability for landscaping). Revegetation of graded slopes shall be required. Steeper fill slopes, up to 2:1 may only be used where it can be shown landscaping and revegetation can be installed and maintained. Steeper fill slopes, up to 2:1 may only be used where it can be shown the slope can be adequately landscaped and maintenance over the long term will not be a problem and/or unusually difficult.

Policy 2 No home shall be built so as to create a flat visible pad.

Policy 3 Allow corrective grading in the western hillsides to minimize risks from geologic hazards especially for new or existing development provided it does not remove major trees or irrevocably damage the City's scenic resources.

Policy 4 Grading should be minimized by locating roads and homesites on slopes less than 30 percent unless given prior specific approval by the governing bodies.

Policy 5 Landslide and erosion problems on developing lands shall be avoided or corrected, including replanting removed and damaged trees where the benefit to the general public exceeds the environmental impact of the corrective project. City may require that such problems be corrected on adjacent lands.

Policy 6 Roads should be aligned parallel to contours rather than up the face of hills wherever possible to minimize their visibility from the valley.

Policy 7 Correction of stream erosion problem shall be accomplished using natural and/or natural appearing materials. Such improvements shall be considered engineered grading and therefore be subject to Planning Commission approval.

Policy 8 Long-term maintenance of landscaped areas, open space, streams and slopes adjacent to roads shall be assured by private maintenance agreements included in subdivision CC&Rs with provisions for City enforcement.

Policy 9 Large, one-time grading operations, under proper control should be promoted as opposed to single lot-by-lot operations by individual lot owners. All necessary lot, driveway and pool pad grading should be done by the development under bond and strict City control.

Policy 10 No home or other structure shall be built on an area with an average slope that exceeds 30 percent or an area that exceeds 40 percent natural slope at any point under the structure with possibility for variance procedure and exception from the Subdivision Ordinance for unusual situations.

Aesthetics/Scenic Qualities

Policy 2 Place homes near streets where appropriate to minimize grading. Arrange lot pattern to minimize the length of roads and driveways.

Policy 3 Predominant ridgelines shall be protected to allow clear views from streets and roads. Scenic easements shall be established to protect the ridgelines which cup the City.

Policy 4 All structures shall be approved through Design Review prior to issuance of building permits.

Ecology

Policy 1 Minimize earthmoving and grading, avoid steep terrain except where necessary for roadways.

Policy 2 Design structures to fit terrain; group structures; phase building with improvements.

Policy 3 Minimize tree removal; avoiding heavily wooded areas, particularly chaparral.

Policy 4 Minimize disturbance of creek ecosystems by placing riparian areas in open space.

Policy 7 Revegetate graded areas as soon as feasible with native plants.

Conservation: Land, Air, and Water Quality

Policy 2 Preserve natural (Creekside) vegetation to the greatest extent feasible.

Open Space

Policy 2 Conserve natural vegetative and topographic features which exist in Saratoga's western foothills.

Policy 3 Protect historical and archaeological values and significant geographic landmarks from destruction by development whenever practical.

Policy 4 Require open space be dedicated as easements (all M_d and M_{rf} areas, quarry lands shown to be unsuitable for development through detailed geotechnical analysis as approved by the City Geologist and lands within the setback area specified by the City Geologist for traces of the Berrocal fault). Consider open space easements on riparian areas and areas with slopes of over 30 percent.

Policy 5 Preservation of open space should mean preservation of the natural landscape.

Geology and Soils

Policy 2 Every applicant seeking approval of any construction project within the Specific Plan Area shall at times have the burden of providing, to the satisfaction of the City and its Geologist and other professional consultants, that the proposed development will be constructed in such a manner as to be safe from known or reasonably predictable geologic hazards which may cause injury to person or property.

Policy 5 In locating building sites, preference should be given to areas designated as stable (S_{br}, S_{ls}, S_{un}) on the Ground Movement Potential Maps. Especially sites on potentially moving slopes (P_{mw}, Ps, P_d) and moving slopes (M_s) shall not be approved unless geologic and soils engineering analysis and design provided by the developer clearly demonstrate the long-term stability of such sites to the satisfaction of the City, its Geologist, and other professional consultants.

Policy 6 On questionable sites the City Geologist may require slope stability analysis with the building site and its immediately surrounding area having a factor of safety against failure of at least 1.5 or equivalent, in the event of a designed earthquake of magnitude 8.3 on the San Andreas Fault. The City Geologist shall review and approve all proposals to ensure conformance with this requirement.

Policy 8 Project or portions thereof that require a high level of maintenance activity over the long-term to prevent slope failures should generally not be approved since the City's ability to perform or enforce performance of maintenance is limited. Project design should principally use solutions that minimize risk in not affecting public or private structures in the event of failure.

Policy 9 Project or portions thereof that require a high level of maintenance activity over the long-term to prevent slope failures should generally not be approved since the City's ability to perform or enforce performance of maintenance is limited. Project design

should principally use solutions that minimize risk in not affecting public or private structures in the event of failure.

Policy 10 City should continue to strictly enforce its Grading Ordinance through the City Geologist and Department of Inspection Services and control of all work by soils Engineer and Geologist on all projects in hillsides.

Fire Hazard

Policy 1 Encourage landscaping with non-hazardous, drought resistant vegetation.

Noise

Policy 1 Minimize impact on the existing ambient noise level of the rural areas of the western hillsides through setbacks, construction techniques, roads, etc.

Policy 2 Where appropriate, be sensitive to limiting hours of construction

Energy

Policy 1 Promote energy conservation through building design (as with roof orientation of new homes).

Policy 2 Promote use of both passive and active solar energy systems.

Sanitary Sewer Service

Policy 1 Require all new residences on newly created lots to hook up to a sanitary sewer system to avoid groundwater contamination problems.

Site and Storm Drainage

Policy 2 All major facilities to be designed to provide for 100-year storms–local and minor facilities design provide for 20 year storms.

Policy 3 Landscaping and resultant site drainage plan to be approved with Design Review approval of the residence prior to issuance of permits.

Policy 4 Site drainage plans to be approved so as to not impact adjacent properties.

Circulation

Policy 6 Allow secondary/emergency access roads to be generated.

Pierce Road

Policy 1 Collect fees on a per lot basis of those newly created lots to establish a fund for improving Pierce Road in a manner that would not significantly alter its character as follows:

a. 13 foot paved lanes where widening does not impact the environment.
b. 11 foot paved lanes as a minimum where feasible.
c. 12 foot between centerline and vertical obstructions (minimum).
d. Overlay existing pavement to provide smooth driving surface.

e. Appropriate signs before major intersections.

Policy 2 Any tree removal or extensive grading necessitated by pavement widening shall have City Council approval.

City of Saratoga Code of Ordinances

Chapter 15-13.030–HR: Hillside Residential District, Permitted Uses

The following uses are permitted in the HR Zoning District:

a) Single-family dwellings including employee housing for six (6) or fewer employees.

b) Transitional and supportive housing, as defined by Government Code Section 65582, subdivisions (g) and (j) and Low Barrier Navigation Centers, as defined by Government Code Section 65660 as they may be amended from time to time.

c) Accessory structures and uses located on the same site as a permitted use, including garages and carports, garden sheds, greenhouses, shade structures, recreation rooms, home hobby shops, cabanas, structures for housing swimming pool equipment, accessory dwelling units, junior accessory dwelling units as permitted pursuant to Articles 15-56 and 15-57 of this Chapter, and guest houses.

d) Raising of vegetables, field crops, fruit and nut trees and horticultural specialties, and the processing of such products as are so raised or grown on the premises.

e) Home occupations, conducted in accordance with the regulations prescribed in Article 15-40 of this Chapter.

f) Stables and corrals or the keeping for private use of not more than two horses on a site. The minimum net site area shall be 40,000 square feet for one horse and 80,000 square feet for two horses, except that in the equestrian zone only, a second horse may be kept if the net site area is at least 40,000 square feet. All horses shall be subject to the regulations and license provisions set forth in Section 7-20.220 of this Code.

g) Swimming pools used solely by persons resident on the site and their guests.

h) The keeping for private use, of a reasonable number of domestic dogs, cats and other small mammals, birds, fish and small reptiles, subject to the regulations as set forth in Article 7-20 of this Code, and subject also to the restrictions and standards prescribed in Section 15-11.020(h) of this Chapter.

i) Public parks, trails and other publicly owned open spaces.

j) Antenna facilities operated by a public utility for transmitting and receiving cellular telephone and other wireless communications, subject to design review under Article 15-44.

k) Manufactured homes.

l) Group homes, Class 1 and Class 2.

3.10.4 - Methodology

Analysis in this section focuses on whether the proposed project would conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. Conflicts and inconsistencies with a policy, in and of themselves, do not constitute significant environmental impacts unless such conflicts or inconsistencies result in direct physical environmental impacts. Physical project impacts are discussed throughout Chapter 3, Environmental Impact Analysis, of this Draft Environmental Impact Report (Draft EIR). The potential for land use impacts was assessed through review of applicable land use policy documents.

3.10.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether land use and planning impacts are significant environmental effects. The project would have a potentially significant impact if it would:

a) Physically divide an established community (Refer to Section 4, Effects Found not to be Significant).

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect,

3.10.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Conflict with Applicable Plans, Policies, or Regulations

Impact LAND-1:	**The proposed project would cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

Impact Analysis

Development of the proposed project would result in a significant impact if it would conflict with applicable land use plans and policies of the General Plan or the development regulations within the Code of Ordinances that were adopted for the purpose of avoiding or mitigating an environmental effect. A policy inconsistency is considered a significant adverse impact only if the inconsistency would result in a significant adverse physical impact based on the established significance criterion. The consistency of the proposed project with applicable land use plans and policies is evaluated below. Consistency with the City's adopted development regulations regarding protected trees, as outlined in the Code of Ordinances, is evaluated in Section 3.3, Biological Resources. Consistency with the City's adopted land use compatibility standards, specifically related to noise, is evaluated in Section 3.11, Noise**.**

Construction

Construction of the proposed project would be temporary. Project construction activities would be required to abide by various Code of Ordinance regulations and other applicable regulations with

the intent to protect the environment. As such, construction activities would not cause a significant environmental impact due to conflict with the Code of Ordinances. Impacts would be less than significant.

Operation

The General Plan designates the project site RHC. The RHC designation allows for a maximum density of 0.5 du/acre or 1.55 people/acre. The maximum allowed intensity of building and impervious surface coverage is 15,000 square feet or 25 percent of site area.[8] The Hillside Specific Plan density requirements are consistent with the RHC designation. The proposed project would develop 25 single-family homes, ranging from 2,400 to 7,723 square feet, on lots ranging from 2,122 to 86,351 square feet on approximately 18.38 acres. The proposed project would have a density of 1.36 du/acre, which exceeds the maximum density imposed by the General Plan. Furthermore, the proposed project would include approximately 198,362 square feet of impervious surface on-site, which is approximately 6 percent of the total project site.

Because the proposed project submitted an SB 330 Builder's Remedy application prior to the City's Housing Element being found in substantial compliance with State law, the proposed project is entitled to review under the HAA and Housing Crisis Act (HCA) processes requiring local agencies to approve certain affordable housing projects that do not strictly comply with General Plan land use designations. The proposed project includes 20 percent affordable housing; therefore, the proposed project is consistent with the requirements of Government Code Section 65589.5, the HAA, and the HCA. Under Government Code Section 65589.5(d)(5), the City lacks the authority to deny or reduce the density of qualifying Builder's Remedy projects solely on the basis of inconsistency with zoning or density standards. Nevertheless, the City may review the proposed project's consistency with the General Plan for purposes of CEQA.

Table 3.10-2 below analyzes the proposed project's consistency with goals and policies of the Saratoga General Plan relevant for purposes of this impact analysis.

Additionally, Table 3.10-2 summarizes the proposed project's consistency with goals and policies of the Hillside Specific Plan.

Table 3.10-2: City of Saratoga General Plan Consistency Analysis

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
Chapter 3—Land Use Element	Policy LU 1.1	Affirm that the City shall continue to be predominately a community of single-family detached residences.	**Consistent:** The proposed project would develop 25 single-family detached residential homes.
	Policy LU 1.3	Ensure that existing undeveloped sites zoned single-family detached residential remain so designated.	**Consistent:** The proposed project is within the RHC land use designation and would not require

[8] City of Saratoga. 2044. General Plan Land Use Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5402/General-Plan-Land-Use-Element-PDF. Accessed December 15, 2025.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			a General Plan Amendment or rezone.
	Policy LU 6.2	Development proposals shall incorporate stormwater quality features, including but not limited to grassy bio-swales, to protect surface and subsurface water quality.	**Consistent.** The proposed project would incorporate stormwater quality features. Refer to Section 3.9 Hydrology and Water Quality for more detail related to water quality.
	Policy LU 6.3	Continue to implement the City's Construction Materials Recycling Program to reduce the quantity of construction debris in local landfills.	**Consistent**. The proposed project would not interfere with the City's Construction Materials Recycling Program. Refer to Section 3.17 Utilities and Service Systems for more detail related to solid waste.
	Policy LU 6.4	The General Plan shall continue to enforce and implement existing tree protection policies, especially in regard to native trees.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan for on-site trees in accordance to Chapter 15-50.140 of the City's Code of Ordinances. Please refer to Section 3.2, Biological Resources, for a detailed discussion related to tree preservation.
	Policy LU 6.5	Encourage the use of renewable resources and energy conservation.	**Consistent:** Refer to Section 3.5, Energy, for a detailed discussion on how the proposed project would address potential energy impacts.
	Policy LU 8.1	Development proposals shall minimize impacts to ridgelines, significant natural hillside features, including but not limited to steep topography, major stands of vegetation, especially native vegetation, oak trees, and watercourses.	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district.
	Policy LU 8.2	Adhere to the Hillside Specific Plan (derived from Measure A).	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district.
	Policy LU 9.1	Limit expansion of Urban Development in the hillside areas.	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			the Hillside Specific Plan and zoning district.
	Policy LU 9.2	Limit the amount of grading within the hillside areas to the minimum amount needed for dwellings and access.	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district.
	Policy LU 10.1	Require development proposals in hillside areas to undertake visual analyses and mitigate significant visual impacts, especially to ridgelines.	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district. Refer to Section 3.1, Aesthetics, Light, and Glare for a more detailed discussion related to visual impacts.
	Goal LU 13	The City shall use the design review process to assure that new construction and major additions thereto are compatible with the site and adjacent surroundings.	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district. Refer to Section 3.1, Aesthetics, Light, and Glare for a more detailed discussion related to visual impacts.
	Policy LU 13.1	Utilize the design review process and the California Environmental Quality Act in the review of proposed residential and nonresidential projects to promote high quality design, to ensure compliance with applicable regulations, to ensure compatibility with surrounding properties and use, and to minimize environmental impacts. Special attention shall be given to ensuring compatibility between residential and nonresidential uses (e.g., land use buffering).	**Consistent.** The proposed project would comply with applicable City ordinances, regulations, and policies. Additionally, the proposed project submitted an SB 330 Builder's Remedy application prior to the City's Housing Element being found in substantial compliance with State law. As such, the proposed project is entitled to review under the HAA and HCA processes requiring local agencies to approve certain affordable housing projects that do not strictly comply with General Plan land use designations.
	Goal LU 15	Support regional efforts to improve air quality by reducing greenhouse gas emissions from both stationary and non-stationary sources. Improve local and regional air	**Consistent:** Refer to Section 3.2, Air Quality, for a detailed discussion on how the proposed project would address potential air quality impacts.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		quality by ensuring all development projects incorporate all feasible measures to reduce air pollutants.	
	Policy LU 15.1	Require development projects to comply with Bay Area Air Quality Management District (BAAQMD) measures to reduce fugitive dust emissions due to grading and construction activities.	**Consistent:** Refer to Section 3.2, Air Quality, for a detailed discussion on how the proposed project would address potential air quality impacts.
	Implementation LU.15.a	Revise standard conditions of approval to require that all projects comply with BAAQMD dust emission reduction measures and to encourage trip demand measures for major non-single-family residential projects.	**Consistent:** Refer to Section 3.2, Air Quality, for a detailed discussion on how the proposed project would address potential air quality impacts.
Circulation Element	Goal CI-6a	Support a safe pedestrian and bicycle network for people of all ages and abilities.	**Consistent.** Refer to Section 3.15, Transportation, for a discussion regarding pedestrian and bicycle network.
	Goal CI.8a	Protect the aesthetic, historic and remaining rural qualities of Saratoga through street design and landscaping.	**Consistent.** The proposed project would develop 25 single-family homes consistent with the surrounding HR visual landscape. Furthermore, the proposed project would provide landscaping along on-site roadways as well as along Peirce Road where vegetation would be impacted by project construction. The proposed project would include development on only the northern 18.38-acre portion of the site; the remaining 54.06 portion would remain undeveloped. Refer to Section 3.1, Aesthetics, Light, and Glare, for a detailed discussion of the proposed project's impacts to the aesthetic quality of the project area.
	Policy CI-8.2	Adhere to minimum City street standards based on location, terrain, character of areas and the anticipated function of the roadway.	**Consistent.** The proposed project would be an RHC development with associated streets. The proposed project would be consistent with the minimum City Street standards, based on location, terrain, character of the area, and the

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			anticipated function of the roadway.
	Policy CI-8.4	Identify the function of a street in advance of construction, and apply design criteria to minimize disruption to the area caused by through or heavy vehicle traffic.	**Consistent.** Design of project streets would be reviewed as part of the project approval process. The required roadway improvements associated with the proposed project are discussed in more detail in Section 3.14, Transportation.
	Policy CI-8.9	Approve designs for new hillside streets that maximize the use of natural terrain for roadbed construction and minimize "cuts and fills."	**Consistent.** The required roadway improvements associated with the proposed project are discussed in more detail in Section 3.14, Transportation.
Open Space and Conservation Element	Goal OSC 1	To provide and maintain open space resources of local and regional significance accessible to the public.	**Consistent.** The proposed project would be required to pay the City's Park Impact Fee. The Park Impact fee would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.
	Goal OSC 2	Maintain the predominantly small-town residential character of Saratoga, which includes a mix of larger residential parcels, long-established neighborhoods, scenic hillsides, and open space areas.	**Consistent.** The proposed project would include development on only the northern 18.38-acre portion of the site; the remaining 54.06 portion would remain undeveloped. This would maintain the rural nature of the hillside.
	Policy OSC 2.1	Ensure that all development proposals, public and private, are sensitive to the natural environment and the community's open space resources.	**Consistent.** Please refer to Section 3.2, Biological Resources, for a detailed discussion related to sensitive natural resources.
	Goal OSC 3	To provide and maintain parks and a variety of passive and active recreational sites that are located, designed, and improved to serve the needs of the residents, the community, and the neighborhoods of Saratoga.	**Consistent.** The proposed project would be required to pay the City's Park Impact Fee. The Park Impact fee would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.
	Goal OSC 4	Maintain a ratio of 5 acres of park and open space area per 1,000 residents.	**Consistent.** The proposed project would be required to pay the City's Park Impact Fee. The Park Impact

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			fee would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.
	Policy OSC-4.1	Promote dedication of land for parks and recreational open space.	**Consistent.** The proposed project would be required to pay the City's Park Impact Fee. The Park Impact fee would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.
	Goal OSC 5	A citywide system of hiking, bicycling, and horseback riding trails shall be provided within the community which includes regional trail linkages with City, County, State, and regional parks, and other publicly owned open space lands.	**Consistent.** The proposed project would not conflict with the implementation of the citywide systems of trails.
	Policy OSC-5.1	The City shall continue to use the Trails and Walkways Master Plan as a day-to-day guide for the development, maintenance and financing of trails in Saratoga.	**Consistent.** The proposed project would not conflict with the implementation of Trails and Walkways Master Plan.
	Goal OSC 6	Preserve and protect viewsheds, view corridors, scenic open spaces, and the hillside lands in their natural condition and inherent natural beauty.	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district. Refer to Section 3.1, Aesthetics, Light, and Glare for a more detailed discussion related to visual impacts.
	Implementation OSC 6.2	Future land use proposals within the western hillside area shall be reviewed by the City through the development review and environmental review processes to ensure that improvements blend in with the natural environment. Criteria shall include but not be limited to the use of unobtrusive colors, controlled grading, limited disruption of natural vegetation, use of structural height limits, and structural design and density	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district. Refer to Section 3.1, Aesthetics, Light, and Glare for a more detailed discussion related to visual impacts.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		guidelines. Special consideration should be given to the eventual development of a canopy effect of tree growth.	
	Goal OSC 8	Protect existing watercourses in the community and maintain water quality in surface and subsurface water sources.	**Consistent.** The proposed project would not violate any water quality standards or waste discharge requirements. Refer to Section 3.9 Hydrology and Water Quality for more detail related to water quality.
	Policy OSC 8.1	Retain surface watercourses in their natural condition to the greatest extent possible.	**Consistent.** The proposed project would not substantially alter the drainage pattern of the project site and area. Refer to Section 3.9 Hydrology and Water Quality for more detail related to water quality.
	Policy OSC 8.2	Concentrate development in those portions of the community least susceptible to soil erosion and minimize grading and the introduction of impervious surfaces. Where appropriate, consider the use of on-site detention or retention basins to minimize stormwater runoff from sites.	**Consistent.** The proposed project would implement LID stormwater control and treatment systems. Refer to Section 3.9, Hydrology and Water Quality for more detail related to water quality control.
	Goal OSC 9	Maximize efficiencies in the use of the City's water supply.	**Consistent.** Water supply conservation measures for the proposed project are discussed in more detail in Section 3.17, Utilities and Service Systems.
	Policy OSC-9.1	Implement water conservation provisions of the San Jose Water Company's Urban Water Management Plan.	**Consistent.** Water supply conservation measures for the proposed project are discussed in more detail in Section 3.17, Utilities and Service Systems.
	Policy OSC-9.2	Encourage Low Impact Development (LID) techniques for homeowners, such as: disconnected downspouts, rain gardens, and rain barrels.	**Consistent.** The proposed project would implement LID stormwater control and treatment systems. Refer to Section 3.9, Hydrology and Water Quality for more detail related to water quality control.
	Policy OSC-9.3	Comply with all current National Pollutant Discharge Elimination	**Consistent.** The proposed project would comply with all current

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		System (NPDES) Municipal Regional Permit requirements.	NPDES requirements. Refer to Section 3.9, Hydrology and Water Quality for more detail related to NPDES permit requirements.
	Goal OSC 10	Protect and enhance sensitive vegetative and wildlife habitat in the Saratoga Planning area.	**Consistent.** Please refer to Section 3.2, Biological Resources, for a detailed discussion related to sensitive vegetation and wildlife habitat.
	Policy OSC 10.1	Minimize development that would encroach into important wildlife habitats, limit or restrict normal range areas, or restrict access to water food or shelter. This includes limitations on the installation of barrier fencing in hillside area.	**Consistent:** Please refer to Section 3.2, Biological Resources, for a detailed discussion related to wildlife.
	Policy OSC 10.2	Through the development and CEQA process, preserve, protect, and maintain riparian habitats and creek corridors. This includes requiring biological surveys of parcels of land that could contain sensitive species or their habitats prior to allowing development on these parcels, including, but not limited to, essential habitat for special-status animals and plants, oak woodlands, riparian woodland, vernal pools, and native grasslands. Ensure the preservation in place of habitat areas found to be occupied by State and federally protected species.	**Consistent:** Please refer to Section 3.2, Biological Resources, for a detailed discussion related to riparian habitats and creek corridors.
	Policy OSC 10.4	Mature native vegetation shall be preserved wherever possible.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan for on-site trees in accordance with Chapter 15-50.140 of the City's Code of Ordinances. Please refer to Section 3.2, Biological Resources, for a detailed discussion related to tree preservation.
	Policy OSC-11.1	Support appropriate management for sustaining the health and increasing the extent of arbor resources in the City.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan in accordance with Chapter 15-50.140 of the City's Code of Ordinances. Please

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			refer to Section 3.2, Biological Resources, for a detailed discussion related to trees on the project site.
	Policy OSC 11.2	Development projects should include the preservation of protected trees and other significant trees. Any adverse effect on the health and longevity of native oak trees, protected or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, individual development projects shall include appropriate tree replacement as approved by the City.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan in accordance to Chapter 15-50.140 of the City's Code of Ordinances. Please refer to Section 3.2, Biological Resources, for a detailed discussion related to trees on the project site.
	Policy OSC 11.3	Trees used for new or replacement plantings should be selected primarily for low water use characteristics.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan in accordance with Chapter 15-50.140 of the City's Code of Ordinances. Trees to be planted as part of the proposed project include the western redbud and coast live oak, both of which have low water characteristics.
	Policy OSC 11.4	Continue to support tree protection programs and enforce the City's Tree Regulations to protect and enhance the City's arbor resources.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan in accordance with Chapter 15-50.140 of the City's Code of Ordinances.
	Implementation Measure OSC 11.a	The City shall continue to require that all development projects conform to the City's Tree Ordinance. The preservation of existing trees shall be ensured through the collection of security deposits.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan in accordance with Chapter 15-50.140 of the City's Code of Ordinances.
	Goal OSC 12	The preservation of native tree species indicative of Saratoga's cultural heritage shall be given priority over development to provide for the perpetuation of such species.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan in accordance with Chapter 15-50.140 of the City's Code of Ordinances.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy OSC 12.3	Fire safety shall be an important consideration when evaluating the preservation of native vegetation.	**Consistent**. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Implementation Measure OSC 12.a	Continue to utilize the design review process, Historic Preservation Ordinance and Tree Ordinance to ensure preservation of significant arbor resources.	**Consistent:** The proposed project would be required to adhere to a Tree Protection Plan in accordance with Chapter 15-50.140 of the City's Code of Ordinances.
	Goal OSC-13	Through coordination with and implementation of other related General Plan Policies, encourage preservation of the City's heritage by providing for the protection of irreplaceable historic and cultural resources representing significant elements of City and regional history.	**Consistent.** The proposed project would implement Mitigation Measure (MM) CUL-1a and MM CUL-1b which would reduce potential impacts to archaeological resources that may be discovered during project construction. Refer to Section 3.4, Cultural Resources for detail related to historic and cultural resources.
Safety Element	Policy SAF-1.1	Require individual site-specific geotechnical investigations to determine the depth of bedrock, soil stability, location of rift zones, and other localized geotechnical problems as part of the environmental and/or development review process for all structures.	**Consistent:** Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy SAF-1.2	Limit development in areas subject to natural hazards, where possible. When development occurs in these areas, ensure it is designed to protect the environment, inhabitants, and the general public. In areas that have been proven to be unsafe, structures developed for human habitation will be prohibited to the maximum extent permitted by law.	**Consistent:** Geologic safety measures for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Goal SAF-2	Ensure residents and businesses are protected from seismically induced hazards.	**Consistent:** The proposed project would be required to comply with the most recent version of the CBC. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy SAF-2.1	To mitigate the danger of earthquake damage, the City will enforce strict earthquake construction and soil-engineering standards, selecting the most stable areas for development and requiring mitigation for soil instabilities through approved engineering and construction techniques.	**Consistent:** The proposed project would be required to comply with the most recent version of the CBC. Geologic safety measures for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy SAF-2.2	Critical structures and systems vital to public health and safety (water, power, and waste disposal systems, police and fire stations, and communication facilities) will be designed to mitigate any seismic or geologic hazards associated with their sites.	**Consistent:** The proposed project would be required to comply with the most recent version of the CBC. Geologic safety measures for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Goal SAF-3	Ensure public and private properties are well protected from flooding and flood-induced hazards.	**Consistent.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is within Zone X, which is within the 500-year Flood Hazard Zone (0.2 percent Annual Chance Flood Hazard). The proposed project would comply with the City Municipal Regional Stormwater NPDES Permit (MRP). The City MRP would require a Storm Water Pollution Prevention Plan (SWPPP) and associated BMPs, which would include measures bioretention areas which would reduce peak flows within downstream sewer systems and allow pollutant removal through filtration and that would thus reduce the potential for pollutants to be released into the environment.
	Policy SAF-3.3	Continue enforcing regulations pertaining to impervious coverage to reduce potential hazards from excessive runoff.	**Consistent.** The proposed project would comply with the City MRP. The City MRP would require a SWPPP and associated BMPs, which would include measures bioretention areas which would reduce peak flows within downstream sewer systems and

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			allow pollutant removal through filtration and that would thus reduce the potential for pollutants to be released into the environment.
	Policy SAF-4.1	Require the installation of an early warning fire alarm system in accordance with Article 16-60 of the Saratoga Code of Ordinances and Santa Clara County Fire Department requirements for commercial and community facilities.	**Consistent:** Wildfire safety measures associated for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.5	Continue to enforce existing regulations pertaining to hazardous fire areas (wildland-urban interface), fire retardant construction and landscaping (fuel modification).	**Consistent**. The proposed project would adhere to all applicable regulations related to hazardous fire areas, fire retardant construction, and landscaping. Refer to Section 3.18, Wildfire.
	Policy SAF-4.7	Encourage new development outside of the Very High FHSZ. If development is proposed in the Very High FHSZ, require fire safe design (including but not limited to defensible space and home hardening) and compliance with Fire Safe Regulations.	**Consistent**. The proposed project would comply with all applicable defensible space and Fire Safe regulations. Refer to Section 3.18, Wildfire.
	Policy SAF-4.8	Require new development to incorporate on-site design measures that enhance fire protection in areas of elevated fire risk (including the WUI and FHSZs). This shall include but is not limited to the incorporation of fire-resistant structural design, use of fire-resistant landscaping, home hardening, defensible space and fuel modification around the perimeter of structure.	**Consistent**. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.9	Maintain safe building practices and require fire safe building materials on the sites of all new development and substantial redevelopments.	**Consistent**. All structures would comply with the applicable California Building Standards Code, Chapter 7A as amended by the Santa Clara County Fire Department (SCCFD). Wildfire safety measures for the proposed

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.11	Require fire protection plans consistent with the requirements of the California Fire Code, including a risk analysis, fire response capabilities, fire safety requirements (defensible space, infrastructure, and building ignition resistance), mitigation measures and design considerations for non-conforming fuel modifications, wildfire education maintenance and limitations, and evacuation plans for new development and major remodels in Very High FHSZs and WUI areas designated by the City and CAL FIRE.	**Consistent**. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.12	Require vegetation management plans in all new developments and major remodels.	**Consistent**. The proposed project would include a vegetation management program. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.14	Require new developments and major remodels or renovations to comply with the CBC, Fire Code, Fire Safe Regulations, and local ordinances for construction and adequacy of water flow and pressure, ingress/egress, and other measures to ensure adequate fire protection.	**Consistent**. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.15	Require the sites of all developments located in the WUI and Very High FHSZ to meet or exceed Statewide Fire Safe Regulations (Title 14, CCR, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5 [commencing with Section 1270] [SRA Fire Safe Regulations] and Title 14, CCR, Division 1.5, Chapter 7, Subchapter 3, Article 3 [commencing with Section 1299.01] [Fire Hazard Reduction Around Buildings and Structures Regulations]).	**Consistent**. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy SAF-4.16	Ensure open space brush areas, susceptible to wildfire risk, are adequately maintained in accordance with Fire Safe Regulations.	**Consistent**. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.19	Provide adequate clearance around structures to prevent the spread of fire by direct exposure and to assure adequate access in times of emergency and for the suppression of fire.	**Consistent**. The proposed project would include measures to prevent the spread of fire. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.22	Ensure that landscaping, lighting, building siting and design, water pressure and peak load water storage capacity, and building construction materials meet current Fire Safe Regulations.	**Consistent**. The proposed project would meet current Fire Safe Regulations. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.
	Policy SAF-4.23	Ensure existing development in areas with sufficient supply infrastructure and roadway capacity to maintain adequate evacuation and emergency equipment access do not degrade as a result of new development.	**Consistent.** The proposed project would prepare a site-specific evacuation plan in coordination with the Saratoga Fire Protection District, prior to the issuance of first certificate of occupancy. Refer to Section 3.18, Wildfire for additional details.
	Policy SAF-5.6	Require new development, redevelopment, and major remodels ensure effective future evacuations during emergencies by supporting feasible enhancements to the City's evacuation network and facilities.	**Consistent.** The proposed project would prepare a site-specific evacuation plan in coordination with the Saratoga Fire Protection District, prior to the issuance of first certificate of occupancy. Refer to Section 3.18, Wildfire for additional details.
	Policy SAF-5.8	Regularly re-evaluate specific fire hazard areas and adopt reasonable safety standards covering such elements as fuel modification around homes, adequacy of existing and future water supplies, fire flow tests, fire hydrants, routes or throughways for fire equipment access, clarity of addresses and street signs, and long-term maintenance in compliance with Fire Safe Regulations.	**Consistent**. Wildfire safety measures for the proposed project are discussed in more detail in Section 3.18, Wildfire.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy SAF-5.9	Require all new developments and redevelopments within FHSZs, and the WUI, provide a minimum of two points of access by means of public roads that can be used for emergency vehicle response and evacuation purposes, where practicable.	**Consistent.** The proposed project would prepare a site-specific evacuation plan in coordination with the Saratoga Fire Protection District, prior to the issuance of first certificate of occupancy. Refer to Section 3.18, Wildfire for additional details.
Noise Element	Goal NOI-1	Maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise.	**Consistent:** The proposed project would be subject to Chapter 7-30.040 of the City's Code of Ordinances which sets noise standards for different land uses, including residential land use.
	Goal NOI-2	Promote land use compatibility by addressing noise exposure from existing noise sources.	**Consistent:** The proposed project would be subject to Chapter 7-30.040 of the City's Code of Ordinances which sets noise standards for different land uses, including residential land use.
	Policy NOI-2.1	An acoustical analysis is to be conducted for proposed Residential and Quasi-Public development where the existing noise level exceeds Outdoor [Day-Night Level] DNL 60 [decibels] dB to determine measures needed to reduce noise impacts to meet City noise standards.	**Consistent:** Noise measures for the proposed project are discussed in detail in Section 3.11, Noise.
	Policy NOI-2.2	New residential development shall be designed and constructed to provide an interior noise level of DNL 45 dB or less in habitable rooms (due to outdoor sources).	**Consistent:** Noise impacts resulting from the proposed project are discussed in detail in Section 3.11, Noise.
	Policy NOI-2.3	Residential outdoor open space intended for use and enjoyment shall be designed to meet Outdoor DNL 60 dB. This policy does not apply to private exterior balconies. Where this level cannot feasibly be met by incorporating reasonable measures, such as strategic site layout and noise barriers, DNL 65 dB may be approved.	**Consistent:** Noise impacts resulting from the proposed project are discussed in detail in Section 3.11, Noise.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Goal NOI-3	Promote land use compatibility by addressing noise exposure from new noise sources.	**Consistent:** Noise impacts resulting from the proposed project are discussed in more detail in Section 3.11, Noise.
	Policy NOI-3.1	Changes in use and development shall be reviewed for noise impacts to neighboring land uses.	**Consistent:** Noise impacts resulting from the proposed project are discussed in more detail in Section 3.11, Noise.
	Policy NOI-3.2	New development shall be required to utilize appropriate measures to reduce noise impacts to the adopted noise standards; and acoustical analysis may be required by the approving authority.	**Consistent:** This Draft EIR's noise analysis evaluates potential construction and operational noise impacts to the surrounding areas and identifies mitigation measures. This analysis is consistent with the City's goal of maintaining acceptable noise levels. Refer to Section 3.11, Noise, further discussion.
2023-2031 Housing Element Update	Goal 1	Housing Productivity and Variety. A housing stock comprising a variety of housing and tenancy types at a range of prices, within close proximity to services and opportunity, which meets the varied needs of existing and future City residents, who represent a full spectrum of age, income, and other demographic characteristics.	**Consistent.** The proposed project would include 25 single-family homes, five of which would be affordable homes.
	Policy 1.1	Provide adequate capacity to meet the Sites Inventory for Regional Housing Needs Assessment (RHNA).	**Consistent.** The proposed project would include 25 single-family homes, five of which would be affordable homes thereby contributing to housing and identified RHNA numbers.
	Program 1.3-1	Encourage Efficient Use of Energy Resources in Residential Development Encourage participation in energy-efficiency programs, long-term loans for green upgrades, and clean/renewable energy services through partnerships such as the Silicon Valley Clean Energy (SVCE) and California FIRST PACE program.	**Consistent:** Refer to Section 3.5, Energy, for a detailed discussion on how the proposed project would address potential energy impacts.
	Program 1.3-2	Encourage Green Building Practices in Home Construction and promote	**Consistent:** Refer to Section 3.5, Energy, for a detailed discussion on

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		"green building" practices through the Go Green in Saratoga web page, CALGreen checklists, and green building reach codes requiring heat pump technology and stricter energy standards.	how the proposed project would address potential energy impacts.

Table 3.10-3: Hillside Specific Plan Consistency Analysis

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
Density	Policy 1	Land use in the western hillside area should be limited to agricultural and residential uses and appurtenances thereto with plant nurseries, wineries, and recreational facilities subject to the granting of a conditional use permit. Such other uses will be allowed as may be added by the City Council consistent with the purposes and intent of the Specific Plan and Zoning District established.	**Consistent.** The proposed project would develop 25 single-family residences consistent with the residential land use allowed within the Hillside Specific Plan and zoning district.
	Policy 2	Maximum density of development shall be based on the 2-10 acre slope density formula subject to the following criteria. a. Any uncorrectable geotechnical hazard areas of the site, (areas designated Md or Mrf, as described in Table 7 of the Geological Hazard Analysis of the Upper Calabazas Creek Watershed by William Cotton and Associates dated January 1980, and those portions of the Cocciardi and Paul Masson quarries shown by a geotechnical analysis to be unsuitable for development as approved by the City Geologist) shall be placed in permanent open space and subtracted from the gross acreage prior to	**Consistent.** The proposed project would not be developed on any uncorrectable geologic hazard areas. Geologic measures are discussed in detail in Section 3.6, Geology and Soils.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		application of the slope density formula. Calculation of the slope shall be done for the entire parcel prior to the slope density calculation. b. Density may be further reduced due to site restrictions (see Geologic and Site Grading policies for siting restrictions due to geology, riparian areas, etc.). In locating building sites, preference should be given to areas designated as stable (Sbr, Sls, Sun) on the Ground Movement Potential Maps. Especially sites on potentially moving slopes, (Pmw, Ps, Pd) and moving slopes (Ms) shall not be approved unless geologic and soils engineering analysis and design provided by the developer clearly demonstrate the long-term stability of such sites to the satisfaction of the City, its Geologist and other professional consultants.	
Site Grading	Policy 1	Grading, when required, shall be contoured wherever possible even though this practice increases quantity somewhat, and provide cut and fill slopes of three to one. Graded slopes should be 3:1 overall (with potential for terracing and ability for landscaping). Revegetation of graded slopes shall be required. Steeper fill slopes, up to 2:1 may only be used where it can be shown landscaping and revegetation can be installed and maintained. Steeper fill slopes, up to 2:1 may only be used where it can be shown the slope can be adequately landscaped and maintenance over the long term will not be a problem and/or unusually difficult.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy 2	No home shall be built so as to create a flat visible pad.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 3	Allow corrective grading in the western hillsides to minimize risks from geologic hazards especially for new or existing development provided it does not remove major trees or irrevocably damage the City's scenic resources.	**Consistent.** The proposed project would be graded and designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 4	Grading should be minimized by locating roads and homesites on slopes less than 30 percent unless given prior specific approval by the governing bodies.	**Consistent.** The proposed project would be graded and designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code and City requirements. Geologic safety measures for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 5	Landslide and erosion problems on developing lands shall be avoided or corrected, including replanting removed and damaged trees where the benefit to the general public exceeds the environmental impact of the corrective project. City may require that such problems be corrected on adjacent lands.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures for the proposed project are discussed in more detail in Section 3.6, Geology and Soils. Removal and replacement of trees are discussed in Section 3.2, Biological Resources.
	Policy 6	Roads should be aligned parallel to contours rather than up the face of hills wherever possible to	**Consistent.** The proposed project would be an RHC development with associated streets. The proposed project would be consistent with

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		minimize their visibility from the valley.	the minimum City Street standards, based on location, terrain, character of the area, and the anticipated function of the roadway.
	Policy 7	Correction of stream erosion problem shall be accomplished using natural and/or natural appearing materials. Such improvements shall be considered engineered grading and therefore be subject to Planning Commission approval.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Additionally, the proposed project would be designed consistent with an approved Stormwater Hydromodification Management Report. A detailed discussion of erosion can be found in Section 3.9, Hydrology and Water Quality.
	Policy 8	Long-term maintenance of landscaped areas, open space, streams and slopes adjacent to roads shall be assured by private maintenance agreements included in subdivision CC&Rs with provisions for City enforcement.	**Consistent.** Landscaping for the proposed project would be designed consistent with the Landscape and Irrigation Plans, which would conform to the Saratoga Water Efficient Landscape Ordinance (WELO) confirmed through the required submission of a Landscape Documentation Package.
	Policy 9	Large, one-time grading operations, under proper control should be promoted as opposed to single lot-by-lot operations by individual lot owners. All necessary lot, driveway and pool pad grading should be done by the development under bond and strict City control.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 10	No home or other structure shall be built on an area with an average slope that exceeds 30 percent or an area that exceeds 40 percent natural slope at any point under the structure with possibility for variance procedure and exception from the	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		Subdivision Ordinance for unusual situations.	are discussed in more detail in Section 3.6, Geology and Soils.
Aesthetics/ Scenic Qualities	Policy 2	Place homes near streets where appropriate to minimize grading. Arrange lot pattern to minimize the length of roads and driveways.	**Consistent.** The proposed project would be an HR development with associated streets. The proposed project would be consistent with the minimum City Street standards, based on location, terrain, character of areas and the anticipated function of the roadway.
	Policy 3	Predominant ridgelines shall be protected to allow clear views from streets and roads. Scenic easements shall be established to protect the ridgelines which cup the City.	**Consistent.** The proposed project would be consistent with the surrounding HR visual landscape. Protection of ridgelines is discussed in Section 3.1, Aesthetics, Light, and Glare.
	Policy 4	All structures shall be approved through Design Review prior to issuance of building permits.	**Consistent.** The proposed project would be a single-family residential development and would demonstrate consistency with applicable design standards.
Ecology	Policy 1	Minimize earthmoving and grading, avoid steep terrain except where necessary for roadways.	**Consistent.** The proposed project would comply with the City Code of Ordinances that are relevant to excavation and grading. The proposed project would also be designed consistent with site-specific geotechnical recommendations, as is required by the California Building Code.
	Policy 2	Design structures to fit terrain; group structures; phase building with improvements.	**Consistent.** The proposed project would be consistent with the surrounding HR visual landscape.
	Policy 3	Minimize tree removal; avoiding heavily wooded areas, particularly chaparral.	**Consistent.** Tree removal and landscaping would be limited to areas directly adjacent to proposed residences, roadways, and stormwater detention ponds. Proposed landscaping would be kept 6–10 feet away from the trunks of existing trees. Pruning of existing trees would be limited to careful thinning to maintain their natural shape, removing no more than 20 percent of the foliage.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			Existing trees would not be topped to reduce their height. The proposed project would be adhere to a Tree Protection Plan in accordance to Chapter 15-50.140 of the City's Code of Ordinances.
	Policy 4	Minimize disturbance of creek ecosystems by placing riparian areas in open space.	**Consistent.** Removed trees would be replaced primarily by Coast live oak (*Quercus agrifolia*). In areas where tree canopy space is limited, removed trees would be replaced by Western redbud (*Cercis occidentalis*). Proposed landscaping trees, shrubs, and ground covers are all California native species, compatible with the oak woodland ecosystem.
	Policy 7	Revegetate graded areas as soon as feasible with native plants.	**Consistent.** Removed trees would be replaced primarily by Coast live oak. In areas where tree canopy space is limited, removed trees would be replaced by Western redbud. Proposed landscaping trees, shrubs, and ground covers are all California native species, compatible with the oak woodland ecosystem. The proposed project would be adhere to a Tree Protection Plan in accordance to Chapter 15-50.140 of the City's Code of Ordinances.
Conservation: Land, Air, and Water Quality	Policy 2	Preserve natural (Creekside) vegetation to the greatest extent feasible.	**Consistent.** On-site trees would be preserved where feasible. Removed trees would be replaced primarily by Coast live oak. In areas where tree canopy space is limited, removed trees would be replaced by Western redbud. Proposed landscaping trees, shrubs, and ground covers are all California native species, compatible with the oak woodland ecosystem. The proposed project would be adhere to a Tree Protection Plan in accordance to Chapter 15-50.140 of the City's Code of Ordinances.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
Open Space	Policy 2	Conserve natural vegetative and topographic features which exist in Saratoga's western foothills.	**Consistent.** The proposed project would make every effort to preserve and protect native tree species around the home sites and throughout the project site. Tree removal and landscaping would be limited to areas directly adjacent to proposed residences, roadways, and stormwater detention ponds. Removed trees would be replaced primarily by Coast live oak. In areas where tree canopy space is limited, removed trees would be replaced by Western redbud. Proposed landscaping trees, shrubs, and ground covers are all California native species, compatible with the oak woodland ecosystem. The proposed project would be required to adhere to a Tree Protection Plan in accordance to Chapter 15-50.140 of the City's Code of Ordinances. Furthermore, 54.06 acres within the project site would remain undeveloped.
	Policy 3	Protect historical and archaeological values and significant geographic landmarks from destruction by development whenever practical.	**Consistent.** Cultural Resource are discussed in detail in Section 3.4, Cultural Resources.
	Policy 4	Require open space be dedicated as easements (all M_d and M_{rf} areas, quarry lands shown to be unsuitable for development through detailed geotechnical analysis as approved by the City Geologist and lands within the setback area specified by the City Geologist for traces of the Berrocal fault). Consider open space easements on riparian areas and areas with slopes of over 30 percent.	**Consistent.** Development would not occur within the abandoned quarry in the southwestern portion of the site. This area would remain undeveloped. The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in detail in Section 3.6, Geology and Soils.
	Policy 5	Preservation of open space should mean preservation of the natural landscape.	**Consistent.** The proposed project would make every effort to preserve and protect native tree

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			species around the home sites and throughout the project site. Tree removal and landscaping would be limited to areas directly adjacent to proposed residences, roadways, and stormwater detention ponds. Removed trees would be replaced primarily by Coast live oak. In areas where tree canopy space is limited, removed trees would be replaced by Western redbud. Proposed landscaping trees, shrubs, and ground covers are all California native species, compatible with the oak woodland ecosystem. Furthermore, the proposed project would include development within the northern 18.38-acre portion of the parcel (Development Area), while the southern 54.06 portion (Remainder Area) would remain undeveloped with the exception of emergency access roads.
Geology and Soils	Policy 2	Every applicant seeking approval of any construction project within the Specific Plan Area shall at times have the burden of providing, to the satisfaction of the City and its Geologist and other professional consultants, that the proposed development will be constructed in such a manner as to be safe from known or reasonably predictable geologic hazards which may cause injury to person or property.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 5	In locating building sites, preference should be given to areas designated as stable (S_{br}, S_{ls}, S_{un}) on the Ground Movement Potential Maps. Especially sites on potentially moving slopes (P_{mw}, Ps, P_d) and moving slopes (M_s) shall not be approved unless geologic and soils engineering analysis and design provided by the developer clearly demonstrate the long-term stability of such sites to the	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		satisfaction of the City, its Geologist, and other professional consultants.	
	Policy 6	On questionable sites the City Geologist may require slope stability analysis with the building site and its immediately surrounding area having a factor of safety against failure of at least 1.5 or equivalent, in the event of a designed earthquake of magnitude 8.3 on the San Andreas Fault. The City Geologist shall review and approve all proposals to ensure conformance with this requirement.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 8	If grading proposed for a project, as specifically approved by the Planning Commission, City Geologist, and City Engineer, corrects a geologic hazard, then roads, driveways and structures may be located on such graded areas as approved.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 9	Project or portions thereof that require a high level of maintenance activity over the long-term to prevent slope failures should generally not be approved since the City's ability to perform or enforce performance of maintenance is limited. Project design should principally use solutions that minimize risk in not affecting public or private structures in the event of failure.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project are discussed in more detail in Section 3.6, Geology and Soils.
	Policy 10	City should continue to strictly enforce its Grading Ordinance through the City Geologist and Department of Inspection Services and control of all work by soils Engineer and Geologist on all projects in hillsides.	**Consistent.** The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code. Geologic safety measures associated for the proposed project

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			are discussed in more detail in Section 3.6, Geology and Soils.
Fire Hazard	Policy 1	Encourage landscaping with non-hazardous, drought resistant vegetation.	**Consistent.** Landscaping for the proposed project would be designed consistent with the Landscape and Irrigation Plans, which would conform to the Saratoga WELO, confirmed through the required submission of a Landscape Documentation Package.
Noise	Policy 1	Minimize impact on the existing ambient noise level of the rural areas of the western hillsides through setbacks, construction techniques, roads, etc.	**Consistent.** Noise measures for the proposed project are discussed in more detail in Section 3.11, Noise.
	Policy 2	Where appropriate, be sensitive to limiting hours of construction.	**Consistent.** Hours of construction would adhere to City requirements. Noise measures for the proposed project are discussed in more detail in Section 3.11, Noise.
Energy	Policy 1	Promote energy conservation through building design (as with roof orientation of new homes).	**Consistent.** Refer to Section 3.5, Air Quality, for a detailed discussion on how the proposed project would address potential energy impacts.
	Policy 2	Promote use of both passive and active solar energy systems.	**Consistent.** Refer to Section 3.5, Air Quality, for a detailed discussion on how the proposed project would address potential energy impacts.
Cultural Resources	Policy 2	If archaeological or historical objects are encountered during construction, halt activity and seek advice of a qualified Archaeologist or local historian.	**Consistent.** Implementation of MM CUL-1a, MM CUL-1b, and MM CUL-2, which detail inadvertent discovery procedures, would ensure consistency. Cultural Resource measures for the proposed project are discussed in more detail in Section 3.4, Cultural Resources.
Sanitary Sewer Service	Policy 1	Require all new residences on newly created lots to hook up to a sanitary sewer system to avoid groundwater contamination problems.	**Consistent.** The proposed project would be served by the existing Cupertino Sanitation District's sanitary sewer system.
Site and Storm Drainage	Policy 2	All major facilities to be designed to provide for 100-year storms –	**Consistent.** The proposed project would be designed consistent with

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		local and minor facilities design provide for 20 year storms.	the Stormwater Hydromodification Management Report (Appendix G). Flooding is addressed in more detail in Section 3.9, Hydrology and Water Quality.
	Policy 3	Landscaping and resultant site drainage plan to be approved with Design Review approval of the residence prior to issuance of permits.	**Consistent.** The proposed project would be designed consistent with the Stormwater Hydromodification Management Report (Appendix G). Refer to Section 3.9, Hydrology and Water Quality, for more details on-site drainage.
	Policy 4	Site drainage plans to be approved so as to not impact adjacent properties.	**Consistent.** The proposed project would be designed consistent with the Stormwater Hydromodification Management Report (Appendix G). Refer to Section 3.9, Hydrology and Water Quality, for more details on-site drainage.
Circulation	Policy 6	Allow secondary/emergency access roads to be generated.	**Consistent.** The proposed project would include improvements to an approximately 1,600-foot-long emergency access road, which would connect the western end of the proposed Masson Estates Way to the intersection of Pierce Road and Vintage Lane.
	Pierce Road Policy 1	Collect fees on a per lot basis of those newly created lots to establish a fund for improving Pierce Road in a manner that would not significantly alter its character as follows: a. 13 foot paved lanes where widening does not impact the environment. b. 11 foot paved lanes as a minimum where feasible. c. .12 foot between centerline and vertical obstructions (minimum). d. Overlay existing pavement to provide smooth driving surface. e. Appropriate signs before major intersections.	**Consistent.** The project applicant would be required to pay applicable fees to fund improvements on Pierce Road.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Pierce Road Policy 2	Any tree removal or extensive grading necessitated by pavement widening shall have City Council approval.	**Consistent.** The proposed project would adhere to a Tree Protection Plan in accordance with Chapter 15-50.140 of the City's Code of Ordinances. The proposed project would be designed consistent with site-specific geotechnical recommendations provided in a site-specific geotechnical report, as required by the California Building Code.

Saratoga Code of Ordinances Consistency

The project site is currently zoned HR. The proposed project would develop 25 lots with 25 single-family homes. The proposed project would be consistent with the permitted uses of the HR zone outlined in the City's Code of Ordinances, as described above. Furthermore, the proposed project would be generally consistent with the development criteria of the HR Zone, including criteria related to preparation of a site development plan, preparation of a geologic and soils report and additional geologic studies, location of building sites, and grading. Grading of the proposed project would not exceed one thousand cubic yards and streets and driveways would not exceed a grade of 18 percent for a distance in excess of 50 feet.

The proposed project would have a density of 1.36 du/acre, which exceeds the maximum density imposed by the General Plan. Additionally, the maximum intensity of building and impervious surface coverage permitted in the HR zoning district is 25 percent of the net site area or 15,000 square feet, whichever is less. As described previously, the proposed project would include approximately 198,362 square feet of impervious surface on-site, which is approximately 6 percent of the total project site. The proposed project submitted an SB 330 Preliminary Application pursuant to the Builder's Remedy prior to the City's Housing Element being found in substantial compliance with State law. Therefore, the proposed project is entitled to review under the HAA and HCA processes requiring local agencies to approve certain affordable housing projects even if they are inconsistent with the zoning ordinance. As such, the City is precluded from denying or reducing the density of the proposed project based only on inconsistency with zoning or density standards. Nevertheless, for purposes of CEQA review, the City must consider the proposed project's consistency with zoning and lot coverage standards. Because the proposed project is inconsistent with the lot coverage allowed by the zoning, this is a significant impact.

Summary

Because the proposed project is more dense than permitted by the General Plan, and has a higher lot coverage than allowed by the Code of Ordinances, it conflicts with a land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the

proposed project would have a potentially significant environmental impact. There is no feasible mitigation to reduce impacts to a less than significant level. As such, impacts would be significant and unavoidable.

Level of Significance before Mitigation

Potentially significant impact.

Mitigation Measures

No feasible mitigation.

Level of Significance after Mitigation

Significant and unavoidable impact.

3.10.7 - Cumulative Impacts

The proposed project would have no impact related to physically dividing a community, therefore, the proposed project would have no contribution relative to cumulative impacts related to physically dividing a community.

The geographic scope of the cumulative land use analysis with respect to consistency with plans and policies is the City of Saratoga with a focus on the area surrounding the project site. Land use decisions for both the proposed project and for the other cumulative projects listed in Table 3-1 are made at the City level.

The proposed project and other cumulative projects in the immediate vicinity are subject to the goals and policies of the City's General Plan and other planning documents, as applicable. Prior to approval, the proposed project, as well as other cumulative projects, must be found consistent with the City's General Plan and other applicable City planning documents. However, there are 20 proposed projects that qualify for consideration under Builders Remedy in Table 3-1. These projects would be entitled to review under the HAA and HCA processes requiring local agencies to approve certain affordable housing projects that do not strictly comply with General Plan land use designations and zoning. Cumulative projects that include at least 20 percent affordable housing would be consistent with the requirements of Government Code Section 65589.5, the HAA, and the HCA. Because these projects could also have a significant impact due to conflicts with General Plan, zoning and other applicable planning documents, cumulative impacts related to conflicts with applicable plans, policies or regulations would be potentially significant and there are no feasible mitigation measures for these potentially significant impacts. Additionally, the proposed project's inconsistency with density and lot coverage standards is not isolated. When combined with other Builder's Remedy projects, the cumulative effect is a broader pattern of development that conflicts with established land use policies. Accordingly, the proposed project's incremental contribution to the potentially significant impact could be considerable as it reinforces and amplifies a citywide shift away from planned land use patterns.

Therefore, there would be a significant and unavoidable cumulative impact to land use and planning as a result of implementing the proposed project.

Level of Cumulative Significance before Mitigation

Potentially significant impact.

Mitigation Measures

No feasible mitigation.

Level of Cumulative Significance after Mitigation

Significant and unavoidable impact.

3.11 - Noise

3.11.1 - Introduction

This section describes the existing noise setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on noise modeling performed by FirstCarbon Solutions (FCS). The noise modeling output is provided in the noise report included in Appendix H.

The following public comments were received during the Environmental Impact Report (EIR) scoping period related to noise:

- General concerns related to construction noise.
- Concerns about noise related to truck hauling and tree removal.

Impacts related to noise are addressed within this section.

3.11.2 - Environmental Setting

Characteristics of Noise

Noise is generally defined as unwanted or objectionable sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment. Noise effects can be caused by pitch or loudness. *Pitch* is the number of complete vibrations or cycles per second of a wave that result in the range of tone from high to low; higher-pitched sounds are louder to humans than lower-pitched sounds. *Loudness* is the intensity or amplitude of sound.

Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The human ear is not equally sensitive to all frequencies within the audible sound spectrum, so sound pressure level measurements can be weighted to better represent frequency-based sensitivity of average healthy human hearing. One such specific “filtering” of sound is called “A-weighting.” A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear. Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. For example, if one noise source produces a noise level of 70 dB, the addition of another

noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB.

Noise Descriptors

There are many ways to rate noise for various intervals, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and Community Noise Equivalent Level (CNEL) or the day-night average level (L_{dn}) based on dBA. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise Propagation

From the noise source to the receiver, noise changes both in level and frequency spectrum. The most obvious is the decrease in noise as the distance from the source increases. The manner in which noise reduces with distance depends on whether the source is a point or line source, as well as ground absorption, atmospheric conditions (wind, temperature gradients, and humidity) and refraction, and shielding by natural and manmade features. Sound from point sources, such as an air conditioning condenser, a piece of construction equipment, or an idling truck, radiates uniformly outward as it travels away from the source in a spherical pattern.

The attenuation or sound drop-off rate is dependent on the conditions of the land between the noise source and receiver. To account for this ground-effect attenuation (absorption), two types of site conditions are commonly used in noise models: soft-site and hard-site conditions. Soft-site conditions account for the sound propagation loss over natural surfaces such as normal earth and ground vegetation. For point sources, a drop-off rate of 7.5 dBA per each doubling of the distance (dBA/DD) is typically observed over soft ground with landscaping, as compared with a 6 dBA/DD drop-off rate over hard ground such as asphalt, concrete, stone and very hard packed earth. For line sources, such as traffic noise on a roadway, a 4.5 dBA/DD is typically observed for soft-site conditions compared to the 3 dBA/DD drop-off rate for hard-site conditions. Table 3.11-1 briefly defines these measurement descriptors and other sound terminology used in this section.

Table 3.11-1: Sound Terminology

Term	Definition
Sound	A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
Ambient Noise	The composite of noise from all sources near and far in a given environment.
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB).
A-weighted Decibel (dBA)	An overall frequency-weighted sound level that approximates the frequency response of the human ear.
Equivalent Noise Level (L_{eq})	The average sound energy occurring over a specified time period. In effect, L_{eq} is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period.
Maximum and Minimum Noise Levels (L_{max} and L_{min})	The maximum or minimum instantaneous sound level measured during a measurement period.
Day-Night Level (DNL or L_{dn})	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m. (nighttime).
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m.
Source: Data compiled by FirstCarbon Solutions (FCS). 2024.	

Traffic Noise

The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the Federal Highway Administration (FHWA)

community noise assessment criteria, this change is "barely perceptible." For reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

Stationary Noise

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, while noise generated by the use of motor vehicles over public roads is preempted from local regulation, although the use of these vehicles is considered a stationary noise source when operated on private property such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or by changing the location of the noise producer.

The effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation, or with provision of intervening structures, barriers or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on each construction site and, therefore, would change the noise levels as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 3.11-2 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

Table 3.11-2: Typical Construction Equipment Maximum Noise Levels

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Impact Pile Driver	Yes	95
Auger Drill Rig	No	85
Vibratory Pile Driver	No	95
Jackhammers	Yes	85
Pneumatic Tools	No	85
Pumps	No	77
Scrapers	No	85

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Cranes	No	85
Portable Generators	No	82
Rollers	No	85
Bulldozers	No	85
Tractors	No	84
Front-end Loaders	No	80
Backhoe	No	80
Excavators	No	85
Graders	No	85
Air Compressors	No	80
Dump Truck	No	84
Concrete Mixer Truck	No	85
Pickup Truck	No	55

Notes:
dBA = A-weighted decibel
Source: Federal Highway Administration (FHWA) 2006. Highway Construction Noise Handbook, August.

Noise from Multiple Sources

Because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate, and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

Characteristics of Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, which has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The effects of groundborne vibration typically only causes a nuisance to people, but in extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Groundborne noise is an effect of groundborne vibration and

only exists indoors since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves.

Several different methods are used to quantify vibration amplitude such as the maximum instantaneous peak in the vibrations velocity, which is known as the peak particle velocity (PPV) or the root mean square (rms) amplitude of the vibration velocity. Because of the typically small amplitudes of vibrations, vibration velocity is often expressed in decibels—denoted as LV—and is based on the reference quantity of 1 microinch per second. To distinguish vibration levels from noise levels, the unit is written as "VdB."

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as rms velocity in units of decibels of 1 microinch per second, with the unit written in VdB. Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. Human perception to vibration starts at levels as low as 67 VdB. Annoyance due to vibration in residential settings starts at approximately 70 VdB.

Off-site sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible groundborne noise or vibration. Construction activities, such as blasting, pile driving and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV. Typical vibration source levels from construction equipment are shown in Table 3.11-3.

Table 3.11-3: Vibration Levels of Construction Equipment

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Water Trucks	0.001	57
Scraper	0.002	58
Bulldozer—small	0.003	58
Jackhammer	0.035	79
Concrete Mixer	0.046	81
Concrete Pump	0.046	81
Paver	0.046	81
Pickup Truck	0.046	81
Auger Drill Rig	0.051	82
Backhoe	0.051	82
Crane (mobile)	0.051	82
Excavator	0.051	82
Grader	0.051	82

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Loader	0.051	82
Loaded Trucks	0.076	86
Bulldozer—large	0.089	87
Caisson drilling	0.089	87
Vibratory Roller (small)	0.101	88
Compactor	0.138	90
Clam shovel drop	0.202	94
Vibratory Roller (large)	0.210	94
Pile Driver (impact-typical)	0.644	104
Pile Driver (impact-upper range)	1.518	112

Notes:
PPV = peak particle velocity
rms = root mean square
VdB = velocity in decibels
Sources: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual, September.
Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

The propagation of groundborne vibration is not as simple to model as airborne noise. This is because noise in the air travels through a relatively uniform medium, while groundborne vibrations travel through the earth, which may contain significant geological differences. Factors that influence groundborne vibration include:

- **Vibration source:** Type of activity or equipment, such as impact or mobile, and depth of vibration source;
- **Vibration path:** Soil type, rock layers, soil layering, depth to water table, and frost depth; and
- **Vibration receiver:** Foundation type, building construction, and acoustical absorption.

Among these factors that influence groundborne vibration, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface and can result in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to the water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils. There are three main types of vibration propagation: surface, compression, and shear waves. Surface waves, or Rayleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wave front, similar to ripples produced by throwing a rock into a pool of water. P-

waves, or compression waves, are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves are analogous to airborne sound waves. S-waves, or shear waves, are also body waves that carry energy along an expanding spherical wave front. However, unlike P-waves, the particle motion is transverse, or side-to-side and perpendicular to the direction of propagation.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests. The vibration level (calculated below as "PPV") at a distance from a point source can generally be calculated using the vibration reference equation:

$$PPV = PPV_{ref} * (25/D)^n \text{ (in/sec)}$$

Where:

PPV_{ref} = reference measurement at 25 feet from vibration source
D = distance from equipment to the receptor
n = vibration attenuation rate through ground

According to Section 7 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment manual, an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.[1]

Existing Noise Levels

Ambient Noise

Surrounding the project site are low-density hillside residential uses to the north, east, and south and Mountain Winery to the west. The project site is located in a relatively quiet area, and the primary noise sources audible on the project site are vehicles on adjacent roadways.

The existing noise environment in the project vicinity was documented through ambient noise monitoring. Three short-term noise measurements (15 minutes each) were taken on Thursday, March 21, 2024. The short-term noise measurements were taken on-site between approximately 12:35 p.m. and 2:20 p.m. The noise measurement data sheets are provided in the noise report included in Appendix H.

The short-term noise measurements taken at the project site are summarized in Table 3.11-4. The noise measurements indicate that daytime ambient noise levels range from 40.1 dBA to 59.1 dBA L_{eq} adjacent to nearby residential land uses and roadways in the project vicinity. The noise technician observed that the dominant noise source in the project vicinity is traffic noise from the Saratoga Heights Drive/Pierce Road intersection, which runs along the northeast boundary of the project site.

[1] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

Table 3.11-4: Existing Ambient Noise Levels in the Project Vicinity

Site Location	Location Description	dBA	Primary Noise Sources
ST-1	Pierce Road, Saratoga Heights Drive intersection	59.1 L_{eq}	Adjacent roadway, vehicles, wildlife
ST-2	Along Pierce Road, across from Masson Court	54.6 L_{eq}	Adjacent roadway, vehicles, wildlife
ST-3	Central western boundary of the project site	40.1 L_{eq}	Wildlife

Notes:
dBA = A-weighted decibel
L_{eq} = equivalent sound level
Source: FirstCarbon Solutions (FCS). 2024.

3.11.3 - Regulatory Framework

Federal

Noise Control Act

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting state and local abatement efforts
- Promoting noise education and research

The Federal Office of Noise Abatement and Control (ONAC) was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB L_{eq} or less for 8 continuous hours or 105 dB L_{eq} or less for 1 continuous hour; the United States Department of Transportation (USDOT), which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA. Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that “noise-sensitive” uses are either prohibited from being sited adjacent to a highway, or alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

Federal Transit Administration Standards and Guidelines

The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document.[2] The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 3.11-5.

Table 3.11-5: Federal Transit Administration Construction Vibration Impact Criteria

Building Category	PPV (in/sec)	Approximate VdB
I. Reinforced Concrete, Steel, or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98
III. Nonengineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90

Notes:
PPV = peak particle velocity
VdB = velocity in decibels
Source: Federal Aviation Administration (FAA) 2006. Transit Noise and Vibration Impact Assessment.

State

California General Plan Guidelines

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regulatory tools to control and abate noise for use by local agencies. One significant model is the "Land Use Compatibility for Community Noise Environments Matrix," which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.[3]

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. The proposed project is also subject to review under Appendix G of the California Environmental Quality Act (CEQA) Guidelines, which provides impact thresholds for potential noise and vibration impacts. The City of Saratoga has developed its own CEQA thresholds, which are listed in the Thresholds of Significance section below.

Assembly Bill No. 1307

Assembly Bill (AB) No. 1307 went into effect January 1, 2024. This bill clarifies that "for residential projects, the effects of noise generated by project occupants and their guests on human beings is

[2] Federal Aviation Administration (FAA). 2006. Transit Noise and Vibration Impact Assessment.
[3] California Department of Health Services Office of Noise Control. 1976.Land Use Compatibility for Community Noise Environments Matrix.

not a significant effect on the environment." Therefore, this analysis does not address potential noise impacts from future occupants and their guests on sensitive receptors in the project vicinity.

Local

The City addresses noise in the Noise Element of the City of Saratoga General Plan (General Plan) and in Article 7-30 of the City of Saratoga Code of Ordinances (Municipal Code).[4,5]

City of Saratoga General Plan

The Noise Element Update adopted as part of the Saratoga 2040 General Plan Update is consistent with State guidelines. The City has established the following exterior noise land use compatibility guidelines, summarized in Table 3.11-6 (Table NE-2 in the General Plan), that are considered environmentally acceptable for approval of new single-family residential development in the City of Saratoga.

Table 3.11-6: New Development Land Use Compatibility Guidelines

Land Use Category	Normally Acceptable*
Residential–Single-Family	Up to 60 dBA
Notes: dBA = A-weighted decibel Sound levels above are measured at the exterior of the proposed location of the new development (e.g., residential unit, commercial building, etc.) rather than at the property boundary of the source or the property to be developed. Refer to Table LU-1 (Land Use Element) for detailed descriptions of land use categories and land uses for which these guidelines apply. These guidelines are derived from the California Department of Health Services, Guidelines for the Preparation and Content of the Noise Element of the 2040 General Plan Update. The State Guidelines have been modified to reflect standards for the City of Saratoga. ***Normally Acceptable**–Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction. There are no special noise insulation requirements.	

Goals, Policies, and Implementations

The following are applicable policies contained in the City of Saratoga General Plan.

Goal NOI-1 **Maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise.**

Goal NOI-2 **Promote land use compatibility by addressing noise exposure from existing noise sources.**

[4] City of Saratoga. 2024. Updated Noise Element of the General Plan. Website: https://www.saratoga.ca.us/DocumentCenter/View/5403/General-Plan-Noise-Element-PDF. Accessed August 15, 2024.

[5] City of Saratoga. 2024. Saratoga Municipal Code. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH7HESA_ART7-30NOCO#TOPTITLE. Accessed August 15, 2024.

Policy NOI-2.1 An acoustical analysis is to be conducted for proposed Residential and Quasi-Public development where the existing noise level exceeds Outdoor DNL 60 dB to determine measures needed to reduce noise impacts to meet City noise standards.

Policy NOI-2.2 New residential development shall be designed and constructed to provide an interior noise level of DNL 45 dB or less in habitable rooms (due to outdoor sources).

NOI-2.3 Residential outdoor open space intended for use and enjoyment shall be designed to meet Outdoor DNL 60 dB. This policy does not apply to private exterior balconies. Where this level cannot feasibly be met by incorporating reasonable measures, such as strategic site layout and noise barriers, DNL 65 dB may be approved.

Goal NOI-3 **Promote land use compatibility by addressing noise exposure from new noise sources.**

NOI-3.1 Changes in use and development shall be reviewed for noise impacts to neighboring land uses.

NOI-3.2 New development shall be required to utilize appropriate measures to reduce noise impacts to the adopted noise standards; and acoustical analysis may be required by the approving authority.

City of Saratoga Municipal Code

7-30.040 Noise standards

(a) Except as otherwise provided in Paragraph (b) of this Section [of the Municipal Code], all uses and developments shall comply with the following noise standards for the various land uses and times of day as indicated below. No person shall cause, produce, or allow to be produced any noise that exceeds these noise standards at any point outside the property boundary on which the noise is generated.

Table 3.11-7 contains the summary of the relevant residential noise standards found in the City's Municipal Code, Section 7-30.040–Noise standards. The City applies these standards as operational noise performance standards and they are not applicable to temporary construction noise.

Table 3.11-7: City of Saratoga Noise Standards

	Maximum Permissible Outdoor Noise Levels Generated dBA					
	Daytime (7:00 a.m. to 7:00 p.m.)		Evening (7:00 p.m. to 10:00 p.m.)		Nighttime (10:00 p.m. to 7:00 a.m.)	
Land Use	Average L_{eq}	Maximum L_{max}	Average L_{eq}	Maximum L_{max}	Average L_{eq}	Maximum L_{max}
Residential (single- and multi-family)	55	65	45	55	40	50
Source: City of Saratoga Municipal Code. July 2024. Section 7-30.040–Noise standards.						

7-30.060 Exceptions for specific activities

Specific activities shall be permitted to exceed the standards set forth in Section 7-30.040 under the following conditions:

(a) Construction activities. Construction, alteration, repair, and grading activities shall not exceed one hundred dBA measured at any point 25 feet or more from the source of noise. Such activities may be conducted between the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturday. Construction activities shall be prohibited on Sundays and weekday holidays.

3.11.4 - Methodology

Construction Noise Analysis Methodology

A conservative worst-case scenario was analyzed, that assumed each piece of modeled equipment would operate simultaneously at the nearest reasonable locations to the closest noise-sensitive receptor for the loudest phase of construction. Noise emission levels recommended by FHWA's Highway Construction Noise Handbook were used to ascertain the noise generated by specific types of construction equipment. The calculation spreadsheet with the detailed modeling assumptions is provided in the noise report included in Appendix H.

Traffic Noise Modeling Methodology

For the purposes of this analysis, traffic noise levels along selected roadway segments in the project vicinity would result in a significant impact if a project would result in a perceptible (3 dBA or greater) increase in traffic noise levels. Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels. Therefore, for the purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

Operational Stationary Noise Source Analysis Methodology

Once operational, the proposed project would generate noise from new mechanical equipment sources such as heating, ventilation, and air conditioning (HVAC) equipment or pool equipment. To provide a conservative analysis, the highest end of the range of reference noise levels for these stationary noise sources, the usage factors of these activities, and the distance to the nearest sensitive receptor land uses was used to calculate the reasonable worst-case hourly average noise levels from each noise source as measured at the nearest sensitive receptor land uses. The calculation spreadsheet with the detailed modeling assumptions is included in provided in the noise report included in Appendix H.

Construction Vibration Impact Analysis Methodology

Reasonable worst-case construction vibration levels are identified based on reference vibration levels for construction equipment identified in Table 3.11-3. The City of Saratoga has not adopted criteria for groundborne vibration impacts. Therefore, for purposes of this analysis, the FTA's vibration impact criteria summarized in Table 3.11-5 are utilized. The potential for permanent operational groundborne vibration impacts from the proposed project, including from site

construction trucks traveling on local roadways, are also calculated as measured at the nearest adjoining structures to such activities.

3.11.5 - Thresholds of Significance

Appendix G to the CEQA Guidelines is a sample Initial Study Checklist that includes questions for determining whether noise impacts are significant. For purposes of this analysis, noise impacts resulting from the implementation of the proposed project would be considered significant if the project would cause:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

b) Generation of excessive groundborne vibration or groundborne noise levels.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (The proposed project would have no significant impacts related to this threshold; therefore, this criteria is addressed in Chapter 4, Effects Found not to be Significant).

3.11.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Substantial Noise Increase in Excess of Standards

Impact NOI-1:	**The proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

Impact Analysis

Construction

A significant impact would occur if project-related, noise-producing construction activities result in a substantial temporary increase in ambient noise levels in excess of the established standards. The City's Noise Ordinance identifies that construction activity is permitted only during the hours of 7:30 a.m. to 6:00 p.m. daily, Monday through Friday; and 9:00 a.m. to 5:00 p.m. on Saturday. No construction activity is permitted on Sundays and weekday holidays. Additionally, according to Section 7-30.060(a) of the Municipal Code, construction, alteration, repair, and grading activities shall not exceed 100 dBA measured at any point 25 feet or more from the source of noise. While the City has established the above-described absolute noise limits for construction noise, the City has not defined what would determine a substantial increase in noise levels due to construction. Therefore, this analysis has utilized the following standard.

- Where existing noise levels are 60 dBA L_{dn} or less at the outdoor activity areas of noise-sensitive uses, a +5 dBA increase in average daily ambient noise levels will be considered significant.
- Where existing noise levels are greater than 60 dBA L_{dn} and up to 65 dBA L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dBA increase in average daily ambient noise levels will be considered significant.
- Where existing noise levels are greater than 65 dBA L_{dn} at the outdoor activity areas of noise-sensitive uses, a +1.5 dBA increase in average daily ambient noise levels will be considered significant.

These significance thresholds are based on industry accepted standards for substantial increases in ambient noise levels. Applying these thresholds to temporary construction noise impacts provides a conservative impact analysis.

Documented existing noise levels on the project site range from 40.1 dBA to 59.1 dBA L_{eq} (Table 3.11-4), which included all transportation and non-transportation noise sources in the project vicinity. Therefore, based on the existing noise environment, a greater than 5 dBA increase in average daytime ambient noise levels due to construction activity would be considered a significant impact.

Construction-related Traffic Noise

Haul truck trips, construction worker vehicle trips, and other construction-related trips would occur over the course of the proposed project's construction. Haul truck trips typically have the greatest potential to result in substantial off-site noise increases along nearby roadways. The previously discussed Municipal Code noise limits have no applicability to road-legal trucks operating on public roads, but the following analysis nevertheless demonstrates that the proposed project's haul trucks would have a less than significant impact on roadside noise levels in the vicinity of the project site.

Based on the traffic analysis prepared for the proposed project by Hexagon Transportation Consultants Inc.,[6] existing traffic conditions on Pierce Road, adjacent to the project site, has an ADT volume of 1,615 vehicles. Based on the air quality modeling performed for this project, construction of the proposed project could require up to approximately 46 worker trips per day and up to 4 truck haul trips per day during any phase of project construction. This equates to less than 4 worker trips per hour and less than 0.3 truck haul trips per hour over the course of a standard construction workday. Typically, an approximate doubling of traffic volumes is required to cause 3 dBA noise increases, which are considered barely noticeable. The proposed project's addition of less than 4 worker trips per hour and less than 0.3 truck haul trips per hour to surrounding major roadways and haul routes with similar noise levels would represent a small fraction of daily traffic, far below the numbers necessary to generate barely noticeable noise increases. As such, the proposed project's construction-related trips would not result in noticeable (and therefore not substantial) noise increases along surrounding roadways, and this impact would be less than significant.

[6] Hexagon Transportation Consultants Inc. 2025. CEQA Transportation Study for the Proposed Pierce Road Homes in Saratoga, California. June 30.

Construction Equipment Operational Noise

Construction of the proposed project would generate noise during site preparation, grading, building construction, paving, and architectural coatings activities.

Noise from grading activities is typically the foremost concern when evaluating a project's construction noise impact as grading activities often require extensive use of heavy-duty, diesel-powered earthmoving equipment. For the proposed project, grading would have the greatest—and noisiest—construction vehicle requirements, as a fleet of grading vehicles would be required to grade the project site and off-site areas. Other construction phases would have reduced vehicle requirements. For example, building construction could at times require a crane truck, several construction forklifts, and skid steer loaders. Based on the construction equipment reference noise levels shown in Table 3.11-2, these vehicles are much quieter than the types of heavy-duty excavators, graders, and bulldozers that would be required to grade the project site. Given this consideration, the following analysis assesses noise impacts that may result from the proposed project's grading activities.

The loudest phase of construction is typically the site preparation and grading phase, as that is when the loudest pieces of heavy construction equipment operate. For example, the maximum noise level generated by each scraper is assumed to be 85 dBA L_{max} at 50 feet from the equipment. Each bulldozer would also generate 85 dBA L_{max} at 50 feet. The maximum noise level generated by graders is approximately 85 dBA L_{max} at 50 feet. Based on the air quality analysis included in this EIR, grading and site preparation for the proposed project is estimated to last approximately 40 days. The CalEEMod modeling performed for this project is provided in the air quality report included in Appendix B.

A conservative but reasonable assumption is that this equipment would operate simultaneously and continuously over at least a 1-hour period in the vicinity of the closest existing residential receptors but would move linearly over the project site during earthmoving operations, spending a relatively short amount of time adjacent to any one receptor. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. The acoustic center reference is used because construction equipment must operate at some distance from one another on a project site, and the combined noise level as measured at a point equidistant from the sources (acoustic center) would be the worst-case maximum noise level. These operations would be expected to result in a reasonable worst-case hourly average of 86 dBA L_{eq} at a distance of 50 feet from the acoustic center of a construction area. These reasonable worst-case construction noise levels would only occur during the site preparation phase of development.

According to the City of Saratoga Municipal Code, construction, alteration, repair, and grading activities shall not exceed 100 dBA measured at any point 25 feet or more from the source of noise. At any point 25 feet or more from the source of noise, the loudest pieces of equipment (grader, excavator, and dozer) would potentially attenuate to 93 dBA L_{eq} and 93 L_{max}. Therefore, the proposed

project's reasonable worst-case construction noise levels would not exceed the City's absolute noise standard for construction activity.

Additionally, the nearest off-site noise-sensitive receptor to the project site is a single-family residential home located northeast of the project site located approximately 225 feet north of the project site boundary, east of Pierce Road, and 315 feet away from the nearest acoustic center of construction activity. At this distance, reasonable worst-case construction noise levels would attenuate to 61 dBA L_{eq}. Reasonable worst-case construction noise levels would occur only periodically throughout the day as construction equipment operates along the nearest project boundaries. Documented ambient noise levels range up to 59.1 L_{eq} along Pierce Road. Therefore, the proposed project's reasonable worst-case construction noise levels would not result in a substantial increase of 5 dBA or greater above existing background ambient noise levels as measured at the nearest sensitive receptor. Modeling calculation sheets are provided in the noise report appended to this document as Appendix H.

Furthermore, the proposed project would comply with the City's requirements regarding hours of construction activity, and thus it would not result in any temporary increase in nighttime noise levels that could result in annoyance or sleep disturbance of nearby receptor. Therefore, project construction noise impacts would be less than significant.

Operation

Mobile Source Operational Noise Impacts

Typically, a doubling of the ADT hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Therefore, for the purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

Based on the traffic analysis prepared for the project by Hexagon Transportation Consultants Inc.,[7] existing traffic conditions on Pierce Road, adjacent to the project site, have an ADT volume of 1,615 vehicles. The proposed project is calculated to generate 282 new daily vehicle trips. These net new trips would not double existing traffic trips on the roadway segment adjacent to the project site. Furthermore, this increase in trips would result in a less than 1 dBA increase in traffic noise levels along the adjacent segment of Pierce Road. This increase is below a level that would be a perceptible increase and well below the 3 dBA increase that would be considered a substantial increase in traffic noise levels. Therefore, the proposed project would not double average daily trips on Pierce Road adjacent to the project site and would not generate a 3 dBA increase in traffic noise levels. Thus, the proposed project would not result in a substantial permanent increase in ambient noise levels from project-generated traffic trips and mobile source operational noise impacts would be less than significant.

[7] Hexagon Transportation Consultants Inc., 2025. CEQA Transportation Study for the Proposed Pierce Road Homes in Saratoga, California. June 30.

Operational Stationary Source Noise Impacts

The proposed project would have residential-grade mechanical ventilation equipment for each proposed residential unit. Noise levels for residential-grade mechanical ventilation equipment systems range up to approximately 70 dBA L_{eq} at a distance of 3 feet. Proposed mechanical ventilation equipment could be located as close as 20 feet from the project boundary. At this distance, resulting noise levels would attenuate to 44 dBA L_{eq}. The noise calculation sheet is provided in the noise report included in Appendix H.

These noise levels would exceed the City's nighttime noise performance standard of 40 dBA L_{eq}. Therefore, mitigation would be required to reduce this impact to less than significant.

Implementation of Mitigation Measure (MM) NOI-1, below, would ensure that mechanical ventilation equipment operation noise levels would be reduced to meet the City's nighttime noise performance standard of 40 dBA L_{eq}. Each one of the suggested measures identified in MM NOI-1 would ensure that mechanical equipment operations would be reduced to below the City's most restrictive noise performance standard of 40 dBA L_{eq} as measured at the nearest receiving property. Thereby, implementation of any one of the measures identified in MM NOI-1 would ensure that mechanical ventilation equipment operational noise levels would not result in a substantial permanent increase in ambient noise levels in excess of any of the City's noise performance standards.

Level of Significance

Potentially significant impact.

Mitigation Measure

MM NOI-1 At the time of building permit submittal, the project plans shall include at least one of the following:

- Specific mechanical ventilation equipment models that generate noise less than 66 A-weighted decibels (dBA) equivalent noise levels (L_{eq}) at a distance of 20 feet;
- Solid (no vertical or horizontal gaps) shielding directly around each mechanical ventilation unit;
- Solid (no vertical or horizontal gaps) fencing at the property line; or
- Placement of the mechanical ventilation unit a minimum of 28 feet from the property line.

Level of Significance After Mitigation

Less than significant impact with mitigation.

Groundborne Vibration/Noise Levels

Impact NOI-2:	**The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.**

Impact Analysis

This section analyzes both construction and operational groundborne vibration impacts. The City has not adopted criteria for groundborne vibration impacts. Therefore, for the purposes of this analysis, the FTA's guidelines for vibration impacts are used to determine potential significant construction and operational-related vibration impacts.

Short-term Construction Vibration Impacts to Off-site Receptors

A significant impact would occur if existing structures at the project site or in the project vicinity would be exposed to excessive groundborne vibration levels.

Of the variety of equipment used during construction, the large vibratory rollers that are anticipated to be used in the construction of internal roadways for the project would produce the greatest groundborne vibration levels. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 in/sec PPV at 25 feet from the operating equipment.

The nearest off-site receptor to the project site is the residential building located east of the project site. The façade of this building would be located approximately 260 feet from the nearest construction footprint where the large vibratory rollers would potentially operate. At this distance, groundborne vibration levels would range up to 0.006 PPV from operation of the types of equipment that would produce the highest vibration levels. This is well below the FTA's construction vibration damage criteria of 0.2 PPV for this type of structure. Therefore, the impact to off-site receptors from short-term groundborne vibration associated with construction would be less than significant.

Operational Vibration Impacts

Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. Therefore, no impact related to project operational groundborne vibration level would be expected.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.11.7 - Cumulative Impacts

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for traffic and stationary noise sources are limited to approximately 500 feet from the source. This analysis evaluates whether impacts of the proposed project, together with impacts of other cumulative development, would result in a cumulatively significant impact with respect to noise. This analysis then considers whether incremental contribution of the impacts associated with implementation of the proposed project would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

Construction Noise Impacts

The significance threshold for a cumulative construction noise impact would be a substantial temporary noise increase in the project vicinity, which already experiences excessive noise levels from construction activities. The nearest project on the cumulative project list is the Encore Estates housing development project located approximately 420 feet from the project site, which is not yet deemed complete and has not started environmental review. No other projects on the cumulative list would be considered in the project vicinity. Additionally, as noted above, at a distance of 315 feet the proposed project, construction noise levels attenuate to below existing ambient background noise levels. Therefore, combined noise levels from a project 420 feet from the proposed project boundaries would not contribute to a cumulative construction noise impact as measured at any sensitive receptors in the project vicinity. Also, based on the air quality analysis included in this EIR, it is not anticipated that the loudest phase of construction for each of these projects would overlap. Furthermore, the proposed project would comply with the City's requirements regarding hours of construction activity; therefore, it would not result in any temporary increase in nighttime noise levels that could result in annoyance or sleep disturbance of nearby receptor. In addition, project construction activity would not result in a 5 dBA or greater increase in average daily ambient noise levels as measured at the outdoor active use area of the nearest residential receptor. Therefore, cumulative impacts would be less than significant. Moreover, implementation of the proposed project would not result in a cumulatively considerable contribution to the less than significant cumulative impact related to construction source noise, as discussed above. A such, implementation of the proposed project in conjunction with other cumulative projects would not result in a potentially significant cumulatively considerable contribution to construction noise impacts to the noise environment within 500 feet of the project boundaries. This impact would be less than significant.

Operational Traffic Noise Impacts

The significance threshold for a cumulative traffic noise impact would be a substantial permanent increase in traffic noise levels in the vicinity of the project along any roadway segment that already experiences noise levels in excess of normally acceptable standards for adjacent land uses. Based on the existing ambient noise monitoring effort, the existing daytime ambient noise levels in the project vicinity range from 40.1 dBA to 59.1 dBA L_{eq} adjacent to nearby residential land uses and roadways in the project vicinity. These noise levels are considered normally acceptable for all types of land uses and do not constitute an existing cumulative noise impact. Therefore, there is not a cumulative traffic noise impact in the project vicinity. Moreover, implementation of the proposed project would not result in a cumulatively considerable contribution to the less than significant cumulative impact related to traffic noise. In addition, as shown in the mobile source noise impact discussion, project traffic would result in a less than 1 percent increase in traffic volumes on the roadway segment adjacent to the project site. This increase in average daily trips would result in a less than 1 dBA increase in the ADT noise levels. This would be a less than audible increase in traffic noise levels as measured at receiving residential units. Therefore, implementation of the project would not result in a potentially significant cumulatively considerable contribution to stationary source noise impacts in the project vicinity. This impact would be less than significant.

Operational Stationary Noise Impacts

The significance threshold for a cumulative stationary source operational noise impact would be a substantial temporary noise increase at any location that is already exposed to excessive noise levels from stationary source operational noise. Based on the existing ambient noise monitoring effort, the existing daytime ambient noise levels in the project vicinity range from 40.1 dBA to 59.1 dBA L_{eq} adjacent to nearby residential land uses and roadways in the project vicinity. These noise levels are considered normally acceptable for all types of land uses and do not constitute a cumulative noise impact. Thus, there is not a cumulative stationary noise source impact in the project vicinity. Moreover, implementation of the proposed project would not result in a cumulatively considerable contribution to the less than significant cumulative impact related to stationary noise sources. In addition, as shown in the stationary noise source impact discussion, implementation of MM NOI-1 would ensure that proposed project mechanical ventilation equipment operational noise levels would not result in a substantial permanent increase in ambient noise levels and would represent a less than significant impact with mitigation. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to stationary noise source impacts in the project vicinity. This impact would be less than significant.

Construction Vibration Impacts

Construction-related groundborne vibration impacts are highly localized; therefore, only areas within approximately 50 feet of a construction site could potentially be affected by groundborne vibration resulting from construction activities. There are no major long-term development projects undergoing construction in the project vicinity that would constitute a cumulative groundborne vibration impact. Therefore, since there is not a cumulative groundborne vibration impact in the project vicinity, then implementation of the Specific Plan would result in a less than significant cumulative impact related to construction groundborne vibration. Therefore, implementation of the project would not result in a potentially significant cumulatively considerable contribution to construction vibration impacts in the project vicinity. This impact would be less than significant.

Operational Groundborne Vibration Impacts

The only cumulatively considerable contribution to groundborne vibration conditions in the project vicinity would result from introduction of new permanent sources of groundborne vibration to an existing impacted environment. Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any sensitive land use in the project vicinity. In addition, there are no significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to groundborne vibration conditions in the project vicinity. This impact would be less than significant.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

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3.12 - Population and Housing

3.12.1 - Introduction

This section describes existing population and housing in the region, Santa Clara County, and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to population and housing that could result from implementation of the proposed project. Information included in this section is based, in part, on databases and reports maintained by the California Department of Finance (CDF). The following public comment was received during the Environmental Impact Report (EIR) scoping period related to population and housing:

- Opposition to building affordable housing in suburban zoned areas. This comment is noted. Increases in population related to the project's affordable housing are addressed herein.

3.12.2 - Environmental Setting

Population and Housing

San Francisco Bay Area

The Association of Bay Area Governments (ABAG) conducts long-term forecasts of population, households, and employment for the nine-county[1] San Francisco Bay Area (Bay Area) to project growth in the region. The Bay Area has experienced population growth over the past several decades, and that growth is expected to continue. The ABAG Plan Bay Area 2050 projects that approximately 8,284,200 residents would reside in the Bay Area in 2025 and that the Bay Area's population will grow by approximately 963,510 new residents between 2025 and 2040 and reach approximately 9,652,950 residents by 2040.[2]

City of Saratoga

The City was estimated to have a population of 31,110 as of January 1, 2025, compared to the County, which had a population of 1,922,259. [3] The City accounts for 1.6 percent of the County's population and has a slightly larger household size than the Countywide average. Population and housing characteristics for the County and City are summarized in Table 3.12-1.

Table 3.12-1: Regional and Local Housing Characteristics (2025)

Category	Population	Dwelling Units	Persons Per Household
Santa Clara County (Cities, Towns, and Unincorporated Areas)	1,922,259	709,914	2.78
City of Saratoga	31,110	11,504	2.79
Source: California Department of Finance (CDF). 2025.			

[1] The Bay Area is defined as the nine counties that make up the region: Sonoma, Marin, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco.

[2] Association of Bay Area Governments (ABAG). 2018. Plan Bay Area Projections 2050 Growth Pattern. Website: http://mtcmedia.s3.amazonaws.com/files/Projections_2040-ABAG-MTC-web.pdf. Accessed October 2, 2024.

[3] California Department of Finance (CDF). E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed November 24, 2025.

Table 3.12-2 summarizes the City's historic population growth between 2000 and 2025.[4,5] The total County population grew by 12.47 percent during the same 25-year period. The City grew at a slower rate of 4.05 percent.

Table 3.12-2: Population Growth (2000-2025)

Year	City of Saratoga	Santa Clara County (Cities, Towns, and Unincorporated
2000	29,849	1,682,585
2010	29,926	1,781,642
2020	30,850	1,945,166
2025	31,110	1,922,259
2000–2025 Change	**+ 1,261 (4.05%)**	**+ 239,674 (12.47%)**
Source: California Department of Finance (CDF). 2025.		

Growth Projections

The ABAG forecasts population and dwelling units for the City of Saratoga in 2030, which are summarized in Table 3.12-3. When compared to the 2025 population and dwelling unit values for the City, the ABAG projections were higher by 95 persons and the City's actual dwelling units were higher than ABAG's projections by 484 dwelling units, respectively.[6]

Table 3.12-3: City of Saratoga ABAG Growth Projections

Category	City of Saratoga	
	Population	Dwelling Units
ABAG Forecast (2030)	31,205	11,020
Actual (2025)	31,110	11,504
Difference	**-95**	**+484**
Note: Although Plan Bay Area 2050 is an updated version and a Draft Plan Bay Area 2050+ is pending, the forecasts referenced here are based on Plan Bay Area 2040, which includes projections at the individual city level. This approach ensures consistency with localized data. Source: Plan Bay Area Projections 2040. November 2018 2025 population and dwelling units from California Department of Finance (CDF). 2025.		

[4] California Department of Finance (CDF). 2024. E-4 Historical Population Estimates for Cities, Counties, and the State–January 1, 2000–2010. Sacramento, California. Website: https://dof.ca.gov/forecasting/demographics/estimates/. Accessed October 2, 2024.

[5] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State–January 1, 2020–2024. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 2, 2024.

[6] California Department of Finance (CDF). E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed November 24, 2025.

Regional Housing Needs Assessment

In November 2022, the ABAG projected regional housing needs in its Regional Housing Needs Plans for the San Francisco Bay Area: 2023–2031. According to the ABAG forecasts, the City's projected housing need from 2023 to 2031 is 1,712 residential units, consisting of:

- 454 units within the very-low-income level (0–49 percent of area median income);
- 261 units within the low-income level (50–80 percent of area median income);
- 278 units within the moderate-income level (81–120 percent of area median income); and
- 719 units within the above-moderate-income level (more than 120 percent of area median income).[7]

Project Site and Surrounding Vicinity

No residences are present on the project site. Hillside residential single-family homes are located to the north and east of the project site.

Employment

City of Saratoga

The California Employment Development Department (EDD) estimated that in April of 2025, the City had 13,400 employed persons and 600 unemployed persons for an unemployment rate of 4.2 percent.[8] According to the U.S Bureau of Labor Statistics, in April 2025, the State of California had an unemployment rate of 5.3 percent.[9]

Project Site

There are no buildings or land uses, such as commercial or office space, on the project site that offer employment.

3.12.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to population and housing are applicable to the project.

State

California Housing Element Law

The State Housing Element Law (Government Code Chapter 1143, Article 10.6, §§ 65580 and 65589) requires each city and county to adopt a general plan for future growth. This plan must include a housing element that identifies housing needs for all economic segments and provides opportunities

[7] Association of Bay Area Governments (ABAG). 2022. Final Regional Housing Need Allocation, 2023–2031. Website: https://abag.ca.gov/sites/default/files/documents/2022-12/Final%20RHNA%20Methodology%20Report%202023-2031_update_11-22.pdf. Accessed October 2, 2024.

[8] California Employment Development Department (EDD). 2024. Labor Force and Unemployment Rate for Cities and Census Designated Places. Website: https://labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html#CCD. Accessed March 21, 2025.

[9] United States Bureau of Labor Statistics. 2024. Local Area Unemployment Statistics. Website: https://www.bls.gov/lau/. Accessed October 2, 2024.

for housing development to meet that need. The amount of housing that must be accounted for in a local housing element is determined through a process called the Regional Housing Needs Allocation (RHNA). In the RHNA process, the State gives each region a number representing the amount of housing needed based on existing need and expected population growth.

At the State level, the California Department of Housing and Community Development (HCD) estimates the relative share of the State's anticipated population growth that would occur in each county in the State based on CDF population projections and historic growth trends. Where there is a regional council of governments, as in the San Francisco Bay Area (in this case, the ABAG), the HCD provides the regional housing need to the council. The council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations. The HCD oversees the process to ensure that the council of governments distributes its share of the State's projected housing need.

Each city and county must update its general plan housing element on a regular basis pursuant to the requirements of Government Code Section 65580, *et seq.* Among other things, the housing element must incorporate policies and identify potential sites that would accommodate a city's share of the regional housing need. Before adopting an update to its housing element, a city or county must submit the draft to the HCD for review. The HCD will advise the local jurisdiction whether its housing element complies with the provisions of California Housing Element Law. The regional councils of governments are required to assign regional housing shares to the cities and counties within their region on a similar schedule. At the beginning of each cycle, the HCD provides population projections to the regional councils of governments, which then allocate shares to their cities and counties. The shares of the regional need are allocated before the end of the cycle so that the cities and counties can amend their housing elements by the deadline.

Local

City of Saratoga General Plan 2040

Land Use Element

Applicable policies found in the General Plan include the following: [10]

Goal LU 1 Maintain the predominantly small-town residential character of Saratoga which includes a mix of larger residential parcels, long established neighborhoods, scenic hillsides, and open space areas.

Policy LU 1.1 Affirm that the City shall continue to be a community of single-family detached residences.

Policy 1.2 Continue to review all residential development proposals to ensure consistency with Land Use Element Goals and Policies.

[10] City of Saratoga. 2024. General Plan 2040. March.

Policy LU 1.3 Ensure that existing undeveloped sites zoned single-family detached residential remain so designated.

Housing Element

Goal 1 Housing Productivity and Variety. A housing stock comprising a variety of housing and tenancy types at a range of prices, within close proximity to services and opportunity, which meets the varied needs of existing and future City residents, who represent a full spectrum of age, income, and other demographic characteristics.

Policy 1.1 Provide adequate capacity to meet the Sites Inventory for Regional Housing Needs Assessment (RHNA).

Policy 1.2 Allow more multi-family housing through rezoning, lot consolidation incentives, and other programs.

Policy 1.3 Incentivize efficient buildings and conservation.

Policy 1.4 Coordinate with the local water and sewer agencies to assist in planning for adequate water and sewer service.

Goal 3 Removal of Constraints to the Production of Housing. Removal of governmental policies or regulations that unnecessarily constrain the development or improvement of market-rate or affordable housing.

Policy 3.3 Establish objective design standards to facilitate streamlined project permitting and update existing design guidelines.

Goal 4 Access to Housing Opportunities. Promote through community outreach and education housing information and resources designed for persons with special housing needs.

Policy 4.1 Incentivize affordable housing development by leveraging density bonuses.

Policy 4.2 Address the special needs of persons with disabilities, including developmental disabilities, through provision of supportive and accessible housing that allows persons with disabilities to live independent lives.

Goal 5 Affirmatively Furthering Fair Housing. Promote equal opportunity for all residents to reside in the housing of their choice regardless of their special characteristics as protected under State and federal fair housing law.

Policy 5.1 Provide for the production of additional affordable housing through market incentives and improvements and developer partnerships.

Policy 5.3 Prohibit discrimination in the sale or rental of housing with regard to characteristics protected under State and federal fair housing laws.

3.12.4 - Methodology

Changes in population and housing, in and of themselves, are social and economic effects and, under the California Environmental Quality Act (CEQA), are not physical effects on the environment. CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic effects are connected to physical environmental effects. Environmental impacts related to population, housing, and employment were determined by analyzing existing and projected population, housing, and employment estimates provided by the CDF, EDD, and the General Plan. The proposed impacts were evaluated by determining their consistency with these projections, estimates, and relevant General Plan policies and objectives.

3.12.5 - Thresholds of Significance

The lead agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to population and housing are significant environmental effects. The project would have a significant impact if it would:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (The proposed project would have no significant impacts related to this threshold; therefore, this criteria is addressed in Chapter 4, Effects Found not to be Significant).

3.12.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Population Growth

Impact POP-1:	**The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).**

Impact Analysis

Construction

The proposed project would require a temporary workforce during the construction period between June 2026 and August 2030 Construction would employ varying numbers of personnel as appropriate for the phase of construction. Employment during construction would be temporary and expected to use the local labor force. Duration of construction employment would not be of such a duration or scale that it would encourage construction employees to relocate and thereby increase population either directly or indirectly. Construction personnel are commonly supplied by the existing construction industry within the local area. According to the EDD, there are over 52,000

construction jobs in the Santa Clara metropolitan area.[11] As noted, these jobs are typically temporary for any specific project and the various trades and professions migrate as needed between construction sites. The existing construction workforce estimates in the region exceed the number of construction personnel required for the proposed project. Construction personnel do not normally relocate to the location of the construction project. Based on the existing construction workforce that resides in the surrounding region, the impact on the workforce to meet the needs of the proposed project would not induce substantial population growth in the City or the region. As a result, the proposed project would not result in construction-related impacts on population or housing.

Operation

Direct Population Growth

The proposed project would develop 25 new dwelling units on the project site. Using the City's rate of 2.79 persons per household,[12] the proposed project would result in adding approximately 70 people to the City's population. This would represent an increase of approximately 0.23 percent relative to the City's population of 31,110. This population growth would be within ABAG's 2030 population forecast of 31,205 for the City and, therefore, would not be considered substantial unplanned growth. Furthermore, the EIR prepared for the Saratoga Housing and Safety Elements and 2040 General Plan Updates considered the development of 1,994 new housing units (including those of the proposed project) and concluded that the associated population growth would not be unplanned.[13] As such, the proposed project would not result in impacts related to direct population growth.

Indirect Population Growth

Indirect population growth occurs when a project creates employment opportunities (thereby generating the need for more housing or other facilities) or upsized infrastructure (such as new roads or utility infrastructure) that could lead to additional unplanned growth.

The proposed project consists of residential development and would not result in employment opportunities at operation that would generate the need for more housing. The proposed project would be served by existing utility services within or directly adjacent to the project site for water, sewer, storm drainage, electricity, and natural gas. The proposed project would not construct roads outside of the project site that could lead to additional development. Nor would the proposed project extend any utility services outside of the project site. As such, the proposed project would not remove a barrier to growth through the extension of infrastructure or utilities to an unserved area. Impacts related to indirect population growth during operation would be less than significant.

Level of Significance

Less than significant impact.

[11] California Employment Development Department (EDD). Labor Market Division. San Jose-Sunnyvale-Santa Clara Metropolitan Statistical Area (MSA). Website: https://labormarketinfo.edd.ca.gov/file/lfmonth/sjos$pds.pdf. Accessed October 2, 2024

[12] Note that the 2.79 persons per household is based on an overall average within the City and therefore accounts for dwelling units of all sizes.

[13] City of Saratoga 6th Cycle Housing Element Update, Safety Element Update. 2040 General Plan Update and Associated Rezonings. Draft Environmental Impact Report State Clearinghouse No. 2022020707, January 2023, page III-9.

Mitigation Measures

None.

3.12.7 - Cumulative Impacts

Cumulative population and housing effects must be considered in relationship to land use, plans, and policy considerations for development facilitated by the General Plan. The geographic context for assessing the project's cumulative impact on population and housing is in the City of Saratoga.

Population Growth

Land use plans within the Saratoga General Plan and other planning documents are required to comply with State law and accommodate the existing and forecasted population. These planning documents are designed to account for future population growth and associated needs on a regional and cumulative scale. Consistent with State law, these planning documents are required to identify adequate land for housing to accommodate forecasted numbers of people within the City, and for any displaced development. In the event that people or housing are displaced by cumulative development, the displaced development, if any, is anticipated to be replaced primarily within the City. Furthermore, new development projects resulting in population growth, including those listed in Table 3-1, would be required to address potential environmental impacts as part of individual project review.

As of January 2025, the City was estimated to have a population of 31,110. The addition of the cumulative projects listed in Table 3-1 would add 1,112 residential units and would be within the General Plan EIR's anticipated 2,779 new potential housing units. The General Plan EIR anticipated an additional 2,779 units that, the General Plan EIR determined, would result in an increase of approximately 7,948 individuals to the City's population.[14,15] Cumulative projects listed in Table 3-1, in conjunction with the proposed project, would include a total of 1,137 new residential units, which would add approximately 3,172 individuals to the City's population, using the City's overall average population generation rate.[16,17] This represents 10 percent of the City's current population and would also be within the City's anticipated population growth analyzed in the General Plan EIR. Because the forecast population growth from the cumulative projects is within the planned growth for the City, the cumulative projects would not result in a potentially significant adverse impact related to unplanned growth. Moreover, cumulative projects would connect to existing utility infrastructure in the project area due to their proximity to existing residential development within the City and therefore would not be likely to encourage indirect growth.

The proposed project's addition of approximately 70 people to the City's population, which the City planned for in the 2040 General Plan Update, would represent growth of approximately 0.23 percent of the City's population. This does not reflect a cumulatively considerable contribution to the less

[14] 2,779 general plan potential housing units x 2.86 persons per household = 7,947.94
[15] The General Plan EIR utilized a conservative ratio of 2.86 persons per household from 2020.
[16] 1,112 units (cumulative projects) + 25 units (proposed project) = 1,137 units x 2.79 = 3,172.23 persons. Note that the City's actual average generation rate is lower than the conservative rate utilized in the General Plan EIR.
[17] It is recognized that a portion of the cumulative projects considered herein are Builder's Remedy projects and therefore were not previously anticipated in the population growth estimates for the City. However, it is noted that the proposed project and, potentially, other cumulative projects contribute to RHNA numbers and therefore could be considered planned growth.

than significant cumulative impact. The proposed project would have no impact with respect to employment, which precludes the possibility of a potential indirect cumulative employment impact. Similarly, infrastructure upgrades and extensions that may be included in cumulative projects would not affect or be related to the proposed project. Significant off-site infrastructure improvements would not be necessary to accommodate the proposed, project and the proposed project would not extend services to areas beyond its boundary. As a result, no extension of infrastructure would occur that could induce growth or result in the proposed project contributing to cumulative impacts. Therefore, cumulative impacts related to population growth, both direct and indirect, would be considered less than significant.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

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3.13 - Public Services

3.13.1 - Introduction

This section describes the existing conditions related to public services in the City, County, and project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to public services that could result from implementation of the proposed project. Descriptions and analyses in this section are based, in part, on information provided by the Saratoga General Plan 2040 (General Plan), City Municipal Code, and various service provider websites.[1]

The following public comments were received during the Environmental Impact Report (EIR) scoping period related to public services:

- Request for access to the fire department report for the proposed project.
- Inquiry about how the proposed project would affect law and order in the project area.

The Santa Clara County Fire Department (SCCFD) has reviewed the proposed project (Plan Review no. 24-2738) and approved the project's plan with conditions (Appendix J). Additional discussion can be found in Section 3.18, Wildfire. Law and order (crime) is not an environmental California Environmental Quality Act (CEQA)-related topic and is therefore not discussed in this EIR. Impacts related to police protection services are discussed in this section.

3.13.2 - Environmental Setting

Fire Protection and Emergency Medical Services

Northern California

California Department of Forestry and Fire Protection (CAL FIRE) is responsible for fire protection of over 31 million acres of California's wildlands and provides emergency services in 36 of the State's 58 counties via contracts with local governments. CAL FIRE firefighters also respond to daily emergencies, including wildland fires, structure fires, accidents, heart attacks, lost hikers, spills, train wrecks, floods, and earthquakes. CAL FIRE firefighters, fire engines, and aircraft respond to wildland fires and answer the thousands of calls for other emergencies each year.[2] In November 2018, the Camp Fire wildfire occurred in Northern California, resulting in the deadliest wildfire to occur in State history to date.[3] In August 2020, the LNU Lightning Complex, and North Complex fires occurred in Northern California, resulting in extensive property damage. In In September and October 2020, the Glass Fire burned 67,484 acres and destroyed 1,555 structures in Napa and Sonoma Counties.[4] In

[1] With respect to fire protection, additional considerations are addressed in Section 3.18, Wildfire, and emergency access and emergency response and evacuation plans are addressed in Section 3.8, Hazards and Hazardous Materials. Additional discussion regarding potential impacts to schools is provided in Sections 3.2, Air Quality, and 3.10, Land Use and Planning.

[2] California Department of Forestry and Fire Protection (CAL FIRE). 2024. What We Do. Website: https://www.fire.ca.gov/what-we-do/fire-protection. Accessed December 15, 2025.

[3] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Top 20 Deadliest California Wildfires. Website: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/top20_deadliest.pdf?rev=227b6e4a007f4df5be4414a12c033184&hash=3864EB332926BB6DC73C84B32A568726. Accessed June 2, 2025.

[4] California Department of Forestry and Fire Protection. 2020. Glass Fire. Website: https://www.fire.ca.gov/incidents/2020/9/27/glass-fire/. Accessed December 15, 2025.

July 2024, the Park fire burned 429,603 acres and destroyed 709 structures.[5] Most recently in Southern California the January 2025 Eaton and Palisades Fire burned approximately 37,000 acres and approximately 15,000 structures in Los Angeles County.

City of Saratoga

The City of Saratoga is served by two fire districts that operate independently of the City. These two districts include the SCCFD and Saratoga Fire Protection District (SFPD).

SCCFD is an internationally accredited emergency services agency serving the largest county in Northern California. SCCFD provides emergency response to over 225,000 residents in the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Redwood Estates, Saratoga, and adjacent unincorporated areas. Daily 24-hour emergency response staffing consists of 66 firefighters and officers operating out of 15 fire stations with 31 front-line fire apparatus and three command vehicles. The department employs over 300 fire prevention, suppression, investigation, administration, and maintenance personnel.[6]

The SFPD provides the City with efficient and effective fire and emergency services, which includes fire prevention, firefighting, rescue and emergency medical services, environmental hazard response, and response to any other threats to life and property. The SFPD provides fire protection services to approximately 12.5 square miles encompassing one-half of the City of Saratoga and sections of unincorporated areas to the south. Approximately 14,500 people reside within the SFPD's service area. In July 2008, SFPD began a contract for fire prevention services with SCCFD. Under the contract, all SFPD safety employees became Santa Clara County personnel. Currently, the only SFPD employee is a part-time business manager. The SFPD owns the fire station at 14380 Saratoga Avenue.[7]

Project Site

The SCCFD would provide fire protection and emergency response services to the project site through a partnership with the SFPD. There are no fire protection facilities on-site. There are four fire stations within an approximately 5-mile radius of driving distance of the project site: Saratoga Fire Station, located 1.32 miles east at 14380 Saratoga Avenue in Saratoga; West Valley Station, located 2.49 miles northeast at 19800 Cox Avenue in Saratoga; Quito Fire Station, located 3.17 miles southeast at 18870 Saratoga-Los Gatos Road in Los Gatos; and Santa Clara County Central Fire Station, located 4.93 miles southeast at 14700 Winchester Boulevard in Los Gatos.

[5] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Top 20 Deadliest California Wildfires. Website: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/top-20-largest-ca-wildfires.pdf?rev=22e40a3a996c42f8824d05eb7b5c9b27&hash=753B6436609C7AA62C802C3F98561EAA. October 24. Accessed October 2, 2024.

[6] Santa Clara County Fire Department (SCCFD). 2024. SCCFD Overview. Website: https://www.sccfd.org/about-sccfd/sccfd-overview/. Accessed December 15, 2025.

[7] Saratoga Fire Protection District (SFPD). 2024. General District Info. Website: https://www.saratogafire.org/general-district-info/. Accessed December 16, 2025.

Police Protection

City of Saratoga

The Santa Clara County Sheriff's Office West Valley Patrol Division serves the City of Saratoga for law enforcement services. The Santa Clara County Sheriff's Office has 586 sworn personnel who are assigned to numerous divisions.[8] The Sheriff's Office serves the communities of Saratoga, Cupertino, Los Altos Hills, and the unincorporated areas of the County. The Sheriff's Office also maintains contracts for law enforcement services with the Santa Clara County Superior Court, Valley Transportation Authority, and the Santa Clara County Parks Department. With a total County population of approximately 1.7 million people, the Sheriff's Office has a service population of approximately 197,000.

Project Site

The Santa Clara County Sheriff's Office West Valley Division is located 2.48 miles northeast of the project site at 1601 South De Anza Boulevard in Cupertino. There are 83 sworn positions and seven professional support staff assigned to the West Valley Patrol Division. Deputies provide a full range of law enforcement responsibilities, to include Patrol, Traffic Enforcement, Investigative Services, School Resource Officers, Neighborhood Resource Officers, K-9 Services, and Special Enforcement assignments. [9]

Schools

Residences located in the City feed into four different Transitional Kindergarten (TK) through grade 8 elementary school districts: Campbell, Cupertino, Moreland, and Saratoga Union School District (SUSD).[10] The project site is in the SUSD school district. SUSD encompasses parts of Saratoga, Monte Sereno, Los Gatos and a portion of Unincorporated Santa Clara County. SUSD serves approximately 1,600 students in TK, kindergarten, and grades 1 through 8.[11]

High schools in the City include the Los Gatos-Saratoga Union High School District (LGSUHSD), Cambell Union High School District, and Fremont Union School District. The project site is located in the LGSUHSD area. LGSUHSD serves students in grades 9 through 12 in the Los Gatos, Monte Sereno, and Saratoga areas, as well as parts of Campbell, San José, and Santa Cruz. There are two schools within LGSUHSD, Saratoga High School and Los Gatos High School, which offer a variety of academic programs to fit the needs of all students who are preparing for college and career readiness.[12]

Project Site

The project site does not currently contain an active school on-site and there are no existing residences within the project site requiring school service needs. The project site is currently within

[8] City of Saratoga. 2024. Sheriff's Office. Website: https://www.saratoga.ca.us/195/Sheriffs-Office. Accessed October 2, 2024.
[9] County of Santa Clara Office of the Sheriff. 2024. West Valley Patrol. Website: https://countysheriff.sccgov.org/west-valley-patrol. Accessed December 16, 2025.
[10] Saratoga Union School District (SUSD). 2025. District Boundaries. Website: https://www.saratogausd.org/about-us/district-boundaries. Accessed June 4, 2025.
[11] Saratoga Union School District (SUSD). 2024. About Us. Website: https://www.saratogausd.org/about-us. Accessed December 16, 2025.
[12] Los Gatos-Saratoga Union High School District (LGSUHSD). 2024. Enrollment. Website: https://www.lgsuhsd.org/enrollment. Accessed December 16, 2025.

the bounds of SUSD and LGSUHSD. The proposed project would be served by Foothill Elementary, located approximately 1.17 miles northeast of the project site; Redwood Middle School, located approximately 2.24 miles northeast of the project site; and Saratoga High School, located approximately 1.42 miles northeast of the project site.

Libraries

The City of Saratoga

The Santa Clara County Library District serves the project site. There is one library in the City, Saratoga Library, located at 13650 Saratoga Avenue. Saratoga Library offers services to the public including a bookmobile, BookDash home delivery, a 24/7 online library, story time, dedicated children's and teen spaces, free Wi-Fi and internet access, and events.

Project Site

Saratoga Library is located approximately 2.27 miles northeast of the project site.

Existing Parks and Recreational Facilities

The California Department of Parks and Recreation (DPR) maintains State parklands and trails throughout California. The DPR manages and preserves 1,652,665 acres within 280 parks.[13] One State Park, Martial Cottle Park State Recreation Area, is located within 15 miles of the project site.

State Parks

Martial Cottle Park State Recreation Area

Martial Cottle Park is located approximately 12.1 miles east of the project site. The approximately 287-acre park contains open space containing trails, green space, and picnic areas. Activities include walking, biking, equestrian, paved trails, dogs on leash, reservable group picnics, and picnicking.[14]

Regional Parks

Santa Clara County Parks

The County of Santa Clara operates a regional park system comprised of 28 regional parks over 52,000 acres.[15] Three major regional parks exist within, or partially within, the City of Saratoga's Planning Area and are accessible to residents. These include Villa Montalvo, Stevens Creek County Park,[16] and Sanborn County Park. These parks total approximately 1,815 acres.

Villa Montalvo

Villa Montalvo is located in the hills straddling the southern border of the City, approximately 1.9 miles from the project site. It includes 175 acres of woodland. The majority of this open space is located within the County of Santa Clara unincorporated area but is partially located within Saratoga

[13] California Department of Parks and Recreation (DPR). 2018. California State Park System Statistical Report 2018/19 Fiscal Year. Website: https://www.parks.ca.gov/pages/795/files/18-19%20Statistical%20Report%20FINAL%20reduced.pdf. Accessed October 2, 2024.

[14] California Department of Parks and Recreation (DPR). 2025. Martial Cottle Park Website: https://parks.sccgov.org/santa-clara-county-parks/martial-cottle-park. Accessed December 11, 2025.

[15] County of Santa Clara. Santa Clara Santa Clara County Parks. Website: https://parks.sccgov.org/about-parks. Accessed December 11, 2025.

[16] Stevens Creek Park is located in the foothills between Saratoga and Cupertino. It can be accessed from either Saratoga or Cupertino.

and is entirely within the Sphere of Influence. The land is operated in trust by the Montalvo Association and is leased to the County on a long-term basis. The site contains an arboretum and recreational open space. The Villa, which provides cultural and music activities and programs, is owned and operated by the Montalvo Association. The park is maintained by the County with federal assistance.

Upper Stevens Creek County Park

Upper Stevens Creek County Park is a multiple-purpose park in the Cupertino Sphere of Influence, located approximately 1 mile from the project site. It is accessible to Saratoga residents by trail and scenic road. The park contains 655 acres including a 92 acre, non-power boating reservoir popular with fisherman and boaters, picnic areas, over 12 miles of single track and multiuse trails which connect with the Midpeninsula Open Space Fremont Older Open Space Preserve, and an archery range which is open to the public.[17]

Sanborn County Park

Sanborn County Park is a part of the larger regional Skyline Park and is located approximately 1.6 miles from the project site. Skyline Park contains 1,000 acres and extends from Sanborn Park to Skyline Boulevard. It is one of a series of multiple-purpose recreation areas with trails that connect to Castle Rock State Park and create an undisturbed corridor along the scenic mountain highway These trails are part of an even more extensive trail system that links the Santa Clara and San Lorenzo valleys with Castle Rock State Park, Big Basin Redwoods State Park, and the Skyline-to-the-Sea Pacific Coast Trail.[18]

Midpeninsula Regional Open Space District

Midpeninsula Regional Open Space District (MROSD) is a non-enterprise special district dedicated to the acquisition and protection of open space lands and linkages to other public parklands. The MROSD holdings include over 320 acres within the City of Saratoga's Planning Area. Among them is Fremont Older Open Space Preserve, a 739-acre preserve located on the urban fringe and extending to Stevens Creek County Park to the north and west. This open space resource offers a variety of experiences to hikers, bicyclists, and equestrians. Another MROSD site in the vicinity of project site is the Picchetti Ranch Open Space Preserve, which is a 308-acre preserve that features 3.7 miles of trail, the historic Picchetti Winery and surrounding homestead. It is located approximately 2.56 miles northwest of the project site.

Local Community Parks

The City of Saratoga offers parks and recreation facilities within its jurisdiction. Seven community parks and recreational facilities are located within 3 miles of the project site in the City of Saratoga. The closest community parks to the project site are Quarry Park, located 0.80 mile southeast of the project site, and Wildwood Park, located approximately 1.06 miles east of the project site. Table

[17] City of Saratoga. 2024. Open Space and Conservation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5404/General-Plan-Open-Space-and-Conservation-Element-PDF. Accessed December 16, 2025.
[18] Ibid.

3.13-3 provides a brief description of the seven community parks within a 3-mile radius of the project site and the recreational amenities that they feature,.

Table 3.13-1: Community Parks within 3 Miles of Project Site

Name	Acreage	Distance from Project Site	Amenities
Quarry Park	64	0.8	• Hiking Trails
Wildwood Park	2	1.06	• Entire Park Rental • Horseshoe Pit • Picnic Area with Barbecue • Playground • Restrooms • Stage • Volleyball • Water
Beauchamps Park	2.2	2.16	• Basketball Half-Court • Playground • Tennis Court
Azule Walking Park	4.3	2.59	• Entire Park Rental • Horseshoe Pit • Par Course • Petanque Court • Picnic Area with BBQ • Playground • Tennis Court • Turf Area
Kevin Moran Park	10.3	2.63	• Entire Park Rental • Basketball Court • Bocce Ball Courts • Drinking Fountains • Meditation Garden • Par Course • Picnic Areas • Restrooms • Security Lighting • Tennis Court • Turf Area • Walking Track
Congress Springs Park	10	2.65	• Baseball/Softball Diamond • Parking • Picnic Area with Barbecue • Playground • Soccer Field
Gardiner Park	1.2	2.80	• Picnic Area with Barbecue • Playground
Source: City of Saratoga. 2024. Parks Division.			

Project Site

There are no existing local community parks, recreational facilities, or designated open spaces on the project site. Exhibit 3.14-1 displays the parks, open spaces, and regional parks in the vicinity of the project site.

3.13.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to public services and recreation are applicable to the proposed project.

State

California Constitution Article XIII Section 35

Section 35 of Article XIII of the California Constitution states that public safety services include police and fire protection. Section 35 of Article XIII of the California Constitution was adopted by the voters in 1993 under Proposition 172, which, in part, directs the proceeds of a 0.50 percent sales tax to be used exclusively for local public safety services. California Government Code Sections 30051–30056 implement Proposition 172. Section 30056 provides that cities are not allowed to spend less of their own financial resources on their combined public safety services in any given year compared to the 1992–93 fiscal year. In C*ity of Hayward v. Trustee of California State University* (2015) 242 Cal.App.4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local jurisdictions to provide public services and that it is reasonable to conclude that a lead agency will comply with that provision and ensure that public services are provided.

California Health and Safety Code

California Health and Safety Code Sections 13100–13135 establish the following policies related to fire protection:

- Section 13100.1: The functions of the office of the State Fire Marshal, including CAL FIRE, shall be to foster, promote, and develop strategies to protect life and property against fire and panic.
- Section 13104.6: The Fire Marshal has the authority to require fire hazards to be removed in accordance with the law relating to removal of public nuisances on tax-deeded property.

California Senate Bill 50

California Senate Bill (SB) 50 (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding, and whether the school district meets certain additional criteria involving bonding capacity, year-round school, and the percentage of movable classrooms in use.

California Government Code, Section 65995(b) and Education Code, Section 17620

SB 50 amended Section 65995 of the California Government Code, which contains limitations on Section 17620 of the Education Code, the statute that authorizes school districts to assess development fees within school district boundaries. Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every 2 years, according to inflation adjustments. On January 22, 2014, the State approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) from $3.20 to $3.36 per square foot of assessable space for residential development of 500 square feet or more, and from $0.51 to $0.54 per square foot of chargeable covered and enclosed space for commercial/industrial development. School districts may levy higher fees if they apply to the State and meet certain conditions.

The fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects. Because the statute states that the statutory fees are the exclusive means of considering, as well as mitigating, school impacts, it limits not only the mitigation measures that may be required but also the scope of impact review in CEQA documents and the findings for school impacts. In *Chawanakee Unified School District v County of Madera* (2011) 196 CA 4th 1016, the court held that because the methods in the statute are the exclusive means of "considering" impacts on schools, an EIR need not describe and analyze a development's impacts on schools.

Local

City of Saratoga General Plan 2040

The General Plan sets forth the following applicable goals and policies that are relevant to public services:

Safety Element

Policy SAF-4.2 Coordinate with the Santa Clara County Fire Safe Council on preventing and reducing future losses from wildfires.

Policy SAF-4.4 Encourage all property owners to voluntarily install an early warning fire alarm system and a Class A roof when not otherwise required to do so.

Policy SAF-4.5 Continue to enforce existing regulations pertaining to hazardous fire areas (wildland-urban interface), fire retardant construction and landscaping (fuel modification).

Policy SAF-4.6 Coordinate with the Santa Clara County Fire Department on the need for additional fire prevention regulations for the built up, populated areas of the City.

Open Space and Conservation Element

Goal OSC-3 To provide and maintain parks and a variety of passive and active recreational sites that are located, designed, and improved to serve the needs of the residents, the community, and the neighborhoods of Saratoga.

Goal OSC-4 Maintain a ratio of 5 acres of park and open space area per 1,000 residents.

Policy OSC-4.1 Promote dedication of land for parks and recreational open space.

IM OSC-4.b The City shall continue to utilize the Park In lieu Fee Program to assist in the acquisition and maintenance of parks.

Goal OSC-5 A citywide system of hiking, bicycling, and horseback riding trails shall be provided within the community which includes regional trail linkages with City, County, State, and regional parks, and other publicly owned open space lands.

Policy OSC-5.1 The City shall continue to use the Trails and Walkways Master Plan as a day-to-day guide for the development, maintenance and financing of trails in Saratoga.

City of Saratoga Municipal Code

Section 14-25.080, Park and Recreation Dedication and Fees

(a) Purpose, application, and exemptions. As a condition of each final map approval, and to be detailed in the conditions of each tentative map, every owner shall be required to, and shall dedicate a portion of land or pay a fee in lieu thereof, or a combination of both at the option of the City, for the purpose of providing park or recreational facilities reasonably related to serving the development and in accord with the standards and provisions as hereafter set forth. The provisions of this Section are enacted pursuant to Section 66477 of the Government Code and are hereby found to be in accord with the Open Space and Conservation Element of the General Plan. The requirements of this section shall not apply to any of the following:

(1) Subdivisions or portions thereof for commercial or industrial uses.

(2) Subdivisions containing less than five parcels and not used for residential purposes. However, in that event, it shall automatically be a condition of approval of a parcel or tentative map that if a building permit is requested for construction of a residential structure or structures on one or more of such parcels within four years from the date of recording the final map, the fee in lieu of dedication, as prescribed in this section, shall be paid by the owner of each such lot as a condition to the issuance of the building permit.

(3) Any condominium project or stock cooperatives that consist of the subdivision of air space of an existing apartment building which is more than five years old when no new dwelling units are added thereto.

(4) Such other exceptions as may hereafter be added to the Map Act.

Article 16-20—Fire Code

Chapter 16 of the Saratoga Municipal Code includes adoption of the 2022 California Fire Code based on the 2021 International Fire Code. The code includes requirements related to building and electrical, safety features, fire department access, and safety during construction and demolition.

3.13.4 - Methodology

Consistent with CEQA's definition of environmental impacts, this analysis does not consider an increase in service demands alone a potential adverse impact on the physical environment. *City of*

Hayward v Board of Trustees of Cal. State Univ. (2015) 242 CA4th 833, 943. Rather, this analysis evaluates the potential for the proposed project to result in the need for new public service facilities (and the associated potential for construction and subsequent operation of such facilities to cause physical environmental impacts). *Goleta Union Sch. Dist. v Regents of Univ. of Cal.* (1995) 37 CA4th 1025. To evaluate the need for new or expanded facilities and infrastructure, this analysis considers the project's effect on existing fire and police station response times. Projected population provided by the General Plan was also reviewed. In addition, fire and police (emergency) access at the project site was evaluated. Impacts on schools were determined by evaluating the proposed project's effect on existing school enrollment. Projected population and school enrollment data provided by the General Plan, SUSD, LGSUHSD, and the California Department of Education were also reviewed. Impacts related to parks and recreational facilities were determined by evaluating the proposed project's effect on existing park and recreational facility usage levels. Impacts to police, fire, schools, library facilities, and local and regional parks were also based on estimates and information received in response to request letters sent to each of these service providers for their input related to possible project impacts.

3.13.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to public services and utilities resulting from the implementation of the proposed project would be considered significant if the project would:

> . . . result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
>
> a) Fire protection
> b) Police protection
> c) Schools
> d) Parks
> e) Other public facilities

3.13.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Fire Protection

Impact PUB-1:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.**

Impact Analysis

Construction

There are four fire stations within an approximately 5-mile driving distance of the project site: Saratoga Fire Station, located 1.32 miles to the east at 14380 Saratoga Avenue in Saratoga; West Valley Station, located 2.49 miles northeast at 19800 Cox Avenue in Saratoga; Quito Fire Station, located 3.17 miles southeast at 18870 Saratoga-Los Gatos Road in Los Gatos; and Santa Clara County Central Fire Station, located 4.93 miles southeast at 14700 Winchester Boulevard in Los Gatos. SCCFD's adopted emergency response time standard (including SFPD) is 6 minutes, 30 seconds or less, 90 percent of the time. The department does not meet this response time standard. According to the data from January 2018 to June 2022, which is the most recent available data, SCCFD's 90th percentile response time is 8 minutes, 21 seconds.[19]

The project site is approximately 1.8 miles from the closest fire station via roadways and is mapped within an area that would take emergency vehicles more than 5 minutes to reach. Response times in the City are impacted by hillside terrain and lack of multiple roadways providing access to certain areas.[20] Specific response times to the project site are unknown.

As part of construction, the proposed project would comply with California Building Standards Code (CBC), which is adopted by City Ordinance. In compliance with the California Fire Code, Part 9 of the CBC, during construction the proposed project would follow standards for fire safety related to provision of fire apparatus access and acquisition of building permits.[21] With adherence to the CBC Code, and considering the relatively small scale of the project site as compared to the SCCFD and SFPD service areas, construction of the proposed project would not create the need for new or altered fire protection facilities. Therefore, construction impacts related to the need for new or altered fire protection facilities would be less than significant and no mitigation is required.

Operation

The operation of 25 new single-family homes on the project site would result in approximately 70 new residents at the project site and could in turn result in an increase in calls for fire protection and emergency medical services. As noted above, Saratoga Fire Station is located 1.8 miles by roadway east of the project site at 14380 Saratoga Avenue. Response times within the project area are estimated to be more than 5 minutes.[22] As mentioned above, the response time to the project site is unknown. The SCCFD responds to urgent calls within 7 minutes and 50 seconds (urban) or 11 minutes and 50 seconds (rural) 90 percent of the time.[23]

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[19] Santa Clara County Local Agency Formation Commission (LAFCo). 2023. Countywide Fire Service Review, Final Report. Figure 6: Countywide Incident Volume and Performance (January 2018 – June 2022). October. Website: https://santaclaralafco.org/sites/default/files/FireSRReview-FinalReport-2023.pdf. Accessed March 24, 2025.

[20] Hexagon Transportation Consultants, Inc. 2024. Memorandum: Emergency Response Analysis for the Saratoga Fire Protection District, California. October. Website: https://www.saratogafire.org/wp-content/uploads/2024/10/Emergency-Response-Analysis-Memo.pdf. Accessed March 24, 2025.

[21] California Fire Code. 2022. Chapter 1 Scope and Administration. Website: https://codes.iccsafe.org/content/CAFC2022P1/chapter-1-scope-and-administration#CAFC2022P1_Pt01_Ch01_SubChII_SubCh02_Sec105. Accessed October 2, 2024.

[22] Hexagon Transportation Consultants, Inc. 2024. Memorandum: Emergency Response Analysis for the Saratoga Fire Protection District, California. October. Website: https://www.saratogafire.org/wp-content/uploads/2024/10/Emergency-Response-Analysis-Memo.pdf. Accessed March 24, 2025.

[23] Santa Clara County Fire Department (SCCFD). 2023. Santa Clara County Fire Department 2023–2027 Strategic Plan. Website: https://www.sccfd.org/wp-content/uploads/2023/04/2023.4.26_SCCFD_StrategicPlan2023_FINAL_WEB.pdf. Accessed June 4, 2025.

As part of project operation, the proposed project would comply with the CBC, which is adopted by City Ordinance. The proposed project would include an approximately 1,600-foot-long emergency access road primarily located in the Remainder Area of the project site, providing an additional access point for fire protection services. Additionally, the proposed project would implement MM WILD-1 (refer to Section 3.18, Wildfire). In accordance with MM WILD-1, the proposed project would be required to implement a Wildfire Protection Plan (WPP), which includes vegetation treatments that follow fuel management standards and best practices and would be certified annually as implemented per the WPP. With the implementation of the WPP, the potential for wildfire would be reduced, thus also reducing the impacts on public services from fire response and fire protection.

Furthermore, revenue from property taxes associated with the proposed project would fund future expansion or improvements to fire protection facilities and apparatus to allow for SFPD and SCCFD to continue to serve the community and maintain adequate fire protection standards. As such, due to the limited number of residents expected to be generated by the proposed project, compliance with the CBC, implementation of the WPP, and generation of property taxes benefiting fire services, it is not expected that the proposed project would adversely affect response times or increase the use of existing fire protection or emergency medical response facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. Impacts would be less than significant with mitigation incorporated.

Level of Significance

Less than significant impact.

Mitigation Measures

None

Police Protection

Impact PUB-2:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.**

Impact Analysis

The proposed project would result in significant environmental impacts if new or physically altered police facilities would be needed to maintain an adequate provision of police services.

Construction

The Office of the Sheriff would provide law enforcement services to the project site during construction. The nearest Sheriff station, the West Valley Station, is located 2.48 miles to the northeast at 1601 South De Anza Boulevard in Cupertino. During construction, the proposed project would implement security measures, such as, but not limited to, provision of a project-boundary fence to prohibit access to persons other than construction personnel, thereby reducing the likelihood of criminal activity on the project site.

The Sheriff's Office does not utilize a police officer-to-resident ratio but instead measures performance by evaluating monthly target response times for priority calls. Call response time targets are 6 minutes for Priority 1 calls; 10 minutes for Priority 2 calls; and 20 minutes for Priority 3 calls. In 2023 (the most recent available data), the Sheriff's Office slightly exceeded targeted response times for Priority 1 calls (6.6 minutes), but came in well below targeted response times for Priority 2 calls (8.1 minutes) and Priority 3 calls (11.33 minutes).[24] With the provision of adequate security measures and considering the small relatively small scale of the project site as compared to the Sheriff's Office service areas, construction would not create the need for new or altered police protection facilities. Therefore, construction impacts related to the need for new or altered police protection facilities would be less than significant and no mitigation is required.

Operation

The operation of 25 new single-family homes on the project site would result in approximately 70 new residents at the project site that could in turn increase calls for police protection services. Primary access to the project site during operation would be from Pierce Road and Masson Estates Way. The nearest Sheriff station is located 2.48 miles northeast of the project site at 1601 South De Anza Boulevard in Cupertino. If response calls originate from the West Valley Station, response time are estimated to be approximately 4 minutes and 15 seconds.

The proposed project would include nighttime lighting, which would serve as a deterrent to crime. Project residents may implement additional security measures, such as home security alarms, to deter crime at the project site. The proposed project would also provide an approximately 1,600-foot-long emergency access road primarily located in the Remainder Area of the project site, providing an additional access point for law enforcement. Furthermore, the site's population would represent a small portion of the population served by the Sheriff's Office. As such, the proposed project would not adversely affect response times or increase the use of existing police protection facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. Operation of the proposed project would not create a need to construct new facilities or to expand existing police protection facilities. Therefore, operational impacts related to need for new or altered police protection facilities would be less than significant and no mitigation is required.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

[24] Santa Clara County Office of the Sheriff. Undated. 2023 Annual Statistics. https://files.santaclaracounty.gov/exjcpb1376/2024-10/annual-statistics-23.pdf?VersionId=QjWqjqetpkxNXD5cugr7ouUEnS3iUMr1. Accessed June 3, 2025.

Schools

Impact PUB-3: **The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.**

Impact Analysis

Construction

Impacts related to provision of and need for construction of new or expanded school facilities are limited to operational impacts. No respective construction impacts would occur.

Operation

The project site is within two school districts: the SUSD (grades K-8) and LGSUHSD (grades 9-12).

SUSD schools are not assigned based on property address but rather on availability at schools within the district. Elementary age residents of the project site would attend either Saratoga Elementary, Foothill Elementary or Argonaut Elementary. Middle school age residents of the project site would attend Redwood Middle School, located approximately 2.24 miles northeast. For the 2024-2025 academic school year, SUSD enrollment consisted of 367 students at Argonaut Elementary, 278 students at Foothill Elementary, 297 students at Saratoga Elementary school, and 709 students at Redwood Middle School. [25] As of 2025, SUSD had a total enrollment of 1,653 students with a capacity of 3,465 students. Therefore, in 2025, SUSD had an available capacity of 1,812 students in grades K–8 .[26,27]

High school age residents of the project site would attend Saratoga High School, located approximately 1.42 miles northeast of the project site. During the 2024-2025 academic school year, Saratoga High School had an enrollment of 1,161 students.[28] LGSUHSD has a total capacity of 4,320 students. [29] In 2024/2025 school year, LGSUHSD's total enrollment in grades 9–12 was 3,084students.[30] Therefore, the District's available capacity for students in grade 9–12 is 1,236students.

The Saratoga Housing and Safety Elements and 2040 General Plan Updates EIR planned for SUSD to serve 748 homes at maximum buildout of the General Plan and Housing Element, resulting in an

[25] Ed Data. 2025. Saratoga Union Elementary – District Summary. Website: https://www.ed-data.org/district/Santa-Clara/Saratoga-Union-Elementary. Accessed December 16, 2025.

[26] Saratoga Union School District (SUSD). 2024. 2024 Fee Justification Study. May. Website: https://resources.finalsite.net/images/v1715708297/saratogausdorg/gfzmzxh8o0ccxrudsagm/Saratoga_USD_2024_Fee-Justification-Study_2024-05-10.pdf. Accessed March 25, 2025.

[27] Ed Data. 2025. Saratoga Union Elementary – District Summary. Website: https://www.ed-data.org/district/Santa-Clara/Saratoga-Union-Elementary. Accessed December 16, 2025.

[28] Ed Data. 2025. Saratoga High – School Summary. Website: https://www.ed-data.org/school/Santa-Clara/Los-Gatos--Saratoga-Union-High/Saratoga-High. Accessed December 16, 2025.

[29] Schoolworks, Inc. 2024. 2024 Developer Fee Justification Study for Los Gatos-Saratoga Union High School District, Table 8: Summary of Available District Capacity. March. Website: https://resources.finalsite.net/images/v1712964586/lgsuhsdorg/mpdstzkvmef3jlvhjltn/LGSUHSDDevFeeStudy2024.pdf. Accessed March 25, 2025.

[30] Ed Data. 2025. Los Gatos-Saratoga Union High – District Summary. Website: https://www.ed-data.org/district/Santa-Clara/Los-Gatos--Saratoga-Union-High. Accessed December 16, 2025.

estimated student population of 374 students, and planned for LGSUHSD to serve 748 homes resulting in an estimated student population of 50 students.[31] Using a student generation rate of 0.5 elementary and middle school students per dwelling unit and 0.2 high school students per dwelling unit, the proposed project would result in approximately 12.5 elementary and middle school students and five high school students. Development of 25 homes and this estimated student generation is within the planned growth analyzed in the City's General Plan and within service estimates for SUSD and LGSUHSD.

Furthermore, the project applicant would be required to pay development impact fees to the SUSD and LGSUHSD, which would reduce impacts resulting from increased demand in school services. As of July 22, 2024, the SUSD collects developer fees of $0.70 per square foot for residential development.[32] As of April 23, 2024, developer impact fees for LGSUHSD are $5.17 per square foot for residential development.[33] Pursuant to Government Code Section 65995, payment of adopted development fees is considered "full and complete mitigation" for impacts to school facilities and local governments are prohibited from assessing additional fees or exactions for school impacts. With payment of impact fees to the SUSD and LGSUHSD, operation of the proposed project would not create a need to construct new or schools or expand existing school facilities. Therefore, operational impacts related to the need for new or altered school facilities would be less than significant and no mitigation is required.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Parks

Impact PUB-4:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.**

Impact Analysis

Construction

Impacts related to increased use of existing parks are limited to operational impacts. No respective construction impacts would occur. During construction, there is potential for construction personnel to access parks within the project area. The use of parks by construction personnel would be temporary and limited to the duration of the construction period. Therefore, project construction

[31] City of Saratoga. 2024. Saratoga Housing and Safety Elements and 2040 General Plan Updates EIR. Website: https://www.saratoga.ca.us/DocumentCenter/View/4852/Updated-Environmental-Analysis---Chapter-III. Accessed October 2, 2024.

[32] Saratoga Union School District (SUSD). 2024. Developer Fees. Website: https://www.saratogausd.org/departments/business-services/developer-fees. Accessed March 25, 2025.

[33] Los Gatos-Saratoga Union High School District. 2025. Developer Fees. Website: https://www.lgsuhsd.org/departments/business-services/developer-fees. Accessed December 16, 2025.

would not increase the use of existing neighborhood and regional parks facilities resulting in substantial physical deterioration. As such, impacts would be less than significant.

Operation

The DPR, Santa Clara County, and the City Parks Division maintain State, regional, and local community parks for public use throughout the City and surrounding areas. The nearest park is Quarry Park, which is located approximately 0.8 mile southeast of the project site. Besides the seven local community parks located within 3 miles of the project site, Villa Montalvo is located approximately 1.9 miles southeast of the project site, Stevens Creek County Park is located one mile northwest of the project site, and Martial Cottle Park State Recreation Area is located approximately 12.1 miles east of the project site. Together, these parks total nearly 1,097 total acres of City and County parkland and open space. General Plan Goal OSC 4 seeks to achieve 5 acres of park and open space facilities per 1,000 population or 0.005 acre per person within the City. The City currently has a population of 31,110, and approximately 148 acres of parks are maintained by the City's Park's Division, or resulting in approximately 0.0.047 acre per person.[34] Therefore, existing park acreage managed by the City exceeds the parkland ratio established by Goal OSC 4.

As described in Section 3.1, Population and Housing, the proposed 25 residential units would result in an increase of approximately 70 people, creating a need for approximately 0.35 acre of parks and open space facilities. Although the proposed project would not provide designated open space areas, the proposed project would develop only a portion of the site and preserve the remaining 54.06 acres as undeveloped lands. Because the City's available parkland exceeds the City's standard of 5 acres per 1,000 population, the incremental increase in new residents associated with the proposed project would not result in a significant increase in demand on existing neighborhood or regional parks, or the need for new or expanded facilities. Additionally, the proposed project would be required to pay the City's Park Impact Fee, which would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.[35] Because the City maintains an ample and diverse range of park sites and recreation facilities and collects fees from new development to continue to fund the maintenance of existing parks and construction of new parks, the incremental additional demand for parks generated by the proposed project would not result in significant impacts related to the need for new or expanded parks. As such, impacts would be less than significant, and no mitigation is required.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

[34] City of Saratoga. 2024. Open Space and Conservation Element. Website: www.saratoga.ca.us/DocumentCenter/View/5404/General-Plan-Open-Space-and-Conservation-Element-PDF. Accessed March 4, 2024.

[35] City of Saratoga. 2024. Code of Ordinances. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH14SU_ART14-25DERE_14-25.080PAREDEFE. Accessed October 2, 2024.

Other Public Facilities

Impact PUB-5:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library facilities.**

Impact Analysis

Construction

Impacts related to provision of and need for construction of new or expanded library facilities are limited to operational impacts. No construction impacts would occur.

Operation

There are no library facilities on the project site. The nearest library to the project site is Saratoga Library, located 2.27 miles northeast of the proposed project.

As described in Section 3.1, Population and Housing, the proposed 25 residential units would result in an increase of approximately 70 people. Although new residents could increase demand for library services, the approximately 70 residents would represent a nominal increase compared with the existing City population of 31,110 residents currently served by the Saratoga Library. The proposed project's estimated increase in persons would represent an increase of less than 1 percent relative to the existing residents served by the Saratoga Library.

As such, operation of the proposed project would not create a need to construct new facilities or to expand existing library facilities. Therefore, operational impacts related to the need for new or altered library facilities would be less than significant and no mitigation is required.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.13.7 - Cumulative Impacts

The geographic scope of the cumulative public services analysis is the service area of each of the providers serving the proposed project. Because of differences in the nature of each public service, they are discussed separately below.

The development projects listed in Table 3-1 are primarily residential and commercial in nature. The cumulative projects listed in Table 3-1 total 1,112 residential units; accordingly, based on the Department of Finance average household size of 2.79 persons, the estimated increase in persons would total 3,172 persons with the addition of the proposed project.[36]

[36] 1,112+25 = 1,137 proposed units x 2.79 persons per household = 3,172.23

Fire Protection Facilities

The geographic scope of the cumulative public services analysis is the boundaries of the SCCFD and SFPD. Cumulative development in the surrounding area would be expected to substantially increase permanent residents and daytime population, which includes employees and visitors/patrons. The cumulative increase in population could in turn result in an increased demand for fire protection facilities. To help offset the increased demand, the cumulative projects would be required to adhere to the California Fire Code, Part 9 of the CBC in terms of meeting standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, and fire-resistant building materials. Furthermore, tax revenue from cumulative projects would provide funds for fire facility and apparatus improvements to help serve each project. With adherence to CBC Code sections, cumulative projects would not result in need for new or altered fire protection or emergency medical facilities. Thus, there would be a less than significant cumulative impact with regard to need for new or altered fire protection and emergency medical facilities. Moreover, as discussed above, the proposed project would not have a cumulatively considerable contribution to the less than significant impact due to compliance with existing regulations, incorporation of design features, such as the 1,600-foot-long emergency access road, and contribution to tax revenue.

Police Protection Facilities

The geographic scope of the cumulative public services analysis is the boundaries of the County Office of the Sheriff. Cumulative development in the surrounding area would be expected to substantially increase permanent residents and daytime population, which includes employees and visitors/patrons. As described above cumulative projects listed in Table 3-1 in conjunction with the proposed project would add approximately 3,172 individuals to the population.[37] The cumulative increase in population could in turn result in an increased demand for police protection facilities.

All developments would be reviewed for impacts on law enforcement services and would be required to address any potential impacts with mitigation. Because demand for law enforcement services is highly dependent on a number of factors that vary substantially by project (clientele, hours of operation, crime prevention measures, etc.), it is unlikely that there would be substantial overlap in demand that would result in a cumulatively significant impact such that new police protection facilities are necessary. Furthermore, tax revenue from cumulative projects would provide funds for police facility and equipment improvements to help serve each project.

With increased tax revenue funds, cumulative projects would not result in need for new or altered police protection facilities. Thus, there would be a less than significant cumulative impact with regard to need for new or altered police protection facilities. Moreover, as discussed above, the proposed project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable because the proposed project would not result in the new for new or physically altered public services facilities.

[37] 1,112 units (cumulative projects) + 25 units (proposed project) = 1,137 units x 2.79 = 3,172.23 persons

School Facilities

The geographical scope of the cumulative public services analysis is the boundaries of the SUSD and LGSUHSD. Cumulative development would increase the population and demand for educational facilities. As described above, cumulative projects listed in Table 3-1 in conjunction with the proposed project would add approximately 3,172 individuals to the population. The cumulative increase in population could in turn result in an increased demand for school facilities.

Other cumulative projects do not include any educational facilities. All cumulative developments would be required to pay development impact fees impact fees toward the two applicable school districts. Under State law, this is the exclusive means of mitigating impacts to school facilities due to increased enrollment. As part of the project entitlement process, the cumulative project applicants would be responsible for paying their fair share of these school facility fees.

With payment of impact development fees, cumulative projects would not result in need for new or altered school facilities. Thus, there would be a less than significant cumulative impact with regard to need for new or altered school facilities.

Library Facilities

The geographic scope of the cumulative library facilities analysis is the Santa Clara County Library system.

Cumulative development would increase the population and demand for library facilities. Cumulative projects are located in Santa Clara County Library District which has a collection of over 2.36 million items including books, e-books, videos, and audiobooks. The Library District is also host to an extensive 24/7 online library collection. As described above, cumulative projects listed in Table 3-1 in conjunction with the proposed project would add approximately 3,183 individuals to the population, which would result in an increase in demand for library services; however, library service needs are changing with increasing resources being available online and the availability of high-speed internet services. Additionally, the Santa Clara County Library District Joint Powers Authority Board (JPA) adopted a Capital Maintenance Plan in 2010 and reviews it annually to address known and predictable maintenance and replacement needs. Therefore, the increase in population would not result in an additional unanticipated increased need for new or physically altered public library facilities.

Thus, there would be a less than significant cumulative impact with regard to need for new or altered library facilities.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

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3.14 - Recreation

3.14.1 - Introduction

This section describes existing parks and recreational facilities in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to parks and recreational facilities that could result from the implementation of the project. Information in this section is based, in part, on information obtained from the California Department of Parks and Recreation (DPR) website, the City of Saratoga General Plan (General Plan), Santa Clara County Parks website, and Saratoga Parks website.

No public comments were received during the Environmental Impact Report (EIR) scoping period related to recreation.

3.14.2 - Environmental Setting

Existing Parks and Recreational Facilities

The DPR offers State parklands and trails throughout California. The DPR manages and preserves 1,652,665 acres within 280 parks.[1] One State Park, Martial Cottle Park State Recreation Area, is located within 15 miles of the project site.

State Parks

Martial Cottle Park State Recreation Area

Martial Cottle park is located approximately 12.1 miles east of the project site. The approximately 287-acre park contains open space containing trails, green space and picnic areas. Activities include walking, biking, equestrian, paved trails, dogs on leash, reservable group picnics, and picnicking.[2]

Regional Parks

Santa Clara County Parks

The County of Santa Clara operates a regional park system comprised of 28 regional parks over 55,000 acres.[3] Three major regional parks exist within, or partially within, the City of Saratoga's Planning Area and are accessible to residents. These include Villa Montalvo, Stevens Creek County Park,[4] and Sanborn County Park. These parks total approximately 1,815 acres.

Villa Montalvo

Villa Montalvo is located in the hills straddling the southern border of the City, approximately 1.9 miles from the project site. It includes 175 acres of woodland. The majority of this open space is located within the County of Santa Clara unincorporated area but is partially located within Saratoga

[1] California Department of Parks and Recreation (DPR). 2018. California State Park System Statistical Report 2018/19 Fiscal Year. Website: https://www.parks.ca.gov/pages/795/files/18-19%20Statistical%20Report%20FINAL%20reduced.pdf. Accessed August 26, 2024.
[2] California Department of Parks and Recreation (DPR). 2025. Martial Cottle Park Website: https://parks.sccgov.org/santa-clara-county-parks/martial-cottle-park. Accessed December 11, 2025.
[3] County of Santa Clara. 2025.Santa Clara Santa Clara County Parks. About Us Website: https://parks.sccgov.org/about-parks. Accessed December 11, 2025.
[4] Stevens Creek Park is located in the foothills between Saratoga and Cupertino. It can be accessed from either Saratoga or Cupertino.

and is entirely within the Sphere of Influence. The land is operated in trust by the Montalvo Association and is leased to the County on a long-term basis. The site contains an arboretum and recreational open space. The Villa, which provides cultural and music activities and programs, is owned and operated by the Montalvo Association. The park is maintained by the County with Federal assistance.

Upper Stevens Creek County Park

Upper Stevens Creek County Park is a multiple-purpose park in the Cupertino Sphere of Influence, located approximately 1 mile from the project site. It is accessible to Saratoga residents by trail and scenic road. The park contains 655 acres including a 92-acre, non-power boating reservoir popular with fisherman and boaters, picnic areas, over 12 miles of single track and multiuse trails which connect with the Midpeninsula Open Space Fremont Older Open Space Preserve, and an archery range which is open to the public.[5]

Sanborn County Park

Sanborn County Park is a part of the larger regional Skyline Park and is located approximately 1.6 miles from the project site. Skyline Park contains 1,000 acres and extends from Sanborn Park to Skyline Boulevard. It is one of several multiple-purpose recreation areas with trails that connect to Castle Rock State Park and create an undisturbed corridor along the scenic mountain highway. These trails are part of an even more extensive trail system that links the Santa Clara and San Lorenzo valleys with Castle Rock State Park, Big Basin Redwoods State Park, and the Skyline-to-the-Sea Pacific Coast trail. [6]

Midpeninsula Regional Open Space District

Midpeninsula Regional Open Space District (MROSD) is a non-enterprise special district dedicated to the acquisition and protection of open space lands and linkages to other public parklands. The MROSD holdings include over 320 acres within the City of Saratoga's Planning Area. Among them is Fremont Older Open Space Preserve, a 739-acre preserve located approximately 1.3 miles north of the project site on the urban fringe and extending to Stevens Creek County Park to the north and west. This open space resource offers a variety of experiences to hikers, bicyclists, and equestrians.[7] Another MROSD site in the vicinity of project site is the Picchetti Ranch Open Space Preserve, which is a 308-acre preserve that features 3.7 miles of trail and the historic Picchetti Winery and surrounding homestead.[8] It is located approximately 2.56 miles northwest of the project site.

Local Parks

The City of Saratoga offers parks and recreation facilities within its jurisdiction.

Seven City parks and recreational facilities are located within 3 miles of the project site. The closest community parks to the project site are Quarry Park, located 0.80 mile southeast of the project site,

[5] City of Saratoga. 2024. Open Space and Conservation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5404/General-Plan-Open-Space-and-Conservation-Element-PDF. Accessed December 11, 2025.
[6] Ibid.
[7] Ibid.
[8] Midpeninsula Regional Open Space District. Picchetti Ranch Preserve. Website: https://www.openspace.org/preserves/picchetti-ranch. Accessed December 11, 2025.

and Wildwood Park, located approximately 1.06 miles east of the project site. Table 3.14-1 provides a brief description of the seven community parks within a 3-mile radius of the project site, the recreational amenities that they feature, and the jurisdiction and park department where the park is located.

Table 3.14-1 City Parks Within 3 Miles of Project Site

Name	Acreage	Distance from Project Site	Amenities
Quarry Park	64	0.8	• Hiking Trails
Wildwood Park	2	1.06	• Entire Park Rental • Horseshoe Pit • Picnic Area with Barbecue • Playground • Restrooms • Stage • Volleyball • Water
Beauchamps Park	2.2	2.16	• Basketball Half-Court • Playground • Tennis Court
Azule Walking Park	4.3	2.59	• Entire Park Rental • Horseshoe Pit • Par Course • Petanque Court • Picnic Area with BBQ • Playground • Tennis Court • Turf Area
Kevin Moran Park	10.3	2.63	• Entire Park Rental • Basketball Court • Bocce Ball Courts • Drinking Fountains • Meditation Garden • Par Course • Picnic Areas • Restrooms • Security Lighting • Tennis Court • Turf Area • Walking Track
Congress Springs Park	10	2.65	• Baseball/Softball Diamond • Parking • Picnic Area with Barbecue • Playground • Soccer Field

Name	Acreage	Distance from Project Site	Amenities
Gardiner Park	1.2	2.80	• Picnic Area with Barbecue • Playground
Source: City of Saratoga. 2024. Parks Division.			

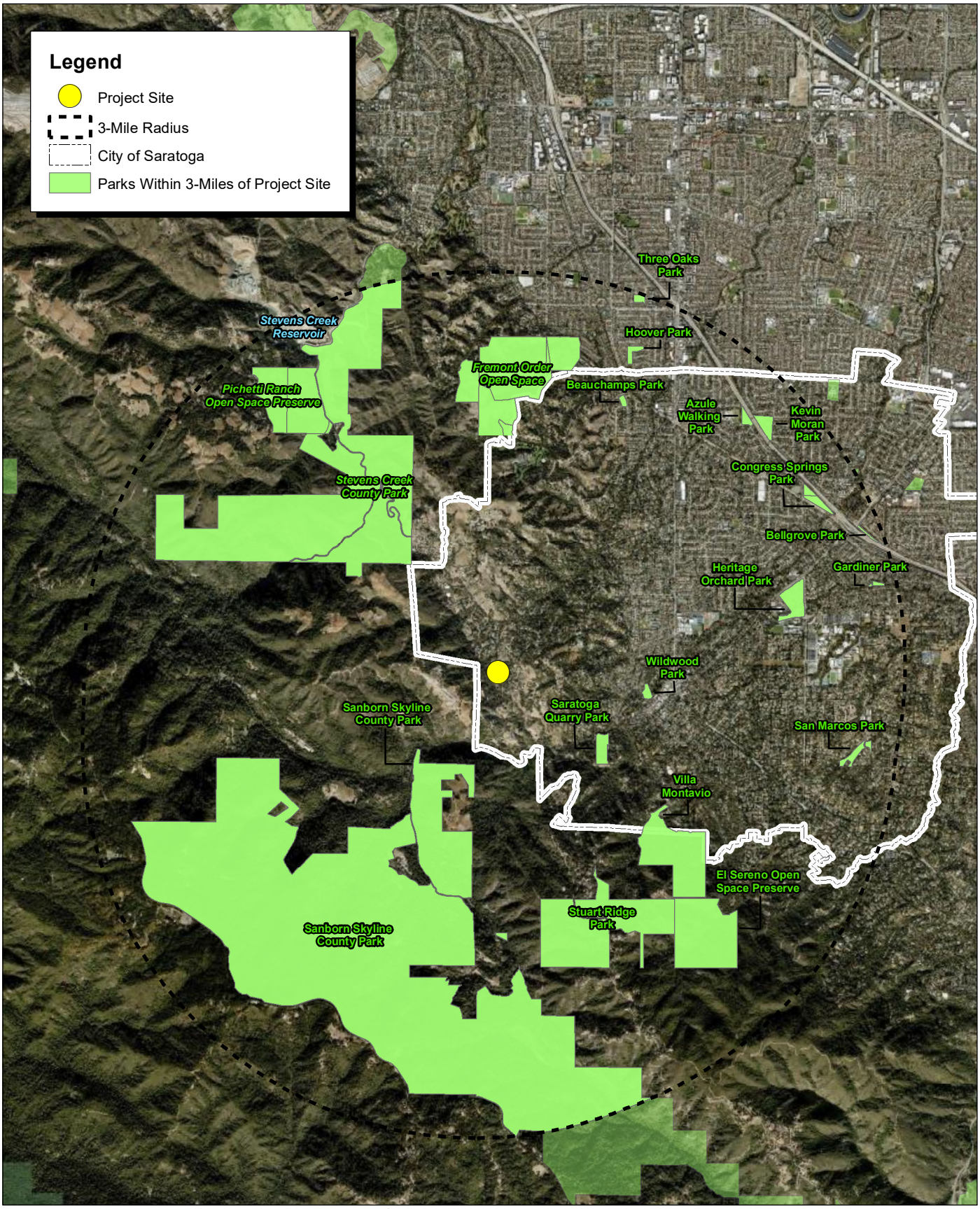
Trails

Over the years, the City has encouraged the dedication of a comprehensive and interconnected system of multiuse trails in the community that link to the regional, Countywide trail system. The trails allow a range of bicycle riding, hiking, walking, jogging and equestrian uses. Development of the trail system in Saratoga is guided by the 1974 Trails Master Plan that was updated and adopted by the City in 1991 as part of the Parks and Trails Master Plan and then updated in 2022 as the Trails and Walkways Master Plan. This plan was coordinated to complement the existing County Trails and Pathways Master Plan. The City has approximately 31 linear miles of existing and dedicated trails. In addition, there are approximately 10 linear miles of proposed trails. None of the existing and designated trails are on or adjacent to the project site. The City identifies a proposed trail along Pierce Road directly adjacent to the project site (General Plan Figure OSC-2).[9]

Project Site

There are no existing State, regional or existing local community parks, recreational facilities, or designated open spaces on the project site. Exhibit 3.14-1 displays the nearest City parks, regional parks, and open spaces in the project vicinity.

[9] City of Saratoga. 2024. Open Space and Conservation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5404/General-Plan-Open-Space-and-Conservation-Element-PDF. Accessed December 11, 2025.



Source: ESRI Aerial Imagery. Hanna-Brunetti Civil Engineers, 02/2024.

FIRSTCARBON SOLUTIONS™

1 0.5 0 1 Miles

Exhibit 3.14-1
Parks in the Project Site Vicinity

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3.14.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to recreation are applicable to the proposed project.

State

Quimby Act

The Quimby Act (California Government Code § 66477) was established by the California Legislature in 1965 to preserve open space and parkland in rapidly urbanizing areas of the State. The Quimby Act allows cities and counties to establish requirements for new development to dedicate land for parks, pay an in lieu fee, or provide a combination of the two.

The Quimby Act provides two standards for the dedication of land for use as parkland. If the existing area of parkland in a community is greater than 3 acres per 1,000 residents, then the community may require dedication based on a standard of up to 5 acres per 1,000 persons residing in the subdivision based on the current ratio of parkland per 1,000 residents. If the existing amount of parkland in a community is less than 3 acres per 1,000 residents, then the community may require dedication based on a standard of only 3 acres per 1,000 persons residing in the subdivision.

The Quimby Act requires a city or county to adopt standards for recreational facilities in its general plan to adopt a parkland dedication or fee ordinance. The City implements the requirements of the Quimby Act through Municipal Code section 14-25.080, as discussed below.

It should be noted that the Quimby Act applies only to the acquisition of new parkland; it does not apply to the physical development of new park facilities or associated operations and maintenance costs. Therefore, the Quimby Act effectively preserves open space needed to develop park and recreation facilities, but it does not ensure the development of the land or the provision of park and recreation services to residents. In addition, the Quimby Act applies only to residential subdivisions. Nonresidential projects could contribute to the demand for park and recreation facilities without providing land or funding for such facilities. Quimby Act fees are collected by the local agency (park district, city, or county) in which the new residential development is located.

Local

City of Saratoga General Plan 2040

Open Space and Conservation Element

Goals and Policies

Goal OSC 1 To provide and maintain open space resources of local and regional significance accessible to the public.

Goal OSC 2 Maintain the predominantly small-town residential character of Saratoga, which includes a mix of larger residential parcels, long-established neighborhoods, scenic hillsides, and open space areas.

Policy OSC 2.1 Ensure that all development proposals, public and private, are sensitive to the natural environment and the community's open space resources.

Goal OSC 3 To provide and maintain parks and a variety of passive and active recreational sites which are located, designed, and improved to serve the needs of the residents, the community, and the neighborhoods of Saratoga.

Policy OSC 3.3 Promote retention and dedication of land which provides room for a variety of passive and active recreational pursuits and offers important opportunities for the fulfillment of human and psychological needs, including:

1. Areas of outstanding scenic value.
2. Areas of historic and cultural value.
3. Accessible areas particularly suited for parks and recreation purposes such as hiking, horseback riding, biking, swimming, tennis, ball fields and more.
4. Areas providing access to and links between major recreation, cultural and open space reservations, including trails, utility easements, banks of rivers and streams and scenic roadway corridors.
5. Areas with inherent qualities that humans find visually pleasing, beautiful, relaxing, stimulating or enjoyable.

Goal OSC 4 Maintain a ratio of 5 acres or more of high-quality park and open space area per 1,000 residents.

Policy 4.1 Promote dedication of land for parks and recreational open space.

Goal OSC 5 A Citywide system of hiking, bicycling, and horseback riding trails shall be provided within the community which includes regional trail linkages with City, County, State, and regional parks, and other publicly owned open space lands.

Goal OSC 6 Preserve and protect viewsheds, view corridors, scenic open spaces, and the hillside lands in their natural condition and inherent natural beauty.

Policy OSC 6.1 Public use and enjoyment of the unincorporated hillside areas for recreational purposes shall be encouraged through direct or indirect public land acquisition, encouraging both private and public recreational uses. Appropriate regulation of privately held lands to obtain maximum use of open space resources and protection of viewsheds, such as the establishment of trail and open space easements, should be consistent with conservation of the natural environment.

IM OSC 6.2 Future land use proposals within the western hillside area shall be reviewed by the City through the development review and environmental review processes to ensure that improvements blend in with the natural environment. Criteria shall include but not be limited to the use of unobtrusive colors, controlled grading, limited disruption of natural vegetation, use of structural height limits, and structural design and density guidelines. Special consideration should be given to the eventual development of a canopy effect of tree growth.

Saratoga Municipal Code

Section 14-25.080, Park and Recreation Dedication and Fees

(a) Purpose, application, and exemptions. As a condition of each final map approval, and to be detailed in the conditions of each tentative map, every owner shall be required to, and shall dedicate a portion of land or pay a fee in lieu thereof, or a combination of both at the option of the City, for the purpose of providing park or recreational facilities reasonably related to serving the development and in accord with the standards and provisions as hereafter set forth. The provisions of this Section are enacted pursuant to Section 66477 of the Government Code and are hereby found to be in accord with the Open Space and Conservation Element of the General Plan. The requirements of this section shall not apply to any of the following:

(1) Subdivisions or portions thereof for commercial or industrial uses.

(2) Subdivisions containing less than five parcels and not used for residential purposes. However, in that event, it shall automatically be a condition of approval of a parcel or tentative map that if a building permit is requested for construction of a residential structure or structures on one or more of such parcels within four years from the date of recording the final map, the fee in lieu of dedication, as prescribed in this section, shall be paid by the owner of each such lot as a condition to the issuance of the building permit.

(3) Any condominium project or stock cooperatives that consist of the subdivision of air space of an existing apartment building which is more than five years old when no new dwelling units are added thereto.

(4) Such other exceptions as may hereafter be added to the Map Act.

3.14.4 - Methodology

Impacts related to parks and recreational facilities were determined by evaluating the proposed project's effect on existing park and recreational facility usage levels. Additionally, impacts were also based on estimates and information in response to request letters to park service providers for their input related to possible project impacts.

3.14.5 - Thresholds of Significance

Recreation

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts to recreation are significant environmental effects. A significant impact may occur with respect to recreation if the proposed project would:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. (Refer to Section 4, Effects Found not to be Significant).

3.14.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Increase Use of Parks

Impact REC-1:	**The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

Impact Analysis

Construction

Impacts related to increased use of existing parks and recreational facilities are limited to operational impacts. No respective construction impacts would occur. During construction, there is potential for construction personnel to access parks and recreational facilities within the project area. The use of parks and recreational facilities would be temporary and limited to the duration of construction. Therefore, project construction would not increase the use of existing neighborhood and regional parks and other recreational facilities resulting in substantial physical deterioration. As such, impacts would be less than significant.

Operation

The DPR, Santa Clara County, and the City Parks Division maintain State, regional, and local community parks, trails, and recreational facilities for public use throughout the City and surrounding areas. The nearest recreational facility to the project site is Quarry Park, which is located approximately 0.8 mile southeast of the project site. Besides the seven local community parks located within 3 miles of the project site, Villa Montalvo is located approximately 1.9 miles southeast of the project site, Stevens Creek County Park is located 1 mile northwest of the project site, and Martial Cottle Park State Recreation Area is located approximately 12.1 miles east of the project site. These parks total nearly 1,097 total acres of City and County parkland and open space. Goal OSC 4 of the Saratoga General Plan seeks to achieve 5 acres of park and open space facilities per 1,000 population or 0.005 acre per person within the City. The City currently has a population of 31,110, and approximately 148 acres of parks are maintained by the City's Park's Division, resulting in approximately 0.0047 acre per person.[10] Therefore, existing park acreage managed by the City is slightly below the goal for the existing population. However, the City collects a development impact fee known as the Park-in-Lieu Fee (Municipal Code 14-25.080) and the resulting funds are used for park improvement projects through the annual Capital Improvement Plan budget process.[11]

The proposed project's 25 residential units would result in an increase of approximately 70 people, resulting in a need for approximately 0.35 acres of parks and open space facilities. Although the proposed project would not provide designated open space areas, the proposed project would develop only a portion of the site and preserve the remaining 54.06 acres to maintain the existing,

[10] City of Saratoga. 2024. Open Space and Conservation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5404/General-Plan-Open-Space-and-Conservation-Element-PDF. Accessed March 4, 2025

[11] City of Saratoga, City Council. 2004. AB1600 Development Impact Fee Annual Report Memorandum. December 4.

undeveloped conditions throughout the Remainder Area. While the City's available parkland is slightly below the City's standards to serve the existing population of the City, the proposed project would be required to pay the City's Park Impact Fee. The Park Impact fee would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.[12] As such, the incremental increase in new residents associated with the proposed project would not result in a significant increase in demand on existing neighborhood and regional parks or other recreational facilities, resulting in substantial physical deterioration.

Furthermore, in addition to municipal parks and recreation spaces there are over 250 acres of dedicated open spaces and easements throughout the City. The Midpeninsula Open Space District holdings include over 320 acres within Saratoga's planning area that includes a variety of hiking, bicycle, and equestrian trails. There are also several school sites that provide playgrounds and fields that are available to the public when school is not in session.[13] Because the City maintains an ample and diverse range of park sites and recreation facilities and collects fees from new development to continue to fund the maintenance of existing parks and construction of new parks, the incremental additional demand for parks generated by the proposed project would not result in significant impacts related to potential increased use and physical deterioration of existing parks and recreational facilities. Impacts would be less than significant and no mitigation is required.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.14.7 - Cumulative Impacts

Increased Park Use

The geographic scope of the cumulative parks and recreation analysis consists of the local community, regional, and State parks within the boundaries of the City of Saratoga. These include parks maintained by the DPR, Santa Clara County, and City of Saratoga Parks Division.

The cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, would primarily result in residential development in the project vicinity. Cumulative development in the project area could increase permanent residents within the City. This increase in permanent population would result in an increased cumulative demand for park facilities. To help offset that demand, residential or other qualifying projects listed in Table 3-1 would be required to comply with Municipal Code 14-25.080 as a condition of approval to provide parkland or pay development fees therefore helping to achieve the City's General Plan Goal OSC 4 of park and open

[12] City of Saratoga. 2024. Code of Ordinances. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH14SU_ART14-25DERE_14-25.080PAREDEFE. Accessed August 26, 2024.

[13] City of Saratoga. 2023. Saratoga Housing and Safety Elements, and 2040 General Plan Updates EIR. Website: https://www.saratoga.ca.us/DocumentCenter/View/5716/Saratoga-Draft-EIR-PDF. Accessed May 8, 2025.

space facilities equal to 5 acres per 1,000 population or 0.005 acre per person. All other new cumulative residential or qualifying development projects would be required to provide new park and recreation facilities or pay fees to achieve the City's goal for park and open space. Fees are collected at the time new building permits for new development are issued and are determined by the fee schedule in effect at the time of permit issuance. The fees would be used to fund park improvements as directed by the City Council through the annual Capital Improvement Plan budget process.[14] City review would ensure the new recreational facilities are planned and built in accordance with all applicable City policies and guidance per the City's Capital Improvement Program (CIP). Furthermore, as noted previously in Impact REC-1, there are significant dedicated open spaces and easements located throughout the City and adjoining areas that serve as recreation space. Nonetheless, because there is currently a slight deficit in city managed park lands (0.0047 vs. 0.005 acre per person), there is a cumulative parkland impact.

However, the proposed project would not have a significant contribution to the cumulative impact. The proposed 25 residential units would result in an increase of approximately 70 people, resulting in increased demand for park and recreational facilities and a need for approximately 0.35 acres of parks and open space facilities to achieve the City's parkland standard of 0.005 acres per person for this project. Consistent with the City's Municipal Code and in accordance with the City's Capital Improvement Plan, the applicant would be required to pay the City's Park Impact Fee which would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site. Because the City maintains an ample and diverse range of park sites and recreation facilities and collects fees from new development to continue to fund the maintenance of existing parks and construction of new parks, the proposed project's incremental additional demand for parks would not result in significant impacts related to potential increased use and physical deterioration of existing parks and recreational facilities. Cumulative impacts would be less than significant and no mitigation is required.

Given the above information, the proposed project would not result in a cumulative contribution to the already less than significant cumulative impacts related to potential increased use and physical deterioration of existing parks and recreational facilities and no mitigation is required.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

[14] City of Saratoga, City Council. 2004. AB 1600 Development Impact Fee Annual Report Memorandum. December 4.

3.15 - Transportation and Traffic

3.15.1 - Introduction

This section describes existing conditions related to transportation in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to transportation that could result from implementation of the proposed project. Information in this section is based on the project-specific Transportation Study prepared by Hexagon Transportation Consultants, Inc., dated June 30, 2025 (included in Appendix I), as well as the Evacuation Analysis prepared by Kittelson and Associates on October 13, 2025 (included in Appendix J).

The following public comments were received during the Environmental Impact Report (EIR) scoping period related to transportation:

- Concerns over increased traffic.
- Traffic safety related to blind spots.
- Impact of vegetation on truck traffic.
- Potential obstruction of emergency access routes along Pierce Road.
- Lack of bicycle lanes along Pierce Road.
- Construction traffic.
- Traffic analysis should consider impacts of special events.
- Motorcyclist, bicyclist, and pedestrian safety.
- Concerns related to width of Pierce Road.
- Request for traffic counts to be gathered on a Sunday morning based on double yellow line violations on Pierce Road with the use of cameras.
- Improvements to Pierce Road.
- Request for shoulder space along Pierce Road.
- Request for traffic to be studied all days of the week and all times of the day.
- Bicycle traffic.
- Cumulative impacts to traffic.

These topics are addressed primarily in Section 3.15.6, Project Impacts and Mitigation Measures. Specifically, concerns over increased traffic are addressed in Impact TRANS-1 and TRANS-2. Traffic safety, including motorcyclist and bicyclist safety, are addressed in Impact TRANS-3. Emergency access routes are addressed in Impact TRANS-4. Bicycle-related concerns and analysis regarding impacts of special events are addressed in Impact TRANS-1. Additionally, concerns about cumulative impacts are addressed in Section 3.15.7. Methods related to traffic counts are discussed in the Transportation Study in Appendix I.

3.15.2 - Environmental Setting

Roadway Facilities

The following discusses the existing roadways that provide access to the project site and vicinity. The existing roadway network is shown on Exhibit 3.15-1.

Regional

State Route 9

The closest regional roadway is State Route (SR) 9, which is a two- to four-lane roadway extending from SR-17 in Los Gatos (southwest of the project site) to Skyline Boulevard (SR-35) and beyond (west of the project site). Portions of SR-9 are also named Saratoga-Los Gatos Way, Big Basin Way, and Congress Springs Road.

State Route 85

SR-85 is a six-lane freeway linking U.S. Highway 101 (US-101) in Mountain View to US-101 in south San José. The median lane in both directions is designated for use by High Occupancy Vehicles (HOVs) and motorcycles during peak periods. HOVs include carpools, vanpools, and buses. Full access via ramps is provided at Saratoga Avenue between Fruitvale and Cox Avenue. Just north of Saratoga full access ramps are also provided at De Anza Boulevard in Cupertino, with a direct connection via Saratoga-Sunnyvale Road.[1]

Local

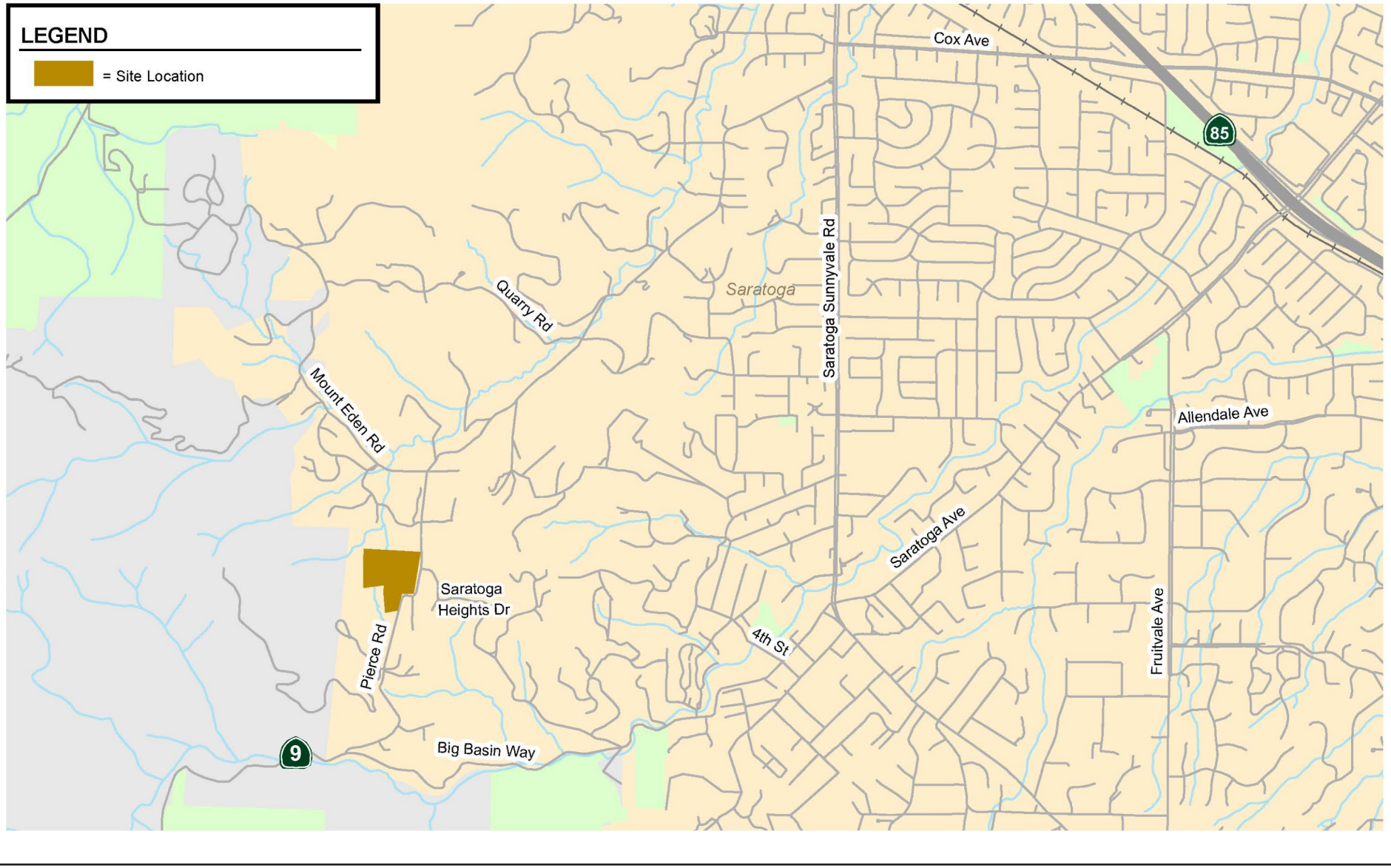
Pierce Road

Pierce Road is a two-lane connector linking Big Basin Way/Congress Springs Road (SR-9) in the south with Saratoga-Sunnyvale Road in the north. This roadway traverses hilly terrain and provides access to numerous local and collector streets in the western hills of the City. As part of the City's neighborhood traffic management efforts, this street includes three speeds humps just east of Saratoga-Sunnyvale Road.[2]

Big Basin Way/Congress Springs Road

Big Basin Way is an east–west two-lane roadway between Saratoga-Los Gatos Road in the east and Pierce Road in the west. West of Pierce Road, this roadway is called Congress Springs Road and connects to Skyline Boulevard (SR-35) approximately 3.5 miles west of the project site. Big Basin Way/Congress Springs Road is also designated as SR-9.[3]

[1] City of Saratoga. 2024. General Plan Circulation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5720/General-Plan-Circulation-Element-PDF . Accessed December 15, 2025.
[2] Ibid.
[3] Ibid.



Source: Hexagon, 08/2024.

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Exhibit 3.15-1
Existing Roadway Network

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Saratoga-Sunnyvale Road

Saratoga-Sunnyvale Road is a four-lane, north–south, median divided boulevard extending between Saratoga Avenue to the south and Prospect Road to the north. North of Prospect Road in the cities of Cupertino and Sunnyvale, this roadway is designated as South De Anza Boulevard and Sunnyvale-Saratoga Road, and generally includes six travel lanes.[4]

Saratoga Avenue

Saratoga Avenue is also a two-lane connector street between The Vllage and Fruitvale Avenue. North of Fruitvale Avenue Saratoga continues as a boulevard. According to the General Plan, Saratoga Avenue is also a four to six-lane street designated as a boulevard east of Fruitvale Avenue. Saratoga Avenue continues east into the City of Saratoga.[5]

Existing Public Transit Service and Facilities

The Valley Transportation Authority provides bus transit service within the City of Saratoga and includes six fixed routes (Routes 26, 37, 51, 51H, 57, and 58), a limited stop route (Route 328 on Lawrence Expressway), one commuter route (Route 101 on Lawrence Expressway), and paratransit service (dial-a-ride service for qualified individuals). All of the fixed bus routes operating through the City, except Route 26, terminate at West Valley College and only provide service on Saratoga-Sunnyvale Road, Saratoga Avenue, the northern half of Quito Road, and Allendale Avenue.

The project site is not considered transit-accessible, which is typically defined as within 0.25 mile of a bus stop. The closest bus stops are located over 1 mile east of the project site on Saratoga-Sunnyvale Road and Saratoga Avenue.

Bicycle Facilities

The City of Saratoga Circulation and Scenic Highway Element defines three major types of bicycle facilities:

- **Bike Paths and Trails (Class I)**—Bike paths are separated facilities designated for exclusive use of bicycles and pedestrians and are physically separate from roadways by space or barriers.
- **Bike Lanes (Class II)**—Bike lanes are lanes adjacent to the outer travel lanes, reserved for the exclusive use of bicycles, and designated with special signing and pavement markings.
- **Bike Routes (Class III)**—Bike routes are roadways recommended for bicycle use and often connect to bike lanes and bike paths. Routes are designated with signs only and do not have separate bike right-of-way or lane striping.

Existing Bicycle Facilities

There are no existing bicycle facilities within 2 miles (by roadway) of the project site.

[4] City of Saratoga. 2024. General Plan Circulation Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5720/General-Plan-Circulation-Element-PDF . Accessed December 15, 2025.
[5] Ibid.

Proposed Bicycle Facilities

The City of Saratoga General Plan Figure CI-4 shows existing and planned bicycle facilities in Saratoga.[6] The existing facilities consist of a network of Class I and II facilities throughout the City, the closest of which is located 2 miles (by roadway) east of the project site. The proposed bicycle facilities are listed below:

Pierce Road

- Class I Path from Big Basin Way to Mt. Eden Road (along the project site)
- Class III path from Mt. Eden Road to Surrey Lane

Big Basin Way (SR-9)

- Class I path from Pierce Road to driveway of Hakone Gardens
- Class III path from Hakon Gardens driveway to 4th Street

Under the Open Space and Conservation Element of the City's General Plan, the City identifies a proposed trail (Segment 57) along Pierce Road directly adjacent to the project site (General Plan Figure OSC-2).[7]

Pedestrian Facilities

Existing Pedestrian Facilities

There are currently no sidewalks along Pierce Road or Big Basin Way/Congress Springs Road (SR-9).

Proposed Pedestrian Facilities

The proposed Class I Path on Pierce Road from Big Basin Way to Mt. Eden Road (along the project site) is designated for exclusive use of both bicycles and pedestrians.

3.15.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to transportation are applicable to the proposed project.

State

Senate Bill 743

In November 2017, the California Governor's Office of Land Use and Climate Innovation (LCI) released a technical advisory containing recommendations regarding the assessment of Vehicle Miles Traveled (VMT), proposed thresholds of significance, and potential mitigation measures for lead agencies to use while implementing the required changes contained in Senate Bill (SB) 743. Also in November 2017, LCI released the proposed text for Section 15064.3, Determining the Significance of Transportation Impacts, which summarized the criteria for analyzing transportation impacts for land use projects and transportation projects and directs lead agencies to "choose the most

[6] City of Saratoga. 2024. Circulation Element. March.
[7] City of Saratoga. 2024. Open Space and Conservation Element. March.

appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure." LCI recommends that for most instances a per-service-population threshold should be adopted and that a 15 percent reduction below that of existing development would be a reasonable threshold.

As noted in the LCI Guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The City of Saratoga General Plan implements CI-Policy-2.1, which strives to reduce the total number of VMT. The change to VMT was formally adopted as part of updates to the California Environmental Quality Act (CEQA) guidelines in December 2018.

The updated guidelines eliminate the use of automobile delay metrics, such as Level of Service (LOS), from determining significant environmental impacts from vehicle travel. VMT has been identified as the most appropriate metric to evaluate a project's transportation impacts as projects that result in lower-than-average VMT support goals of reducing greenhouse gas (GHG) emissions, while projects that result in higher-than-average levels of vehicle travel contribute to an increasing rate of GHG emissions.

Regional Regulations

Santa Clara Valley Transportation Authority

Santa Clara Valley Transportation Authority (VTA) is an independent special district that provides sustainable, accessible, community-focused transportation options that are innovative and environmentally responsible and that promote the vitality of the region.

VTA provides bus, light rail, and paratransit services and participates as a funding partner in regional rail service, including Caltrain, Capitol Corridor, and the Altamont Corridor Express.

As the County's congestion management agency, VTA is responsible for countywide transportation planning, including congestion management; design and construction of specific highway, pedestrian, and bicycle improvement projects; and promotion of transit-oriented development.

VTA provides these services throughout the County, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San José, Santa Clara, Saratoga and Sunnyvale. VTA continually builds partnerships to deliver transportation solutions that meet the evolving mobility needs of Santa Clara County.[8]

VTA administers the Congestion Management Plan (CMP) for Santa Clara County. The CMP requires analysis of LOS for intersections on the CMP network for new development projects that would generate more than 100 peak-hour trips. Because the proposed project would generate fewer than 100 peak-hour trips, no CMP analysis is required.

[8] Santa Clara Valley Transportation Authority (VTA). 2025. About VTA. Website: https://www.vta.org/about. Accessed December 15, 2025.

Santa Clara Countywide Trails Master Plan

The Countywide Trails Master Plan was adopted by the Board of Supervisors in 1995. Certain portions of the Countywide Trails Master Plan, including the Countywide Trails Master Plan Map, are incorporated into the County General Plan, also adopted in 1995. The Countywide Trails Master Plan envisions a comprehensive network of regional, subregional, and connector trails throughout Santa Clara County. Although responsibility for the actual construction and long-term management of each individual trail varies, the Santa Clara County Parks and Recreation Department provides general oversight and coordination of the overall trails system.

In 2022, the Parks Department began the Countywide Trails Master Plan Map Update planning process. The Countywide Trails Master Plan includes a map and information on conceptual trail routes in Santa Clara County, and the Map Update focused on updating these components to reflect current planning and support implementation of the Countywide Trails network.

Since the Countywide Trails Master Plan was developed in 1995, trail segments have been refined and implemented on the ground, local governments have adopted new trail plans, new public lands have been acquired, mapping and landscape-level understanding of trail feasibility has improved substantially, additional constraints and opportunities have been identified for trail implementation, and potential new trails have been identified that may serve a regional purpose. The Map Update considered these types of changes while remaining centered around improving regional connectivity and maintaining the core vision of the Countywide Trails Master Plan.[9]

Local Regulations

City of Saratoga General Plan

Circulation and Scenic Highway Element

A Circulation and Scenic Highway Element is one of seven required elements of a City or County's General Plan. California Government Code Section 65302 (b) specifies that the Circulation Element of a General Plan shall identify the proposed location and extent of major thoroughfares, terminals, and services designed to transport people and goods. The City of Saratoga's transportation system is comprised of roadways, bikeways, sidewalks and trails, transit facilities and services, and rail lines. The Circulation and Scenic Highway Element addresses all travel modes and includes the goals, policies, and implementation programs that guide the development and maintenance of the transportation system. Scenic highway designations and corridor preservation issues are also addressed as part of this EIR. The General Plan sets forth the following goals and policies that are relevant to transportation:

Goal CI.1 Provide a balanced, multimodal transportation system in Saratoga to maintain mobility for all segments of the community and to maintain the City's small town character.

[9] Santa Clara County. 2025. Countywide Trails Master Plan Map Update. Website: https://parks.santaclaracounty.gov/get-involved/plans-and-projects/countywide-trails/countywide-trails-map-update. Accessed December 15, 2025.

Goal CI.1b **Encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of the City of Saratoga by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation.**

CI-Policy-1.1 The City shall encourage and participate in the implementation of a variety of modes of transport to serve Saratoga.

Goal CI.2 **Balance the safe and efficient movement of all modes of travel within and through the City, taking into consideration the environment, history and livability of residential areas, to maximize benefits and minimize adverse impacts and costs.**

Goal CI.2b **For traffic management and street design, balance the efficiency of vehicular traffic with the safety and livability of residential areas.**

Goal CI.2c **Strive to establish a transportation system of streets that accommodates all travel modes and users within the street right-of-way to the maximum extent possible.**

CI-Policy-2.1 Make efficient use of existing transportation facilities and strive to reduce the total number of vehicle miles traveled through the arrangement of land uses, improved facilities for non-automobile modes, and enhanced integration of various transportation systems.

CI-Policy-2.2 Maintain and develop a citywide street system that manages vehicular access, but also provides for emergency access.

CI-Policy-2.4 Ensure that new development or redevelopment projects provide adequate property dedication to accommodate future roadway and multimodal access improvements.

CI-Policy-2.5 Ensure that new development or redevelopment projects provide adequate property dedication to accommodate future roadway and multimodal access improvements at key intersections and other potential conflict areas.

CI-Policy-2.6 Efficiently manage traffic flow on major and minor arterial roadways to discourage through traffic in residential neighborhoods.

CI-Policy-2.6 Align and design collector streets to minimize adverse impacts on the character of residential neighborhoods through which they pass, while functioning efficiently to collect and distribute traffic.

CI-Policy-2.8 Design new local streets to reduce travel distance, promote alternative modes, and provide a more even distribution of traffic.

CI-Policy-2.11 Protect the integrity of and improve existing hillside streets by planning future development according to existing street function.

CI-Policy-2.12 Focus future improvements on the most congested intersections to maintain an acceptable level of mobility for all modes of transportation.

CI-Policy-2.13 Require development projects to mitigate and reduce their respective traffic and parking impacts by implementing practical and feasible street improvements to improve multimodal access.

Goal CI.5a **Integrate facilities for safe bicycling, walking, and horseback riding into the overall transportation system.**

Goal CI.5b **Encourage equestrian and pedestrian trails and pathways pursuant to the Open Space and Conservation Element along roadways in areas where safety and aesthetics permit.**

CI-Policy-5.1 Develop and maintain a comprehensive and integrated system of bikeways that promote bicycle riding for commuting and recreation.

CI-Policy-5.5 Provide safe and direct pedestrian routes and bikeways between and through residential areas linking transit centers and important community centers such as local schools facilities and the Village.

Housing Element

The City's Housing Element is the component of the City's General Plan that addresses housing needs and opportunities for present and future Saratoga residents through 2031. It provides the primary policy guidance for local decision-making related to housing. The Housing Element of the General Plan is the only General Plan Element that requires review and certification by the State of California.

The Housing Element provides a detailed analysis of Saratoga's demographic, economic, and housing characteristics as required by State law. The Element also provides a comprehensive evaluation of the City's progress in implementing the past policy and action programs related to housing production, preservation, conservation, and rehabilitation. Based on community housing needs, available resources, housing constraints/opportunities, and analysis of past performance, the Housing Element identifies goals, objectives, and action programs that address existing and projected housing needs in Saratoga.[10]

City of Saratoga Code of Ordinances Section 14-25.030–Design Standards and Dedication of Streets

Section 14-25.030 of the City of Saratoga Code of Ordinances provides design standards and dedication of streets as applicable to subdivisions, including, but not limited to, cul-de-sac radiuses, public street access to lots, and intersection angles and radii.

[10] City of Saratoga. 2024. 2023-2031 Housing Element Update. June

City of Saratoga Local Roadway Safety Plan

On October 19, 2022, the Saratoga City Council approved the Local Roadway Safety Plan (LRSP) per the Traffic Safety Commission's review and recommendation. The LRSP is a framework to identify, analyze, and prioritize roadway safety improvements for City roads. As part of the LRSP development, collision data was analyzed to identify improvement measures, as well as projects at key locations. The LRSP is in compliance with the State and federal guidelines for eligibility to apply for Highway Safety Improvement Program funding for roadway improvement projects. The LRSP identifies priority emphasis areas where safety countermeasures are recommended. The priority emphasis area closest to the project site is Pierce Road between Old Oak Way and Saratoga Heights Drive. [11]

3.15.4 - Methodology

Hexagon Transportation Consultants, Inc., prepared a Transportation Study for the proposed project dated June 30, 2025. The complete report is provided in Appendix I. The methodology of the analysis is described as follows.

Project Trip Estimates

The magnitude of traffic produced by a new development and the locations where that would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak-hours. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections.

Project Trip Generation

Vehicle trips generated by the proposed residential component of the proposed project were estimated using the trip rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition (2021) for Single-family Detached Housing (Land Use 210). Since the proposed units all include at least three bedrooms with their own attached garages, it was determined that the single-family detached housing land use would best reflect the trip generation characteristic for the proposed project.

Vehicle Miles Traveled

Pursuant to SB 743, the CEQA 2019 Update Guidelines Section 15064.3, subdivision (b) states that VMT will be the metric in analyzing transportation impacts for land use projects for CEQA purposes. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle trips with one end within the project site. The City of Saratoga has not yet adopted any thresholds or guidelines related to VMT; however, LCI provides recommendations for screening criteria. The following types of projects may be presumed to have a less than significant VMT impact:

[11] City of Saratoga. 2022. Saratoga Local Roadway Safety Plan. Website: https://www.saratoga.ca.us/DocumentCenter/View/2888/Local-Roadway-Safety-Plan-PDF?bidId=. Accessed March 25, 2025.

- projects near transit (i.e., within a 0.5-mile walkshed of major transit stop).
- small projects (i.e., fewer than 110 trips per day).
- residential or work-related projects located in a Traffic Analysis Zone (TAZ) or TAZ group with similar land uses and the VMT is equal to or less than the citywide mean. The policy outlines additional benchmarks for this screening criteria, however these are not used as part of this study and are therefore not included herein.
- neighborhood serving retail projects that are less than 50,000 square feet.

3.15.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether transportation and traffic impacts are significant environmental effects. The proposed project could result in a significant impact if it would:

a) Conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

d) Result in inadequate emergency access.

3.15.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Affect to Circulation System

Impact TRANS-1:	**The proposed project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.**

Impact Analysis

Transit Facilities

The project site is not considered transit-accessible, which is typically defined as within 0.5 mile of a bus stop. The closest bus stops are located more than 1.8 miles east of the project site, along Saratoga-Sunnyvale Road. No transit facilities or routes are planned along Pierce Road. With a total of only 25 residences and the distance to nearest stops, the proposed project would not be expected to produce a significant amount of transit ridership. The proposed project would not prohibit the implementation of any General Plan policies regarding transit. Therefore, impacts would be less than significant.

Roadways

The proposed project would include on-site streets and driveways consistent with Municipal Code Section 14-25.030 and applicable General Plan policies. Cul-de-sacs on-site would have the required radius to serve emergency equipment and vehicles. The proposed project would not include special events that would require additional traffic management or special permit.

Additionally, a set of safety priority projects for the City were identified that align with the Safe Roads Element of the Safe System approach. These priority projects were selected in collaboration with the City and with the inclusion of community and stakeholder feedback on areas of concern, the data on the number of collisions, and systemic analysis results. A segment of Pierce Road between Old Oak Way and Saratoga Heights Drive is designated as a priority emphasis area by the LRSP. As such, speed feedback signs, intersection lighting, headlights on signs, curve ahead sign, and a median rumble strip would be implemented as corridor-wide improvements. The proposed project would not conflict with corridor-wide safety improvements. Therefore, impacts would be less than significant in this regard.

Bike Facilities

The project site is far removed from typical destinations for bicyclists such as schools, stores, and bus stops. There are no existing bicycle-specific facilities within 2 miles of the project site, although bicyclists use the roadway network in the project vicinity for recreational purposes. The proposed project does not propose bicycle facilities on-site; however, the internal roads would have very little traffic volume so they would be conducive to cycling.

As noted in the Open Space and Conservation Element of the City's General Plan, the City proposes a trail (Segment 38) adjacent to the project site.[12] The Santa Clara Countywide Trails Master Plan also identifies a proposed off-street bicycle route adjacent to the project site. Implementation of the proposed project would not impede the implementation of such a route. Furthermore, the on-site roadways and emergency access route could allow a bicycle route alternative to Pierce Road. As such, impacts would be less than significant.

Pedestrian Facilities

The proposed project does not include sidewalks. The project site is far removed from typical pedestrian destinations such as schools, stores, and bus stops. There are no sidewalks along Pierce Road or other nearby streets. The project site is located in a rural hillside area and would contain a small number of homes. Therefore, minimal pedestrian travel demand would be anticipated. There is no current pedestrian travel through the project site, and none would be expected after project implementation because there are no pedestrian destinations beyond the project site. Implementation of the proposed project would not impede pedestrian movement or conflict with a program plan, ordinance, or policy related to pedestrian facilities. As such, impact to pedestrian facilities would be less than significant.

[12] City of Saratoga. 2024. Open Space and Conservation Element. March.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)

Impact TRANS-2: The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Impact Analysis

A project's VMT is compared to the appropriate thresholds of significance based on the project location and type of development. When assessing a residential project, the project's VMT is divided by the number of residents expected to occupy the proposed project to determine the VMT per capita. A project would result in a significant impact if the calculated VMT exceeds an established VMT threshold; however, the City does not have adopted VMT thresholds. Typically, to determine whether a project would result in CEQA transportation impacts related to VMT, the Santa Clara Countywide VMT Evaluation Tool (VMT Tool) is used. However, the Housing Element adopted in March 2024 uses a countywide VMT threshold for its VMT assessment. Therefore, the VMT Tool was used to assess the proposed project.

Project-level VMT Analysis

The proposed project would generate 282 daily trips, including 21 AM peak-hour trips and 27 PM peak-hour trips. Table 3.15-1 summarizes the trip generation for the proposed project.

Table 3.15-1: Trip Generation Summary

Land Use	ITE Land Use Code	Units	AM Peak-hours			PM Peak-hours			Daily
			In	Out	Total	In	Out	Total	
Single-family Detached Housing	210	25 DU	5	16	21	17	10	27	282

Notes:
DU = dwelling units
Single-family housing trip generation is based on the fitted curve equations published in the ITE Trip Generation Online Database for Single-family Detached Housing (Land Use Code 210).

The VMT Tool shows that the proposed project's VMT of 25.45 would exceed the countywide threshold of 11.33 (see Table 3.15-2). The VMT Tool also shows that with the maximum VMT reduction possible incorporated, the proposed project's VMT would be 20.7, which is still above the threshold of 11.3. Therefore, the proposed project would have a significant VMT impact.

Table 3.15-2: VMT Screening Results

Project Type	Significant Criteria	Threshold[1]	Project Parcel VMT[2]
Residential	Project exceeds existing countywide home-based VMT per Capita by 15 percent	11.33	25.45

Notes:
VMT = Vehicle Miles Traveled
[1] The threshold for project-generated VMT per capita is 15 percent below the Santa Clara County average per the City's Housing Element.
[2] VMT with proposed project per the Santa Clara County VMT Evaluation Tool.

The proposed project is included in the City's most recent Housing Element, identified as Site 69, with a capacity of 12 residential units.[13] The Housing Element EIR identifies a significant VMT impact. The EIR describes the following VMT mitigation measures:

- Transportation Demand Management (TDM) Plan
- Citywide VMT impact fee program

Even with these measures, the Housing Element EIR identifies the VMT impact as significant and unavoidable. Since the proposed project comprises single-family homes, typical TDM measures are not practical. Also, the City has not adopted a citywide VMT impact fee program. Therefore, project impacts relating to VMT would be considered significant and unavoidable.

Level of Significance Before Mitigation

Significant and unavoidable impact.

Mitigation Measures

No feasible mitigation available.

Level of Significance After Mitigation

Significant and unavoidable impact.

Hazards

Impact TRANS-3: **The proposed project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

Impact Analysis

Site Access and Circulation

The site access and on-site circulation evaluation is based on the site plan and is shown on Exhibit 3.15-2. Site access was evaluated to determine the adequacy of the site's access roads with regard to geometric design and stopping sight distance. On-site vehicular circulation was reviewed in

[13] City of Saratoga. 2024. Genera Plan 2040. 2023-2031 Housing Element Update. City of Saratoga. March.

accordance with generally accepted traffic engineering standards and transportation planning principles. Additionally, as discussed in Impact TRANS-1, a set of safety priority projects for the City were identified that align with the Safe Roads Element of the Safe System approach. A segment of Pierce Road between Old Oak Way and Saratoga Heights Drive is designated as a priority emphasis area by the LRSP. As such, speed feedback signs, intersection lighting, headlights on signs, curve ahead signs, and a median rumble strip would be implemented as corridor-wide improvement. The project applicant would be required to coordinate with the City on improvements on Pierce Road along the project frontage. For information related to evacuation, refer to Impact TRANS-4 below, Section 3.8, Hazards and Hazardous Materials and Section 3.18, Wildfire.

Site Access

The site plan shows that vehicular access to the proposed project would be provided by a new roadway connected to the intersection of Pierce Road and Saratoga Heights Drive. This new roadway would be called Masson Estates Way and would be the west leg of the intersection. The new roadway would include two bridges over existing on-site drainages and would be 30 feet wide, which would accommodate two-way traffic and meet Fire Code Standards. In addition, the proposed project would include improvements to an approximately 1,600-foot-long emergency access road located primarily in the Remainder Area, which would connect the western end of the proposed Masson Estates Way to the intersection of Pierce Road and Vintage Lane to the south. As such, sufficient site access would be provided.

Stopping and Corner Sight Distance

Sight distance was evaluated at Masson Estates Way at the intersection of Pierce Road using both stopping sight distance and corner sight distance. According to the California Department of Transportation (Caltrans), stopping sight distance (SSD) is the minimum sight distance for a given design speed to be provided on two-lane roads required by the user traveling to bring the vehicle to a stop after an object 0.5-foot high on the road becomes visible. The Masson Estates Way leg would be stop-controlled. Sight distance recommendations vary depending on the roadway speeds. The posted speed limit on Pierce Road is 25 miles per hour (mph), so a design speed of 30 mph was used. Based on the Caltrans' recommended SSD, a sight distance of 200 feet is sufficient for a design speed of 30 mph. The sight distance at Masson Estates Way would be approximately 180 feet looking to the left and over 200 feet looking to the right (Exhibit 3.15-3). Based on Caltrans recommended stopping sight distances, a sight distance of 200 feet is sufficient for a design speed of 30 mph. To achieve 200 feet of sight distance to the left, it would be necessary to remove one tree, as required under MM TRANS-3 (Exhibit 3.15-4).[14]

According to Caltrans, corner sight distance (CSD) is the clear line of sight provided at unsignalized intersections between the vehicle on the minor road and the driver of an approaching vehicle on the major road that has no stop. Adequate time should be provided for the stopped vehicle on the minor road to either cross all lanes of through traffic, cross the near lanes and turn left, or turn right,

[14] Hexagon Transportation Consultants, Inc. 2025. CEQA Transportation Study for the Proposed Pierce Road Homes in Saratoga, California. June 30.

without requiring through traffic to radically alter their speed. CSD was calculated for the intersection of Masson Estates Way and Pierce Road. CSD is calculated using the following equation:

$$CSD = 1.47V_mT_g$$

In the equation, V_m is the design speed (mph) of the major road and T_g is the time gap (seconds) for the minor road vehicle to enter the major road. A design speed of 30 mph was assumed for Pierce Road. The time gap assumed was 7.5 seconds for passenger cars. Based on the equation, the CSD at the intersection needs to be 331 feet in each direction. As such, the CSD at the intersection of Masson Estates Way and Pierce Road would be adequate with the removal of two trees, as required under MM TRANS-3 (Exhibit 3.15-5).

The SSD and CSD at Masson Estates Way and Masson Estates Court was also calculated. Because the streets would be short, curving, and hilly, the design speed was assumed to be 20 mph. The SSD for 20 mph is 125 feet. The vertical and CSD at Masson Estates Way and Masson Estates Court was checked. As shown on Exhibit 3.15-6, vehicles would have 161 feet of sight distance in one direction and 206 feet in the other direction. As such, adequate SSD and vertical site distance would be provided. Furthermore, the needed CSD was calculated at the intersection to be 220 feet. As shown on Exhibit 3.15-7, in order to achieve 220 feet of CSD looking down Masson Estates Court to the east from the intersection, the proposed project would be required to cut back some of the existing hillside.

Because of the foregoing, the proposed project would be required to remove the recommended trees along the intersection of Masson Estates Way and Pierce Road and to conduct the recommended additional hillside grading at the intersection of Masson Estates Way and Masson Estates Court in order to provide adequate SSD and CSD, as required by MM TRANS-3. These improvements would ensure adequate SSD and CSD would be provided for all project intersections.

Under the City of Saratoga's LRSP, the City proposes safety improvements along Pierce Road. Some improvements proposed are speed feedback signs, intersection lighting, "headlights on" signs, "curve ahead" signs, chevrons along curves, and a median rumble strip. The project applicant would be required to coordinate with the City on improvements on Pierce Road along the project frontage. Additionally, the proposed project would be required to comply with the City of Saratoga Standard Details and Specifications for Construction, specifically related to safety improvements at the intersection of Pierce Road and Masson Estates Way and along the project frontage on Pierce Road.

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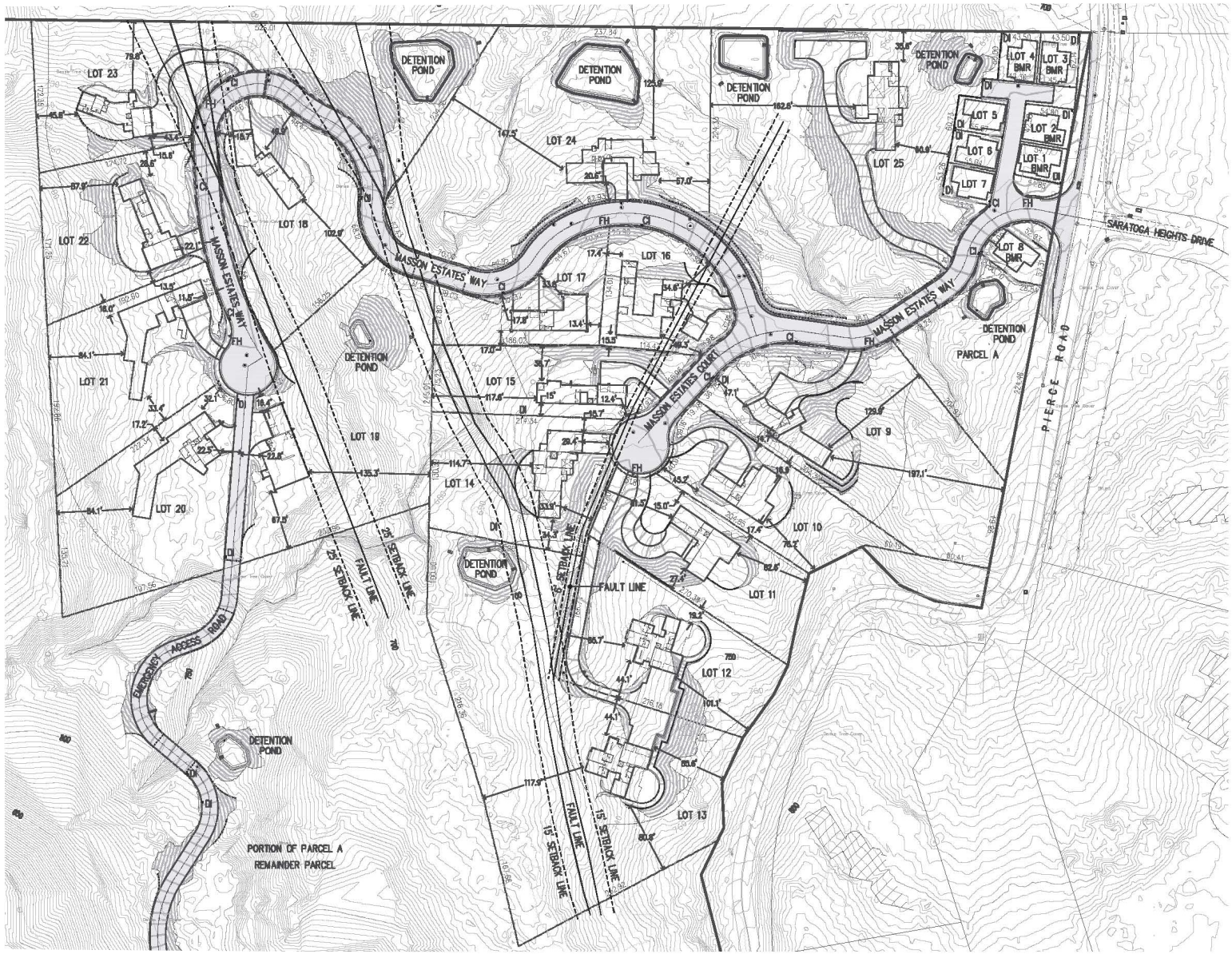

Source: Hexagon, 08/2024.

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Exhibit 3.15-2
Site Access and On-site Circulation

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Source: Hexagon, June 30, 2025.

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Exhibit 3.15-3
Existing Stopping Sight Distances at Masson Estates Way and Pierce Road

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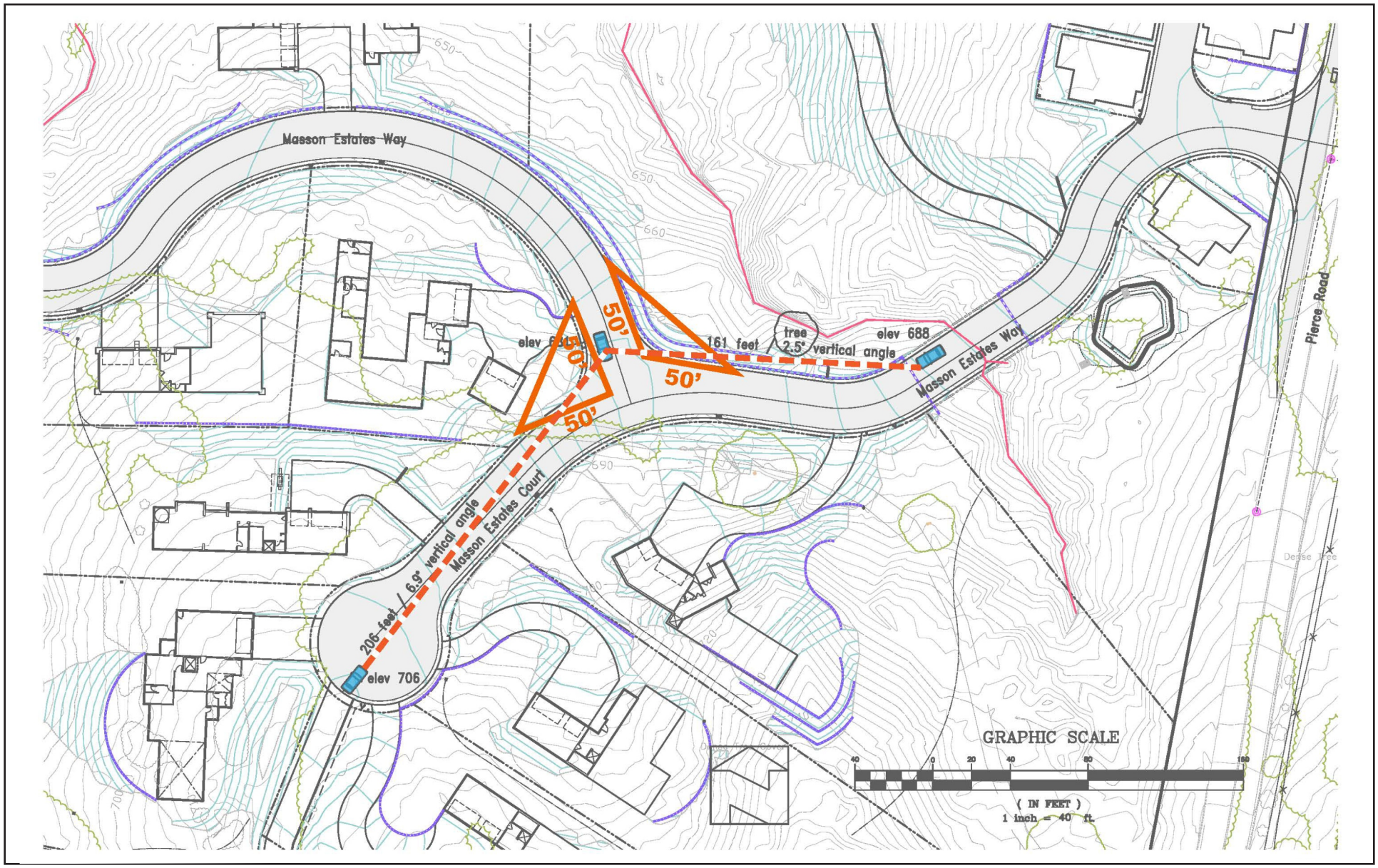

Source: Hexagon, 08/2024.

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Exhibit 3.15-3
Horizontal and Corner Sight Distance

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Source: Hexagon, June 30, 2025.

Exhibit 3.15-4
Proposed Stopping Sight Distances at Masson Estates Way and Pierce Road

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Source: Hexagon, June 30, 2025.

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Exhibit 3.15-5
Corner Sight Distances at
Masson Estates Way and Pierce Road

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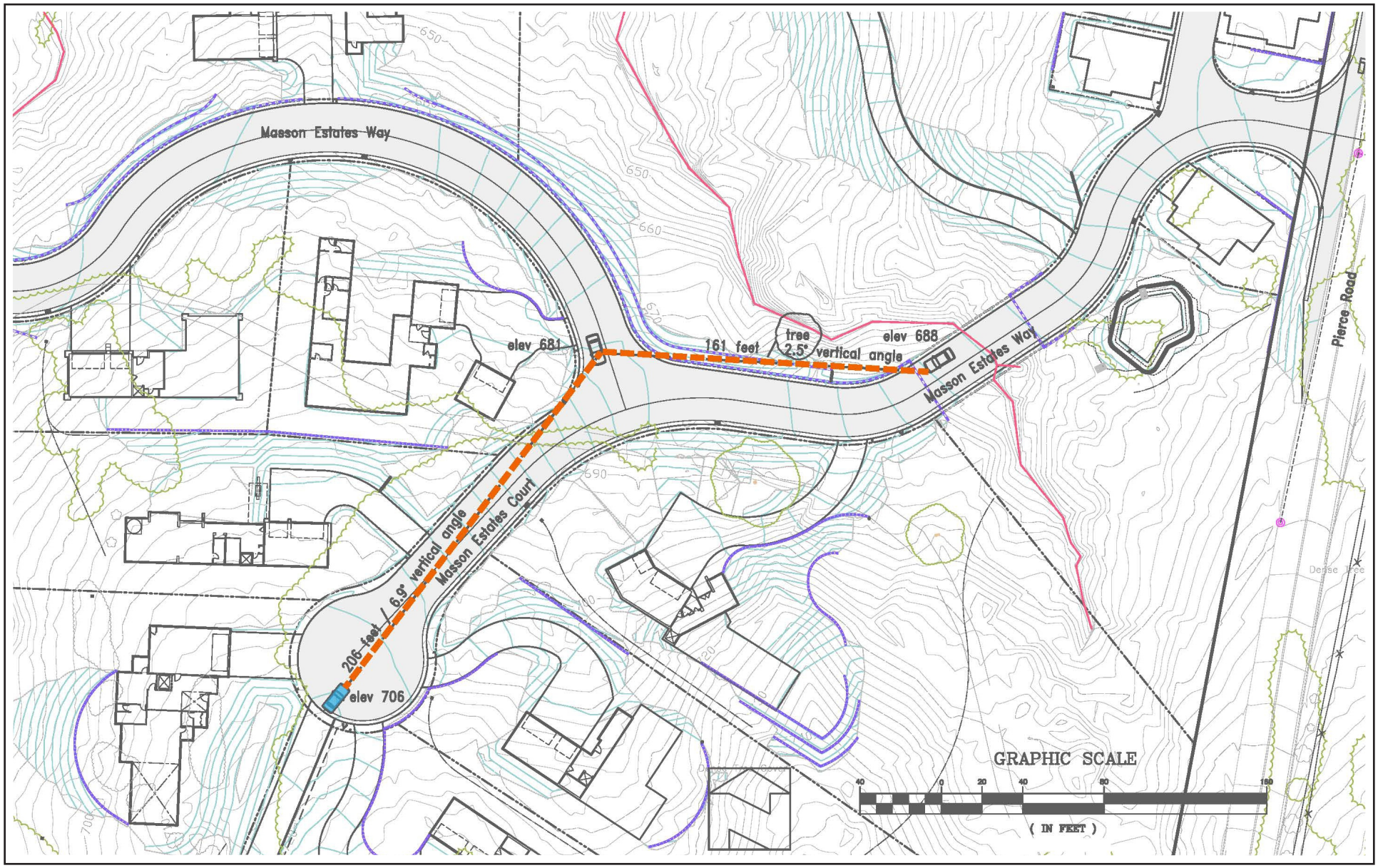

Source: Hexagon, June 30, 2025.

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Exhibit 3.15-6
Vertical Sight Distance of Masson Estates Way and Masson Estates Court

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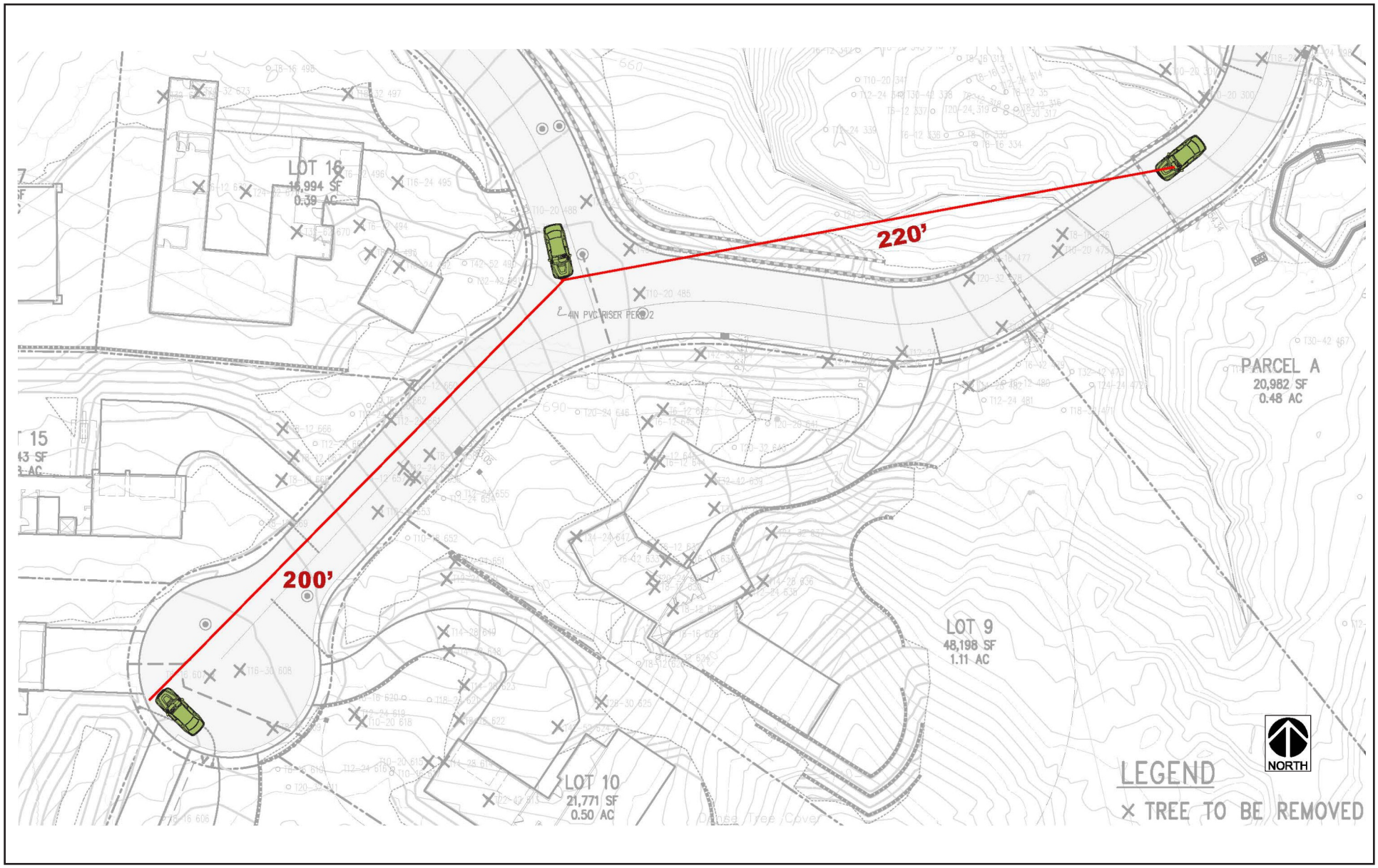

Source: Hexagon, June 30, 2025.

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Exhibit 3.15-7
Corner Sight Distances of Masson Estates Way and Masson Estates Court

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Masson Estates Way and Masson Estates Court Intersection

Masson Estates Way would be the main project roadway that connects Masson Estates Court and the residential driveways. The site plan shows that the roadway would be 30 feet wide with a maximum slope of 11.9 percent. The slope is typical for hilly areas like the project area. Street parking would not be permitted along Masson Estates Way and Masson Estates Court to maintain the 20-foot minimum for adequate two-way access. Guest parking would be provided in designated off-street areas to meet the required turn around area required by the fire department. As previously discussed, on-site roadways and cul-de-sac radii would facilitate on-site circulation with the implementation of MM TRANS-3.

As shown on the site plan and in Exhibit 3.15-7, vehicles would need to turn right at the intersection of Masson Estates Way and Masson Estates Court to continue on Masson Estates Way. This turning required turning movement may result in issues with on-site circulation clarity for passenger, loading, and emergency vehicles traversing the site. Therefore, as indicated in the Transportation Study and required by MM TRANS-4, the west leg of the intersection should be renamed as Masson Estates Way and the north leg renamed Masson Estates Court. Alternatively, the roadway may be redesigned so that continuation on Masson Estates Way would be a through movement. Either reconfiguration would ensure clear and appropriate navigation on-site.

Summary

Overall, with the implementation of MM TRANS-3 and -4, the proposed project would not substantially increase hazards due to a geometric design feature or incompatible uses and impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-3 Improvements for Stopping and Corner Sight Distance

Prior to the issuance of a building permit, the project applicant shall remove two trees north of the intersection of Masson Estates Way and Pierce Road to provide a minimum of 200 feet of stopping sight distance (SSD) and 331 feet of corner sight distance (CSD) for vehicles turning on to Pierce Road from Masson Estates Way. Additionally, the project applicant shall adjust grading of the hillside east of the intersection of Masson Estates Way and Mason Estates Court to provide 220 feet of CSD.

MM TRANS-4 Prior to the issuance of a grading permit, the project applicant shall rename the west leg of the Masson Estates Way and Masson Estates Court intersection as Masson Estates Way and the northern leg as Masson Estates Court. Alternatively, the project applicant shall redesign the on-site roadways so that continuation on Masson Estates Way would be a through movement.

Level of Significance After Mitigation

Less than significant impact.

Emergency Access

Impact TRANS-4: The proposed project could result in inadequate emergency access.

Impact Analysis

Emergency Vehicle Access and Circulation

Emergency vehicle access to the project site would be provided via two locations on Pierce Road. On-site emergency vehicle access would be provided via Masson Estates Way (inclusive of two bridges over existing drainages), Masson Estates Court, and an approximately 1,600-foot-long emergency access road primarily located in the Remainder Area of the project site. The emergency access road would connect the western end of the proposed Masson Estates Way to the intersection of Pierce Road and Vintage Lane to the south (Chapter 2, Project Description, Exhibit 2-7). Additionally, the proposed Masson Estates Way would be 30 feet wide, which would accommodate two-way traffic. Delivery vehicles and garbage trucks would follow the same circulation routes as passenger vehicles on Masson Estates Way and Masson Estates Court. Street parking would not be permitted along Masson Estates Way and Masson Estates Court to maintain the 20-foot minimum for emergency vehicle access. The proposed project would have less than significant impacts related to emergency vehicle access and circulation to and within the project site.

Evacuation Analysis Findings

Evacuation constraints can directly result in emergency access constraints including emergency ingress and local evacuation delay during an emergency. A full discussion of evacuation impacts is addressed in Section 3.18, Wildfire.

The Evacuation Analysis prepared for the proposed project analyzed roadway capacity constraints during evacuations and changes in travel times associated with the proposed development compared to existing conditions. The analysis used the VTA travel demand model to estimate travel times and volume-to-capacity (V/C) ratios in the event of an evacuation from the Genasys Protect evacuation zones closest to the project site (SAR-008, SAR-009, SCC-019, SCC-020, SCC-021, and SCC-025). The analysis characterizes increases to V/C ratios as a result of the proposed project as minimal in all with-project evacuation scenarios. The Evacuation Analysis also found that, as a result of the proposed project, travel times out of the evacuation area would increase by a maximum of 0.9 minute during an event at the adjacent Mountain Winery Venue and a maximum of 0.4 minute without the addition of event traffic from the venue.

Citywide Evacuation Route Capacity Assessment

The proposed project's Evacuation Analysis was initiated prior to the City's Evacuation Route Capacity Assessment, prepared by Fehr & Peers, and adopted by the Saratoga City Council in June 2025. The City's Evacuation Route Capacity Assessment was prepared consistent with requirements outlined in Assembly Bill (AB) 747 (2019) and AB 1409 (2021), and evaluated cumulative development within the City, whereas, the project-specific study evaluated potential project-specific impacts related to evacuation. The analysis methods and assumptions for the two studies differ and

consequently the conclusions are not necessarily consistent; though both studies identify bottlenecks on evacuation routes. The City's assessment is a planning-level document intended to inform policy and future detailed planning, not an operational evacuation plan.

The City's Evacuation Route Capacity Assessment found that several evacuation routes in the City, including Pierce Road, experience V/C ratios of greater than one, indicating bottlenecks on these evacuation routes. As discussed above, the proposed project would increase V/C ratios on Pierce Road. Added delay on Pierce Road during an evacuation could result in inadequate emergency access in the project vicinity. Accordingly, the proposed project would have a potentially significant impact on evacuation in the project vicinity that could result in inadequate emergency access.

Execution of MM WILD-1 would require implementation of the proposed project's Wildfire Protection Plan. As discussed in Section 3.18, Wildfire, while this would ensure a site-specific evacuation plan and implementation of certain evacuation measures during an emergency to help traffic flow on and directly adjacent to the project site, it would not eliminate increases in evacuation times or V/C ratio. As such, the proposed project's impact to emergency access would be significant and unavoidable.

Level of Significance

Potentially significant impact.

Mitigation Measures

Implement MM WILD-1.

Level of Significance

Significant and unavoidable impact.

3.15.7 - Cumulative Impacts

The geographic scope of the cumulative transportation analysis is the roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site as described in more detail under each topic below. Transportation impacts tend to be localized, depending on trip generation and traffic distribution. Therefore, the transportation network in the vicinity of the project site would be most affected by project activities. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact related to transportation. This analysis then considers whether incremental contribution to cumulative impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a proposed project's cumulative effects to rise to a level of significance.

Transit, Bicycle, and Pedestrian Circulation and Facilities

A 0.5-mile radius is used as the geographic scope for evaluating transit, bicycle, and pedestrian circulation and facilities. This distance represents the range within which most individuals are willing to walk or bike to access transit stops and active transportation infrastructure. The cumulative projects listed in Table 3-1, three of which are within 0.5 mile of the project site, would include

various connections to the circulation system in the vicinity of the proposed project. Cumulative projects would be required to comply with and implement applicable circulation system programs, plans, ordinances, and policies related to transit, roadway, bicycle and pedestrian facilities, such as the General Plan's Circulation Element and the City's LRSP, as applicable. Accordingly, cumulative impacts would be less than significant.

The proposed project would include internal circulation improvements and would connect to the intersection of Pierce Road and Saratoga Heights Avenue, which would be suitable for vehicle, bicycle, and pedestrian circulation. The project site is located a significant distance from the nearest transit stop and, therefore, is not anticipated to generate new demand for transit services. As indicated in Impact TRANS-1, the proposed project would not conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and related impacts would be less than significant. As such, implementation of the proposed project would not result in a cumulatively considerable contribution to already less than significant cumulative impacts to the circulation system in the project vicinity.

Vehicle Miles Traveled

The geographic scope for VMT analysis is defined by the project vicinity. This localized scope is appropriate for assessing changes in VMT resulting from land use development, as it captures the immediate transportation network and travel patterns associated with the proposed project. Similar to the proposed project, future cumulative project VMT would be compared to the appropriate thresholds of significance based on the project location and type of development. As discussed in Impact TRANS-2, the City has not yet adopted locally-specific CEQA VMT thresholds. Thus, assessment of VMT impacts of future projects would likely rely on the countywide VMT threshold for its VMT assessments for thresholds of significance, similar to the methodology used in the City's Housing Element. A significant cumulative impact would occur if future cumulative project-generated total home-based VMT per resident were greater than 15 percent below the countywide average per the City's Housing Element.

Future projects would be required to implement measures to reduce VMT to the maximum extent feasible. However, depending on project type and location, and as discussed in Impact TRANS-2, the maximum effectiveness of VMT-reducing mitigation measures may not be practical or feasible. Furthermore, cumulative projects listed in Table 3-1 include residential developments (single- and multi-family housing) similar to the proposed project, for which TDM measures are not applicable or feasible. Therefore, it is reasonable to conclude that cumulative projects would likely result in a cumulative impact related to VMT.

As concluded in Impact TRANS-2, the proposed project's VMT would result in a significant and unavoidable impact to VMT and, therefore, would have a cumulatively considerable contribution to the cumulative VMT impact. As noted, the proposed project is included in the City's most recent Housing Element. The Housing Element EIR identifies a significant VMT impact. The EIR describes a TDM Plan and a citywide VMT impact fee program as VMT mitigation measures. Even with these measures, the EIR identifies the VMT impact as significant and unavoidable. Since the proposed project comprises single-family homes, typical TDM measures are not practical. Also, the City has not

yet adopted the citywide VMT impact fee program. Therefore, project impacts relating to VMT would be considered cumulatively significant and unavoidable. There is no feasible cumulative mitigation.

Roadway Safety and Emergency Access

The project vicinity is considered an appropriate cumulative geographic scope for evaluating roadway safety and emergency access under CEQA because this localized area encompasses the immediate transportation network that would be directly affected by the proposed project and by other nearby developments. Cumulative projects listed in Table 3-1 would connect to the existing circulation system and require emergency ingress and egress. Cumulative projects would be required to adhere to road safety design standards, the California Fire Code, and the City of Saratoga Code of Ordinances, ensuring roadway safety and emergency access. Additionally, cumulative projects would also be subject to the City of Saratoga's Emergency Operations Plan. However, cumulative projects have the potential to add traffic to Pierce Road which has been identified as having a V/C ratio of greater than one, indicating an existing evacuation bottleneck. Evacuation constraints can directly result in emergency access constraints. Therefore, because emergency evacuation can directly affect emergency access, there is an existing potentially significant cumulative impact with regards to emergency evacuation in the project vicinity.

For the proposed project, as discussed under Impact TRANS-3, adequate sight distance would be provided with the implementation of MM TRANS-3 and MM TRANS-4. As described under Impact TRANS-4, the proposed project would provide adequate emergency access via the proposed on-site roadways and emergency access road, which together provide two access points on Pierce Road. However, like the cumulative projects, the proposed project would contribute to the existing V/C ratio on Piere Road and therefore would contribute to the existing cumulative impact and the contribution would be cumulatively considerable.

Level of Cumulative Significance Before Mitigation

Significant and unavoidable impact (VMT and emergency evacuation in the project vicinity).

Mitigation Measures

No feasible mitigation (VMT and emergency evacuation in the project vicinity).

Level of Cumulative Significance After Mitigation

Less than significant impact (all other impacts). Significant and unavoidable impact (VMT and emergency evacuation in the project vicinity).

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3.16 - Tribal Cultural Resources

3.16.1 - Introduction

This section describes the existing Tribal Cultural Resources (TCRs) setting in the region and project area as well as the relevant regulatory setting. This section also evaluates the possible impacts related to TCRs that could result from implementation of the proposed project. Information in this section is based on initial consultation with the Native American Heritage Commission (NAHC), and subsequent consultation with Tribal representatives identified by the NAHC who may have interest in or additional information on TCRs that may be impacted by project development (Appendix D). The following public comments were received during the Environmental Impact Report (EIR) scoping period related to TCRs:

- Recommendation to consult with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the proposed project.
- Notification and explanation of requirements under Assembly Bill (AB) 52 and Senate Bill (SB) 18.

These comments are addressed throughout this section.

3.16.2 - Environmental Setting

Overview

The term "Tribal Cultural Resources" encompasses TCRs and burial sites. Below is a brief summary of each component:

Tribal Cultural Resources: "Tribal cultural resources" are defined in Public Resources Code Section 21074 as either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
  (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

A cultural landscape that meets the above definition is a Tribal Cultural Resource to the extent that the landscape is geographically defined in terms of size and scope. A historical resource, described in Public Resources Code Section 21084.1, is a unique archaeological resource as defined in subdivision

(g) of Public Resources Code Section 21083.2 or a "nonunique archaeological resource" as defined in subdivision (h) of Public Resources Code Section 21083.2 and may also be a Tribal Cultural Resource if it conforms with the criteria described above.

- **Native American Burial Sites and Cemeteries:** Section 15064.5 of the CEQA Guidelines specifies that Native American burial sites be considered in determining the significance of impacts to archaeological and historical resources. Burial sites and cemeteries are formal or informal locations where human remains have been interred that are of cultural value to one or more California Native American Tribes.

Tribal Cultural Resources Setting

The following is a brief overview of the prehistory, ethnography, and historic background, providing context in which to understand the background and relevance of sites found in the general project area. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I Cultural Resources Assessment (Phase I CRA) conducted by FirstCarbon Solutions (FCS).[1]

Pre-contact and Ethnographic Background

In general, archaeological research in the greater San Francisco Bay Area has focused on coastal areas, where large shellmounds were relatively easily identified on the landscape. This research and its chronological framework, however, is relevant to and has a bearing on our understanding of prehistory in areas adjacent to the San Francisco Bay, including modern Santa Clara County.

The San Francisco Bay Area supported a dense population of hunter-gatherers over thousands of years, leaving a rich and varied archaeological record. The Bay Area was a place of incredible language diversity, with seven languages spoken at the time of Spanish settlement in 1776. The diverse ecosystem of the San Francisco Bay and surrounding lands supported an average of three to five persons per square mile but reached 11 persons per square mile in the North Bay. At the time of Spanish contact, the people of the Bay Area were organized into local Tribelets that defended fixed territories under independent leaders. Typically, individual Bay Area Tribelets included 200 to 400 people distributed among three to five semi-permanent villages, within territories measuring approximately 10 to 12 miles in diameter.

Native American occupation and use of the greater Bay Area, including the regions comprising Concord and Oakley, extended over 5,000-7,000 years and maybe longer. Early archaeological investigations in Central California were conducted at sites located in the Sacramento-San Joaquin Delta region. The first published account documents investigations in the Lodi and Stockton area. The initial archaeological reports typically contained descriptive narratives, with more systematic approaches sponsored by Sacramento Junior College in the 1930s. At the same time, the University of California at Berkeley excavated several sites in the lower Sacramento Valley and Delta region, which resulted in recognizing archaeological site patterns based on a variation of intersite

[1] FirstCarbon Solutions (FCS). 2024. Masson Estates Project Phase I Cultural Resources Assessment.

assemblages. Research during the 1930s identified temporal periods in Central California prehistory and provided an initial chronological sequence. In 1939, researcher Jeremiah Lillard of Sacramento Junior College noted that each cultural period led directly to the next and that influences spread from the Delta region to their regions in Central California. In the late 1940s and early 1950s, researcher Richard Beardsley of the University of California Berkeley documented similarities in artifacts among sites in the San Francisco Bay region and the Delta and refined his findings into a cultural model that ultimately became known as the Central California Taxonomic System (CCTS). This system proposed a uniform, linear sequence of cultural succession.

To address some of the flaws in the CCTS system, D.A. Fredrickson introduced a revision that incorporated a system of spatial and cultural integrative units. Fredrickson separated cultural, temporal, and spatial units from each other and assigned them to six chronological periods: Paleo-Indian (12,000 to 8000 years Before Present [BP]; Lower, Middle, and Upper Archaic [8000 to 1500 BP], and Emergent [Upper and Lower, 1500 to 250 BP]). The suggested temporal ranges are similar to earlier horizons, which are broad cultural units that can be arranged in a temporal sequence. In addition, Fredrickson defined several patterns—a general way of life shared within a specific geographical region. These patterns include:

- Windmiller Pattern or Early Horizon (4500 to 3500 BP)
- Berkeley Pattern or Middle Horizon (3500 to 1500 BP)
- Augustine Pattern or Late Horizon (1500 to 250 BP)

Brief descriptions of these temporal ranges and their unique characteristics follow.

Windmiller Pattern or Early Horizon (4500 to 3500 BP)

Characterized by the Windmiller Pattern, the Early Horizon was centered in the Cosumnes district of the Delta and emphasized hunting rather than gathering, as evidenced by the abundance of projectile points in relation to plant processing tools. Additionally, atlatl, dart, and spear technologies typically included stemmed projectile points of slate and chert but minimal obsidian. The large variety of projectile point types and faunal remains suggests exploitation of numerous types of terrestrial and aquatic species. Burials occurred in cemeteries and intra-village graves. These burials typically were ventrally extended, although some dorsal extensions are known with a westerly orientation and a high number of grave goods. Trade networks focused on acquisition of ornamental and ceremonial objects in finished form rather than on raw material. The presence of artifacts made of exotic materials such as quartz, obsidian, and shell indicate an extensive trade network that may represent the arrival of Utian populations into Central California. Also indicative of this period are rectangular Haliotis and Olivella shell beads, and charmstones that usually were perforated.

Berkeley Pattern or Middle Horizon (3500 to 1500 BP)

The Middle Horizon is characterized by the Berkeley Pattern, which displays considerable changes from the Early Horizon. This period exhibited a strong milling technology represented by minimally shaped cobble mortars and pestles, although metates and manos were still used. Dart and atlatl technologies during this period were characterized by non-stemmed projectile points made primarily of obsidian. Fredrickson suggests that the Berkeley Pattern marked the eastward expansion of

Miwok groups from the San Francisco Bay Area. Compared with the Early Horizon, there is a higher proportion of grinding implements at this time, implying an emphasis on plant resources rather than on hunting. Typical burials occurred within the village with flexed positions, variable cardinal orientation, and some cremations. As noted by Lillard, the practice of spreading ground ochre over the burial was common at this time. Grave goods during this period are generally sparse and typically include only utilitarian items and a few ornamental objects. However, objects such as charmstones, quartz crystals, and bone whistles occasionally were present, which suggest the religious or ceremonial significance of the individual. During this period, larger populations are suggested by the number and depth of sites compared with the Windmiller Pattern. According to Fredrickson, the Berkeley Pattern reflects gradual expansion or assimilation of different populations rather than sudden population replacement and a gradual shift in economic emphasis.

Augustine Pattern or Late Horizon (1500 BP to Historic Period)

The Late Horizon is characterized by the Augustine Pattern, which represents a shift in the general subsistence pattern. Changes include the introduction of bow and arrow technology; and most importantly, acorns became the predominant food resource. Trade systems expanded to include raw resources as well as finished products. There are more baked clay artifacts and extensive use of Haliotis ornaments of many elaborate shapes and forms. Burial patterns retained the use of flexed burials with variable orientation, but there was a reduction in the use of ochre and widespread evidence of cremation. Judging from the number and types of grave goods associated with the two types of burials, cremation seems to have been reserved for individuals of higher status, whereas other individuals were buried in flexed positions. Research indicates that Augustine Pattern represents expansion of the Wintuan population from the north, which resulted in combining new traits with those established during the Berkeley Pattern.

Central California research has expanded from an emphasis on defining chronological and cultural units to a more comprehensive look at settlement and subsistence systems. This shift is illustrated by the early use of burials to identify mortuary assemblages and more recent research using osteological data to determine the health of prehistoric populations. Although debate continues over a single model or sequence for Central California, the general framework consisting of three temporal/cultural units is generally accepted, although the identification of regional and local variation is a major goal of current archaeological research.

Native American Background

The Ohlone (Costanoan)

At the time of European contact in the eighteenth century, the San Francisco Bay and Monterey Bay areas were occupied by the Costanoan-speaking Native American Tribelets. The Costanoan group designates a linguistic family consisting of eight different, yet related, languages. The eight languages are the Karkin, Ramaytush, Chochenyo, Tamyen, Awaswas, Chalon, Mutsun, and Rumsen. The Costanoan languages were quite different from one another, with each language being related to its geographically contiguous neighbors. The term “Costanoan” comes from the Spanish word “*Costanos*” which means ‘coast people.’ There are two other terms that were used to identify the Costanoan-speaking people, Olhonean and Mutsun. Olhonean is the name of a Tribelet, *olxon*, that is in San Mateo County near the San Gregorio Creek. Mutsun is the name of the village in a place called Natividad, which is in the hills between the Salinas and Pajaro rivers.

The arrival of Costanoan-speaking groups into the Bay Area appears to be temporally consistent with the appearance of the Late Horizon artifact assemblage in the archaeological record, as documented at sites such as the Emeryville Shellmound or the Ellis Landing Shellmound. It is probable that the Costanoan moved south and west from the Delta region of the San Joaquin-Sacramento River region into the Bay Area. The Tribal group that most likely occupied the project site is the Tamyen language group or Santa Clara Costanoan, whose territory extended from the south end of the San Francisco Bay to the lower end of the Santa Clara Valley.

The various Costanoan Tribes subsisted as hunter-gatherers and relied on local terrestrial and marine flora and fauna for subsistence. The predominant plant food source was the acorn, but they also exploited a wide range of other plants, including various seeds, buckeye, berries, and roots. Protein sources included grizzly bear, elk, sea lions, antelope, and black-tailed deer, as well as smaller mammals such as raccoon, brush rabbit, ground squirrels, and wood rats. Waterfowl, including Canadian geese, mallards, green-winged teal, and American widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Costanoan diet and included steelhead, salmon, and sturgeon.

The Costanoan constructed watercraft from tule reeds and possessed bow and arrow technology. They fashioned blankets from sea otter pelts, fabricated basketry from twined reeds of various types, and assembled a variety of stone and bone tools in their assemblages. Costanoan villages typically consisted of domed dwelling structures, communal sweathouses, dance enclosures, and assembly houses constructed from thatched tule reeds and a combination of wild grasses, wild alfalfa, and ferns.

The Costanoan were politically organized into autonomous Tribelets that had distinct cultural territories. Individual Tribelets contained one or more villages with several seasonal camps for resource procurement within the Tribelet territory. The Tribelet chief could be either male or female, and the position was inherited patrilineally, but approval of the community was required. The Tribelet chief and council were essentially advisers to the community and were responsible for feeding visitors and directing hunting and fishing expeditions, ceremonial activities, and warfare on neighboring Tribelets.

The first European contact with the Costanoan, specifically the Rumsen triblets, was in 1602, when Sebastian Vizcaíno's expedition arrived in Monterey. The estimated Costanoan population in 1770—when the first mission was established in Ohlone territory—was approximately 10,000. By 1832, the population had declined to fewer than 2,000, mainly due to diseases introduced by the European explorers and settlers. When the Spanish mission system rapidly expanded across California, the Costanoan traditional way of life was irreversibly altered. The pre-contact hunter-gatherer subsistence economy was replaced by an agricultural economy, and the Spanish missionaries prohibited traditional social activities. After secularization of the missions between 1834 and 1836, some Native Americans returned to traditional religious and subsistence practices while others labored on Mexican ranchos. Thus, multi-ethnic communities grew up in and around the area and provided informant testimony to ethnologists from 1878 to 1933.

The California Gold Rush brought further disease to the Native inhabitants, and by the 1850s, nearly all of the Costanoan-speaking groups had adapted in some way or another to economies based on

cash income. Hunting and gathering activities continued to decline and were rapidly replaced with economies based on ranching and farming. The Costanoan languages most likely went extinct by 1935. By the 1970s the estimated number of Costanoan descendants or Ohlone descendants in the San Francisco Bay Area was approximately 200. The descendants of the Costanoan united to form the Ohlone Indian Tribe and received ownership of the Ohlone Indian Cemetery where their ancestors of Mission San Jose are buried. Some of the Costanoan descendants in the Monterey Bay area prefer the term "Ohlone," which comes from the name of a village on the San Francisco Peninsula.

3.16.3 - Methodology

Records Searches to Identify Existing Tribal Cultural Resources

The information in this section is based, in part, on the Phase I CRA prepared for the proposed project by FCS in June 2024. The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

NAHC Sacred Lands File Search and Tribal Correspondence

On March 5, 2024, FCS sent a request to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on May 16, 2024, indicating that the Sacred Lands File search produced negative results for Native American cultural resources in the project area. The NAHC included a list of 16 Tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by implementation of the proposed project are addressed, FCS sent letters to all 16 Tribal representatives on May 17, 2024. Two responses were received, on May 17, 2024, from the Indian Canyon Mutsun Band of Costanoan Indians, and on May 20, 2024, from the Tamien Nation. The Indian Canyon Mutsun Band of Costanoan Indians recommended cultural sensitivity training at the start of the proposed project, as well as tribal monitoring throughout the duration. The Tamien Nation noted the proposed project's proximity to Sanborn Park (1.5 miles west), an area known to have TCRs. The Tribe recommended cultural awareness or Worker Environmental Awareness Program (WEAP) training conducted by both an Archaeologist and a Tribal representative, along with monitoring by an Archaeologist and a Tribal Monitor. No additional responses have been received.

Summary of Existing Tribal Cultural Resources at the Project Site

While no TCRs have been recorded within the project site, it is possible they could be discovered during project construction.

3.16.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA), as amended, established the National Register of Historic Places (NRHP), which contains an inventory of the nation's significant prehistoric and historic properties. Under 36 Code of Federal Regulations 60, a property is recommended for possible

inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433), set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and Tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American Tribe claiming affiliation.

State

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

California Environmental Quality Act (CEQA) Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under the CEQA Guidelines, even if a resource is not included on any local, State, or federal register or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the California Register of Historical Resources (CRHR).

Archaeological and historical sites are protected pursuant to a wide variety of State policies and regulations, as enumerated in the Public Resources Code Section 5024.1. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3)(A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many

local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

California Public Resources Code Section 5024.1—California Register of Historic Resources

Section 5024.1 of the Public Resources Code states that the CRHR is a guide to be used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected from substantial adverse change. Administration of the CRHR is to be overseen by the NAHC. Section 5024.1 indicates that the register shall include historical resources determined by the NAHC, according to adopted procedures, to be significant and to meet the criteria in subdivision (c).

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); Public Resources Code [PRC] § 5097.98). CEQA and other State regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.

- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)(2)).

Health and Safety Code Section 7050.5

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. The Code states, "every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor" except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the Coroner.

Public Resources Code Section 5097.98

Section 5097.98 provides protocol for the discovery of human remains. It states that "when the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American." It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

California Public Resources Code Section 5097.91—Native American Heritage Commission

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Senate Bill 18—Protection of Tribal Cultural Places

SB 18 (California Government Code § 65352.3) incorporates the protection of California traditional Tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native

American Tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to Tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the Tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

California Assembly Bill 52—Effects on Tribal Cultural Resources

AB 52 was signed into law on September 25, 2014, and provides that any public or private "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." TCRs include "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the CRHR or included in a local register of historical resources." Under prior law, TCRs were typically addressed under the umbrella of "cultural resources," as discussed above. AB 52 formally added the category of "Tribal Cultural Resources" to CEQA and extends the consultation and confidentiality requirements to all projects, rather than just projects subject to SB 18 as discussed above.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a Tribal Cultural Resource (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place
- 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 with culturally appropriate management criteria

California Public Resources Code Section 21074—Effects on Tribal Cultural Resources

AB 52 amended the CEQA statute to identify an additional category of resource to be considered under CEQA, called "Tribal Cultural Resources," and added Public Resource Code Section 21074, which defines "Tribal Cultural Resources" as follows:

(a) "TCRs" are either of the following:
  (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
    A) Included or determined to be eligible for inclusion in the CRHR.

B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a Tribal Cultural Resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a Tribal Cultural Resource if it conforms with the criteria of subdivision (a).

Local

City of Saratoga General Plan

Goals, Policies, and Implementation

The following goals, policies, and implementation measures are applicable to the proposed project.

Open Space and Conservation Element

Goal OSC-13	Through coordination and with and implementation of other related General Plan Policies, encourage preservation of the City's heritage by providing for the protection of irreplaceable historic and cultural resources representing significant elements of City and regional history.
Policy OSC-13.1	Support activities and events that highlight Saratoga's rich history, such as the "Valley of the Heart's Delight" and the annual Blossom Festival events at the Central Park or Heritage Orchard.
IM OSC-13.a	Periodically update the Heritage Resource Inventory and Designated Landmark Structures list and publish on the City Website information regarding incentives for preservation of heritage properties, such as the Mills Act Program.

3.16.5 - Approach to Analysis

This evaluation focuses on whether implementation of the proposed project would impact TCRs. The TCR impact analysis is based on information collected from record searches at the NAHC and information from Tribal consultation conducted pursuant to AB 52. Impacts are typically associated with construction and/or ground-disturbing activities that have the potential to immediately alter, diminish, or destroy all or part of the character and quality of Native American artifacts and/or human remains that could be uncovered.

3.16.6 - Thresholds of Significance

The lead agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether cultural resources impacts resulting from the implementation of the proposed project would:

a) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

b) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

3.16.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Significance of Tribal Cultural Resource and Eligibility for California Register Listing

Impact TCR-1:	**The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).**

Impact Analysis

Construction

A review of the CRHR and local registers of historic resources indicate that the the Paul Masson Mountain Winery (NPS-83001239-0000), is located 0.30-mile west of the project site, and is listed on the California Built Environment Resource Directory (BERD) as designation 1S (individual property listed in the NRHP by Keeper; listed in the CRHR). The records search results from the Northwest Information Center (NWIC) indicate that one historic resource and one pre-contact resource are located within 0.5-mile of the project site, and none are within the project boundaries. A review of the NAHC Sacred Lands File search was negative for recorded TCRs within the project site. Letters containing project information requesting any additional information regarding TCRs was sent to each Tribal representative on March 5, 2024. Two responses were received, on May 17, 2024, and on May 20, 2024 from Indian Canyon Band of Costanoan Ohlone People and Tamien Nation. Tribal Chairperson Quirina Geary of the Tamien Nation, noted the project site's proximity to Sanborn Park (1.5 miles west), an area known to have TCRs. The Tribe recommended cultural awareness or WEAP

training conducted by both an Archaeologist and a Tribal representative, along with monitoring by an Archaeologist and a Tribal Monitor, as outlined under Mitigation Measure (MM) CUL-1a (refer to Section 3.4, Cultural Resources). Tribal Consultant Kanyon Sayers-Roods recommended cultural sensitivity training at the start of the proposed project and Tribal monitoring throughout the duration. Should any undiscovered TCRs be encountered during project construction, implementation of MM CUL-1a, MM CUL-1b, and MM CUL-2 would ensure that undiscovered TCRs are not adversely affected by project-related construction activities. As such, construction-related impacts would be less than significant with the implementation of mitigation.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCR are limited to construction impacts. No operational impacts would occur.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM CUL-1a, MM CUL-1b, and MM CUL-2 (refer to Section 3.4, Cultural Resources).

Level of Significance After Mitigation

Less than significant impact.

Significance of Tribal Cultural Resource and Eligibility as Determined by Lead Agency

Impact TCR-2:	**The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.**

Impact Analysis

Construction

As previously mentioned, a review of the NAHC Sacred Lands File search was negative for recorded TCRs within the project site. Letters containing project information requesting any additional information regarding TCRs were sent to each Tribal representative on March 5, 2024. Two responses were received, on May 17, 2024, and on May 20, 2024 from the Indian Canyon Band of Costanoan Ohlone People and Tamien Nation. Given that the proposed project is near Sanborn Park, an area that is known to contain TCRs, the Tamien Nation recommended cultural awareness training by a qualified Archaeologist and Tribal representative, cultural resource monitoring (Archaeologist and Tribal Monitor), and collaboration on a treatment plan, if needed. These recommendations were incorporated into the Phase I CRA in May 2024. Tribal consultation efforts conducted by the City of Saratoga pursuant to AB 52 to identify additional significant TCRs meeting the criteria set forth in Public Resources Code Section 5024.1 (c) were initiated on May 8, 2025. A response was received on May 29, 2025, from the Tamien Nation stating that the Tribe's response is a formal request to consult on the proposed project. Tamien Nation also requested to consult on various topics pertaining to the project, such as alternatives to the project, recommended mitigation measures, and significant

effects of the project. The Tribe requested copies of any cultural resources assessment or other assessments that have been prepared for the proposed project. The requested documents were provided to the Tribe on June 9, 2025. A follow up email to determine whether the Tribe had any additional thoughts or comments about the Phase I CRA was sent to the Tribe on August 12, 2025, and to date, no additional responses from Tribal consultation efforts have been received. AB 52 Consultation concluded in August 2025.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCRs are limited to construction impacts. No direct or indirect operational impacts related to TCRs would occur.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM CUL-1a, MM CUL-1b, and MM CUL-2 (refer to Section 3.4, Cultural Resources).

Level of Significance After Mitigation

Less than significant impact.

3.16.8 - Cumulative Impacts

The geographic scope for the cumulative analysis is described further below for TCRs. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact related to TCRs. This analysis then considers whether the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for the project's cumulative effects to rise to a level of significance.

Significant impacts to TCRs may range from impacts to a resource meeting the CEQA definition of a significant historic resource, to impacts to resources identified through consultation between a lead agency and Native American Tribe. As such, the scope and range of potential cumulative impacts to TCRs are highly contingent on the nature of the resource, and status of consultation. In the absence of any known TCRs that will be impacted by the proposed project, the appropriate geographic scope for assessing potential cumulative impacts to TCRs is the project vicinity. This is because any undiscovered TCRs will likely be archaeological in nature, and the immediate project vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. For this analysis, the immediate vicinity is defined as the 0.5-mile NWIC records search radius.

As discussed above, the geographic scope includes existing agricultural and industrial uses. Additionally, five of the cumulative projects shown on Chapter 3, Environmental Impact Analysis, Exhibit 3-1, Cumulative Project Map, are within the 0.5-mile geographic scope. Given that the proposed project would not have a known, direct impact on an existing TCR, cumulative impacts are

less than significant in this regard. Additionally, although construction activities associated with cumulative development projects within the geographic scope may have the potential to encounter undiscovered cultural resources, these cumulative projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing cultural resources (MM CUL-1b and MM CUL-2). Additionally, the implementation of standard construction mitigation measures (MM CUL-1a, MM CUL-1b, and MM CUL-2) would ensure undiscovered cultural resources are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources within the geographic scope. Therefore, cumulative impacts would be less than significant.

With respect to the proposed project's contribution, although there is the possibility that previously undiscovered TCRs could be encountered by subsurface earthwork activities associated with the proposed project, the implementation of construction mitigation measures (MM CUL-1a, MM CUL-1b, and MM CUL-2) would ensure that the proposed project's contribution to the less than significant cumulative impact to undiscovered TCRs would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

3.17 - Utilities and Service Systems

3.17.1 - Introduction

This section describes the existing conditions related to utilities and service systems (water, wastewater, stormwater, and solid waste) in the City of Saratoga (City), Santa Clara County (County) and project area as well as the relevant regulatory framework. This section also evaluates the potential impacts related to such utilities and service systems that could result from implementation of the project. Information in this section is based, in part, on various utility and water management plans and City of Saratoga (City) utility information.

During the Environmental Impact Report (EIR) scoping period, the following public comments were received regarding utilities and service systems:

- Request that the Draft EIR address water supply.
- Request that power lines be underground to beautify the project area.
- Inquiry about whether the proposed project is within Cupertino Sanitary District or San José Water District and whether it would be added to these districts.
- Inquiry about where sewage would go and where water pipes would be located.
- Request for access to sewer and water reports.

These comments have been addressed throughout the analysis in this section. Comments related to the project's potential hydrological impacts, including runoff and flooding, and groundwater recharge are addressed in Section 3.9, Hydrology and Water Quality. A Preliminary Stormwater Hydromodification Management Report has been prepared for the proposed project (Appendix G), the details of which are also described in Section 3.9, Hydrology and Water Quality

3.17.2 - Environmental Setting

Water

San Jose Water Company

The San Jose Water Company (San Jose Water) provides potable and nonpotable water to over a million people in the greater San José metropolitan area. San Jose Water delivers its customers a mix of groundwater, surface water purchased through the Santa Clara Valley Water District (Valley Water), and treated surface water from the local water supply. Where you live determines the source of the water you typically receive. Although, water sources do shift occasionally in response to changes in availability or drought conditions.[1] San Jose Water's service area spans about 145 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County.[2]

[1] San Jose Water Company (San Jose Water). 2025. Our Company. Website: https://www.sjwater.com/our-company. Accessed December 16, 2025.
[2] San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan. June 2021.

Project Site

No water service is provided on-site. An existing water line is located along Pierce Road to the east of the project site.

Santa Clara Valley Water District

Valley Water is an independent special district that provides wholesale water supply, groundwater management, flood protection and stream stewardship in Santa Clara County. Valley Water's service area includes the entirety of Santa Clara County, which is located at the southern end of San Francisco Bay. The County encompasses approximately 1,300 square miles and includes 15 cities from Palo Alto in the north to Gilroy in the south. Most water use occurs on the valley floor between the Santa Cruz Mountains to the west and the Diablo Range to the east. Northern Santa Clara County is home to Silicon Valley and the valley floor is highly urbanized. Southern Santa Clara County has some urban development, but much of the land use is rural and agricultural.[3]

Water Source and Supply

San Jose Water has three sources of potable water supply: purchased, or imported, treated surface water from Valley Water, groundwater from the Santa Clara Subbasin, and surface water from local watersheds. A fourth and growing source of supply is nonpotable recycled water.

San Jose Water is under contract with Valley Water for the purchase of just over 50 percent of their total needed water supply. On average, groundwater from the Santa Clara Subbasin accounts for 30 to 40 percent of San Jose Water's total water supply. These aquifers are recharged naturally by rainfall and streams and artificially via recharge ponds operated by Valley Water. San Jose Water also diverts surface water in the local Saratoga Creek and Los Gatos Creek watersheds to one of the three San Jose Water treatment plants for treatment prior to entering the distribution system. Surface water supplies are highly variable depending on annual rainfall and generally contribute less than 10 percent of total water supply. Recycled water use has steadily grown over the years with increased customer demand for recycled water and construction of new recycled water pipelines. As of 2020, recycled water made up 2 percent of the total water supply.[4] In 2024, water supply to the City primarily consisted of surface water.[5]

Water Demand and Use

Most of the water use in San Jose Water's service area is in the residential and commercial sectors, however, San Jose Water also provides water to industrial, institutional/governmental, and landscape services. Combined with future population growth, total demands are projected to increase by 13 percent between 2020 and 2045. Within the residential sector, higher demand increases are expected for multi-family homes than for single-family homes, as the majority of new housing developments are expected to be for multi-family homes. A number of low-income residential units will be added within San Jose Water's service area, which are accounted for in San Jose Water's demand projections. The distribution of demands across the other water use sectors is

[3] Santa Clara Valley Water District (Valley Water). 2025. About Valley Water. Website: https://www.valleywater.org/how-we-operate/about-valley-water. Accessed December 16, 2025.
[4] San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan. June 2021.
[5] San Jose Water Company (San Jose Water). 2025. 2024 Annual Water Quality Report. San Jose Water Service Area and Water Supply Sources. Website: https://www.sjwater.com/sites/default/files/2025-05/sjw_2025_ccr_1.pdf. Accessed December 16, 2025.

expected to remain relatively constant throughout future years. As shown in Table 3.17-1, water demand in 2020 totaled 39,592 million gallons (MG) and primarily came from residential uses.

Table 3.17-1: 2020 Retail Demands for Potable and Nonpotable Water – Actual

Use Type	2020 Actual Volume (MG)
Single-family	19,387
Multi-family	8,063
Commercial	4,645
Industrial	172
Institutional/Governmental	1,689
Landscape	2,396
Sales/Transfers/Exchanges to other Suppliers	163
Sales/Transfers/Exchanges to other Suppliers	7
Losses	2,958
Other Potable	112
Total	**39,592**

Notes:
MG = million gallons
Includes potable and raw water use. Recycled water use is not included in this table, but is shown in Table 6-4 of the Urban Water Management Plan (UWMP). Unbilled unmetered use includes use for construction activities, tank/reservoir cleaning, irrigation at San Jose Water stations, hydrant testing, meter testing, etc. Volumes for losses and unbilled unmetered use are estimated, based on the difference between system production data and metered use, and the typical distribution between losses and unbilled unmetered use from San Jose Water's recent water loss audits that were submitted to the California Department of Water Resources (DWR) as part of Senate Bill (SB) 555 requirements.

Source: San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan. Website: https://www.sjwater.com/sites/default/files/202106/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed September 9, 2024.

Projected Water Demands

Demand projections from 2020 to 2045 were calculated based on population growth, land use changes, and trends in per capita water use, and considerations of upcoming mandates in water conservation. Association of Bay Area Governments (ABAG) population projections were used to estimate population growth within San Jose Water's service area. San Jose Water's service area population is expected to increase from 997,817 in 2020 to 1,335,044 in 2045, or by 34 percent. San Jose Water's projected demands for potable and raw water are summarized in Table 3.17-2 below. Including recycled water, San Jose Water's historic and projected water demands are summarized in Table 3.17-3.

Table 3.17-2: Annual Retail Use for Potable and Nonpotable Water – Projected

Use Type	Projected Water Use (MG)				
	2025	2030	2035	2040	2045
Single-family	17,556	17,556	17,657	17,730	17,775
Multi-family	11,488	11,488	11,505	11,783	12,043
Commercial	5,889	5,889	5,913	5,984	6,045
Industrial	234	234	235	238	240
Institutional/Governmental	2,153	2,153	2,162	2,188	2,211
Landscape	2,595	2,595	2,605	2,637	2,664
Sales/Transfers/Exchanges to other Suppliers	178	178	179	181	183
Sales/Transfers/Exchanges to other Suppliers	7	7	7	8	8
Losses	3,029	3,029	3,041	3,077	3,109
Other Potable	136	136	136	137	138
Total	**43,311**	**43,265**	**43,440**	**43,963**	**44,416**

Notes:
MG = million gallons
2040 projections account for leap year.
Source: San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan. Website: https://www.sjwater.com/sites/default/files/202106/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed September 9, 2024.

Table 3.17-3: Retail Total Water Use (Potable and Nonpotable)

	2020	2025	2030	2035	2040	2045
Potable Water, Raw, Other Nonpotable (MG)	39,592	43,311	43,265	43,440	43,963	44,416
Recycled Water Demand (MG)	798	890	1,010	1,189	1,193	1,189
Total Water Use (MG)	**40,390**	**44,201**	**44,275**	**44,629**	**45,156**	**45,605**

Source: San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan. Website: https://www.sjwater.com/sites/default/files/202106/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed September 9, 2024.

San Jose Water coordinates closely with Valley Water on future projects to increase water supply for average, single dry, and multiple dry year conditions. As noted in the 2020 Urban Water Management Plan (UWMP), San Jose Water would have adequate supplies to meet projected existing and future water demands during normal, dry, and multiple dry years through 2045. Multi-year droughts present the greatest challenge to Valley Water's water supply reliability. Valley Water's basic water supply strategy to compensate for supply variability is to store excess wet year supplies in the groundwater basin, local reservoirs, San Luis Reservoir, and/or Semitropic Groundwater Bank,

and draw on these reserve supplies during dry years to help meet demands. These reserves, along with existing and planned future projects in the Water Supply Master Plan (WSMP), help Valley Water meet demands during a prolonged drought. However, as stated in Valley Water's 2020 UWMP, there may be a call for up to mandatory 20 percent conservation during multi-year droughts.

The WSMP is Valley Water's guiding document for long-term water supply investments to ensure water supply reliability for the County. This long-range plan assesses future countywide demands and evaluates and recommends water supply and infrastructure projects to meet those demands to help achieve Valley Water's goal to meet 100 percent of annual water demand during non-drought years and at least 80 percent demand in drought years. Future projects and programs in the WSMP were developed in accordance with this policy to minimize the need to call for water use reductions greater than 20 percent during multi-year droughts.[6] Based, in part, on information from Valley Water, San Jose Water anticipates adequate supplies to meet system demand under multiple dry year conditions for years 2025 to 2045.[7]

Wastewater

Cupertino Sanitary District

Cupertino Sanitary District (CuSD) has been serving the community for over 50 years, providing service to over 23,000 residential and business units within the communities of Cupertino, portions of Saratoga, Sunnyvale, Los Altos, and unincorporated areas within the County. CuSD covers approximately 15 square miles, serving a population of over 50,000 people. CuSD owns and manages over 1 million lineal feet of sewer mains, 0.5 million lineal feet of sewer laterals, 17 pump stations, 4,000 manholes and flushing inlets, and one equipment storage facility. CuSD conveys nearly 5 MG of wastewater daily from its customers for treatment at the San José/Santa Clara Regional Wastewater Facility (Facility). CuSD's collection system, much of which is more than 40 years old, has been maintained proactively with regular cleaning and development of a Capital Improvement Program aimed at improving efficiency as well as extending its useful service life.[8] Once at the Facility, wastewater undergoes a three-step treatment process to remove solids, pollutants, and harmful bacteria. Machinery and gravity separate solids from the wastewater. Added bacteria remove pollutants before the wastewater enters the advanced filter process. The treatment process produces water that is 99 percent purified and then discharged into South San Francisco Bay.[9] The Facility treats an average of 110 MG of wastewater per day (mgd), with a capacity of up to 167 mgd.[10]

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6 Santa Clara Valley Water District (Valley Water). 2019. Water Supply Master Plan 2040. November. Website: https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Water_Supply_Master_Plan_2040_11_01_2019_v3.pdf. Accessed March 22, 2025.

7 San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan. June 2021.

8 Cupertino Sanitary District (CuSD). 2024. About us. Website: https://www.cupertinosanitarydistrict.org/about_us. Accessed September 9, 2024.

9 City of San José. 2024. Regional Wastewater Facility. Treatment Process. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility/treatment-process. Accessed September 9, 2024.

10 City of San José. 2024. Regional Wastewater Facility. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility. Accessed September 9, 2024.

Project Site

No wastewater service is provided on-site. An existing sanitary sewer line is located along Pierce Road to the east of the project site.

Stormwater

The City owns and maintains storm drains within the City. The stormwater drainage system consists of a series of inlets and pipes that channel storm runoff to various creeks, which discharge into San Francisco Bay.[11] Stormwater pollution occurs when pollutants accumulate on streets or other surfaces, and they are washed off by rainfall or water. The pollutants flow into storm drains, then directly into creeks and on to the bay. Stormwater pollution reduces water quality and affects the health of local creeks and the bay. Residents contribute to stormwater pollution through everyday activities, like driving and gardening. Commercial and industrial activities can also be sources of pollution.[12]

The West Valley Clean Water Authority is a Joint Powers Authority that serves as the Stormwater Pollution Prevention Authority for the City, as well as Campbell, Monte Sereno, and Los Gatos. The mission of the West Valley Clean Water Authority is to provide facilitation of collaborative stormwater management and pollution prevention efforts to assist the West Valley communities to comply with the municipal stormwater permit and improve water quality. [13]

The City requires stormwater discharges to comply with permit requirements which establish nonpoint source pollution control measures as required by federal and State law. Stormwater pollution prevention measures for new development projects, such as bioswales, detention ponds, erosion, and sedimentation control, are incorporated in the planning, design, construction, and operation of projects with the potential to create pollutants in stormwater runoff. Refer to Section 3.9, Hydrology and Water Quality, for additional information related to stormwater flow.

Project Site

An existing storm drain discharges onto the project site near the proposed entrance road along Pierce Road. Existing stormwater infrastructure is located along Pierce Road adjacent to the project site. According to the City's Storm Drainage Master Plan, the project site is located within Drainage Area (DA) 62B.[14]

Solid Waste

West Valley Collection & Recycling

West Valley Recycles provides garbage, recycling, and green waste collecting services in the City of Saratoga via contract with the West Valley Solid Waste Management Authority.[15] West Valley

[11] City of Saratoga. 2019. City of Saratoga Green Stormwater Infrastructure Plan. Final Draft. Approved on August 21, 2019.
[12] City of Saratoga. 2024. Stormwater Pollution Prevention. Website: https://www.saratoga.ca.us/208/Stormwater-Pollution-Prevention. Accessed September 9, 2024.
[13] West Valley Clean Water Authority. 2025. About Us. Website: https://www.cleancreeks.org/27/About. Accessed December 16, 2025.
[14] City of Saratoga. 2015. City of Saratoga Storm Drainage Master Plan. Updated February 2015.
[15] City of Saratoga. 2025. West Valley Recycles. Website: https://www.saratoga.ca.us/directory.aspx?did=33. Accessed December 16, 2025.

Recycles is the exclusive recycling, green waste and garbage hauler for Campbell, Los Gatos, Monte Sereno, and Saratoga. Solid waste is transported to the Guadalupe Sanitary Landfill in San José.

Electricity, Natural Gas, and Telecommunications

Electricity and Natural Gas

Pacific Gas and Electric Company (PG&E) provides electricity and natural gas service to the City. Electric transmission lines primarily run west to east in the northern half of the City, along State Route (SR) 85. The electric transmission lines have voltages of under 100 volts and 220-287 volts.

Natural gas distribution lines run just outside of the City along Saratoga Avenue.[16] PG&E charges connection and user fees for all new development, in addition to sliding rates for electrical and natural gas service based on use. PG&E Gas Rules 15 and 16 establish the process and procedures for the extension of natural gas service, including the establishment of development infrastructure fees.

Telecommunications

The telecommunications system serving the City of Saratoga consists of several providers, primarily AT&T, Xfinity, and HughesNet.[17]

Project Site

There is currently no electricity, natural gas, or telecommunications infrastructure directly serving the project site. It is assumed that there are existing natural gas facilities located adjacent to the project site. The nearest electrical and telecommunication infrastructure is located within adjacent portions of Pierce Road while natural gas is assumed to be located in Saratoga Heights Road near the project site.

3.17.3 - Regulatory Framework

Federal

Safe Drinking Water Act

The Safe Drinking Water Act authorizes the United States Environmental Protection Agency (EPA) to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Department of Health Services conducts most enforcement activities.

Clean Water Act

The Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. Under the CWA, the EPA implements pollution control programs and sets wastewater standards.

[16] City of Saratoga. 2024. Saratoga Housing and Safety Elements, and 2040 General Plan Updates EIR.
[17] Ibid.

The National Pollutant Discharge Elimination System (NPDES) permit program was established within the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

National Pollutant Discharge Elimination System

Pursuant to Section 402 of the CWA and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges in Saratoga are regulated under the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, MS4 Order No. 2013-001 (General Permit). In 1987, Congress amended the CWA to mandate controls on discharges from Municipal Separate Storm Sewer Systems (MS4s). Acting under the federal mandate and the California Water Code, Regional Water Quality Control Boards (RWQCBs) require cities, towns, and counties to regulate activities that can result in pollutants entering their storm drains. All municipalities prohibit non-stormwater discharges to storm drains and require residents and businesses to use Best Management Practices (BMPs) to minimize the amount of pollutants in runoff. The Municipal Regional Permit is overseen by the San Francisco Bay RWQCB. On February 5, 2013, the State Water Board reissued the Phase II Stormwater NPDES Permit for small MS4s. Provision E.12, "Post-Construction Stormwater Management Program," mandates municipalities to require specified features and facilities—to control pollutant sources, to control runoff volumes, rates, and durations, and to treat runoff before discharge from the site—be included in development plans of projects that create or replace 5,000 square feet or more impervious surface as conditions of issuing approvals and permits. The Phase II requirements continued a progression of increasingly stringent requirements since 1989.

Provision E.12 required all municipal permittees to implement these requirements by June 30, 2015, to the extent allowed by applicable law. This included projects requiring discretionary approvals that have not been deemed complete for processing and discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals.

In July of 2014, the Bay Area Stormwater Management Agencies Association (BASMAA), through the BASMAA Phase II Committee, created the BASMAA Manual to assist applicants for development approvals to prepare submittals that demonstrate their project complies with the NPDES permit requirements. Applicants who seek development approvals for applicable projects should follow the manual when preparing their submittals. The manual is designed to ensure compliance with the requirements and promote integrated Low Impact Development (LID) design.

Section E.12.c of the General Permit pertains to LID and how it relates to hydromodification management. This permit provision requires that stormwater discharges not cause an increase in the erosion potential of the receiving stream over the existing condition. Increases in runoff flow and volume must be managed so that the post-project runoff does not exceed estimated pre-project

rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

State

California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), which was passed in California in 1969, the California State Water Resources Control Board (State Water Board) has the ultimate authority over State water rights and water quality policy. Porter-Cologne also establishes nine RWQCBs to oversee water quality on a day to-day basis at the local and regional level. The RWQCBs engage in a number of water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater.

California Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code §§ 10610–10656) requires that all urban water suppliers with at least 3,000 customers prepare UWMPs and update them every 5 years. The act requires that UWMPs include a description of water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions. Specifically, UWMPs must:

- Provide current and projected population, climate, and other demographic factors affecting the supplier's water management planning;
- Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier;
- Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage;
- Describe plans to supplement or replace that source with alternative sources or water demand management measures;
- Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis (associated with systems that use surface water);
- Quantify past and current water use;
- Provide a description of the supplier's water demand management measures, including schedule of implementation, program to measure effectiveness of measures, and anticipated water demand reductions associated with the measures; and
- Assess the water supply reliability.

California Health and Safety Code

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to adequately, dependably, and safely meet the total requirements of all water users under maximum-demand conditions.

California Model Water Efficient Landscape Ordinance

The California Model Water Efficient Landscape Ordinance was adopted by the California Office of Administrative Law in September 2009 and last updated in January 2025. The California Model Water Efficient Landscape Ordinance requires local agencies to implement water efficiency measures as part of its review of landscaping plans. Local agencies can either adopt the Model Water Efficient Landscape Ordinance or incorporate provisions of the ordinance into its own code requirements for landscaping. The City adopted a local ordinance, which has been codified in Article 15-47 of the Municipal Code.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed Assembly Bill 939, the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. The legislation required each local jurisdiction in the State to set diversion requirements of 25 percent in 1995 and 50 percent in 2000; established a comprehensive Statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities; and authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated. In 2007, amendments to the California Integrated Waste Management Act introduced a new per capita disposal and goal measurement system that moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a per capita disposal rate factor. As such, the new disposal-based indicator (pounds per person per year) uses only two factors: a jurisdiction's population (or in some cases employment) and its disposal as reported by disposal facilities.

Local

City of Saratoga General Plan

Open Space and Conservation Element

Goal OSC 8 Protect existing watercourses in the community and enhance water quality in surface and subsurface water sources.

Policy OSC 8.2 Concentrate development in those portions of the community least susceptible to soil erosion and minimize grading and the introduction of impervious surfaces. Where appropriate, consider the use of on-site detention or retention basins to minimize stormwater runoff from sites.

Goal OSC 9 Maximize efficiencies in the use of the City's water supply.

Policy OSC 9.1 Implement water conservation provisions of the San Jose Water Company's Urban Water Management Plan.

Land Use Element

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

Policy LU 6.2 Development proposals shall incorporate stormwater quality features, including but not limited to grassy bio-swales, to protect surface and subsurface water quality.

Policy LU 6.3 Continue to implement the City's Construction Materials Recycling Program to reduce the quantity of construction debris in local landfills.

City of Saratoga Green Stormwater Infrastructure Plan

The purpose and goal of the Green Stormwater Infrastructure (GSI) Plan, adopted by the City in 2019, is to reduce the impact of urban development on waterways within the City. The GSI Plan serves as an implementation guide for the City to incorporate GSI into storm drain infrastructure on public and private lands, where feasible, over the next several decades. The City has prepared the GSI Plan to guide the siting, implementation, tracking, and reporting of GSI projects on City-owned land. Development of the GSI Plan is required by the City's MRP.

GSI features mimic nature by using plants, soil, and/or pervious surfaces to collect stormwater, allowing it to soak back into the ground and be filtered by soil. This reduces the quantity of water and pollutants flowing into local creeks.

Integrating GSI into public spaces involves construction of stormwater capture and treatment measures in public streets, parks, and parking lots or as parts of public buildings. Types of GSI that can be constructed in public spaces include biotreatment/bioretention, stormwater tree well filters, pervious pavement, infiltration facilities, green roofs; and rainwater harvesting and use facilities.[18]

City of Saratoga Municipal Code

Article 7-05–Discarded Material and Construction and Demolition Debris Disposal

This Article is a health, sanitary, and safety measure necessary for the promotion, protection, and preservation of health, safety, and general welfare of the people of the City. It regulates disposal of materials including mandatory organic waste disposal reduction ordinance compliance (Article 17-10 summarized below) and Construction and Demolition (C&D) debris diversion. It prohibits depositing, accumulating, storing, or burning discarded materials or C&D debris on public property, except for proper disposal in designated containers.

Section 14-30.030–Storm Water and Sewage

Subterranean storm drains shall be designed and installed by the subdivider to adequately and safely drain all storm waters of a subdivision or site, and all surface waters reaching or reasonably calculated to reach the subdivision or site from areas outside of its boundaries. All drainage plans shall be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES) as defined in Article 15-06 of the Zoning Code and the RWQCB Permit requirements and conditions. To ensure compliance with the program, grading plans shall incorporate appropriate source control and site design to meet the NPDES and RWQCB Permit.

[18] City of Saratoga. 2019. City of Saratoga Green Stormwater Infrastructure Plan. Final Draft. Approved on August 21, 2019.

Section 14-30.040–Water

(a) **General Requirements.** The subdivider shall construct a complete water system including mains, valves, fittings, blowoffs, fire hydrants and other appurtenances and structures adequate to provide water supply for domestic or commercial use and for fire protection in conformity with the standards established by the Board of Fire Underwriters of the Pacific. Water mains shall conform to the design criteria of the San Jose Water Company and the California Public Utilities Commission, and the grades, location and sizes shall be approved by the City Engineer. The number and location of fire hydrants shall be as determined by the Fire Chief of the district serving the area in which the subdivision is located.

(b) **Reserved**.

(c) **Water Facilities for Hazardous Fire Areas.** In all areas designated by CAL FIRE and the City as high or very high fire hazard severity zones as shown in the Fire Hazard Zones Map in the Safety Element of the General Plan, fire hydrants shall be located so that no part of a residential structure shall be further than five hundred feet from at least one hydrant, and the fire protection system shall be so designed and charged with water so that each hydrant for residential fire protection shall deliver no less than one thousand gallons per minute of water. Water storage or other availability shall be such that for any one hydrant of the system, the one thousand gallons per minute minimum shall be for a sustained period of two hours. All hydrants shall be installed according to the 2022 California Fire Code Section 507 and Appendix C.

Section 14-30.100–Underground Utilities

All public utility systems and service facilities therefore, including without limitation all electrical distribution or transmission facilities, and also all other communication systems including, but not limited to, telephone and internet services, if any, installed in and for the purpose of providing service within the subdivision, shall be located and installed underground and insofar as practical shall be located in the rights-of-way of public streets, with a junction box for each lot of a subdivision designed to carry the service drops underground to each serviced building or structure.

Article 15-47–Water Efficient Landscaping

The purpose of this Article is to reduce water waste in landscaping by promoting the use of region-appropriate plants that require minimal supplemental irrigation, and to establish standards for irrigation efficiency. This Article implements the California Water Conservation in Landscaping Act. This Article also includes requirements for the preparation of a landscape and irrigation plan.

Article 17-10.015–Mandatory Organic Waste Disposal Reduction, Single-Family Requirements

Requires owners, occupants, or property managers of single-family premises to subscribe to the regional agency's recyclable materials, organic materials, and solid waste collection services for all recyclable materials, organic materials, and solid waste.

Article 17-15–Construction and Demolition Debris Diversion

Applies to new construction, building renovation, remodel, additions or alterations, and demolition projects. It requires all projects within the City be subject to a Waste Management Plan.

3.17.4 - Methodology

This analysis considered relevant City documents, including, but not limited to, the City website, City Municipal Code, 2040 General Plan Update EIR, San Jose Water UWMP, City GSI Plan, the CuSD Sewer System Management Plan, and the West Valley Sanitation District Sewer System Management Plan.

3.17.5 - Thresholds of Significance

The lead agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts to utilities and service systems are significant environmental effects. The proposed project could have an impact if it would:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e) Conflict with federal, State, and local statutes and regulations related to solid waste.

3.17.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

New or Expanded Facilities

Impact UTIL-1:	**The proposed project could require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.**

Impact Analysis

Construction

Impacts related to the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities are limited to operation. Construction-related utilities would be provided through temporary utility service on-site and would be removed once construction is complete. As such, impacts would be less than significant.

Operation

The proposed project would connect to existing water (both potable and recycled), wastewater, electricity, and telecommunication infrastructure in Pierce Road.

It is assumed that there are existing PG&E natural gas facilities adjacent to the site in Pierce Road or Saratoga Heights Road and the proposed project would connect to these facilities within road right of ways. However, the exact location of gas lines is unknown and therefore connection to lines from further away could be required, resulting in the construction of expanded natural gas facilities which could result in significant impacts. Therefore, if there are no existing natural gas lines within roadways adjacent to the project site, the proposed project would be required to implement MM UTIL-1, which requires the proposed project to be all-electric in design and not include natural gas infrastructure. Therefore, with the implementation of MM UTIL-1, the proposed project would not require the relocation or construction of new or expanded natural gas or electric power facilities. Impacts would be less than significant.

Because the proposed project, including the portion of the site that would remain undeveloped, would introduce development and population consistent with that anticipated for the overall project site in the General Plan and the Housing Element, development of the project site was anticipated. Construction-related impacts would be less than significant with implementation of the mitigation identified in this Draft EIR, including, but not limited to the measures discussed in Section 3.2, Air Quality; Section 3.3, Biological Resources; and Section 3.16, Tribal Cultural Resources, as all potential impacts associated with construction of the proposed project would be less than significant.

As discussed in Impact UTIL-2 and Impact UTIL-3, sufficient water supply and wastewater capacity are available to serve the proposed project, and, therefore, new or expanded water or wastewater facilities would not be required beyond those constructed on-site. Construction of the on-site utilities have been considered throughout this Draft EIR. Furthermore, as discussed in Section 3.8, Hazards and Hazardous Materials, the proposed project would be adequately served by fire hydrant water pressure in accordance with water distribution design criteria. As confirmed by simulation results from San Jose Water, fire water flow would meet the required demand of 1,000 gallons per minute (gpm) (Appendix J).

The proposed project's stormwater runoff would be directed into six drainage management areas (DMA). Stormwater from these DMAs would be diverted into eight on-site bioretention basins, referred to as Treatment Control Measures (TCMs), the construction of which is considered in this Draft EIR. The TCMs would be operational in the post-construction phase. No off-site stormwater infrastructure would be required.

In summary, with the implementation of mitigation, the proposed project would not result in the relocation or construction of new or expanded utility facilities outside the project boundaries and impacts would be less than significant.

Level of Significance

Potentially significant impact.

Mitigation Measures

MM UTIL-1 Energy Use Options

The proposed project would connect to existing natural gas lines in Pierce Road and/or Saratoga Heights Road located adjacent to the project site. The applicant shall submit to the City for review and approval, utility improvement plans showing this connection, prior to issuance of grading permits. If such connections cannot be demonstrated, then the proposed project shall be designed and constructed as an all-electric development. As such, no natural gas infrastructure shall be installed and all appliances, heating, ventilation, and air conditioning (HVAC) systems and water heating systems shall be electric.

Level of Significance After Mitigation

Less than significant impact.

Water Supplies

Impact UTIL-2: The proposed project would have sufficient water supplies available to serve the proposed project and reasonably foreseeable future development during normal, dry and multiple dry years.

Impact Analysis

Construction

Impacts related to sufficient water supplies are limited to operational impacts. No respective construction impacts would occur.

Operation

The proposed project would be served by San Jose Water. Table 3.17-4 summarizes the proposed project's estimated operational water consumption based on per capita consumption from the San Jose Water UWMP. As shown in the table, the proposed project would demand 5,231 gallons per day (GPD), which equates to 5.8 acre-feet per year. This amount of water is less than 1 percent of San Jose Water's 2045 projected water supply for single-family uses of 17,775 MG per year.

Table 3.17-4: Water Consumption Estimate

Dwelling Units	Persons Per Household	San Jose Water Baseline Per Capita Consumption	Proposed Project Daily Water Consumption (gallons)	Proposed Project Annual Water Consumption (gallons)	Proposed Project Daily Water Consumption (acre-foot)	Proposed Project Annual Water Consumption (acre-foot)
25	2.79	75 gallons/day	5,231 gallons	1,909,406 gallons	0.016 acre-feet	5.8 acre-feet

Dwelling Units	Persons Per Household	San Jose Water Baseline Per Capita Consumption	Proposed Project Daily Water Consumption (gallons)	Proposed Project Annual Water Consumption (gallons)	Proposed Project Daily Water Consumption (acre-foot)	Proposed Project Annual Water Consumption (acre-foot)
Notes: 1 acre-foot = 325,851 gallons Persons per household obtained from California Department of Finance for the City of Saratoga (2024). Utilizes a San Jose Water Per Capita Consumption of 75 gallons per day (GPD) obtained from 2020 Urban Water Management Plan. Source: FirstCarbon Solutions (FCS). 2024.						

As shown above, the proposed project would demand approximately 1.9 MG of water a year. For the year 2045, San Jose Water has a projected water supply of 45,605 MG for potable, nonpotable, and recycled water. The proposed project would incorporate TCMs through compliance with water waste prevention codes related to water efficient landscaping (Article 15-47 of City's Municipal Code), which would further conserve water during operation.

Table 3.17-5, Table 3.17-6, and Table 3.17-7 demonstrate San Jose Water's estimated normal, single dry year, and multiple dry years supply and demand, as indicated in the UWMP.[19]

Table 3.17-5: Normal Year Supply and Demand Comparison

	2025	2030	2035	2040	2045
Supply Totals	44,201	44,275	44,629	45,156	45,605
Demand Totals	44,201	44,275	44,629	45,156	45,605
Difference	0	0	0	0	0
Notes: Volumes are in MG Source: San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan.					

As indicated in Table 3.17-3, San Jose Water would be able to meet water demand in normal years through the year 2045. Note that the UWMP accounts for planned growth and development. The proposed project would use approximately 1.9 MG per year which is less than 0.01 percent of the total demand projected for 2045.

Table 3.17-6: Single Dry Year Supply and Demand Comparison (MG)

	2025	2030	2035	2040	2045
Supply Totals	44,201	44,275	44,629	45,156	45,605
Demand Totals	44,201	44,275	44,629	45,156	45,605

[19] San Jose Water Company (San Jose Water). 2021. Urban Water Management Plan. Website: https://www.sjwater.com/sites/default/files/2021-06/2020 percent20UWMP percent20FINAL percent20with percent20Appendices.pdf. Accessed September 9, 2024.

	2025	2030	2035	2040	2045
Difference	0	0	0	0	0

Notes:
Volumes are in MG
Source: San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan.

Table 3.17-7: Multiple Dry Year Supply and Demand Comparison (MG)

Year	Totals	2025	2030	2035	2040	2045
First Year	Supply Totals	44,201	44,275	44,629	45,156	45,605
	Demand Totals	44,201	44,275	44,629	45,156	45,605
	Difference	0	0	0	0	0
Second Year	Supply Totals	44,201	44,275	44,629	45,156	45,605
	Demand Totals	44,201	44,275	44,629	45,156	45,605
	Difference	0	0	0	0	0
Third Year	Supply Totals	44,201	44,275	44,629	45,156	45,605
	Demand Totals	44,201	44,275	44,629	45,156	45,605
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	44,201	44,275	44,629	45,156	45,605
	Demand Totals	44,201	44,275	44,629	45,156	45,605
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	44,201	44,275	44,629	45,156	45,605
	Demand Totals	44,201	44,275	44,629	45,156	45,605
	Difference	0	0	0	0	0

Notes:
Volumes are in MG
Source: San Jose Water Company (San Jose Water). 2021. 2020 Urban Water Management Plan.

The Single Dry Year scenario is the year that represents the lowest water supply available to the City. The multiple dry year scenario, in this case, a 5-consecutive-year drought, is the period that represents the driest 5-year historical sequence for the City.

As shown in Tables 3.14-4 and 3.14-5, for the single and multiple dry-year scenarios there is no projected water deficit in all years, beginning in the year 2025. However, the City is expanding the use of local water resources and reducing waste through implementation of TCMs.[20] As indicated in the UWMP, demand reductions due to rationing measures are not included in scenario estimates. Therefore, the demand could be reduced by implementing the TCMs. In addition, San Jose Water's

[20] San Jose Water Company (San Jose Water). 2021. Urban Water Management Plan. Accessed September 9, 2024

UWMP contains a Water Waste Prevention Ordinance, Metering, Conservation Pricing, Public Outreach and Education, Water Loss Assessment Programs, Water Conservation Program Coordination and Staffing Support, etc. These initiatives are described in greater detail in San Jose Water's UWMP and all contribute to the reduced demand for water supply.

As a nonpotable source of supply, recycled water is managed separately from San Jose Water potable water supplies. However, recycled water can help to offset potable demands, and thus, San Jose Water is aiming to increase the amount of recycled water use in future years.

In sum, San Jose Water is able to meet project demand in all years under the normal, single dry, and multiple dry year scenarios. Additionally, planned increases in recycled water use would increase supplies, in dry and multiple dry year scenarios. TCMs, supply augmentation methods, recycled water use, and agreements would further reduce water deficits in the dry and multiple dry year scenarios.

In addition, the proposed project would be required to comply with Article 15-47 of the City Municipal Code that aims to reduce water waste in landscaping by promoting the use of region-appropriate plants that require minimal supplemental irrigation, and by establishing standards for irrigation efficiency. The proposed project would also be required to submit landscaping plans to the City as part of project application approval process demonstrating compliance Article 15-47. As such, there would be sufficient water supplies to serve the proposed project during normal, dry, and multiple dry years. Impacts would be less than significant and no mitigation is required.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Wastewater Treatment Capacity

Impact UTIL-3:	**The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

Impact Analysis

Construction

Impacts related to wastewater treatment capacity are limited to operational impacts. No construction-related impacts would occur.

Operation

The proposed project would be served by the CuSD. Assuming an average daily generation factor of 68 gallons per resident and assuming 70 residents, the proposed project would result in approximately 4,760 gallons of wastewater or 0.005 mgd.[21,22] The San José-Santa Clara Regional

[21] City of Saratoga. 2024. Housing and Safety Elements, and 2040 General Plan Updates Environmental Impact Report.
[22] 70 residents x 68 gallons = 4,760 gallons. 4,760/1,000,000 = 0.0047

Wastewater Facility treats an average of 110 mgd, with a capacity of up to 167 mgd.[23] As such, the proposed project's estimated wastewater generation would contribute a minimal amount of wastewater compared to the Facility's daily capacity. As such, existing treatment capacity would be sufficient to serve the proposed project. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Attainment of Solid Waste Reduction Goals

Impact UTIL-4: **The proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

Impact Analysis

This impact discussion assesses whether the proposed project would be served by a landfill with adequate capacity or comply with federal, State, and local statutes and regulations related to solid waste. Solid waste would be generated by construction and operational activities. Each is discussed as follows.

Construction

The proposed project consists of 25 homes. Using residential construction waste generation rate published by the United States EPA, an estimate of the total construction debris generated by the proposed project is provided in Table 3.17-8.

Table 3.17-8: Construction Solid Waste Generation

Activity	Waste Generation Rate	Square Feet	Solid Waste Generation	
			Tons	Cubic Yards
Construction	4.39 pounds/square feet	800,718	1,758	1,256

Notes:
1 ton = 2,000 pounds
1 ton = 1.4 cubic yards
Source: United States Environmental Protection Agency (EPA). 2003. Estimating 2003 Building-Related Construction and Demolition Materials Amounts. Website: https://www.epa.gov/sites/production/files/2017-09/documents/estimating2003buildingrelatedcanddmaterialsamounts.pdf. Accessed March 22, 2025.

Development of the proposed project would generate an estimated 2,180 cubic yards of construction debris. This waste volume represents a nominal percentage of the existing landfill

[23] City of San José. 2024. San José-Santa Clara Regional Wastewater Facility. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility. Accessed September 9, 2024.

capacity of the 7.5 million cubic yards of remaining capacity at the Guadalupe Sanitary Landfill.[24] Moreover, the values shown in the table do not reflect C&D debris recycling that would serve to divert waste from the landfill in compliance with the City's C&D Ordinance (Article 7-05). Therefore, short-term construction impacts on landfill capacity would be less than significant.

Operation

Table 3.17-9 summarizes the proposed project's annual operational waste generation based on a rate provided by Cal Recycle.

Table 3.17-9: Operational Solid Waste Generation Estimate

Waste Generation Rate	Dwelling Units	Operational Waste Generation	
		Tons per Year	Cubic Yards per Year
12.23 lb/household/day	25	55.80	78.12

Notes:
1 ton = 2,000 pounds; 1 ton = 1.4 cubic yards
Source: California Department of Resources Recycling and Recovery (CalRecycle).

The proposed project would generate an estimated 55.80 tons of operational solid waste on an annual basis at buildout. Solid waste would be transferred to the Guadalupe Sanitary Landfill which has a remaining capacity of 7.5 million cubic yards as of January 2023. The proposed project would generate an estimated 78.12 cubic yards on an annual basis, which is less than 1 percent of the remaining capacity.[25] Moreover, the values shown in the table are conservative because, for example, they do not adjust operational solid waste generation to account for recycling and waste reduction activities that would serve to divert waste from the landfill such as, but not limited to, compliance with Section 17-10.015 of the Municipal Code, which requires that single-family residences to separate organic materials, recyclable materials and solid waste in the solid waste in their respective containers and not mix them in the wrong container. Therefore, long-term operational impacts would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure; therefore, impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

[24] California Department of Resources Recycling and Recovery (CalRecycle). 2024. Guadalupe Sanitary Landfill. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1376?siteID=3399. Accessed September 9, 2024.
[25] Ibid.

Solid Waste Regulations

Impact UTIL-5: The proposed project would comply with federal, State, and local statutes and regulations related to solid waste.

Impact Analysis

The proposed project would generate solid waste during construction and operation. Common construction waste may include metals, masonry, plastic pipes, rocks, dirt, cardboard, or green waste related to land development. A significant impact would occur if the proposed project would conflict with federal, State, or local management and reduction statutes and regulations related to solid waste.

During construction, the proposed project would be required to comply with the City's Municipal Code Section 17-10.015 relating to solid waste collection and organics waste reduction measures. The proposed project would also be required to comply with the City's Municipal Code Article 17-15, which requires projects to submit a Waste Management Plan prior to the beginning of any construction and demolition activities. Furthermore, the proposed project would be required to comply with the provisions of the most current California Green Building Standards Code (CALGreen) Sections. These measures would ensure compliance with the Integrated Waste Management Act by ensuring project construction waste is transferred to facilities that can properly recycle solid waste. Additionally, the proposed project would be required to comply with Statewide ordinances, including Assembly Bill (AB) 341, AB 939, and Senate Bill (SB) 1016 which require waste reduction, recycling, and diversion. Therefore, the proposed project would be consistent with federal, State, and local statutes and regulations related to solid waste, including the California Health and Safety Code, California Code of Regulations, California Public Resources Code, and City's Municipal Code. Therefore, the impact would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.17.7 - Cumulative Impacts

Relocation or Construction of New or Expanded Utilities

The geographic context for cumulative impacts to utility services is the service area for the various providers of each utility service, i.e., San Jose Water (water supply) and PG&E (electricity and gas). A more detailed discussion of cumulative impacts relating to stormwater drainage is provided in Section 3.9, Hydrology and Water Quality.

Cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 predominantly consist of residential uses located in the City of Saratoga. All cumulative projects would be evaluated at a project level to determine whether there would be an increase in demand for utilities that would result in relocation or construction of new utilities and all cumulative development would be

required to comply with relevant federal, State, and local regulations. Future cumulative development associated with buildout of the City's existing General Plan would not require new or expanded utility services that would result in significant impacts beyond those identified in the certified EIR for the 2040 General Plan Update. Therefore, the overall cumulative impact to utilities and service systems would be less than significant and no mitigation would be required.

Additionally, with the implementation of MM GHG-2 and MM UTIL-1, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact related to the relocation or construction of new or expanded utilities as discussed in Impact UTIL-1. Accordingly, the proposed project, in conjunction with the construction of other projects and Table 3-1, would not result in a significant cumulative impact related to water, wastewater, stormwater generation, stormwater drainage facilities, electricity, natural gas, or telecommunications.

Water Supply

The geographic scope of the cumulative potable water analysis is the service area of the San Jose Water, which provides potable water to residents and businesses within the County. San Jose Water considered the existing capacity and future demand for capacity to determine needed updates to water facilities. In the course of preparing the UWMP, the San Jose Water Company estimated water demand of future development in the service area and forecast the needed facility upgrades. The forecast included supply facility upgrades needed to accommodate growth in the City.

Cumulative projects listed in Table 3-1 (refer to Chapter 3, Environmental Impacts Analysis, Table 3-1, Cumulative Projects) are located within the San Jose Water service area and would create water supply demand. The San Jose Water 2020 UWMP determined that San Jose Water would be able to provide adequate water supplies to the City and cumulative projects area.[26] The City would have adequate water supplies to serve the cumulative projects during normal and dry years.[27] In addition, cumulative projects listed in Table 3-1, would be required to comply with provisions of the City Code and California Green Building Standards Code (CALGreen) related to water conservation. Cumulative projects that are consistent with the City's existing 2040 General Plan Update were considered as part of planning by the various utility providers prior to approval of the Housing Element. Cumulative development associated with buildout would not require new or expanded utility services that would result in significant impacts beyond those identified in the Draft EIR certified for the approved 2040 General Plan Update. Accordingly, cumulative impacts would be less than significant.

The proposed project includes 25 single-family homes and would not make a cumulatively considerable contribution to the demand on San Jose Water's water supply, as the project would not have a significant impact on the San Jose Water's water supply or facilities. Therefore, the proposed project, in conjunction with identified cumulative projects in the City of Saratoga, would result in a less than significant cumulative impact related to water supply and water supply facilities.

[26] San Jose Water Company (San Jose Water). 2021. Urban Water Management Plan. Accessed September 9, 2024
[27] Ibid.

Wastewater

The geographic scope of the cumulative wastewater analysis is the service area of CuSD, which provides wastewater collection and treatment services for contracted cities and residents and business in unincorporated County land. The CuSD considered the existing capacity and future demand for capacity to determine needed updates to wastewater and recycled water facilities. In the course of preparing the Sewer System Management Plan, the CuSD estimated wastewater generated from future development in the service area and forecast the needed facility upgrades. The forecast included treatment facility upgrades needed to accommodate growth in the City and maintain compliance with applicable regulatory standards for wastewater treatment and discharge.

Cumulative projects listed in Table 3-1 are located in the CuSD and the West Valley Sanitary District of Santa Clara County and would generate volumes of wastewater. The Sewer System Management Plan determined that capacity exists in its service area sufficient to meet cumulative projects area demand with respect to wastewater treatment facilities. Cumulative projects are within the scope of development anticipated by the City in its planning documents. Future development would be subject to federal and State statutes, connection fees, applicable Municipal Code, and General Plan policies, all of which would ensure adequate capacity. Furthermore, development would occur gradually over time, and would not happen all at once. Accordingly, cumulative impacts are less than significant.

The proposed project includes 25 single-family homes and would not make a cumulatively considerable contribution to the demand on wastewater facilities, as it has been determined that the provider has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. As such, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. Therefore, the proposed project, in conjunction with identified cumulative projects in the City of Saratoga, would result in a less than significant cumulative impact related to wastewater generation and wastewater treatment facilities.

Solid Waste Capacity

The geographic scope for cumulative solid waste analysis is the service area of WVC&R. WVC&R takes solid waste to the Greenwaste Recovery Transfer/Processing facility. The transfer facility has a maximum throughput of 350 tons per day. Solid waste would be transferred to the Guadalupe Sanitary Landfill which has a remaining capacity of 7.5 million cubic yards and a maximum permitted throughput of 3,650 tons per day. Cumulative projects listed in Table 3-1 consist predominantly of residential uses and would generate solid waste that would increase demand on solid waste facilities to receive, process, and dispose solid waste.

The anticipated waste volume of cumulative projects development would be 2039.3 cubic yards per year, that represents less than 1 percent of the available capacity. Existing solid waste facilities provide sufficient capacity to serve cumulative development anticipated in the City. Therefore, cumulative impacts are less than significant.

The proposed project includes 25 single-family homes and would not make a cumulatively considerable contribution to the demand on solid waste facilities, as the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. As such, the proposed project does not have a cumulatively considerable contribution to the less than significant cumulative impact. Therefore, the proposed project, in conjunction with identified cumulative projects, would result in a less than significant cumulative impact related to solid waste generation and landfill capacity.

Solid Waste Statutes and Regulations

The geographic scope for impacts related to solid waste statutes and regulations is the City of Saratoga and State of California. The proposed project would include 25 single-family homes and would not make a cumulatively considerable contribution related to compliance with federal, State, and local statutes and regulations related to solid waste. As such, the proposed project does not have a cumulatively considerable contribution to the less than significant cumulative impact. Furthermore, individual development projects would be required to adhere to federal, State, and local statutes and regulations related to solid waste. Therefore, the proposed project, in conjunction with identified cumulative projects, would result in a less than significant cumulative impact related to solid waste statutes and regulations.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None.

3.18 - Wildfire

3.18.1 - Introduction

This section describes the existing wildfire conditions in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to wildfire that could result from implementation of the proposed project. Information in this section is based, in part, on information provided by various land use plans and fire department websites, a Wildfire Protection Plan prepared by Wildland Resource Management in 2025, and Evacuation Analysis prepared by Kittelson and Associates on November 22, 2025 (Appendix J).

The City is in the process of preparing its own wildfire threshold of significance, and its own wildfire evacuation assessment building on the City's Saratoga Evacuation Route Capacity Assessment (June 2025). However, neither the threshold nor the wildfire evacuation assessment will be complete before the publication of this Draft Environmental Impact Report (Draft EIR). Thus, this Draft EIR relies on the Kittelson Evacuation Analysis. However, it also relies on the findings of the City's June 2025 Evacuation Route Capacity Assessment to provide context for the City's current evacuation constraints.

Public comments were received during the EIR scoping period raising the following issues related to wildfire. The following is a summary of individual topics or concerns raised by the public comments submitted in letter or verbal form:

- Concern over emergency evacuation at the intersections of Pierce Road and Saratoga-Sunnyvale Road, Pierce Road at Saratoga Heights Drive, and Pierce Road at State Route (SR) 9.
- A request that the Draft EIR include a traffic analysis of diverse scenarios for emergency evacuations.
- Concern regarding the location bottlenecks for traffic during potential evacuations and potential mitigation.
- Concern regarding inaccessibility of emergency access and exit roads being inaccessible due to fire, fallen trees, or other roadblocks.
- Concern regarding site distance of the access road, fire exit, and Vintage Lane.
- Concern about the access road being steep and requiring residents to stop at the top of the hill before entering Pierce Road.
- Concern regarding cumulative impacts of projects on emergency evacuation.
- Concern that traffic caused by an emergency evacuation would hinder emergency access for the Fire Department.
- Concern over landslides.
- Concern over the project site being in an area with high wildfire threat.
- Concern regarding wildfire impacts on residential communities due to intensification of development on hillsides and spread of hillside fires to outlying flatlands.

- Request for a Fire Department report regarding the proposed project.
- Concern regarding adequate fire protection.
- Concern related to overhead Pacific Gas and Electricity Company (PG&E) equipment causing wildfires and request to underground the overhead power system.
- Concern over the ability of residents to receive Homeowners or Fire Insurance.

Emergency evacuation and access and wildfire hazards are addressed in this section, as well as Section 3.8, Hazards and Hazardous Materials and Section 3.15, Transportation and Traffic. Fire protection is addressed in Section 3.13, Public Services. Availability of homeowners insurance and fire insurance is not a CEQA-related issue.

3.18.2 - Environmental Setting

Residential developments in the Wildland-Urban Interface (WUI) and other wildfire-prone areas can significantly increase the risks of wildfires and the risk to public safety. Factors contributing to increased risk are increased anthropogenic fire sources, adjacency of anthropogenic fire sources to flammable vegetation, and placing people in areas of risk.

Wildfire Occurrence

City of Saratoga and Vicinity

The South Bay hills' combination of hot dry summers, conducive topography, flammable vegetation, dense urban development, limited firefighting access in wildlands, and Diablo winds present significant risks to the public, structures, and properties located along the WUI in the City.

Wildfires have occurred in areas surrounding the City, including the 2007 Stevens wildfire, which burned approximately 151 acres northwest of the City; the 2017 Bear wildfire, which burned 391 acres in Boulder Creek southwest of the City; and the 2020 CZU Lightning Complex wildfire, which burned 86,509 acres across Santa Cruz and San Mateo County southwest of the City.[1,2,3] No notable wildfires have occurred within the City or the project site in at least the last 75 years.[4,5]

Project Site

There is no record of the project site having direct effects from wildfire; however, the 2007 Stevens wildfire was located approximately 2.84 miles northwest of the project site while the 2017 Bear wildfire was located approximately 4.64 miles south of the project site.

[1] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Stevens Fire. Website: https:// www.fire.ca.gov/incidents/2007/8/30/stevens-fire/. Accessed July 17, 2024.
[2] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Bear Fire. Website: https:// www.fire.ca.gov/incidents/2017/10/16/bear-fire/. Accessed July 17, 2024
[3] California Department of Forestry and Fire Protection (CAL FIRE). 2024. CZU Lightning Complex. Website: https:// www.fire.ca.gov/incidents/2020/8/16/czu-lightning-complex-including-warnella-fire/. Accessed July 17, 2024.
[4] California Wildfire History Map. 2024. History of Wildfires. Website: https:// projects.capradio.org/california-fire-history/#10.42/37.2934/-122.0879. Accessed July 17, 2024.
[5] City of Saratoga. 2024. General Plan. Safety Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5405/General-Plan-Safety-Element-PDF. Accessed December 1, 2025.

Additionally, while the project site has not burned in living memory, numerous fires ranging from small to large have burned in the near vicinity in recent decades. The largest and most recent of these was the 2020 CZU Lightning Fire Complex, which burned 86,553 acres to the southwest across the Santa Cruz Mountains. The 2009 Lockheed Fire also burned 7,817 acres in much of the same area, west of Boulder Creek and Ben Lomond. Approximately 5.5 miles to the southeast, the 1985 Lexington Fire burned 13,128 acres south of Los Gatos.

Service Providers

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for fire protection and stewardship of over 31 million acres of California's privately owned wildlands. CAL FIRE also provides varying levels of emergency services in 36 of California's 58 counties via contracts with local governments. Because of the Department's size and major incident management experience, it is often asked to assist or take the lead in disasters.[6]

Saratoga Fire Protection District

Saratoga Fire Protection District (SFPD) provides the community with efficient and effective fire and emergency services. This includes fire prevention, firefighting, rescue and emergency medical services, environmental hazard response, and response to any other threats to life and property. The SFPD maintains a local focus while partnering with the Santa Clara County Fire Department (SCCFD). As of 2008, the SFPD began a contract for fire prevention services with SCCFD. Under the contract, all SFPD safety employees became Santa Clara County Personnel.[7]

The SFPD provides fire protection services to approximately 12.5 square miles encompassing one-half of the City of Saratoga and sections of the unincorporated areas to the south. Approximately 14,500 people reside within the SFPD service area.[8]

Santa Clara County Fire Department

The project site is within the jurisdiction of the SCCFD. The SCCFD provides emergency response to over 225,000 residents in the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Redwood Estates, Saratoga and adjacent unincorporated areas.

The SCCFD is divided into five service divisions: Administrative Services, Fire Prevention Division, Operations Division, Training Division, and Support Services Division. Fire Department personnel serve the territory from 15 fire stations.[9]

Daily 24-hour emergency response staffing consists of 66 firefighters and officers operating out of the 15 fire stations with 31 front-line fire apparatus and three command vehicles. The SCCFD

[6] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Protection. Website: https://www.fire.ca.gov/what-we-do/fire-protection. Accessed December 15, 2025.

[7] Saratoga Fire Protection District (SFPD). 2024. General District Info. Website: https://www.saratogafire.org/general-district-info/. Accessed July 17, 2024.

[8] Ibid.

[9] City of Saratoga. 2014. General Plan 2040 Safety Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5405/General-Plan-Safety-Element-PDF. Accessed December 15, 2025.

employs over 300 fire prevention, suppression, investigation, administration, and maintenance personnel.[10]

Wildfire Hazard Area Designations

City of Saratoga

The City is susceptible to wildland fires due to the steep topography, abundant fuel load, and climatic conditions, particularly along the western and southwestern edges of the City. The areas most susceptible to fire hazard are located west of Saratoga-Sunnyvale Road and southwest of Saratoga Los Gatos Road (SR-9). The project site is located within this area. Based on the Fire Hazard Severity Zone (FHSZ) mapping prepared by CAL FIRE, this portion of the City is identified within a Very High FHSZ.[11] As a result of this condition, the City (in coordination with CAL FIRE) has established a WUI zone which covers a majority of the areas within the City that have Moderate to Very High fire hazard potential. Most of this zone is located in the southern and western portions of the City. As a result of this potential hazard, special fire protection measures and planning are necessary within these areas of the City before development occurs.[12]

Project Site

The project site is located in the southwestern portion of the City along Pierce Road. The project site is located in the hillsides portion of the City. The project site is currently undeveloped and covered with existing vegetation. The project site is located within a hillside residential area and is within a WUI area as designated by City's October 2025 WUI Map. According to CAL FIRE's FHSZ maps (updated February 24, 2025 and adopted by the City), the project site is located partially within a High Fire Hazard Severity Zone and partially within a Very High FHSZ.

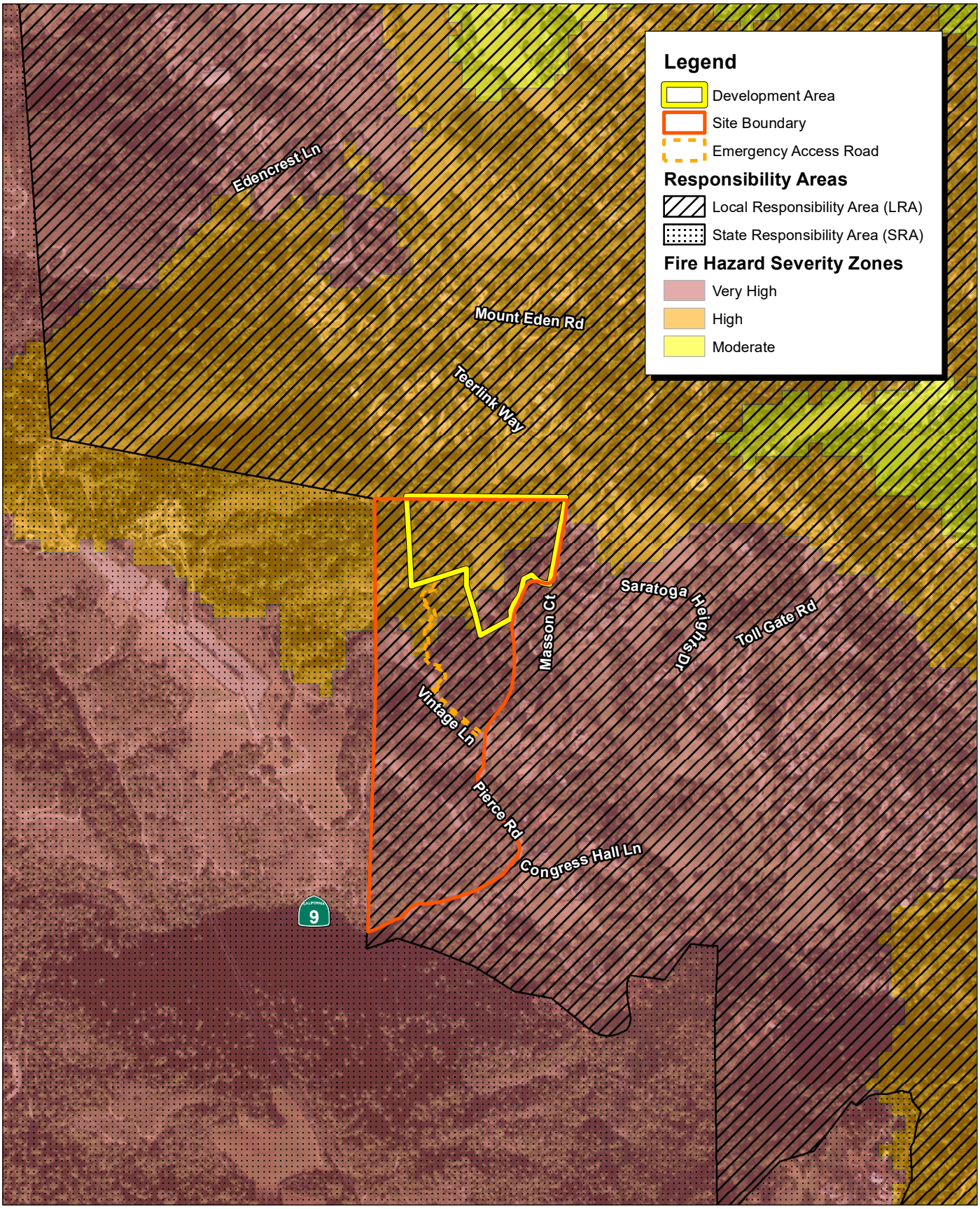
The proposed project falls within a Local Responsibility Area (LRA) within the City of Saratoga. LRAs are areas where the responsibility for fire protection primarily lies with a local agency. Most of the Development Area, along with surrounding areas to the north, northwest, and northeast, is designated as a High FHSZ within the LRA. However, the east and southeastern stretch of the Development Area near Pierce Road is designated as a Very High FHSZ within the LRA, as is much of the surrounding areas within the City of Saratoga to the south, southeast, and east, including the project remainder area (Exhibit 3.18-1).[13]

[10] Santa Clara County Fire Department (SCCFD). 2025. SCCFD Overview. Website: https://www.sccfd.org/about-sccfd/sccfd-overview/. Accessed October 28, 2025

[11] City of Saratoga. 2024. General Plan 2040 Safety Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5405/General-Plan-Safety-Element-PDF. Accessed December 15, 2025.

[12] Ibid.

[13] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones. Find Your Fire Hazard Severity Zone (FHSZ). Website: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed December 15, 2025.



Source: Esri Aerial Imagery. California State Geoportal. County of Santa Clara. CAL FIRE FRAP. City of Saratoga.

FIRSTCARBON SOLUTIONS™

1,000 500 0 1,000 Feet

Exhibit 3.18-1
Fire Hazard Severity Zones

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Wildfire-conducive Conditions

California

Factors that contribute to incidence, severity, and duration of wildfires include fuel load, terrain, climatic conditions, development density, and potential sources. Grasslands, forested areas, and other vegetation in California easily ignite, particularly in dry seasons and during extended periods of climatic drought. Wildfire is a serious hazard in high, dry fuel load areas, particularly near areas of natural vegetation and steep slopes, since fires tend to burn more rapidly on steeper terrain. Wildfire is also a serious hazard in areas of high wind, given that fires will travel faster and farther geographically when winds are higher. Wildfire is also more likely in areas where electric power lines are located above ground where they may encounter vegetation or building materials. Furthermore, as noted by the California Attorney General, locating people in or adjacent to areas at risk of wildfire leads to more frequent wildfires due to the increase of ignition sources.[14]

Wind direction and velocity profoundly affect fire behavior, but wind is considered the most variable and unpredictable weather element. Wind increases the flammability of fuels both by removing moisture through evaporation and by angling the flames so that they heat the fuels in the fire's path. The direction and velocity of surface winds can also control the direction and rate of the fire's spread. These winds can carry embers and firebrands (any source of heat capable of igniting wildland fuels) downwind. These burning fuels can ignite spot fires that precede the primary front.

Another important factor is the amount of dead biomass and the ratio of live-to-dead material in brush and tree stands, since dead biomass contributes fine fuel litter and carries flames more readily.

Project Site

While the wind usually blows from the west, the winds that create the most severe fire danger in the region, known as the "Santa Ana" or "Diablo" winds, typically blow from the northeast. These would present highly dangerous wind conditions for the project site, especially in the event of ignition by unsafe human behaviors or in the City or an ignition along a road to the site's east or northeast. A northeast wind would carry embers into the northeast corner of the proposed subdivision. A southwest wind would also present a fire risk for the proposed project. A southwest wind could easily carry a fire ignited along Big Basin Way just south of the property, igniting torching-prone forest-shrub fuels and shrubbery that tend to burn very intensely. However, topography protects the proposed subdivision from west wind-blown embers cast from a fire ignited in the high-volume fuels in the wildlands to the project site's west.

Additionally, the project site is currently covered with a diverse range of vegetative fuel types. The most dominant fuel type on the entire project site is very high load, dry climate forest-shrub (TU5), which covers over half of the proposed subdivision site. These high-volume forest-shrub fuels are associated with extreme fire behavior, producing torching fires with flame lengths greater than 12 feet.

[14] Rob Bonta, California Attorney General. 2022. Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act. Website: https://www.oag.ca.gov/news/press-releases/attorney-general-bonta-issues-guidance-local-governments-mitigate-wildfire-risk. Accessed December 15, 2025.

Emergency and Evacuation Routes/Access

City of Saratoga

As noted above, the SFPD and the SCCFD provide fire protection and emergency medical services to the City. There are four fire stations within an approximately 5-mile radius of driving distance of the project site: Saratoga Fire Station, located 1.32 miles east at 14380 Saratoga Avenue in Saratoga; West Valley Station, located 2.49 miles northeast at 19800 Cox Avenue in Saratoga; Quito Fire Station, located 3.17 miles southeast at 18870 Saratoga Los Gatos Road in Los Gatos; and Santa Clara County Central Fire Station, located 4.93 miles southeast at 14700 Winchester Boulevard in Los Gatos.

According to the General Plan, Saratoga is susceptible to wildland fires due to the steep topography, abundant fuel load, and climatic conditions, particularly along the western and southwestern edges of the City. The areas most susceptible to fire hazard are located west of Saratoga-Sunnyvale Road and southwest of Saratoga Los Gatos Road (SR-9).

The City's General Plan illustrates the routes for evacuation that aim to relocate residents from hazardous areas to safer spaces. The majority of the City's evacuation routes are located in the area between Prospect Avenue and Saratoga Los Gatos Road, and Saratoga-Sunnyvale Road and Quito Road, where the population is of a higher density than in the hillside areas. Depending on the nature of the disaster, some access roads in the hillside areas may be closed or impeded, creating the necessity for residents to evacuate from the area along substandard emergency access roads or by helicopter.[15]

The City's June 2025 Evacuation Route Capacity study found that several evacuation routes have volume-to-capacity ratios greater than 1. This finding indicates that these routes would require more than one hour to accommodate the evacuation demand from the hillside, making them bottlenecks during an evacuation. As relevant to the proposed project, Pierce Road has a volume-to-capacity ratio greater than 1.

Project Site

The City of Saratoga has adopted evacuation by zones, using an evacuation management tool, Genasys Protect (formerly Zonehaven Aware). The project site is located in zones SAR-008 and SCC-021.

As discussed under Impact PUB-1 in Section 3.13, Public Services, based on the project site's distance from the Saratoga Fire Station at 14380 Saratoga Avenue, the response time for a fire engine would be approximately 6 minutes in standard traffic and 7 to 9 minutes during heavy traffic.

The primary evacuation routes for the proposed project would be Pierce Road to the south and north, Saratoga Heights Drive to the east, and SR-9 to the east and west. A new road, Masson Estates Way, would be constructed as part of the proposed project. Masson Estates Way is a proposed entrance to the project site from Pierce Road and would be available to residents for evacuations. An

[15] City of Saratoga. 2024. General Plan Safety Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5405/General-Plan-Safety-Element-PDF. Accessed December 15, 2025.

emergency access route is also proposed for the site, connecting Masson Estates Way with Pierce Road to the south of the Development Area. There are not currently any fire hydrants on the project site. There is one fire hydrant located at the intersection of Pierce Road and Saratoga Heights Drive.

Wildfire-related Pollutants

Wildfire smoke contains particulate matter, carbon monoxide, nitrogen oxides, and various volatile organic compounds (which are ozone precursors) and can significantly reduce air quality, both locally and in areas downwind of fires. Wildfire smoke exposure can cause medical complications, particularly for people with respiratory and cardiovascular illnesses, children, pregnant women, and responders.[16]

The Bay Area Air Quality Management District (Bay Area Air District) monitors the Bay Area's air quality at a number of stations, and the closest station to the City of Saratoga is located in the City of Los Gatos, approximately 4 miles to the east of the project site.[17] In September 2020, during the CZU Lightning Complex Fire, air quality reached Unhealthy for sensitive group levels at this monitoring station. [18]

Post-fire Slope Instability and Drainage Pattern Changes

Slope instability from wildfire scarring of the landscape can result in more intensive flooding and landslides. Post-fire slope soils and altered drainage patterns can more easily creep downslope of foundations potentially reducing their lateral support.

City of Saratoga

Significant post-wildfire hazards in the City would consist of unstable hill slopes and changes to drainage patterns. Slopes may suffer landslides, slumping, soil slips, and rockslides, particularly within burn scars during wet seasons following wildfires. However, such risk is limited to areas containing significant slopes. The General Plan designates the hillside portions of the City and the Sphere of Influence west of Saratoga-Sunnyvale Road and southwest of Saratoga Los Gatos Road as the area's most susceptible to fire hazards. Landslides and unstable slopes are prevalent in this area and can create hazards within the city limits as the slide debris and rock move toward the City's valley floor.

Project Site

The General Plan indicates that the project site is in a landslide hazard area. Wildfire has not recently occurred on the project site and, therefore, it does not currently have a slope-related instability risk related to wildfire.

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[16] Center for Disease Control and Prevention (CDC). 2024. Wildfires. Website: https://www.cdc.gov/climate-health/php/effects/wildfires.html?CDC_AAref_Val=https://www.cdc.gov/climateandhealth/effects/wildfires.htm. Accessed December 15, 2025.

[17] Bay Area Air Quality Management District (Bay Area Air District). 2025. 2025 Annual Air Monitoring Network Plan. Accessed December 15, 2025.

[18] Bay Area Air Quality Management District (Bay Area Air District). 2025. Air Quality Index, High Conditions. Website: https:// https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/aqi-highs?date=2020-09-01&view=daily. Accessed December 15, 2025.

3.18.3 - Regulatory Framework

Federal

United States Department of Interior

Review and Update of the 1995 Federal Wildland Fire Management Policy

1. **Safety–**Firefighter and public safety is the first priority. All Fire Management Plans and activities must reflect this commitment
2. **Fire Management and Ecosystem Sustainability–**The full range of fire management activities will be used to help achieve ecosystem sustainability, including its interrelated ecological, economic, and social components
3. **Response to Wildland Fire–**Fire, as a critical natural process, will be integrated into land and resource management plans and activities on a landscape scale, and across agency boundaries. Response to wildland fire is based on ecological, social, and legal consequences of the fire. The circumstances under which a fire occurs, and the likely consequences on firefighter and public safety and welfare, natural and cultural resources, and values to be protected dictate the appropriate management response to the fire.
4. **Use of Wildland Fire–**Wildland fire will be used to protect, maintain, and enhance resources and, as nearly as possible, be allowed to function in its natural ecological role. Use of fire will be based on approved Fire Management Plans and will follow specific prescriptions contained in operational plans.
5. **Rehabilitation and Restoration–**Rehabilitation and restoration efforts will be undertaken to protect and sustain ecosystems, public health, and safety, and to help communities protect infrastructure.
6. **Protection Priorities–**The protection of human life is the single, overriding priority. Setting priorities among protecting human communities and community infrastructure, other property and improvements, and natural and cultural resources will be based on the values to be protected, human health and safety, and the costs of protection. Once people have been committed to an incident, these human resources become the highest value to be protected.
7. **Wildland Urban Interface–**The operational roles of federal agencies as partners in the WUI are wildland firefighting, hazardous fuels reduction, cooperative prevention and education, and technical assistance. Structural fire suppression is the responsibility of tribal, State, or local governments. Federal agencies may assist with exterior structural protection activities under formal Fire Protection Agreements that specify the mutual responsibilities of the partners, including funding. (Some federal agencies have full structural protection authority for their facilities on lands they administer, and may also enter into formal agreements to assist State and local governments with full structural protection.)
8. **Planning–**Every area with burnable vegetation must have an approved Fire Management Plan [specific to federally managed lands]. Fire Management Plans are strategic plans that define a program to manage wildland and prescribed fires based on the area's approved land management plan. Fire Management Plans must provide for firefighter and public safety;

include fire management strategies, tactics, and alternatives; address values to be protected and public health issues; and be consistent with resource management objectives, activities of the area, and environmental laws and regulations.

9. **Science–**Fire Management Plans and programs will be based on a foundation of sound science. Research will support ongoing efforts to increase our scientific knowledge of biological, physical, and sociological factors. Information needed to support fire management will be developed through an integrated interagency fire science program. Scientific results must be made available to managers in a timely manner and must be used in the development of land management plans, Fire Management Plans, and implementation plans.
10. **Preparedness–**Agencies will ensure their capability to provide safe, cost-effective fire management programs in support of land and resource management plans through appropriate planning, staffing, training, equipment, and management oversight.
11. **Suppression–**Fires are suppressed at minimum cost, considering firefighter and public safety, benefits, and values to be protected, consistent with resource objectives.
12. **Prevention–**Agencies will work together and with their partners and other affected groups and individuals to prevent unauthorized ignition of wildland fires.
13. **Standardization–**Agencies will use compatible planning processes, funding mechanisms, training and qualification requirements, operational procedures, values-to-be-protected methodologies, and public education programs for all fire management activities.
14. **Interagency Cooperation and Coordination–**Fire management planning, preparedness, prevention, suppression, fire use, restoration and rehabilitation, monitoring, research, and education will be conducted on an interagency basis with the involvement of cooperators and partners.
15. **Communication and Education–**Agencies will enhance knowledge and understanding of wildland fire management policies and practices through internal and external communication and education programs. These programs will be continuously improved through the timely and effective exchange of information among all affected agencies and organizations.
16. **Agency Administrator and Employee Roles–**Agency administrators will ensure that their employees are trained, certified, and made available to participate in the wildland fire program locally, regionally, and nationally as the situation demands. Employees with operational, administrative, or other skills will support the wildland fire program as necessary. Agency administrators are responsible and will be held accountable for making employees available.
17. **Evaluation–**Agencies will develop and implement a systematic method of evaluation to determine effectiveness of projects through implementation of the 2001 Federal Fire Policy. The evaluation will assure accountability, facilitate resolution of areas of conflict, and identify resource shortages and agency priorities.

State

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies. Under the plan, when there is an emergency, an Emergency Operations Center may be opened. In the event an Emergency Operations Center is opened, emergency response team members coordinate efforts and work with local fire and police agencies, emergency medical providers, the California Highway Patrol, CAL FIRE, California Department of Fish and Wildlife (CDFW), and California Department of Transportation (Caltrans).

California Department of Forestry and Fire Protection Fire Hazard Severity Zones

CAL FIRE has mapped fire threat potential throughout California in its FHSZ maps. CAL FIRE maps fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The FHSZ threat levels include No Fire Threat, Moderate, High, and Very High fire threat.

California Public Resources Code

The California Public Resources Code includes fire safety requirements that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arresters[19] on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These requirements include the following:

- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrester to reduce the potential for igniting a wildland fire (Public Resources Code [PRC] § 4442);
- Appropriate fire suppression equipment must be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428);
- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire suppression equipment (PRC § 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines must not be used within 25 feet of any flammable materials (PRC § 4431).

[19] A spark arrester is any device that prevents the emission of flammable debris from a combustion source (i.e., fireplaces, internal combustion engines, and wood-burning stoves).

California Public Resources Code Section 4291, which delineates defensible space requirements for new and existing structures in a State Responsibility Area (SRA), has recently been amended to introduce ember resistant zones zero to 5 feet from structures.

California Public Resources Code Section 4290 requires the adoption of regulations implementing minimum fire safety standards in SRAs and in lands designated as Very High FHSZ. These standards are to include road standards for fire equipment access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fuel breaks and greenbelts.

California Code of Regulations

The following are applicable California State regulations:

Title 19 Public Safety, State Fire Marshal Regulations.

Title 24 The California Building Standards Code

Title 24, Part 2 California Building Standards Code (CBC), based on the 2021 International Building Code, modified for California conditions. It is generally adopted on a jurisdiction by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings; the establishment of fire resistance standards for fire doors, building material; and particular types of construction.

Title 24, Part 3 2019 California Electrical Code, based on the 2017 National Electrical Code (NEC).

Title 24, Part 7 2025 California Wildland-Urban Interface Code, based on the International Wildland-Urban Interface Code 2024 (IWUIC 2024) with amendments and additions.

Title 24, Part 9 2022 California Fire Code, based on the 2021 International Fire Code.

- California Fire Code Section 4903 authorizes the fire code official to require the development of a fire protection plan, to be prepared by a qualified specialist who will analyze the wildfire risk of the building, project, premises, or region to recommend necessary changes.

  The plan itself will include a project-specific wildfire hazard assessment that considers the project location, topography, aspect, and climatic and fire history, and indicate that the plan conforms with all applicable fire safety regulations. The plan will address not only fuel reduction and building methods and materials required by state codes, but also fire department access, egress, and roads and address signage and water supply.

- California Fire Code Section 4903 specifically requires maps of boundaries, terrain, and building footprints as well as natural vegetation and restoration plans. For fuel modification zones, details regarding the plant type, size and irrigation demands. Legally binding commitments of work done on, and points of access to, commonly held lands are additional requirements.

  California Fire Code Section 4906 Vegetation Management is a new amendment that requires, within State Responsibility Areas and Very High FHSZ areas, identification and maintenance of the vegetation management zones adjacent to new structures, as well as design criteria for specific types of fire-resistant and non-fire-resistant vegetation.

Title 24, Part 12 2019 California Referenced Standards Code.

- NFPA Standards, as Referenced by the CBC. This includes, but is not limited to, NFPA 13, 14, 17, 17A, 20, 22, 24, 30, 55, 72, 80, 99, 101, and 2001.
- 19UL 521–Heat Detectors for Fire Protective Signaling Systems.

Regional

The Santa Clara County Operational Area Hazard Mitigation Plan

The City and a partnership of local governments within the County have developed a Hazard Mitigation Plan (HMP) to reduce future losses resulting from disasters including wildfire. Hazard mitigation is the use of long- and short-term strategies to reduce the loss of life, personal injury, and property damage that can result from a disaster. It involves planning efforts, policy changes, programs, capital projects, and other activities that can mitigate the impacts of hazards.

Local

City of Saratoga General Plan

Safety Element

Policy SAF-1.2 Limit development in areas subject to natural hazards, where possible. When development occurs in these areas, ensure it is designed to protect the environment, inhabitants, and the general public. In areas that have been proven to be unsafe, structures developed for human habitation will be prohibited to the maximum extent permitted by law.

Policy SAF-4.1 Require the installation of an early warning fire alarm system in accordance with Article 16-60 of the Saratoga Code of Ordinances and Santa Clara County Fire Department requirements for commercial and community facilities.

Policy SAF-4.8 Require new development to incorporate on-site design measures that enhance fire protection in areas of elevated fire risk (including the WUI and FHSZs). This shall include but is not limited to the incorporation of fire-resistant structural design, use of fire-resistant landscaping, home hardening, defensible space and fuel modification around the perimeter of structures.

Policy SAF-4.9 Maintain safe building practices and require fire safe building materials on the sites of all new development and substantial redevelopments.

Policy SAF-4.11 Require fire protection plans consistent with the requirements of the California Fire Code, including a risk analysis, fire response capabilities, fire safety requirements (defensible space, infrastructure, and building ignition resistance), mitigation measures and design considerations for non-conforming fuel modifications, wildfire education maintenance and limitations, and evacuation plans for new development and major remodels in Very High FHSZs and WUI areas designated by the City and CAL FIRE.

Policy SAF-4.12 Require vegetation management plans in all new developments and major remodels.

Policy SAF-4.14 Require new developments and major remodels or renovations to comply with the CBC, Fire Code, Fire Safe Regulations, and local ordinances for construction and adequacy of water flow and pressure, ingress/egress, and other measures to ensure adequate fire protection.

City of Saratoga Municipal Code

Chapter 16, Article 15 adopts the 2022 CBC and makes amendments, including amendments regarding the use of non-combustible or ignition-resistant materials for construction of accessory structures and regarding requirements for automatic sprinkler systems in newly constructed homes. The City recently adopted the updated 2025 CBC, including local amendments, which will become effective on January 1, 2026

Chapter 16, Article 20 adopts the 2022 California Fire Code and 2021 International Fire Code and makes amendments, including to Fire Code Chapter 49, which covers requirements for WUI Fire Areas. The City recently adopted the updated 2025 California Fire Code, including new regulations for the WUI under Article 52, which will become effective on January 1, 2026.

Chapter 16, Article 52 adopts the WUI Code with modifications which applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a WUI area and contains minimum requirements to mitigate conditions that might cause a fire originating in a structure to ignite vegetation in the WUI area, and conversely, a wildfire burning in the vegetative fuels to transmit fire to buildings. This code will become effective on January 1, 2026.

City of Saratoga Emergency Operations Plan

The City of Saratoga Emergency Operations Plan (EOP) is an all-hazards document describing the City of Saratoga incident management organization, compliance with relevant legal statutes, other relevant guidelines, whole community engagement, continuity of government focus, and critical components of the incident management structure. The incident management system is a component-based system designed to be scaled up and components activated as necessary to reflect

the incident/event's escalation from routine incident(s) to emergency, disaster, or catastrophe affecting the City of Saratoga. This EOP is not intended to address specific emergency responses, scenarios, hazards, or threats. Functional and hazard specific annexes to this EOP will outline specific response activities for response organizations.[20]

Santa Clara County Local Hazard Mitigation Plan, City of Saratoga Annex

The Local Hazard Mitigation Plan (LHMP), included as the City of Saratoga Annex to the Santa Clara County Multi-jurisdictional HMP 2023 update, assesses potential hazards as well as mitigation measures to prevent loss of life, injury, and property damage.

Action items from the LHMP related to wildfire include hazardous vegetation identification and reduction, defensible space incentives, structure hardening and dead tree removal rebates, and review of regulations for needed changes related to hazards. These actions items are identified as the responsibility of various City departments.

Santa Clara County Community Wildfire Protection Plan, Annex 6

Annex 6 of the Santa Clara County Community Wildfire Protection Plan (CWPP) sets forth recommendations for improving firefighting capabilities in the City of Saratoga. Two projects are recommended to create wildfire resilient landscapes in the City of Saratoga .

Project S-FC2.1 strives to reach strategic goal FC-2 to Define Safe Refuge Areas and establish maintenance program in WUI areas where fire behavior and evacuation timing is problematic. The project is to “Define and delineate spatially Safe Refuge Areas and establish maintenance program in WUI areas where fire behavior and evacuation timing is problematic. Example: Mountain Winery.” The benefits are to provide safety measures for residents of rural areas in the event that evacuation is limited, and to provide for public and firefighter safety by creating escape routes. This is ranked as the highest category of priority.

Project S-FC5.1 is intended to reach goal FC5 to Develop WUI preplans (pre-incident plan) and accompanying evacuation plans for all WUI areas in Santa Clara County using standardized format. The project is to “Develop WUI preplans and accompanying evacuation plans for the Saratoga WUI.” The benefit is to help fire response agencies pre-plan for evacuations, help identify areas where mitigation measures are needed to facilitate safe evacuation, and help establish consistent model across all agencies. This is ranked as the highest category of priority.

To implement Project S-FC5.1, the City of Saratoga has adopted evacuation by zones, using an evacuation management tool. Genasys Protect (formerly Zonehaven Aware) helps communities and first responders more effectively plan, communicate, and execute evacuations. It is a platform where residents can look up addresses using the search bar and use the zone map to find evacuation information for that area.

[20] City of Saratoga. 2019. Emergency Operations Plan. Website: https://www.saratoga.ca.us/DocumentCenter/View/2728/Emergency-Operations-Plan-EOP?bidId=. Accessed March 20, 2025.

Another project, S-FR7.1 is intended to satisfy Strategic Goal FR7: "Develop roadside fuel treatment program, including suite of methods available and sustainability mechanism." This project is to implement roadside brushing/mowing throughout community to increase buffer from wildfire ignitions and provide for safe evacuation. The benefit of this project is to reduce fuel loading around roads and highways to ensure safe passage of vehicles in event of evacuation and reduce unplanned ignitions from vehicles and highway users.

3.18.4 - Methodology

This evaluation focuses on whether the proposed project would result in changes to the physical environment that would cause or exacerbate adverse effects related to wildfires or whether the proposed project would be placed in a location susceptible to wildfire or post-wildfire conditions. The evaluation also includes a determination of whether the changes to the physical environment caused by the proposed project would impair or interfere with emergency response plans, expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, expose people/structures to downslope flooding or landslides, or include the installation or maintenance of infrastructure that may exacerbate fire risk.

3.18.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether wildfire impacts would be considered significant from implementation of the proposed project. A significant impact would occur if the project is located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones and would:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

3.18.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Emergency Response/Evacuation Plan Consistency

Impact WILD-1: The proposed project would substantially impair an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

A significant impact would occur if the proposed project would substantially impair an adopted emergency response plan or emergency evacuation plan. As discussed under Environmental Setting, the project is subject to the County HMP, the Local HMP (City of Saratoga Annex to the County HMP), the Saratoga EOP, the CWPP Annex 6 and the Saratoga General Plan Safety Element. The Saratoga General Plan identifies Pierce Road as an emergency evacuation route, including the roadway portion along the project frontage. As further described below, the proposed project's increase in traffic on Pierce Road would be considered a significant impact to an evacuation route identified in existing emergency response or evacuation plans contained with the General Plan Safety Element.

Construction and Operation

Construction and operational activities related to the proposed project would not directly conflict with policies or goals of the County HMP, the Local HMP (City of Saratoga Annex to the County HMP), the Saratoga EOP, the CWPP Annex 6. These plans are generally applicable and do not identify any specific actions or considerations directly for the project site. The proposed project would comply with the general guidance provided by the plans and would not obstruct plan implementation. Further, the project has been designed to be consistent with site-specific policies of the General Plan Safety Element such as fire-resistant structural design and vegetation management.

Construction traffic would utilize Pierce Road and other regional roadways identified as evacuation routes. However, such traffic would be temporary and would not be expected to significantly block or impair the flow of traffic.

The SCCFD has reviewed the proposed project (Plan Review no. 24-2738) and approved the project's plan with conditions (Appendix J). The conditions are related to compliance with specific regulatory requirements required by various regulations and related to roadway clearance, fire hydrants, fire sprinklers and early warning fire alarm systems. Confirmation of compliance with these conditions of approval are required prior to the issuance of project permits. As such, compliance would be ensured.

However, the proposed project would add operational traffic to Pierce Road, which is identified as an evacuation route by the General Plan Safety Element. Operational traffic would contribute to vehicle trips on Pierce Road and other regional roadways in the event of an emergency and/or evacuation. Residents of the project site would have two options for evacuation. Residents could evacuate immediately onto Pierce Road, or they could use the proposed emergency evacuation route at Lot 20, which would connect to Vintage Lane and eventually reach the Intersection of Mountain Winery Road and Pierce Road further to the south (See Chapter 2, Project Description, Exhibit 2-7 and Section 3.15, Transportation and Traffic, Exhibit 3.15-1 and Exhibit 3.15-2) The roads to be used for evacuation within the project site would be maintained by the applicant management entity; the emergency access linking Vintage Lane to Pierce Road would be maintained by the Mountain Winery.

The Evacuation Analysis prepared for the proposed project (Appendix J) analyzed roadway capacity constraints during evacuations and changes in travel times associated with the proposed development compared to existing conditions. The Evacuation Analysis used the Santa Clara Valley Transportation Authority (VTA) travel demand model to estimate travel times and volume-to-capacity (V/C) ratios in the event of an evacuation from the Genasys Protect evacuation zones closest to the project site (SAR-008, SAR-009, SCC-019, SCC-020, SCC-021, and SCC-025). Two wildfire scenarios were analyzed, both with and without the proposed project. Scenario No. 1 represented a wildfire originating south of the proposed project, along SR-9, while Scenario No. 2 represented a wildfire originating from north of the project site near Mt Eden Road. Scenarios were analyzed both with and without traffic from an event at Mountain Winery. The analysis characterizes increases to V/C ratios as a result of the proposed project as minimal in all with-project evacuation scenarios.

The Evacuation Analysis found that, as a result of the proposed project, travel times out of the evacuation area would increase by a maximum of 0.9 minute during an event at the Mountain Winery Venue, and a maximum of 0.4 minute without the addition of event traffic from the venue. Because the Evacuation Route Capacity Study completed for the City in June 2025 showed that Pierce Road already has a V/C ratio greater than 1, any added delay on that route during an evacuation may impact existing evacuation plans. Furthermore, the Transportation Study, (Appendix I), concluded that the proposed project's traffic would represent a 9 percent increase in volume on Pierce Road under typical operating conditions (an increase of 282 daily vehicle trips to the existing 1,615). As such, due to the existing V/C ratio deficiency, the project's addition of vehicles on Pierce Road represents a potentially significant impact related to increased evacuation delay.

The Evacuation Analysis prepared for the proposed project provides multiple recommendations that may be considered to support future evacuation events. The recommendations provide a range of options that reduce the impact of the 0.9-minute increase in evacuation times. Mitigation Measure (MM) WILD-1 requires implementation of all or a combination of those recommendations to reduce the proposed project's increase in travel times out of the evacuation area through advance preparation and notification as well as evacuation planning and management. However, none of the options in the Evacuation Analysis would reduce the proposed project's increase in evacuation delay to a level of insignificance because none of the options, or combination of options, would entirely eliminate the increase in travel times resulting from the proposed project.

A Wildfire Protection Plan was prepared for the proposed project in coordination with federal, State, and local regulations, including those of the Saratoga General Plan, which outline and require specific actions for development in High and Very High FHSZs (Appendix J). Specifically, the Wildfire Protection Plan requires that the applicant prepare a site-specific evacuation plan in coordination with the SFPD prior to issuance of the first certificate of occupancy. The site-specific evacuation plan is required to be distributed to on-site residents. Certification of annual evacuation practice is also required. The Wildfire Protection Plan states that access to the right-of-way for emergency evacuation would be maintained by the applicant. It also calls for evacuation support treatments and roadway treatments of fuel to ensure emergency access. Lastly, the Wildfire Protection Plan requires measures for early detection and notification in order to allow for early evacuation, including ensuring cellular coverage and internet access for receipt of emergency notifications and encouraging residents to enroll in notification systems like Nixle, Everbridge, and Watch Duty. The

Wildfire Protection Plan, as required by MM WILD-1, would ensure that the proposed project would have a site-specific evacuation plan. However, it does not reduce the project's increase in traffic on the Pierce Road evacuation route or evacuation times to a level of insignificance because the project would still result in an increase in evacuation times. .

In summary, because the proposed project would result in a 0.9-minute increase in evacuation times out of the evacuation area and an increase to the Pierce Road V/C ratio which cannot be mitigated to a level of insignificance (i.e., by reducing the increase in evacuation times to zero), the proposed project would be considered to have a significant impact on an evacuation route identified in existing emergency response or evacuation plans contained with the General Plan Safety Element. As such, impacts related to emergency response and evacuation planning would be significant and unavoidable.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM WILD-1 The proposed project shall incorporate the project-specific Wildfire Protection Plan into the proposed project during both construction and operation. Incorporation of the Wildfire Protection Plan shall be confirmed by the City of Saratoga prior to issuance of grading, building, and occupancy permits. To enable this, the project applicant shall submit to the City a plan outlining implementation of the Wildfire Protection Plan, as applicable, for all actions to be performed as a result of each permit being sought. The plan shall outline what actions are required by the Wildfire Protection Plan to reduce fire risks and evacuation times as well as how such actions have been or will be carried out for the permitted actions including, but not limited to, creation of site-specific evacuation plan, inclusion of requirements on project plans, worker awareness training and occupant fire prevention/evacuation education.

In addition, in coordination with the City of Saratoga, the following recommendations of the Wildfire Protection Plan shall be implemented:

- Prior to and during construction:
  - Coordinate with City, County Sheriff, and Fire staff to establish and install signage within project site to designate evacuation routes. Signage shall comply with applicable fire and emergency standards.
  - In coordination with Santa Clara County and ALERTCalifornia, install one or more wildfire cameras on-site to assist with early detection.
  - Install one or more additional cell towers or other cell enhancing infrastructure on the site to enhance cellular service in the area.
- Annually during operation
  - Post fact sheets, evacuation preparedness and messaging resources, and evacuation plans, including but not limited to Cal Fire's Ready, Set, Go! three-

step plan, AlertSCC Nixle, Everbridge, and Watch Duty, at on-site public areas for residents. Materials shall be maintained and updated annually.
- Provide information to all new residents on-site about AlertSCC, detailing how to sign up for alters. Flyers and pamphlets may be created to share QR codes and weblinks to the AlertSCC website for residents to sign up for alerts.
- In coordination with City of Saratoga, Santa Clara County Sheriff, Santa Clara County Roads and Airports, and Caltrans staff, identify personnel to manually control traffic at intersection pinch points on-site in the event of an emergency. Coordination can also include how traffic will flow into Santa Clara County and Caltrans roadways.
- In the event of an emergency, provide one or more variable message signs (VMS), in coordination with Santa Clara County Sheriff office, to publicize evacuation alerts, updates, or other information to residents, employees, and visitors. A VMS can be installed along main roads on-site or mounted on trailers to be set up where messaging would reach the most people. VMS unit(s) could be used for information within the project site or could be installed on Pierce Road or other primary evacuation routes to provide information to the general community.

Level of Significance After Mitigation

Significant and unavoidable impact.

Expose Project Occupants to Pollutant Concentrations from Wildfire

Impact WILD-2:	**The proposed project would, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.**

Impact Analysis

A significant impact would occur if the project site contains specific conditions that would exacerbate wildfire risks, including exposure to wildfire-related pollutants or uncontrolled spread of a wildfire.

Construction and Operation

As explained above, the project site is located partially within a High FHSZ and partially within a Very High FHSZ. Because of the increased number of persons using the site and increased vehicular traffic, the risk of an ignition source would be higher as a result of the proposed project. For example, there is a greater chance that a vehicle may malfunction or an accidental fire could ignite from a fire pit or barbecue. Equipment used during needed vegetation maintenance may spark, igniting a fire, despite the fact that an ignition prevention plan would be in place limiting activities that can cause ignitions during times of fire danger. Moreover, the proposed project would involve a prolonged period of continued construction and use of heavy equipment for hardscaping and landscaping, with multiple human uses of the site overlapping with construction activities. While the proposed project would not significantly change existing slope or wind conditions at the project site it would locate residences within an area of significant vegetative fuel and thereby have the potential to expose

occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Slope, wind, air quality, and fuel factors are further discussed below.

Slope

The project site is within the hillsides portion of the City. The project site generally has a slope under 30 percent. According to the Wildfire Protection Plan, existing slopes on and surrounding the project site create increased fire risk at the project site. The proposed project would generally maintain the existing topography but would not exacerbate existing wildfire risk due to creating slopes greater than existing conditions.

Wind

Removal of on-site trees may change how wind conditions the project site, but such changes are not expected to be substantial enough to create a significant change in wind patterns. According to the Wildfire Protection Plan, the "Santa Ana" or "Diablo" winds typically blow from the northeast and present highly dangerous wind conditions at the project site, especially in the event of on-site ignition or an ignition along a road to the site's east or northeast. A northeast wind would carry embers from an ignition into the northeast corner of the project site. Additionally, a southwest wind could easily carry a fire ignited along Big Basin Way just south of the property, igniting torching-prone forest-shrub fuels and shrubbery that tend to burn very intensely. As such, wind conditions at the project site could present a wildfire hazard. However, the proposed project itself would not create increased wind conditions.

Air Quality

As is the case for much of California, the City and the project site are occasionally subject to reduced air quality as a result of wildfires in the surrounding areas. However, the project site is not located in an area where such impacts are situationally increased, nor would the introduction of the project exacerbate these occasional occurrences. The proposed project would not contain any features that would produce unusual quantities or qualities of air pollutants in the event of an on-site fire.

Fuel

Fire spread and structure loss is more likely to occur in low- to intermediate-density development located among flammable vegetation.[21] The project site is currently covered with a diverse range of vegetative fuel types, a portion of which would be removed and/or managed with development of the proposed project. The most dominant fuel type on the project site is very high load, dry climate forest-shrub, which covers over half of the proposed Development Area. These high-volume forest-shrub fuels are associated with extreme fire behavior, producing torching fires with flame lengths greater than 12 feet. While this fuel type is associated with low rates of spread, patches of very high load, dry climate shrub intermixed with the forest-shrub in the center of the Development Area are associated with extremely high rates of spread and could quickly act as ladder fuels for the adjoining forest-shrub fuels. Low-volume grass fuels in the center of the site are predicted to produce quick-moving surface fires with 4-8-foot flame lengths. Additionally, the Table Mountain ridgelines west and northwest of the project site contain a mix of very high-volume shrub and forest-shrub fuel

[21] Alexandra D. Syphard et al. 2012. Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire. March 28. PLoS ONE 7(3): e33954. Website: https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954. Accessed December 15, 2025.

types, with patches of lower-volume grass-shrub and forest-grass-shrub fuel types at the peaks and valleys of these ridges, respectively. The combination of these very high-volume fuels with their location on slopes could present a fire hazard to the proposed on-site development, especially with a westerly or northwesterly wind that could cast embers from the slopes into the project site.

The proposed project would include vegetation removal and subsequent hardscape development thereby reducing on-site fuels, however, project implementation would still result in the location of low- to intermediate-density residential development in, among, and adjacent to significant fuel sources. As such, the proposed project would have the potential to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

The proposed project would be required to comply with applicable regulations related to fuel management, fire safe building materials, and defensible space. For example, the proposed project would comply with the California Fire Code (as adopted by the City) which requires the development of a fire protection plan and vegetation management. Compliance with the California Building Code (as adopted by the City) would require the installation of automatic fire sprinklers in the proposed homes. Compliance with the WUI Code (as adopted by the City) requires the use of fire-resistant building materials. Furthermore, General Plan Policies such as SAF-4.8, 4.9, 4.12 and 4.14 require fuel and fire hazard reduction measures including vegetation management, fire-resistant structural design and landscaping, and creation of defensible space. Policy SAF-4.11 requires the creation of a fire protection plan for projects in Very High FHSZs and WUI areas. In compliance with Policy SAF-4.11, a Wildfire Protection Plan has been created for the project which includes fuel management and reduction strategies. As indicated in the Wildfire Protection Plan, with the reduction in on-site fuel loads consistent with fuel management standards of the City of Saratoga Fire Code, fire behavior in the area within 100 feet of proposed structures would be significantly reduced from existing conditions. Flame lengths of less than 2 feet would be expected, which typically do not threaten structure survival and travel at easily containable speeds.

While the proposed project would be required to comply with regulations regarding the management of on-site fuels and protection of structures against wildfire, it would still locate residences within an area of significant vegetative fuel and thereby have the potential to expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Implementation of MM WILD-1 would ensure the proposed project's Wildfire Protection Plan, which includes site-specific fuel management and wildfire hardening measures, would be implemented as a part of the project. However, due to the project's location, impacts related to potential wildfire exposure would remain significant and unavoidable.

Summary

In summary, the existing wind, slope, and fuel conditions at and surrounding the project site are conducive to wildfire risk and spread. While the proposed project would not exacerbate risks related to slope and wind, it would result in the potential to expose project occupants to pollutant concentrations from a wildfire due to location in, among, and adjacent to significant fuel loads. MM WILD-1 would ensure that the Wildfire Protection Plan prepared for the proposed project is

implemented. While this would reduce on-site fuels, the potential for wildfire exposure would not be significantly reduced and therefore, impacts would continue to be significant and unavoidable.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM WILD-1.

Level of Significance After Mitigation

Significant and unavoidable impact.

Infrastructure That Exacerbates Fire Risk

Impact WILD-3:	**The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.**

Impact Analysis

A significant impact would occur if the proposed project included a component that may exacerbate fire risk or require a component to reduce fire risk that would result in temporary or ongoing impacts to the environment.

Construction

Construction activities may temporarily increase fire risk due to equipment use and other construction actions on the project site that could be ignition sources. Construction is correlated with a high risk of ignition. Motorized equipment to both construct access and maintain vegetation in a fire safe condition can start fires, even when spark arrestors are in place.

Installation of associated infrastructure—in the form of additional roads and powerline extension—is minimal in the proposed project, consisting of roadways and underground utilities ; these offer minor additional opportunities for ignitions.

Standard construction Best Management Practices (BMPs) would also support the suppression of fire sources and appropriate response should fire result during construction activities, such as through the use of site watering during site grading. As such, construction activity impacts related to the exacerbation of fire risk would be less than significant.

Additionally, as previously indicated, MM WILD-1 requires a Wildfire Protection Plan that includes implementation of an ignition prevention plan to limit activities that can cause ignitions during times of fire danger, such as high wind events. Implementation of MM WILD-1 would further reduce the less than significant construction impacts.

Operation

The proposed project does not require the installation or maintenance of infrastructure specifically for the purposes of reducing wildfire risk. The proposed project would include typical on-site infrastructure including roads, fire hydrants, and underground utilities similar to the adjacent communities. The operation and maintenance of such would be completed in a typical manner, would be conducted consistent with BMPs and would not exhibit unusual characteristics that would exacerbate fire risk or create additional temporary or ongoing impacts to the environment beyond those considered throughout this Draft EIR.

The proposed project would be adequately served by fire hydrant water pressure in accordance with water distribution design criteria, including five fire hydrants proposed on-site. Installation of this emergency water source would not exacerbate fire risk or result in ongoing impacts to the environment. As confirmed by simulation results from San Jose Water, fire water flow would meet the required demand of 1,000 gallons per minute (gpm) (Appendix J). If a loss of power were to occur in the project vicinity, and if that power loss were to affect a pump or lift station serving the project site, there is a potential that water pressure could potentially reduce below the required demand level. During power outage events, San Jose Water mobilizes portable and built-in generators at key sites throughout the service area. Working closely with PG&E to identify potential outages during loss of power events, San Jose Water ensures staffing to monitor power outages and the effect on water supply, including water pressure at pumps and lift stations.[22] If a power loss were to affect a pump or lift station the use the use of District water tenders may also be required to supplement fire water flow. It is reasonable to assume that other mutual aid fire agencies, such as CAL FIRE, and the SCCFD also have water tenders that could supplement fire water needs in the event that there is a lack of water pressure. As such, loss of power would not be likely to significantly hamper efforts to control wildfire should it occur on-site.

In summary, due to the project's design, the proposed project would not include the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be less than significant.

Additionally, as previously indicated, MM WILD-1 requires a Wildfire Protection Plan that would further reduce the less than significant impacts.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

[22] San Jose Water. 2025. Value of Water. Website: https://www.sjwater.com/customer-care/billing-payment/value-water. Accessed December 15, 2025.

Flooding and Landslide Hazards Due To Post-fire Slope Instability/Drainage Changes

Impact WILD-4: The proposed project could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Impact Analysis

A significant impact would occur if the proposed project would expose people to significant risks of flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

Construction and Operation

In areas with steep slopes, vegetation and associated root systems act as a support structure for the soil and slopes while preventing significant erosion. Post-fire slope instability occurs when a fire burns an area with steep slopes and destroys the vegetation. Then, the following winter when it rains the stormwater scours the hillsides and removes topsoil. Without topsoil or mature vegetation, slopes become unstable, which results in risks to human life and property. The project site is located in the hillsides portion of the City and contains slopes of generally under 30 percent.

As explained in Section 3.6, Geology and Soils, the project site is within the Santa Clara County Geologic Hazard Zone for landslide hazards because of the site's topography. There is evidence of previous landslides in areas where residences are proposed. Accordingly, impacts may be potentially significant.

However, MM GEO-1 requires excavation of the landslide area and replacement with an engineered fill, the construction of concrete piers, and a subgrade slough wall, which would mitigate landslide impacts to a less than significant level. This groundwork would also protect residents from landsliding in post-wildfire conditions.

As explained in Section 3.9, Hydrology and Water Quality, the project site is within Zone X, which is within the 500-year Flood Hazard Zone (0.2 percent Annual Chance Flood Hazard).[23] The project site contains a seasonal drainage portion of Upper Calabazas Creek as well as two on-site drainage gullies. The proposed project has been designed to avoid these waterways, thereby locating residences upslope from areas that would be likely to be affected by flooding from post-fire conditions. In addition, the proposed project would include eight bioretention basis (referred to as Treatment Control Measures) designed to control the amount and rate of runoff at the project site by directing runoff into bioretention basins, ensuring that pre-development drainage patterns are not altered in such a way that the proposed project would result in increased soil instability or off-site stormwater flow increases. As such, the proposed project would not expose people or structures to post-fire flooding. Therefore, the risks of flooding, land sliding, drainage changes, or damage to structures on, downslope, or downstream of the project site would be less than significant with mitigation incorporated.

[23] Federal Emergency Management Agency (FEMA). 2009. FEMA Flood Insurance Rate Map, Panel 218 of 805, Map Number: 06085C0218H. Effective Date: May 18, 2009. National Flood Insurance Program. Map. Scale 1:6,000.

Furthermore, MM WILD-1 includes implementation of the project site-specific Wildfire Protection Plan, which includes vegetation treatments that follow fuel management standards and best practices. With the implementation of the Wildfire Protection Plan, the potential for wildfire and wildfire impacts on-site would be further reduced, thus also reducing the likelihood for post-fire slope instability.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

3.18.7 - Cumulative Impacts

The geographic scope of the cumulative analysis related to wildfire is the project vicinity or roughly the western portion of the City. The analysis also considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, in the City of Saratoga and Santa Clara County, in addition to the proposed project.

Wildfire Hazards and Emergency/Evacuation Response

A combination of federal, State, and local regulations limit or minimize the potential for exposure to wildfires by reducing the amount of development in WUI areas, ensuring new development complies with the CBC and Uniform Fire Code, and incorporating requirements for fire safe construction into land use planning. Development listed in Table 3-1 consists predominantly of residential development. Only two of the projects anticipated in Table 3-1 would be located in a designated High or Very High FHSZ.

The cumulative projects listed in Table 3-1 would result in predominantly infill development (with the notable exception of the Encore Estates project) and would not significantly increase the need for emergency services beyond the existing service area. Furthermore, all cumulative project construction would adhere to the City Building Codes that are designed to minimize the potential for uncontrolled fires. Adherence to City Building Codes would ensure that California Fire Code standards such as automatic sprinkler systems and management of fuel loads in response to annual inspection by the Fire Department are included in development. Once cumulative development is proposed, the County assesses the needs for fire protection services and informs efforts to improve or expand needed facilities. All development would comply with emergency access requirements, such as two emergency vehicle access points, as a condition of construction. Furthermore, the cumulative projects would not result in permanent road closures or evacuation routes, such as Pierce Road. However, the Evacuation Analysis found that travel times out of the evacuation area studied in the analysis would increase by a maximum of 0.9 minute during an event at the Mountain Winery Venue, and a maximum of 0.4 minute without the addition of event traffic from the venue. Because the Evacuation Route Capacity Study completed for the City in June 2025 showed that

Pierce Road already has a V/C ratio greater than 1, any added delay on that route during an evacuation may impact existing evacuation plans. Several of the cumulative projects are located on Pierce Road or would be likely to use Pierce Road in the event of an evacuation. While implementation of MM WILD-1 would ensure implementation of the proposed project's Wildfire Protection Plan and measures therein intended to support efficient evacuation, its contribution to delay would not be eliminated and would therefore be cumulatively considerable. There is no known feasible cumulative mitigation. As such, the proposed project in combination with cumulative projects would result in cumulative impacts that would be significant and unavoidable

Level of Cumulative Significance

Significant and unavoidable impact (emergency response/evacuation plan consistency).

Mitigation Measures

No feasible cumulative mitigation.

Level of Cumulative Significance After Mitigation

Significant and unavoidable impact (emergency response/evacuation plan consistency).

CHAPTER 4: EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 - Introduction

This chapter is based, in part, on the Masson Estates Project Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP), dated May 10, 2024, contained in Appendix A of this Draft EIR. The NOP was prepared to identify the potentially significant effects of the proposed project and was circulated for public review between May 10, 2024, and June 9, 2024. During the NOP evaluation, certain impacts were found to be less than significant because construction and operation of the proposed project would not result in such impacts. This chapter provides a brief description of effects found not to be significant or less than significant, based on the NOP, NOP public comments received, and more detailed analysis conducted as part of the EIR preparation process.

No NOP public comments were received related to Agriculture and Forestry Resources. No NOP comments were received related to the specific thresholds of impacts found not to be significant discussed in this Chapter 4; however, general comments relevant to the environmental topics evaluated in Chapter 3 are summarized in the relevant EIR topical sections. Note that a number of impacts that are found to be less than significant are addressed in the various EIR topical sections (Sections 3.1 through 3.18) instead of herein to provide more comprehensive discussion of why impacts are less than significant, in order to better inform decision-makers and the general public.

4.2 - Environmental Effects Found not to be Significant

4.2.1 - Aesthetics, Light, and Glare

Scenic Highways

A significant impact would occur if construction of the proposed project would substantially damage scenic resources as seen from a designated scenic highway. The nearest officially Designated State Scenic Highways is State Route (SR) 9, located directly south of the project site; however, project-related development would occur more than 0.3 mile to the north. Because of the distance of the site and intervening topography and vegetation, the project site would not be visible from SR-9. Thus, grading, and other construction activities would not result in adverse impacts to scenic resources within view of a scenic highway. Therefore, no temporary construction impact related to scenic resources within a State Scenic Highway would occur.

In addition, Given the distance of SR-9 to the proposed on-site development and the presence of intervening topography and vegetation, the proposed project would not adversely affect views from a State Scenic Highway during project operation. Thus, no impacts would occur.

4.2.2 - Agriculture Resources and Forestry Resources

No agricultural land, forestland, or timberland currently exists on the project site. The Saratoga General Plan designates the site as Residential Hillside Conservation (RHC) and is zoned as Hillside Residential (HR) on the City's Zoning Map.

The site is mapped as "Other Lands" by the California Department of Conservation Farmland Mapping and Monitoring Program[1] and is not under a Williamson Act Contract.[2] Prime Farmland, Unique Farmland, and Farmland of Statewide Importance is not located within the site. In addition, the project site is not designated by the Saratoga General Plan for Agricultural uses.[3] As such, the construction and operation of the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses, conflict with existing zoning for agricultural use, or result in the loss of conversion of forestland to non-forest uses. The proposed project would not conflict with any Williamson Act Contract or with any zoning for agricultural use or forest or timberland. As such, no impact related to agriculture or forestry resources would occur.

4.2.3 - Biological Resources

Local, Regional, or State Habitat Conservation Plan

The proposed project does not lie within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP. As such, no impact related to conflict with a local, regional, or State HCP would occur.

4.2.4 - Cultural Resources

Historic Resources

Historic resources, in this context and for purposes of this threshold of significance, refer to the built environment, mainly buildings and structures over 45 years in age, that may be eligible for inclusion on the California Register of Historical Resources (CRHR), National Register of Historic Places (NRHP), or the City of Saratoga's local inventory. Records search results, conducted at the Northwest Information Center (NWIC), identified one historic resource (P-43-000374) located within the 0.5-mile records search radius; however, it is not located in close proximity to the project site, nor will it be adversely impacted by the proposed project. The Paul Masson Mountain Winery (NPS-83001239-0000) is located 0.30 mile west of the project site and is listed on the California Built Environment Resource Directory (BERD) as designation 1S (individual property listed in the NRHP by Keeper; listed in the CRHR). Although it was included within the NWIC record search results, it would not be adversely impacted by the proposed project. Additionally, no historic resources were encountered during the pedestrian field survey. Therefore, construction of the proposed project would not have an adverse impact on historic era built environmental resources. Additionally, no respective operational impacts would occur related to the proposed project's potential to cause a substantial adverse change in the significance of a historical resource. As such, no impacts to historic resources would occur.

[1] California Department of Conservation. 2024. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed October 1, 2024.
[2] California Department of Conservation. 2024. Williamson Act Enrollment Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html. Accessed October 1, 2024.
[3] City of Saratoga. 2024. General Plan Land Use Element. Website: https://www.saratoga.ca.us/DocumentCenter/View/5402/General-Plan-Land-Use-Element-PDF. Accessed December 16, 2025

4.2.5 - Geology and Soils

Wastewater Disposal Systems

The proposed project does not include the installation of septic tanks or alternative wastewater disposal systems. The proposed project would be served by the existing Cupertino Sanitation District's sanitary sewer system. The proposed project's on-site mains and laterals, located beneath on-site roadways, would connect to the existing 8-inch sewer line located in Pierce Road near the northeastern corner of the site. As such, the proposed project would not be impacted by soil that is inadequate to support the use of septic tanks or alternative wastewater disposal system. No impacts related to septic tanks or alternative wastewater disposal systems would occur.

4.2.6 - Hazards and Hazardous Materials

Government Code Section 65962.5 Sites

According to the GeoTracker[4] and EnviroStor[5] databases, the project is not located on a site that has been included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). Accordingly, the proposed project would have no impact.

The Phase I Environmental Site Assessment (Phase I ESA) investigated three neighboring hazardous materials sites that could have impacted the project site: Carlson Property (located approximately 1,500 feet to the north), The Mountain Winery (located approximately 1,800 feet to the west), and Paul Masson Vineyards (located approximately 700 feet to the south).

The Carlson Property, located approximately 1,500 feet north of the project site, is listed as a closed Leaking Underground Storage Tank (LUST) site. A single 550-gallon gasoline tank was removed in 1994; subsequently, elevated levels of petroleum hydrocarbons were detected in a water sample. Following remediation, the case was closed in 1997 by the Regional Water Quality Control Board (RWQCB) due to no detectable levels of petroleum hydrocarbon within the site.

The Mountain Winery, which is located approximately 1,500 west of the project site along Pierce Road, is listed on the GeoTracker and EnviroStor databases as a closed Cleanup Program Site. In 1987, an underground storage tank (UST) was removed from the property and in 1991 an aboveground storage tank (AST) was removed. Soil sampling at the property indicated elevated levels of diesel fuel, ethylbenzene, and xylenes in the soil. In 2013, the contamination was removed via soil excavation. The case was granted closure by the County Department of Environmental Health (DEH) upon implementation of a closure sampling workplan, which did not detect any concentration of any site constituent. However, the closure letter notes that any future development, such as grading, excavation, or the installation of groundwater wells, may pose an unacceptable risk. The County DEH determined that any future site activity which may pose this unacceptable risk must be

[4] California State Water Resources Control Board (State Water Board). Geotracker. Website: https://geotracker.waterboards.ca.gov/. Accessed December 16, 2025.

[5] California Department of Toxic Substances Control (DTSC). Envirostor. Website: https://www.envirostor.dtsc.ca.gov/public/. Accessed December 16, 2025.

submitted to the County DEH and the appropriate building departments prior to implementation. Therefore, regulation is in place to limit future potential risk.

The Paul Masson Vineyards site, located approximately 700 feet south of the project site, is listed as a California Environmental Protection Agency (Cal/EPA) site. As discussed in Section 3.8, Hazards and Hazardous Materials, Section 3.8.3, Regulatory Setting, Cal/EPA sites are not included on the Cortese List.

The Phase I ESA concluded that, due to the nature of the facilities, releases, and inferred groundwater flow direction, the contamination from these neighboring sites are not considered Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), or Historical Recognized Environmental Conditions (HRECs) in relation to the project site. As such, because the proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, no impact would occur.

Hazardous Emissions Proximate to a School

The project site is not within 0.25-mile of an existing or proposed school. The nearest schools to the project site are Foothills Elementary School (approximately 1 mile northeast of the project site) and Saratoga Elementary School (approximately 1.2 miles southeast of the project site). Therefore, the proposed project would not release hazardous emission or handle hazardous materials, substances, or wastes within 0.25 mile of a school during construction or operation. As such, there would be no impact related to hazardous emissions within 0.25 mile of an existing or proposed school.

Proximity to Public Airport Safety Hazard

The project site is not within 2 miles of a public airport. The nearest airport to the project site is the San José Mineta International Airport, approximately 9.3 miles to the northeast. According to the Airport Land Use Compatibility Plan (ALUCP) for San José Mineta International Airport, the project site is not mapped within the established noise contours or safety hazard zones. As the project site is outside of the established noise contours and safety hazard zones for the San José Mineta International Airport, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the area. As such, no public airport safety impacts would occur.

4.2.7 - Land Use and Planning

Divide an Established Community

Implementation of the proposed project would have a significant environmental impact if it were configured in such a way as to create a physical barrier or other physical division within an established community. The physical division of an already established community typically refers to construction of a linear feature, such as an interstate, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area.

The proposed project would include the development of 25 single-family homes which would not impair access to any established community, impede travel, or otherwise constitute division of an

established community. Furthermore, the proposed project would include a new roadway connecting to the intersection of Pierce Road and Saratoga Heights Drive. This new roadway would be called Masson Estates Way and would be the west leg of the intersection. The new roadway would include two bridges over existing on-site drainages and be 30 feet wide, which would accommodate two-way traffic and meet Fire Code Standards. In addition, the proposed project would include improvements to an approximately 1,600-foot-long emergency access road located primarily in the Remainder Area, which would connect the western end of the proposed Masson Estates Way to the intersection of Pierce Road and Vintage Lane to the south. The construction of internal roadways and bridges would provide improved connectivity for residents. As such, the proposed project would not physically divide an established community and no impact would occur.

4.2.8 - Mineral Resources

Loss of Availability of Known Mineral Resources

Sandstone and shale are the primary mineral resources in Saratoga and the vicinity. There are no mines or quarries in operation in Saratoga or its sphere of influence.[6]

The project site is mapped primarily within a Mineral Resource Zone (MRZ)-1, indicating that the project site is within an area where adequate information indicates that no significant mineral deposits are present or that the likelihood of the presence of mineral deposits is low. MRZ-3 is also mapped at the project site, which indicates areas with mineral resources with a significance that cannot be evaluated.[7,8,9]

An abandoned rock quarry is located to the southwest of the project site. The quarry was excavated in Franciscan Complex sandstone and shale. The quarry area is not located upslope of any of the proposed residential lots.[10] The proposed project would not include development at the abandoned quarry or within an area with known mineral resources, nor would it require lane closures or other blockages that would restrict access to known mineral resources. Therefore, the impact on mineral resources of the State would be less than significant. Operation on the proposed project would not restrict access to mineral resources of known significance to the State. The operational impact would be less than significant.

Loss of Availability of Locally Important Mineral Resources

As discussed above, sandstone and shale are the primary mineral resources in the City and there are no mines or quarries in operation in the City or its SOI.

While the abandoned rock quarry adjacent to the project site had been excavated for sandstone and shale—primary mineral resources in the City—the proposed project would not include development

6 City of Saratoga. 2024. City of Saratoga General Plan Open Space and Conservation Element.
7 Ibid.
8 Kohler-Antablin, Susan (Kohler-Antablin). 1996. Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region. Open-File Report 96-03, Plate 1 of 29. California Geological Survey. Map. Scale 1:125,000.
9 Kohler-Antablin. 1996.Designated Areas Update, Regionally Significant Construction Aggregate Resource Areas in the South San Francisco Bay Production-Consumption Region, Cupertino Quadrangle. Open-File Report 96-03, Plate 27 of 29. California Geological Survey. Map. Scale 1:48,000.
10 Quantum Geotechnical, Inc. (Quantum Geotechnical). 2023.Geologic and Geotechnical Feasibility Evaluation, Masson Estates on APN 503-46-005 at Pierce Road, Saratoga, California. Project No. E041.G. December 11, 2023.

on this land, nor would proposed project-related activities restrict access to these mineral resources. Therefore, the impact on locally important mineral resources would be less than significant. Operation on the proposed project would not restrict access to mineral resources of local importance. The operational impact would be less than significant.

4.2.9 - Noise

Excessive Noise Levels from Airport Activity

A significant impact would occur if the proposed project would expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

The project site is not located within the vicinity of a private airstrip. The nearest public airport to the project site is San José Mineta International Airport, located approximately 9.3 miles northeast of the project site. Because of the distance to the airport and the orientation of the runways, the project site lies outside of the 60 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) noise contours of the airport. Therefore, implementation of the proposed project would not expose persons residing or working in the project vicinity to noise levels from airport activity that would be in excess of normally acceptable standards for the proposed land use development, and no impact would occur.

4.2.10 - Population and Housing

Housing Displacement/Replacement Housing

The project site does not contain any existing residential structures. Therefore, the removal of existing uses would not occur or result in the displacement of persons or housing. As such, no impact would occur.

4.2.11 - Recreation

Recreational Facilities Physical Effect on the Environment

The proposed project would not include any recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. The proposed project would result in an increase of approximately 70 people to the City's population. This increase represents a 0.023 percent increase relative to the City's population of 31,110 people. As described in Section 3.14, Recreation, because the proposed project does not include the construction of parks or recreational facilities, the applicant would be required to pay the applicable Park Impact Fee, which would be collected to fund the development or rehabilitation of parks in the City to serve residents, in lieu of providing the required acreage on the project site.[11] Therefore, with the payment of the Park Development Fee, no impact would occur.

[11] City of Saratoga. 2024. Code of Ordinances. Website: https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH14SU_ART14-25DERE_14-25.080PAREDEFE. Accessed December 16, 2025.

CHAPTER 5: OTHER CEQA CONSIDERATIONS

5.1 - Significant Unavoidable Impacts

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a)(c) requires an Environmental Impact Report (EIR) to identify and focus on the significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

Based on the analyses contained in this Draft EIR, the City has determined that even with the incorporation of available feasible mitigation, the proposed project would result in the following significant and unavoidable impacts:

- **Impact HAZ-3:** Emergency response and evacuation.
- **Impact HAZ-4:** Wildland fires.
- **Cumulative Hazards:** Emergency response and evacuation.
- **Impact LAND-1:** Conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- **Cumulative Land Use:** Conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- **Impact TRANS-2:** Inconsistency with CEQA Guidelines Section 15064.3, subdivision (b).
- **Impact TRANS-4:** Emergency access.
- **Cumulative Transportation (Vehicle Miles Traveled [VMT]):** The proposed project would result in a cumulatively considerable impact with respect to an inconsistency with CEQA Guidelines Section 15064.3, subdivision (b).
- **Cumulative Transportation (Emergency Access):** The proposed project would result in a cumulatively considerable impact with respect to emergency evacuation in the project vicinity.
- **Impact WILD-1:** Emergency response/evacuation plan consistency.
- **Impact WILD-**2: Exposure of project occupants to pollutant concentrations from wildfire.
- **Cumulative Wildfire:** Emergency response/evacuation plan consistency.

5.2 - Growth-inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines § 15126.2(e)). CEQA Guidelines, as interpreted by the City, state that a significant growth-inducing impact may result if the project would:

- Induce substantial population growth in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the general plan);
- Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- Include extensions of roads or other infrastructure not assumed in the general plan or adopted capital improvements project list, when such infrastructure exceeds the needs of the project and could accommodate future developments.

Direct Population Growth

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing unplanned population growth or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth, may provide a catalyst for future unrelated development in an area, such as a new residential community that requires additional commercial uses to support residents.

The proposed project consists of the construction of 25 homes and related infrastructure. The proposed project would include 20 market-rate and five affordable, single-family homes, thereby providing 20 percent of the units for lower-income households.

Using a rate of 2.79 persons per household, the proposed project would contribute approximately 70 persons to the City's population. This would represent an increase of 0.23 percent relative to the City's population of 31,110. This amount of population growth would be below the Association of Bay Area Governments (ABAG) 2030 population forecast of 31,205 for the City and therefore, would not be considered unplanned or substantial.

Indirect Population Growth

Indirect population growth occurs when a project creates employment opportunities (thereby generating the need for more housing or other facilities) or upsized infrastructure (such as new roads or utility infrastructure) that could lead to additional unplanned growth.

The proposed project consists of residential development and would not result in any employment opportunities at operation. Employment during construction would be temporary and expected to use the local labor force. Duration of construction employment would not be of such a duration or scale that it would encourage construction employees to relocate. The proposed project would be served by existing utility services along Pierce Road for water, sewer, telecommunication, and electricity. No extension of infrastructure into unserved areas would be required and, therefore, no removal of physical barriers to growth would occur.

The proposed project is not constructing or expanding roads outside of the project site, which can lead to additional development. As noted in Mitigation Measure (MM) UTIL-1, if connections to existing natural gas lines cannot be demonstrated, then the proposed project shall be designed and constructed as an all-electric development. As such, the proposed project would not remove a barrier of growth through the extension of infrastructure or utilities to an unserved area.

5.3 - Significant Irreversible Environmental Changes

The environmental effects of the proposed project are summarized in the Executive Summary and are analyzed in detail in Chapter 3, Environmental Impact Analysis, of this Draft EIR.

As mandated by the CEQA Guidelines Section 15126.2(d), the EIR must evaluate and identify any significant irreversible environmental change(s) that would result from implementation of the proposed project. Primary impacts and, particularly, secondary impacts (such as a highway improvement that would provide access to a previously inaccessible area) generally commit future generations to similar uses. Specifically, pursuant to the CEQA Guidelines Section 15126.2(d), such an impact would occur if:

- The proposed project would involve a large commitment of nonrenewable resources, which makes removal or nonuse thereafter unlikely;
- The proposed project involves uses in which irreversible damage could result from environmental accidents associated with the project; or
- The proposed project involves any irretrievable commitment of resources that is not justified (e.g., the project results in the wasteful use of energy). (Refer to Section 3.5, Energy, which addresses this topic in accordance with CEQA Guidelines Appendix F)

The proposed project consists of the construction of 25 single-family homes. The site is located in proximity to existing single-family homes and development, including The Mountain Winery, and is zoned Hillside Residential. Once homes, roads, and utilities are built, it is highly unlikely they would be removed or abandoned due to the scale of investment and the disruption such removal would cause. The use of nonrenewable resources for infrastructure and housing means the proposed project represents a long-term commitment to urban development on the site.

Furthermore, the proposed project does not involve uses in which irreversible damage could result from environmental accidents. Nor does it have the potential to cause significant environmental accidents through releases into the environment as it would not involve large quantities of hazardous materials, as discussed in Section 3.8, Hazards and Hazardous Materials. However, the proposed project would result in a significant impact related to wildfire and wildfire related pollutants due to the project site's location and topography, as it is located in, among, and adjacent to significant fuel loads. The proposed project would be required to implement a project-specific emergency evacuation plan and incorporate all or a portion of the recommendations outlined under MM WILD-1 to reduce evacuation times at the project site in the event of an emergency. However, because the proposed project would result in a 0.9-minute increase in evacuation times out of the evacuation area and an increase to the Pierce Road volume to capacity (V/C) ratio which cannot be

mitigated to a level of insignificance (i.e., by reducing the increase in evacuation times to zero), the proposed project would be considered to have a significant impact on an evacuation route identified in existing emergency response or evacuation plans (See Section 3.18, Wildfire). MM WILD-1 also requires the implementation of the Wildfire Protection Plant prepared for the proposed project, which includes requirements and standards for reducing fuel loads on the project site to reduce wildfire risk. However, even with the adoption of the Wildfire Protection Plan, impacts related to wildfire hazards would not be reduced to a level of insignificance. As such, and as summarized above in Section 5.1, Significant Unavoidable Impacts, the proposed project's impacts related to emergency response and evacuation, wildland fire hazards, emergency response/evacuation plan consistency, and exposure of project occupants to pollutant concentrations from wildfire would be significant and unavoidable.

Construction of the proposed project would include the consumption of resources that are not replenishable or which may renew so slowly to be considered nonrenewable. These resources would include the following: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt, such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. Consumption of building materials and energy is common to most other development in the region and commitments of resources are not unique or unusual to the proposed project. Development would not be expected to involve an unusual commitment of nonrenewable resources, nor would it be expected to consume any resources in a wasteful manner.

During operation, day-to-day activities would involve the use of nonrenewable resources such as petroleum and natural gas during operations. New residential uses would be required to adhere to the latest adopted edition of the California Building Standards Code (CBC), which includes standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and would lessen the severity of corresponding environmental effects. Although the proposed project would result in an irreversible commitment of nonrenewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

As such, potential impacts to factors stated under CEQA Guidelines Section 15126.2(d), listed above, would be less than significant, with the exception of those related to emergency response and evacuation, conflict with applicable plans, policies, or regulations, consistency with CEQA Guidelines Section 15064.3, subdivision (b), emergency access, emergency response and evacuation, wildfire hazards, consistency with an emergency response/evacuation plan, and exposure of project occupants to pollutant concentrations from wildfire. These impacts would be significant and unavoidable.

CHAPTER 6: ALTERNATIVES TO THE PROPOSED PROJECT

6.1 - Introduction

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15126.6, this Draft Environmental Impact Report (Draft EIR) contains a comparative impact assessment of alternatives to the Masson Estates Project (proposed project). The primary purpose of this section is to provide decision-makers and the general public with a reasonable number of feasible project alternatives that could attain most of the basic project objectives while avoiding or reducing any of the proposed project's significant adverse environmental effects. Important considerations for these alternatives analyses are noted below (as stated in CEQA Guidelines § 15126.6).

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - failure to meet most of the basic project objectives;
  - infeasibility; or
  - inability to avoid significant environmental effects.

6.1.1 - Significant Unavoidable Impacts

The proposed project was analyzed for potentially significant impacts related to each of the environmental issues discussed in Sections 3.1 through 3.18. The results of the analysis indicate that even with the implementation of feasible mitigation, the proposed project would result in the following significant unavoidable impacts:

- **Impact HAZ-3:** Emergency response and evacuation.
- **Impact HAZ-4:** Wildland fires.
- **Cumulative Hazards**: Emergency response and evacuation.
- **Impact LAND-1:** Conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- **Cumulative Land Use:** Conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- **Impact TRANS-2:** Inconsistency with CEQA Guidelines Section 15064.3, subdivision (b).
- **Impact TRANS-4:** Emergency access.
- **Cumulative Transportation (Vehicle Miles Traveled [VMT]):** The proposed project would result in a cumulatively considerable impact with respect to an inconsistency with CEQA Guidelines Section 15064.3, subdivision (b).

- **Cumulative Transportation (Emergency Access):** The proposed project would result in a cumulatively considerable impact with respect to emergency evacuation in the project vicinity.
- **Impact WILD-1:** Emergency response/evacuation plan consistency.
- **Impact WILD-2**: Exposure of project occupants to pollutant concentrations from wildfire.
- **Cumulative Wildfire:** Emergency response/evacuation plan consistency.

6.1.2 - Alternatives to the Proposed Project

The three alternatives to the proposed project analyzed in this section are as follows:

- **Alternative 1–No Project:** Under the No Project Alternative, the proposed project would not be constructed. No development of any kind would occur. For the purposes of this alternatives analysis, it is assumed the project site would remain vacant and no other alternative land use activities would occur. No improvements would be made to the emergency access road.
- **Alternative 2–Consistency with Land Use and Zoning Alternative:** Under the Consistency with Land Use and Zoning Alternative, the proposed project would be reduced from 25 residential lots to nine residential lots, aligning with the project site's existing land use and zoning designations. The project site is designated as Residential Hillside Conservation (RHC) and zoned Hillside Residential (HR), which allow for a maximum density of 0.5 dwelling unit per acre (du/acre) or 1.55 people per acre and 15,000 square feet or 25 percent impervious coverage of net site area, whichever is less. The total acreage of the project site would remain unchanged, and development would occur in the northern 18.38-acre portion of the parcel. By reducing the number of residential units to nine on the 18.38-acre portion, this alternative would result in a lower overall development density, thereby minimizing ground disturbance, grading, and impervious surface coverage compared to the proposed project. As such, this alternative would be consistent with the requirements of the land use and zoning designations for the site. The proposed bioretention areas and emergency access road would be included, similar to the proposed project.
- **Alternative 3–Riparian Preservation Alternative:** Under the Riparian Preservation Alternative, development within and adjacent to the sensitive 0.2-acre riparian area (Section 3.3, Biological Resources, Exhibit 3.3-1) would not occur. To preserve this area, this alternative would not develop on Lots 14, 15, 17, or 19 within the project site, resulting in a reduction of four homes compared to the proposed project. The proposed bioretention areas emergency access road would be included, similar to the proposed project.

The three alternatives to the proposed project are analyzed below. These analyses compare the proposed project to each individual project alternative. In several cases, the description of the impact may be the same under each alternative when compared with the CEQA thresholds of significance (i.e., both the proposed project and the alternative would result in a less than significant impact). The actual degree of impact may be slightly different between the proposed project and each alternative, and this relative difference is the basis for a conclusion of greater or lesser impacts.

6.2 - Project Objectives

As stated in Chapter 2, Project Description, the objectives of the proposed project are to:

- Develop well-designed ownership residential single-family housing that adds diversity to Saratoga's ownership housing supply and meets a variety of residents' needs by providing 4-bedroom units to meet the needs of families.
- Develop residential uses (including on-site affordable units) on a site that does not currently contain any housing, which will help to meet the City's Regional Housing Needs Assessment (RHNA) obligations.
- Construct a cohesive development consisting of high quality, contemporary urban design that respects and relates well to its surroundings and preserves sensitive features of the project site.
- Develop housing that is environmentally sound and preserves the City's natural beauty and small-town residential character.
- Achieve streamlined and efficient processing and approval of the proposed project, including benefits available to developments that include affordable housing consistent with State law, including the Housing Accountability Act, Density Bonus Law, Senate Bill (SB) 330, and Permit Streamlining Act.
- Develop the project site in an environmentally sensitive manner, including through implementation of current codes and building standards that require water efficiency and energy efficiency, as well as implementation of water quality Best Management Practices (BMPs), drought-tolerant landscaping, and other water conservation standards.
- Create a fire-safe community through a series of fire protection measures that incorporate fuel modification zones, fire-resistant landscape design, ignition resistant building materials, fire alarm and sprinkler systems, and adequate ingress-egress points for emergency personnel and residents consistent with applicable regulations.

6.3 - Alternative 1—No Project

Under Alternative 1, the proposed project would not be constructed. The project site would remain vacant and undeveloped and no development of any kind would occur.

6.3.1 - Impact Analysis

Aesthetics, Light, and Glare

Under Alternative 1, the project site would remain vacant and undeveloped. No vegetation would be removed or impacted, and views of the site would not be altered. There would be no change in visual character, views, nighttime lighting, daytime glare, or shadow, as there would be no change to the existing topography or vegetation/landscaping. Thus, there would be no aesthetics impacts under this alternative.

Under the proposed project, impacts related to aesthetics, light, and glare would be less than significant (see Section 3.1, Aesthetics, Light, and Glare). Because Alternative 1 would not involve any development that may change the aesthetic qualities of the project site, no impact would occur, and Alternative 1 would result in reduced aesthetic impacts compared to the proposed project.

Air Quality

Under Alternative 1, short-term construction and long-term operational air emissions would not occur as no construction or land use changes would take place, no project operations would be established, and no project-related traffic or stationary source emissions would be generated by residents occupying the new homes.

Under the proposed project, impacts related to air quality would be less than significant with mitigation incorporated (see Section 3.2, Air Quality). Because Alternative 1 would not result in development—and therefore would result in no impacts to air quality—Alternative 1 would have reduced air quality impacts compared to the proposed project.

Biological Resources

Under Alternative 1, no development or ground-disturbing activities would occur. Therefore, this alternative would not include development or site disturbance that could impact wildlife or habitats on-site. As such, Alternative 1 would not have the potential to impact rare plants, San Francisco dusky-footed woodrat, California giant salamander, Santa Cruz black salamander, special-status bat or nesting bird species. Furthermore, there would be no impacts to the 0.20-acre of riparian habitat on-site or to jurisdictional waters within the site. Thus, there would be no biological resources impacted under this alternative.

Under the proposed project, impacts related to biological resources would be less than significant with mitigation incorporated (see Section 3.3, Biological Resources). However, because Alternative 1 would have no impact on biological resources, it would have reduced biological resources impacts compared to the proposed project.

Cultural Resources

Under Alternative 1, no development or ground-disturbing activities would occur. Therefore, no direct impacts would occur with respect to existing and or undiscovered cultural resources on the project site.

Under the proposed project, impacts related to cultural resources would be less than significant with mitigation incorporated (see Section 3.4, Cultural Resources). Because no development would occur under Alternative 1, the potential for impacts to cultural resources associated with Alternative 1 would be reduced compared to the proposed project.

Energy

Currently, the project site is undeveloped and does not have any existing development on-site that uses energy. Therefore, there would be no energy uses associated with construction or operation under this alternative since no development would occur.

Under the proposed project, impacts related to energy would be less than significant (see Section 3.5, Energy). Because no development would occur under Alternative 1, there would be no impacts to energy. Therefore, impacts related to energy would be reduced compared to the proposed project.

Geology and Soils

Under Alternative 1, soil disturbance associated with grading and building activities would not occur. No new buildings, landscaping, utilities, or other infrastructure would be constructed on the project site; thus, there would be no impacts associated with landslides, soil stability, or earthquakes under this alternative.

Under the proposed project, impacts related to geology and soils would be less than significant with mitigation incorporated (see Section 3.6, Geology and Soils). Because Alternative 1 does not include any development or ground-disturbing activities, there would be no impacts related to geology, soils, and seismicity. Therefore, impacts related to geology would be reduced compared to the proposed project.

Greenhouse Gas Emissions

Because this alternative would not include any development, it would not generate any greenhouse gases (GHGs) or vehicle trips. Accordingly, it would not contribute to global climate change through direct emissions of GHGs from on-site area sources or through vehicle trips generated.

Under the proposed project, impacts related to GHGs were found to be less than significant with mitigation incorporated (see Section 3.7, Greenhouse Gas Emissions). Because Alternative 1 does not include any development that would produce additional GHG emissions or necessitate vehicle trips that would contribute to GHG emissions, it would have reduced impacts related to GHG emissions compared to the proposed project.

Hazards and Hazardous Materials

Because this alternative would not include construction or operation of any new development on-site, there would be no opportunity for an accidental spill of hazardous materials or the use of household hazardous materials during operation, nor would there be impacts associated with hazardous materials sites compiled pursuant to Government Code Section 65962.5, emergency access, wildfire exposure, or airport related impacts. Furthermore, because the emergency access road would not be constructed, this would not benefit emergency access in the area.

Under the proposed project, impacts related to hazards and hazardous materials would be significant and unavoidable with respect to emergency response and evacuation, as well as wildfire. All other impacts would be less than significant (see Section 3.8, Hazards and Hazardous Materials). However, because no development or ground-disturbing activities would occur on-site under Alternative 1, no impacts would occur, and thus impacts related to hazards and hazardous materials would be reduced compared to the proposed project.

Hydrology and Water Quality

Under Alternative 1, the project site would not be developed, and no ground-disturbing activities would occur. As such, there would be no impacts related to hydrology, stormwater runoff and drainage, and water quality, as there would be no changes to the existing on-site conditions that would result in changes to impervious or pervious surfaces on the site.

Under the proposed project, impacts related to hydrology and water quality would be less than significant (see Section 3.9, Hydrology and Water Quality). Alternative 1 would have no impacts related to hydrology and water quality, and as such, impacts would be reduced compared to the proposed project.

Land Use and Planning

Under Alternative 1, there would be no impacts to land use as the project site would remain undeveloped. Continuation of the current use of the project site would not conflict with any land use plan or policy or result in the division of an established community.

Under the proposed project, impacts related to land use would be significant and unavoidable (see Section 3.10, Land Use and Planning). Alternative 1 would have no impacts related to land use and, as such, impacts related to land use would be reduced under Alternative 1 as compared to the proposed project.

Noise

Under Alternative 1, no ground-disturbing activities would occur. With no development occurring on-site, no new noise would be generated by construction, operation, or traffic associated with the proposed project. Therefore, noise-sensitive land uses in the vicinity of the project site would not experience any change in noise levels as compared to existing conditions. Accordingly, under Alternative 1, there would be no impacts related to noise.

Under the proposed project, impacts related to noise would be less than significant with mitigation incorporated (see Section 3.11, Noise). Because Alternative 1 would not result in any new noise sources, short-term and long-term noise impacts would be reduced compared to the proposed project.

Population and Housing

Presently, the project site is vacant and undeveloped. Because no new residential or employment uses would be added to the project site under Alternative 1, there would be no impacts related to population and housing.

Under the proposed project, impacts related to population and housing would be less than significant (see Section 3.12, Population and Housing). Because Alternative 1 would not include any new residential or employment uses, impacts would be reduced compared to the proposed project.

Public Services

Under Alternative 1, no new residential units or associated infrastructure would be developed that would result in demand for public services. No impacts would occur in regard to public services.

Under the proposed project, impacts to public services would be less than significant (see Section 3.13, Public Services); however, because Alternative 1 does not involve any development that would demand public services, impacts to public services would be reduced compared to the proposed project.

Recreation

Under Alternative 1, no new residential units or associated infrastructure would be developed that would result in demand for recreation facilities. No impacts would occur related to recreation facilities.

Under the proposed project, impacts to recreation would be less than significant (see Section 3.14, Recreation); however, because Alternative 1 does not involve any development that would demand recreation services, impacts to recreation would be reduced compared to the proposed project.

Transportation and Traffic

Under Alternative 1, the project site would not develop any emergency access road as proposed. There would be no impacts on existing traffic operations, transit, or pedestrian facilities as no new transportation demand would occur.

Under the proposed project, project impacts related to transportation, specifically project-level VMT and cumulative VMT, as well as emergency access, would be significant and unavoidable. Proposed project impacts related to circulation plan consistency would be less than significant, while impacts related to roadway hazards would be less than significant with mitigation incorporated (see Section 3.15, Transportation and Traffic). Because Alternative 1 would not generate any new transportation demands, impacts to transportation would be reduced compared to the proposed project.

Tribal Cultural Resources

Under Alternative 1, no development or ground-disturbing activities would occur. Therefore, no direct impacts would occur with respect to existing and or undiscovered Tribal Cultural Resources (TCRs) because ground disturbance from the construction of the proposed project and supporting infrastructure would not occur.

Under the proposed project, impacts related to TCRs would be less than significant with mitigation incorporated (see Section 3.16, Tribal Cultural Resources). Because no development would occur under Alternative 1, the potential for impacts to TCRs associated with Alternative 1 would be reduced compared to the proposed project.

Utilities and Service Systems

Under Alternative 1, there would be no changes to the current project site, including no new residential units or associated infrastructure that would result in demand for utilities and service systems. As such, there would be no impacts related to utilities and service systems.

Under the proposed project, impacts related to utilities and service systems would be less than significant with mitigation incorporated (see Section 3.17, Utilities and Service Systems). Because Alternative 1 requires no new utilities or services systems, impacts to utilities and service systems would be reduced compared to the proposed project.

Wildfire

Under Alternative 1, there would be no impacts related to wildfire because there would be no physical changes to the current project site, including no new residential units or associated infrastructure. Therefore, no impact would occur related to wildfire.

Under the proposed project, impacts related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and conflicts with an emergency response plan or evacuation plan would be significant and unavoidable. All other impacts would be less than significant or less than significant with mitigation incorporated, or less than significant (see Section 3.18, Wildfire). Because Alternative 1 does not include any development, impacts related to wildfire would be reduced compared to the proposed project.

6.3.2 - Conclusion

Under Alternative 1, the project site would not be developed with 25 new single-family homes or associated infrastructure, including the emergency access road. No physical changes would occur on the project site. Alternative 1 would eliminate all short-term, long-term, and cumulative impacts in all categories when compared to the proposed project.

However, Alternative 1 would not accomplish any of the project objectives, including the provision of single-family residential housing (including affordable housing) consistent with State law that preserves the City's small-town residential character and the provision of a fire-safe community with fire protective measures and adequate ingress and egress for emergency personnel and residents.

6.4 - Alternative 2—Land Use and Zoning Consistency Alternative

Under Alternative 2, the proposed project would be reduced by 16 residential lots, bringing the total from 25 to 9 residential lots, aligning with the site's existing land use and zoning designations. The total acreage of the project site would remain unchanged. The proposed project would have a reduced density with nine new residential units on the same footprint of 18.38 acres within the northern portion of the project site. Similar to the proposed project, the southern 54.06 acres would remain undeveloped with the exception of emergency access road.

6.4.1 - Impact Analysis

Aesthetics, Light, and Glare

Alternative 2 would develop nine residential lots within the same northern portion of the Development Area as the proposed project; however, because fewer residential lots would be included, potential aesthetic changes such as visual alteration of natural landforms, vegetation removal, and introduction of built structures would be correspondingly minimized. Similar to the proposed project, Alternative 2 would not result in a significant impact on scenic vistas in the area. Additionally, similar to the proposed project, this alternative would not impact scenic resources related to State-designated scenic highways, since no designated scenic highways are within the proximity of the project site. Alternative 2 would be consistent with the land use and zoning designations for the site and therefore would not conflict with applicable zoning or other regulations governing scenic quality, similar to but with less impact than the proposed project.

Similar to the proposed project, Alternative 2 would be reviewed by the City for consistency with the City's objective standards intended to reduce nighttime light and glare. Because of the reduced number of residential units under Alternative 2, there would be fewer sources of light and glare, such as exterior lighting, vehicle headlights, and reflective surfaces, resulting in less light and glare compared to the proposed project. Accordingly, while impacts would remain less than significant under this Alternative, they would be reduced compared to the proposed project.

Under the proposed project, impacts related to aesthetics, light, and glare would be less than significant (see Section 3.1, Aesthetics, Light, and Glare). However, the reduction of residential units, and therefore the reduction in the potential for light and glare, would result in reduced aesthetics, light, and glare impacts compared to the proposed project.

Air Quality

Alternative 2 would develop nine residential lots within the Development Area, which would result in fewer emissions from construction and operation. Similar to the proposed project, this alternative would not conflict with the 2017 Clean Air Plan (see Section 3.2, Air Quality), as it would result in less development than the proposed project. As such, this alternative would be consistent with the applicable air quality plan. Additionally, Alternative 2 would have a less than significant impact related to a cumulatively considerable net increase of any criteria pollutant as it would include less development than the proposed project. However, implementation of MM AIR-1 would still be required to reduce impacts related to construction dust to less than significant levels. Alternative 2 would also not expose sensitive receptors to substantial pollutant concentrations during construction and operation, as it would include less development than the proposed project, which was also found to have a less than significant impact in this regard. Alternative 2 would not result in objectionable odors, similar to the proposed project, and impacts would be less than significant without mitigation.

Under the proposed project, impacts related to air quality would be less than significant with mitigation incorporated (see Section 3.2, Air Quality); however, because it would include less

development than the proposed project, Alternative 2 would have similar, but slightly reduced, impacts related to air quality as compared to the proposed project.

Biological Resources

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. Although ground disturbance would be reduced, there would still be potential to disturb special-status species or habitats. As such, the mitigation measures requiring rare plant surveys (MM BIO-1a), San Francisco Dusky-footed Woodrat protection measures (MM BIO-1b), California Giant Salamander and Santa Cruz Black Salamander protection measures (MM BIO-1c), protection of active bird nests (MM BIO-1d), roosting bat pre-construction survey and avoidance (MM BIO-1e), and mitigation for loss of riparian habitat (MM BIO-2) would still be required.

Under the proposed project, impacts related to biological resources would be less than significant with mitigation incorporated (see Section 3.3, Biological Resources). Therefore, because ground disturbance would still be required within the Development Area, impacts under Alternative 2 would be similar but slightly reduced compared to the proposed project.

Cultural Resources

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. Although ground disturbance would be reduced, there would be potential to impact undiscovered cultural resources within the Development Area. As such, the mitigation measures requiring Workers Environmental Awareness Program (WEAP) training (MM CUL-1a), protocols for archaeological resource discovery (MM CUL-1b), and protocols for discovery of human remains (MM CUL-2) would still be required to reduce impacts to less than significant.

Under the proposed project, impacts related to cultural resources would be less than significant with mitigation incorporated (see Section 3.4, Cultural Resources). Overall, this Alternative would have slightly reduced impacts to cultural resources compared to the proposed project, although the avoidance and protection mitigation measures to prevent impacts to human remains and cultural resources would still be required. Therefore, because ground disturbance would still be required within the Development Area, impacts under Alternative 2 would be similar but slightly reduced compared to the proposed project.

Energy

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. This would result in lower energy needs during construction and operation. Therefore, similar to the proposed project, this alternative would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Overall, due to the reduction in units lots and reduced ground disturbance, Alternative 2 would consume less energy during construction and operation. Alternative 2 would also not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

Under the proposed project, impacts would be less than significant (see Section 3.5, Energy). Because Alternative 2 would result in less development and ground disturbance compared to the proposed project, Alternative 2 would have similar, but slightly reduced, impacts related to energy compared to the proposed project.

Geology and Soils

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. Although ground disturbance would be reduced, there would be potential for seismic risks and soil erosion, as well as the potential to disturb sensitive paleontological features within the project site. As such, adherence to the California Building Standards Code (CBC) and City building requirements and mitigation measures requiring submittal of a geotechnical investigation (MM GEO-1) and paleontological resources WEAP training and paleontological resources monitoring (MM GEO-5) would still be required to reduce impacts to a less than significant level.

Under the proposed project, impacts related to geology and soils would be less than significant with mitigation incorporated (see Section 3.6, Geology and Soils). Because Alternative 2 would result in less development and ground disturbance compared to the proposed project, Alternative 2 would have similar, but slightly reduced, impacts to geology and soils compared to the proposed project.

Greenhouse Gas Emissions

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. Under Alternative 2, short-term construction GHG emissions would be comparatively less than the proposed project since a lower level of construction would occur due to the reduction in on-site residences. Similarly, operational-related GHG emissions from stationary and/or area source emissions generated by residences would be lower compared to the proposed project. Furthermore, Alternative 2 would likely result in fewer trips and less VMT compared to the proposed project due to the reduction in size.

However, this alternative would still be required to implement MM GHG-1 to reduce GHG emissions impacts to less than significant. Under both the proposed project and Alternative 2, MM GHG-1 would be required to reduce impacts related to the generation of GHG emissions (Impact GHG-1); consistency with applicable GHG plans, policies, and regulations (Impact GHG-2); and cumulative GHG impacts. Similar to the proposed project, with implementation of MM GHG-1, Alternative 2 would be in compliance with the 2022 Scoping Plan Update.

Under the proposed project, impacts related to GHG emissions would be less than significant with mitigation incorporated (see Section 3.7, Greenhouse Gas Emissions of the Draft EIR). Because Alternative 2 would result in less development and ground disturbance compared to the proposed project, impacts under Alternative 2 related to GHG emissions would be similar, but slightly less than the proposed project.

Hazards and Hazardous Materials

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. Because this alternative would still result in residential development, Alternative 2 would use small quantities of hazardous materials during construction and operation. However, Alternative 2 may result in less hazardous waste due to reduced development. Because of the location of the site within a High and Very High Fire Hazard Severity Zone (FHSZ) and adjacent to undeveloped land, Alternative 2 would also be required to implement a Wildfire Protection Plan to ensure fuel reduction and management at the site and the implementation of a site-specific evacuation plan. Although Alternative 2 would result in fewer lots and a reduced evacuation time compared to the proposed project in the event of an emergency, Alternative 2 would still be required to adhere to all of the recommendations outlined under MM WILD-1 to further reduce evacuation times. Additionally, even with implementation of MM WILD-1, Pierce Road already has an existing V/C capacity greater than 1. As this alternative would still result in new residential traffic, it would still have a significant and unavoidable impact on evacuation, similar to the proposed project. Additionally, due to the project site's location and topography, this alternative would have a similar significant and unavoidable impact related to exposure of project occupants wildfire hazards as compared to the proposed project.

Under the proposed project, impacts related to hazards and hazardous materials would be significant and unavoidable with respect to emergency response and evacuation, as well as wildfire hazards. All other impacts would be less than significant (see Section 3.8, Hazards and Hazardous Materials). The impacts under Alternative 2 would be similar to the proposed project.

Hydrology and Water Quality

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance and impervious surfaces compared to the proposed project. Alternative 2 would include drainage management areas (DMAs) and bioretention basins to accommodate proposed development, similar to the proposed project. Because of the reduced development, ground disturbance, and impervious area, impacts under this alternative related to erosion/siltation, additional sources of polluted runoff, exceedance of storm drainage capacity resulting in flooding, impedance of flood flows from alterations to the existing drainage pattern, surface and groundwater quality, groundwater supply/recharge, risk of pollutant release due to project site inundation, water quality control, and sustainable groundwater management plans consistency would remain less than significant but would be reduced compared to the project.

Alternative 2 is in the same location as the proposed project and thus would still not be located in a tsunami or seiche zone but would be located in a 500-year flood hazard zone. Implementation of Treatment Control Measures (TCMs) through the provision of bioretention areas and adherence to Chapter 8 of the City's Municipal Code pertaining to hazardous materials and the County of Santa Clara Hazardous Materials Compliance Division (HMCD) Hazardous Materials Programs would reduce runoff and flooding risks at the site and reduce impacts related to risk of pollutants due to inundation. Implementation of TCMs would also ensure that Alternative 2 complies with requirements of the City's Green Stormwater Infrastructure (GSI) Plan. As such, impacts would be less than significant.

Under the proposed project, impacts related to hydrology and water quality would be less than significant (see Section 3.9, Hydrology and Water Quality). As discussed above, Alternative 2 would have similar, but reduced, impacts related to Hydrology and Water Quality compared to the proposed project.

Land Use and Planning

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced density compared to the proposed project. As noted previously, the project site is designated as RHC and zoned HR, which allows for a maximum density of 0.5 du/acre or 1.55 people per acre and 15,000 square feet or 25 percent impervious coverage of net site area, whichever is less. Alternative 2 would adhere to the requirements of the RHC and HR land use and zoning designations. This would result in reduced impacts related to conflicts with the City's Code of Ordinances as lot coverage would be reduced to be consistent with the requirements of the RHC designation.

Under the proposed project, impacts related to land use would be significant and unavoidable (see Section 3.10, Land Use and Planning). Under Alternative 2, impacts would not occur and the proposed project's significant and unavoidable impact would be avoided.

Noise

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance and impervious surfaces compared to the proposed project. As with the proposed project, construction-related activities would occur near adjacent sensitive noise receptors (single-family residences). Operational stationary noise and groundborne vibration impacts could also occur under Alternative 2. MM NOI-1, which addresses noise impacts from mechanical ventilation systems, would still be required to ensure operational noise impacts remain less than significant. However, while impacts would remain less than significant with mitigation because ground disturbance and development under Alternative 2 would be reduced to nine residential units, construction-related noise and vibration impacts would be reduced compared to the proposed project.

Under the proposed project, impacts related to noise would be less than significant with mitigation incorporated (see Section 3.11, Noise). Overall, Alternative 2 would have slightly reduced impacts related to construction noise impacts compared to the proposed project due to the reduced number of units. However, under this alternative, implementation of mitigation to prevent nighttime impacts related to mechanical ventilation equipment would still be required. Therefore, noise impacts under Alternative 2 related to noise would be similar, but slightly reduced, as compared to the proposed project.

Population and Housing

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced density and fewer residents compared to the proposed project. Utilizing the City's persons per household ratio of 2.79 persons per household, Alternative 2 would result in approximately 25 residents compared to the proposed project, which would result in approximately 70 residents. Therefore, similar to but less than the proposed project, Alternative 2 would not induce substantial

unplanned population growth in an area, either directly or indirectly, as it would result in fewer residents.

Under the proposed project, impacts related to population and housing would be less than significant (see Section 3.12, Population and Housing). As discussed above, Alternative 2 would result in reduced, impacts related to population and housing as compared to the proposed project.

Public Services

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced density and fewer residents compared to the proposed project. Therefore, the overall demand on public services would be reduced. The distance from police and fire stations would remain the same, and the emergency access road would still be constructed to improve emergency response capabilities. Additionally, Alternative 2 would be subject to the same applicable construction impact fees as the proposed project, contributing to public service funding. As described previously, Alternative 2 would also be required to implement a Wildfire Protection Plan to ensure fuel reduction and management at the project site to reduce impacts related to wildfire. Impacts related to fire protection, police services, schools, parks, and libraries would be incrementally reduced as a result of fewer residents on the site.

Under the proposed project, impacts to public services would be less than significant (see Section 3.13, Public Services). Alternative 2 would result in a reduced on-site population as compared to the proposed project and therefore decreased demand for services from fire, police, schools, parks, and libraries. Therefore, impacts under Alternative 2 would be similar to, but slightly reduced compared to the proposed project.

Recreation

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced density and fewer residents compared to the proposed project. The reduction in development would result in approximately 25 residents compared to the proposed project, which would result in approximately 70 residents. Therefore, the overall demand for recreational facilities would be reduced. Because the City's available parkland exceeds the City's standards to serve the existing population of the City, the incremental increase in new residents associated with Alternative 2, like the proposed project, would not result in a significant increase in demand on existing neighborhood and regional parks or other recreational facilities resulting in substantial physical deterioration. Furthermore, under Alternative 2, payment of the City's Park Impact Fee would be required to fund the acquisition and development of parks in the City to serve residents in lieu of providing the required acreage on-site, similar to the proposed project.

Under the proposed project, impacts to recreation would be less than significant (see Section 3.14, Recreation). Alternative 2 would have similar, but slightly reduced, impacts related to recreation as compared to the proposed project.

Transportation and Traffic

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced density compared to the proposed project and a corresponding reduction in vehicles on-site during operation. The reduced population associated with Alternative 2 is not anticipated to result in a significant amount of transit ridership, bicycle travel, or pedestrian travel, similar to the proposed project. Roadways, driveways, and cul-de-sacs under Alternative 2 would be designed consistent with applicable requirements of the Municipal Code and General Plan. Therefore, Alternative 2 would have a less than significant impact and would not conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities, similar to but less than the proposed project.

The VMT Tool used for the proposed project shows that the VMT would be 25.45, which exceeds the countywide threshold of 11.33. With the maximum VMT reduction possible incorporated, VMT for the proposed project would still be 20.7, which would exceed the countywide threshold. Since the proposed project and Alternative 2 consist of single-family homes, typical Transportation Demand Management (TDM) measures are not practical. Therefore, impacts under Alternative 2 related to VMT would also be considered significant and unavoidable, but less than the proposed project. As described in Section 3.15, Transportation and Traffic, the proposed project would generate approximately 282 trips and would result in a significant and unavoidable VMT impact. Alternative 2 would result in a reduction in daily trips and VMT as a result of reduced development.

Similar to the proposed project, Alternative 2 would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) and would likely require the implementation of similar mitigation as MM TRANS-3 to provide adequate sight distance and MM TRANS-4 to provide adequate internal circulation. Alternative 2 would, however, likely increase V/C ratios on Pierce Road, similar to the proposed project. Added delay on Pierce Road during an evacuation could result in inadequate emergency access in the project vicinity. Accordingly, this alternative would result in a significant and unavoidable impact, even with implementation of MM WILD-1.

Under the proposed project, project impacts related to transportation, specifically project-level VMT and cumulative VMT, as well as emergency access, would be significant and unavoidable. Proposed project impacts related to circulation plan consistency would be less than significant, while impacts related to roadway hazards would be less than significant with mitigation incorporated (see Section 3.15, Transportation and Traffic). Under Alternative 2, impacts would be similar to but slightly reduced compared to the proposed project.

Tribal Cultural Resources

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. Ground-disturbing activities could lead to the uncovering and disturbance of TCRs. As such, the mitigation measures requiring WEAP training (MM CUL-1a), protocols for archaeological resource discovery (MM CUL-1b), and protocols for discovery of human remains (MM CUL-2) would still be required. Impacts related to TCRs under Alternative 2 would be less than significant with mitigation, similar to the proposed project.

Under the proposed project, impacts related to TCRs would be less than significant with mitigation incorporated (see Section 3.16, Tribal Cultural Resources). Because Alternative 2 would result in less development and ground disturbance compared to the proposed project, Alternative 2 would have similar, but slightly reduced, impacts to TCRs compared to the proposed project.

Utilities and Service Systems

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced density and fewer residents compared to the proposed project. Therefore, the demand for utilities and service systems would be reduced. Alternative 2 would result in approximately 25 residents, compared to approximately 70 residents under the proposed project. Similar to the proposed project, Alternative 2 would be served by existing utilities including water, wastewater treatment, solid waste disposal, electricity, and natural gas. Similar to the proposed project, Alternative 2 would not require the expansion or relocation of new or expanded facilities. Regarding natural gas, Alternative 2 would be required to implement MM UTIL-1 to demonstrate feasibility for connection to existing natural gas lines in Pierce Road and/or Saratoga Heights Road adjacent to the project site or be designed as an all-electric development if connection cannot be demonstrated.

San José Water would have adequate water supplies during normal dry, single dry, and multiple dry years to serve Alternative 2, similar to the proposed project. However, because Alternative 2 would result in a reduction of residents, Alternative 2 would result in less water demand compared to the proposed project. Therefore, impacts related to water supply would be less than significant, similar to but less than the proposed project.

Similar to the proposed project, Cupertino Sanitary District (CuSD) would have adequate wastewater treatment capacity to serve Alternative 2 as wastewater generation would be reduced.

Finally, Alternative 2 would have a less than significant impact and comply with federal, State, and local statutes and regulations related to solid waste and would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Solid waste generated by Alternative 2 would be reduced, as compared to the proposed project, due to the reduction in proposed lots.

Under the proposed project, impacts related to utilities and service systems would be less than significant with mitigation incorporated (see Section 3.17, Utilities and Service Systems). Alternative 2 would have similar, but slightly reduced, impacts related to utilities and service systems as compared to the proposed project.

Wildfire

Alternative 2 would develop nine residential lots within the Development Area, resulting in reduced ground disturbance compared to the proposed project. As described previously, the project site is located within a High FHSZ and partially within a Very High FHSZ. Alternative 2 would include a Wildfire Protection Plan to ensure fuel reduction and management at the site and the implementation of a site-specific evacuation plan, as required under MM WILD-1. Although Alternative 2 would result in fewer lots (fewer residents result in fewer vehicles and individuals

requiring evacuation during a wildfire event, which reduces congestion and improves overall evacuation efficiency) and, therefore would have a lesser impact on evacuation times compared to the proposed project in the event of an emergency, Alternative 2 would still be required to adhere to all of the recommendations outlined under MM WILD-1 to reduce increases in evacuation times. However, impacts related to emergency response would be significant and unavoidable because the alternative would add evacuation traffic to the already V/C impaired Pierce Road. Furthermore, due to the project site's location and topography, and due to prevailing winds, this alternative would have a similar significant and unavoidable impact related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, as compared to the proposed project.

Under the proposed project, impacts related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and conflicts with an emergency response plan or evacuation plan would be significant and unavoidable. All other impacts would be less than significant with mitigation incorporated, or less than significant (see Section 3.18, Wildfire). Overall, this Alternative would have similar but slightly reduced impacts related to wildfire compared to the proposed project (as a result of residence reduction), and avoidance and protection mitigation measures to prevent impacts to wildfire spread and risk would still be required under Alternative 2.

6.4.2 - Conclusion

Alternative 2 would result in similar but less impacts to almost all impact areas, including aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, recreation, transportation, TCRs, utilities and service systems, and wildfire. Reduction in impacts are a result of reduced development and associated reduction in population, ground disturbance, and impervious areas. Although impacts related to VMT, emergency access, conflicts with emergency response plans or evacuation plans, and wildfire hazards would remain significant and unavoidable, they would be less than the proposed project. Alternative 2 would reduce the proposed project's significant and unavoidable impacts to land use and planning as this alternative would be consistent with the land use and zoning designations for the site and would have no impact in this regard.

There are seven objectives for the proposed project. Alternative 2 would not meet the objective related to the provision of affordable housing consistent with State law, including the Housing Accountability Act, Density Bonus Law, SB 330, and Permit Streamlining Act. However, all other project objectives would be met through the provision of single-family housing on a site that does not contain housing, construction of a cohesive development consisting of high quality, contemporary design, development of housing that is environmentally sound and preserves the City's natural beauty and small-town residential character, and development of the site consistent with requirements for water efficiency, energy efficiency, BMPs, drought-tolerant landscaping, and other water conservation standards.

Overall, Alternative 2 would reduce almost all environmental impacts while meeting the majority of the project objectives but to a lesser degree. As described previously, significant and unavoidable impacts to VMT, emergency access, conflicts with emergency response plans or evacuation plans, and wildfire under the proposed project would also remain, but to a lesser degree.

6.4.3 - Alternative 3—Riparian Preservation

Under the Riparian Preservation Alternative, development within and adjacent to the sensitive 0.2-acre riparian area would not occur. To preserve this area, this alternative would not include development on Lots 14, 15, 17, or 19 within the project site, resulting in a reduction of four homes compared to the proposed project. The proposed bioretention areas emergency access road would be included, similar to the proposed project.

6.4.4 - Impact Analysis

Aesthetics, Light, and Glare

Alternative 3 would avoid development on Lots 14, 15, 17, and 19 to avoid the 0.2-acre riparian area. Because the development footprint would be reduced to focus on fewer residential lots, potential aesthetic changes such as visual alteration of natural landforms, vegetation removal, and introduction of built structures would be correspondingly minimized. Similar to the proposed project, Alternative 3 would not result in a significant impact on scenic vistas in the area. Additionally, this alternative would not impact scenic resources related to State-designated scenic highways since no designated scenic highways are within the proximity of the project site, similar to the proposed project.

Similar to the proposed project, Alternative 2 would be reviewed by the City for consistency with the City's objective standards intended to reduce nighttime light and glare. Because of the reduced number of residential units under Alternative 3, there would be fewer sources of light and glare, such as exterior lighting, vehicle headlights, and reflective surfaces, resulting in reduced light and glare compared to the proposed project. Accordingly, while impacts would remain less than significant under this Alternative, they would be reduced compared to the proposed project.

Under the proposed project, impacts related to aesthetics, light, and glare would be less than significant (see Section 3.1, Aesthetics, Light, and Glare). However, the reduction of residential units, and therefore the reduction in the potential for light and glare, would result in reduced aesthetics, light, and glare impacts compared to the proposed project.

Air Quality

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, which would result in fewer emissions from construction and operation. Similar to the proposed project, this alternative would not conflict with the 2017 Clean Air Plan (see Section 3.2, Air Quality), as it would result in less development than the proposed project. As a result, this alternative would be consistent with the applicable air quality plan with the implementation of MM AIR-1, similar to but with less impact than the proposed project. Additionally, Alternative 3 would have a less than significant impact related to a cumulatively considerable net increase of any criteria pollutant as it

would include less development than the proposed project. However, implementation of MM AIR-1 would still be required to reduce impacts related to construction dust to less than significant levels. Alternative 3 would also not expose sensitive receptors to substantial pollutant concentrations during construction and operation as it would include less development than the proposed project, which was also found to have a less than significant impact in this regard. Alternative 3 would not result in objectionable odors, similar to the proposed project, and impacts would be less than significant without mitigation.

Under the proposed project, impacts related to air quality would be less than significant with mitigation incorporated (see Section 3.2, Air Quality). Because Alternative 3 would include less development than the proposed project, Alternative 3 would have similar, but slightly reduced, impacts related to air quality as compared to the proposed project.

Biological Resources

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area. Although ground disturbance would be reduced, there would still be potential to disturb special-status species. As such, the mitigation measures requiring rare plant surveys (MM BIO-1a), San Francisco Dusky-footed Woodrat protection measures (MM BIO-1b), California Giant Salamander and Santa Cruz Black Salamander protection measures (MM BIO-1c), protection of active bird nests (MM BIO-1d), and roosting bat pre-construction survey and avoidance (MM BIO-1e) would still be required. Furthermore, mitigation for the fill of jurisdictional waters (MM BIO-3) within other portions of the site separate from the riparian area would still be required. Because the riparian area would be avoided under Alternative 3, MM BIO-2 would not be required. Although less development is proposed under Alternative 3, and implementation of MM BIO-1a, MM BIO-1b, MM BIO-1c, MM BIO-1d, and MM BIO-3 would reduce impacts to less than significant.

Under the proposed project, impacts related to biological resources would be less than significant with mitigation incorporated (see Section 3.3, Biological Resources). Overall, Alternative 3 would still require avoidance and protection mitigation measures to prevent impacts to special-status species, wildlife movement corridors, jurisdictional features, and conflict with local policies and ordinances, but it would avoid impacts to riparian areas. Therefore, impacts under Alternative 3 would be similar but reduced, as compared to the proposed project.

Cultural Resources

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced ground disturbance compared to the proposed project. Although ground disturbance would be reduced, there would still be potential to impact undiscovered cultural resources within the Development Area. As such, the mitigation measures requiring WEAP training (MM CUL-1a), protocols for archaeological resource discovery (MM CUL-1b), and protocols for discovery of human remains (MM CUL-2) would still be required to reduce impacts to less than significant.

Under the proposed project, impacts related to cultural resources would be less than significant with mitigation incorporated (see Section 3.4, Cultural Resources). Overall, this alternative would have

slightly reduced impacts to cultural resources compared to the proposed project, although the avoidance and protection mitigation measures to prevent impacts to human remains and cultural resources would still be required. Therefore, because ground disturbance would still be required within the Development Area, impacts under Alternative 3 would be similar but slightly reduced, compared to the proposed project.

Energy

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced ground disturbance compared to the proposed project. This would result in lower energy needs during construction and operation. Therefore, similar to the proposed project, this alternative would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Overall, due to the reduction in lots and reduced ground disturbance, Alternative 3 would consume less energy during construction and operation. Alternative 3 would also not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

Under the proposed project, impacts would be less than significant (see Section 3.5, Energy of the Draft EIR). Because Alternative 3 would result in less development and ground disturbance compared to the proposed project, Alternative 3 would have similar, but slightly reduced, impacts related to energy as compared to the proposed project.

Geology, Soils, and Seismicity

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced ground disturbance compared to the proposed project. Although ground disturbance would be reduced, there would still be potential for seismic risks, soil erosion, and the disturbance of sensitive paleontological features within the site. As such, adherence to the CBC and City building requirements and mitigation measures requiring submittal of a geotechnical investigation (MM GEO-1) as well as paleontological resources WEAP training and paleontological resources monitoring (MM GEO-5), would still be required to reduce impacts to a less than significant level.

Under the proposed project, impacts related to geology and soils would be less than significant with mitigation incorporated (see Section 3.6, Geology and Soils). Because Alternative 3 would result in less development and ground disturbance compared to the proposed project, Alternative 3 would have similar, but slightly reduced, impacts to geology and soils compared to the proposed project.

Greenhouse Gas Emissions

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced ground disturbance compared to the proposed project. Under Alternative 3, short-term construction GHG emissions would be comparatively less than the proposed project since a lower level of construction would occur due to the reduction in on-site residences. Similarly, operational-related GHG emissions from stationary and/or area source emissions generated by residences would be lower compared to the proposed project. Furthermore, Alternative 3 would

likely result in fewer trips and less VMT compared to the proposed project due to the reduction in size.

However, this alternative would still be required to implement MM GHG-1 to reduce GHG emissions impacts to less than significant. Under both the proposed project and Alternative 3, MM GHG-1 would be required to reduce impacts related to the generation of GHG emissions (Impact GHG-1); consistency with applicable GHG plans, policies, and regulations (Impact GHG-2); and cumulative GHG impacts. Similar to the proposed project, with implementation of MM GHG-1, Alternative 2 would be in compliance with the 2022 Scoping Plan Update.

Under both the proposed project and Alternative 3, impacts related to GHG emissions would be less than significant with mitigation incorporated (see Section 3.7, Greenhouse Gas Emissions of the Draft EIR). The impacts under Alternative 3 related to GHG emissions would be similar, but slightly less than the proposed project.

Hazards and Hazardous Materials

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area. Because this alternative would still result in residential development, Alternative 3 would involve similar use of hazardous materials during construction and operation as the proposed project. However, Alternative 3 may result in less hazardous waste due to reduced development. Because of the location of the site within a High and Very High FHSZ and adjacent to undeveloped land, Alternative 3 would also be include a Wildfire Protection Plan to ensure fuel reduction and management at the site and the implementation of a site-specific evacuation plan. Although Alternative 3 would result in fewer lots and a reduced evacuation time compared to the project in the event of an emergency, Alternative 3 would still be required to adhere to all of the recommendations outlined under MM WILD-1. However, even with implementation of MM WILD-1, Pierce Road already has an existing V/C capacity greater than 1. As this alternative would still result in new residential traffic, it would still have a significant and unavoidable impact on evacuation, similar to the proposed project. Additionally, due to the project site's location and topography, this alternative would have a similar significant and unavoidable impact related to exposure of project occupants wildfire hazards as compared to the proposed project.

Under the proposed project, impacts related to hazards and hazardous materials would be significant and unavoidable with respect to emergency response and evacuation, as well as wildfire. All other impacts would be less than significant (see Section 3.8, Hazards and Hazardous Materials). The impacts under Alternative 3 would be similar to the proposed project.

Hydrology and Water Quality

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced ground disturbance and impervious surfaces compared to the proposed project. Alternative 3 would include DMAs and bioretention basins to accommodate proposed development, similar to the proposed project. Because of the reduced development, ground disturbance, and impervious area, impacts under this alternative related to erosion/siltation, additional sources of polluted runoff, exceedance of storm drainage capacity resulting in flooding, impedance of flood

flows from alterations to the existing drainage pattern, surface and groundwater quality, groundwater supply/recharge, risk of pollutant release due to project site inundation, water quality control, and sustainable groundwater management plans consistency would remain less than significant, and would be reduced compared to the proposed project.

Alternative 3 is in the same location as the proposed project and thus would still not be located in a tsunami or seiche zone but would be located in a 500-year flood hazard zone. Implementation of TCMs through the provision of bioretention areas and adherence to Chapter 8 of the City's Municipal Code pertaining to hazardous materials and the County of Santa Clara HMCD Hazardous Materials Programs would reduce runoff and flooding risks at the project site and reduce impacts related to risk of pollutants due to inundation. Implementation of TCMs would also ensure that Alternative 3 complies with requirements of the City's GSI Plan. As such, impacts would be less than significant.

Under the proposed project, impacts related to hydrology and water quality would be less than significant (see Section 3.9, Hydrology and Water Quality). As discussed above, Alternative 3 would have similar but reduced impacts related to hydrology and water quality compared to the proposed project.

Land Use and Planning

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced density compared to the proposed project. As noted previously, the project site is designated as RHC and zoned HR, which allows for a maximum density of 0.5 du/acre or 1.55 people per acre and 15,000 square feet or 25 percent impervious coverage of net site area, whichever is less. While Alternative 3 would result in a reduced density due to a reduction in development, Alternative 3 would still exceed the density requirements for the site, similar to but less than the proposed project.

Under the proposed project, impacts related to land use would be significant and unavoidable (see Section 3.10, Land Use and Planning). Alternative 3 would have similar but reduced land use impacts as compared to the proposed project due to the reduced number of lots. However, impacts would remain significant and unavoidable.

Noise

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced ground disturbance and impervious surfaces compared to the proposed project. As with the proposed project, construction-related activities would occur near adjacent sensitive noise receptors. Operational stationary noise and groundborne vibration impacts could also occur under Alternative 3. MM NOI-1, which addresses noise impacts from mechanical ventilation systems, would still be required to ensure operational noise impacts remain less than significant. However, while impacts would remain less than significant with mitigation, because ground disturbance and development under Alternative 3 would be reduced by four units, construction-related noise and vibration impacts would be reduced compared to the proposed project.

Under the proposed project, impacts related to noise would be less than significant with mitigation incorporated (see Section 3.11, Noise). Overall, Alternative 3 would have slightly reduced impacts related to construction noise compared to the proposed project due to the reduced number of units, but the mitigation measure to prevent nighttime impacts related to mechanical ventilation equipment would still be required. Therefore, noise impacts under Alternative 3 related to noise would be similar, but slightly reduced, as compared to the proposed project.

Population and Housing

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area resulting in reduced density and fewer residents compared to the proposed project. Utilizing the City's persons per household ratio of 2.79 persons per household, Alternative 3 would result in approximately 59 residents compared to the proposed project, which would result in approximately 70 residents. Therefore, similar to the proposed project, Alternative 3 would not induce substantial unplanned population growth in an area, either directly or indirectly, and impacts would be less than significant.

Under the proposed project, impacts related to population and housing would be less than significant (see Section 3.12, Population and Housing). As discussed above, Alternative 2 would result in similar, but slightly reduced, impacts related to population and housing as compared to the proposed project.

Public Services

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.20-acre riparian area, resulting in reduced density and fewer residents compared to the proposed project. Therefore, the overall demand on public services would be reduced. The distance from police and fire stations would remain the same, and the emergency access road would still be constructed to improve emergency response capabilities. Additionally, Alternative 3 would be subject to the same applicable construction impact fees as the proposed project, contributing to public service funding. As described previously, Alternative 3 would also include a Wildfire Protection Plan to ensure fuel reduction and management at the project site to reduce impacts related to wildfire. Impacts related to fire protection, police services, schools, parks, and libraries would be incrementally reduced as a result of fewer residents on the site.

Under the proposed project, impacts to public services would be less than significant (see Section 3.13, Public Services). Alternative 3 would result in a reduced on-site population as compared to the proposed project and would therefore decreased demand for services from fire, police, schools, parks, and libraries. Therefore, impacts under Alternative 3 would be similar to but slightly reduced compared to the proposed project.

Recreation

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced density and fewer residents compared to the proposed project. The reduction in development would result in approximately 59 residents, compared to the proposed project which would result in approximately 70 residents. Therefore, the overall demand on recreational facilities

would be reduced. Because the City's available parkland exceeds the City's standards to serve the existing population of the City, the incremental increase in new residents associated with Alternative 3, like the proposed project, would not result in a significant increase in demand on existing neighborhood and regional parks or other recreational facilities, resulting in substantial physical deterioration. Furthermore, Alternative 3 would be required to pay the City's Park Impact Fee to fund the acquisition and development of parks in the City to serve residents in lieu of providing the required acreage on the project site, similar to the proposed project.

Under the proposed project, impacts to recreation would be less than significant (see Section 3.14, Recreation). Alternative 3 would have similar, but slightly reduced, impacts related to recreation as compared to the proposed project.

Transportation

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced density compared to the proposed project and a corresponding reduction in vehicles on-site during operation. The reduced population associated with Alternative 3 is not anticipated to result in a significant amount transit ridership, bicycle travel, or pedestrian travel, similar to the proposed project. Roadways, driveways, and cul-de-sacs under Alternative 3 would be designed consistent with applicable requirements of the Municipal Code and General Plan. Therefore, Alternative 3 would have a less than significant impact and would not conflict with a program plan, ordinance, or policy regarding the circulation system, including transit, roadway, bicycle, and pedestrian facilities, similar to the proposed project.

The VMT Tool used for the proposed project shows that the VMT would be 25.45, which exceeds the countywide threshold of 11.33. With the maximum VMT reduction possible incorporated, VMT for the proposed project would still be 20.7, which would exceed the countywide threshold. Since the proposed project and Alternative 3 also consist of single-family homes, typical TDM measures are not practical. Therefore, impacts related to VMT under Alternative 3 would also be considered significant and unavoidable, but less than the proposed project.

As described in Section 3.15, Transportation and Traffic, the proposed project would generate approximately 282 trips and would result in a significant and unavoidable VMT impact. Alternative 3 would result in a reduction in daily trips and VMT as a result of reduced development.

Similar to the proposed project, Alternative 3 would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) and would likely require the implementation of similar mitigation as MM TRANS-3 to provide adequate sight distance and MM TRANS-4 to provide adequate internal circulation. Alternative 3 would however likely increase V/C ratios on Pierce Road, similar to the proposed project. Added delay on Pierce Road during an evacuation could result in inadequate emergency access in the project vicinity. Accordingly, this alternative would result in a significant and unavoidable impact, even with implementation of MM WILD-1.

Under the proposed project, project impacts related to transportation, specifically project-level VMT and cumulative VMT, as well as emergency access, would be significant and unavoidable. Proposed

project impacts related to circulation plan consistency would be less than significant, while impacts related to roadway hazards would be less than significant with mitigation incorporated (see Section 3.15, Transportation and Traffic). Under Alternative 3, impacts would be similar to the proposed project.

Tribal Cultural Resources

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced ground disturbance compared to the proposed project. Ground-disturbing activities could lead to the uncovering and disturbance of TCRs. As such, the mitigation measures requiring WEAP training (MM CUL-1a), protocols for archaeological resource discovery (MM CUL-1b), and protocols for discovery of human remains (MM CUL-2) would still be required. Impacts related to TCRs under Alternative 3 would be less than significant with mitigation, similar to the proposed project.

Under the proposed project, impacts related to TCRs would be less than significant with mitigation incorporated (see Section 3.16, Tribal Cultural Resources). Because Alternative 3 would result in less development and ground disturbance compared to the proposed project, Alternative 3 would have similar, but slightly reduced, impacts to TCRs compared to the proposed project.

Utilities and Service Systems

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced density and fewer residents compared to the proposed project. Therefore, the demand for utilities and service systems would be reduced. Alternative 3 would result in approximately 59 residents, compared to approximately 70 residents under the proposed project. Similar to the proposed project, Alternative 3 would be served by existing utilities including water, wastewater treatment, solid waste disposal, electricity, and natural gas. Similar to the proposed project, Alternative 3 would not require the expansion or relocation of new or expanded facilities. Regarding natural gas, Alternative 3 would be required to implement MM UTIL-1 to demonstrate feasibility for connection to existing natural gas lines in Pierce Road and/or Saratoga Heights Road adjacent to the project site or be designed as an all-electric development if connection cannot be demonstrated.

San José Water would have adequate water supplies during normal dry, single dry, and multiple dry years to serve Alternative 3, similar to the proposed project. However, because Alternative 3 would result in a reduction of residents, Alternative 3 would result in less water demand compared to the proposed project. Therefore, impacts related to water supply would be less than significant, similar to but less than the proposed project.

Similar to the proposed project, CuSD would have adequate wastewater treatment capacity to serve Alternative 3, as wastewater generation would be reduced.

Finally, Alternative 3 would have a less than significant impact and would comply with federal, State, and local statutes and regulations related to solid waste. Solid waste generated by Alternative 3 would be reduced, as compared to the proposed project, due to the reduction in proposed lots.

Under the proposed project, impacts related to utilities and service systems would be less than significant with mitigation incorporated (see Section 3.17, Utilities and Service Systems). Alternative 3 would have similar, but slightly reduced, impacts related to utilities and service systems as compared to the proposed project.

Wildfire

Alternative 3 would avoid development on Lots 14, 15 17, and 19 to avoid the 0.2-acre riparian area, resulting in reduced density and ground disturbance compared to the proposed project. As described previously, the project site is located within a High FHSZ and partially within a Very High FHSZ. Like the proposed project, Alternative 3 would also include a Wildfire Protection Plan to ensure fuel reduction and management at the project site and the implementation of a site-specific evacuation plan, as required under MM WILD-1. Although Alternative 3 would result in fewer lots and a reduced evacuation time compared to the proposed project in the event of an emergency, Alternative 3 would still be required to adhere to all of the recommendations outlined under MM WILD-1 to reduce increases in evacuation times. However, impacts related to emergency response would be significant and unavoidable because the alternative would add evacuation traffic to the already V/C impaired Pierce Road. Furthermore, due to the project site's location and topography, and due to prevailing winds, this alternative would have a similar significant and unavoidable impact related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, as compared to the proposed project.

Under the proposed project, impacts related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and conflicts with an emergency response plan or evacuation plan would be significant and unavoidable. All other impacts would be less than significant with mitigation incorporated, or less than significant (see Section 3.18, Wildfire). Overall, this alternative would have similar but slightly reduced impacts to wildfire compared to the proposed project (as a result of residence reduction).

6.4.5 - Conclusion

Alternative 3 would result in similar but less impacts to almost all impact areas, including aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, TCRs, utilities and service systems, and wildfire. Although impacts related to land use and planning, VMT, emergency access, conflicts with emergency response plans or evacuation plans, and wildfire would remain significant and unavoidable, they would be less than the proposed project. Reduction in impacts are a result of reduced development and associated reduction in population, ground disturbance, and impervious areas.

All project objectives would be met through the provision of single-family housing (including affordable housing) on a site that does not contain housing, construction of a cohesive development consisting of high quality, contemporary design, development of housing that is environmentally sound and preserves the City's natural beauty and small-town residential character, and

development of the site consistent with requirements for water efficiency, energy efficiency, BMPs, drought-tolerant landscaping, and other water conservation standards.

Overall, Alternative 3 would reduce almost all environmental impacts while meeting all of the project objectives. As described previously, significant and unavoidable impacts to land use and planning, VMT, emergency access, conflicts with emergency response plans or evacuation plans, wildfire, and exposure of project occupants to pollutant concentrations from wildfire under the proposed project would also remain, but to a lesser degree.

6.5 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" from among the proposed project and the alternatives evaluated.

The qualitative environmental effects of each alternative and comparison of impacts to the proposed project are summarized in Table 6-1.

Table 6-1: Summary of Alternatives

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Consistency with Land Use and Zoning Alternative	Alternative 3: Riparian Preservation Alternative
Section 3.1: Aesthetics. Light, and Glare				
Impact AES-1: Scenic vistas	LTS	NI <	LTS <	LTS ≤
Impact AES-2: Visual character or quality of public views	LTS	NI <	LTS <	LTS ≤
Impact AES-3: New source of light or glare	LTS	NI <	LTS <	LTS ≤
Cumulative impacts	LTS	NI <	LTS <	LTS ≤
Section 3.2: Air Quality				
Impact AQ-1: Consistency with Air Quality Management Plan	LTSM	NI <	LTSM ≤	LTSM ≤
Impact AQ-2: Cumulative criteria pollutant emissions impacts	LTSM	NI <	LTSM ≤	LTSM ≤
Impact AQ-3: Sensitive receptors exposure to pollutant concentrations	LTS	NI <	LTSM ≤	LTSM ≤
Impact AQ-4: Objectionable Odors	LTS	NI <	LTS ≤	LTS ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Consistency with Land Use and Zoning Alternative	Alternative 3: Riparian Preservation Alternative
Cumulative Impacts	LTSM	NI <	LTSM ≤	LTSM ≤
Section 3.3: Biological Resources				
Impact BIO-1: Special-status plant and wildlife species	LTSM	NI <	LTSM ≤	LTSM =
Impact BIO-2: Sensitive natural communities or riparian habitat	LTSM	NI <	LTSM ≤	NI =
Impact BIO-3: Wetlands	LTSM	NI <	LTSM ≤	NI =
Impact BIO-4: Fish or wildlife movement	LTSM	NI <	LTSM ≤	LTSM =
Impact BIO-5: Conflict with policies or ordinances protecting biological resources	LTSM	NI <	LTSM ≤	LTS =
Cumulative Impacts	LTSM	NI <	LTSM ≤	LTS =
Section 3.4: Cultural Resources				
Impact CUL-1: Archaeological resources	LTSM	NI <	LTSM ≤	LTSM =
Impact CUL-2: Human remains	LTSM	NI <	LTSM ≤	LTSM =
Cumulative Impacts	LTS	NI <	LTSM ≤	LTS =
Section 3.5: Energy				
Impact ENER-1: Wasteful, inefficient, or unnecessary consumption of energy resources	LTS	NI <	LTSM ≤	LTS ≤
Impact ENER-2: Conflict with or obstruct a State/local plan for renewable energy or energy efficiency.	LTS	NI <	LTSM ≤	LTS =
Cumulative impacts	LTS	NI <	LTS ≤	LTS ≤
Section 3.6: Geology and Soils				
Impact GEO-1: Seismic hazards	LTSM	NI <	LTSM ≤	LTS =
Impact GEO-2: Soil erosion or loss of topsoil	LTS	NI <	LTS ≤	LTS =
Impact GEO-3: Unstable subsurface conditions	LTSM	NI <	LTSM ≤	LTS =

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Consistency with Land Use and Zoning Alternative	Alternative 3: Riparian Preservation Alternative
Impact GEO-4: Expansive soil	LTSM	NI <	LTSM ≤	LTSM =
Impact GEO-6: Paleontological resources or unique geologic feature	LTSM	NI <	LTSM ≤	LTSM =
Cumulative Impacts	LTS	NI <	LTS ≤	LTS =
Section 3.7: Greenhouse Gas Emissions				
Impact GHG-1: Generation of GHG emissions	LTSM	NI <	LTSM ≤	LTS ≤ or LTSM ≤
Impact GHG-2: Conflict with plan, policy, or regulation that reduces GHG emissions	LTSM	NI <	LTSM =	LTS ≤ or LTSM =
Cumulative impacts	LTSM	NI <	LTSM ≤	LTSM ≤
Section 3.8: Hazards and Hazardous Materials				
Impact HAZ-1: Routine transport, use, or disposal of hazardous materials	LTS	NI <	LTS ≤	LTS ≤
Impact HAZ-2: Upset and accident conditions involving release of hazardous materials	LTS	NI <	LTS ≤	LTS ≤
Impact HAZ-3: Interfere with an adopted emergency response or evacuation plan	SU	NI <	SU ≤	SU ≤
Impact HAZ-4: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	SU	NI <	SU ≤	SU ≤
Cumulative impacts	SU (emergency response)	NI <	SU ≤ (emergency response)	SU ≤ (emergency response)
Section 3.9: Hydrology and Water Quality				
Impact HYD-1: Surface and groundwater quality	LTS	NI <	LTS ≤	LTS ≤
Impact HYD-2: Groundwater supply/recharge	LTS	NI <	LTS ≤	LTS ≤
Impact HYD-3: Drainage leading to erosion/siltation, flooding, additional sources	LTS	NI <	LTS ≤	LTS ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Consistency with Land Use and Zoning Alternative	Alternative 3: Riparian Preservation Alternative
of polluted runoff, or impedance of flood flows				
Impact HYD-4: Risk of pollutant release due to inundation	LTS	NI <	LTS ≤	LTS ≤
Impact HYD-5: Water quality control or sustainable groundwater management plans consistency	LTS	NI <	LTS ≤	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤	LTS ≤
Section 3.10: Land Use and Planning				
Impact LAND-1: Conflict with applicable plans, policies, or regulations	SU	NI <	NI <	SU ≤
Cumulative impacts	SU	NI <	LTS <	SU ≤
Section 3.11: Noise				
Impact NOI-1: Substantial noise increase in excess of standards	LTSM	NI <	LTS ≤	LTS ≤
Impact NOI-2: Groundborne vibration/noise levels	LTS	NI <	LTS ≤	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤	LTS ≤
Section 3.12: Population and Housing				
Impact POP-1: Population growth	LTS	NI <	LTS ≤	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤	LTS ≤
Section 3.13: Public Services				
Impact PUB-1: Fire protection	LTS	NI <	LTS ≤	LTS ≤
Impact PUB-2: Police protection	LTS	NI <	LTS ≤	LTS ≤
Impact PUB-3: Schools	LTS	NI <	LTS ≤	LTS ≤
Impact PUB-4: Parks	LTS	NI <	LTS ≤	LTS ≤
Impact PUB-5: Libraries	LTS	NI <	LTS ≤	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤	LTS ≤
Section 3.14: Recreation				

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Consistency with Land Use and Zoning Alternative	Alternative 3: Riparian Preservation Alternative
Impact REC-1: Increase use of parks	LTS	NI <	LTS ≤	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤	LTS ≤
Section 3.15: Transportation				
Impact TRANS-1: Affect to circulation system	LTS	NI <	LTS ≤	LTS =
Impact TRANS-2: Conflict with CEQA Guidelines Section 15064.3 Subdivision (b)	SU	NI <	SU ≤	SU ≤
Impact TRANS-3: Hazards	LTSM	NI <	LTSM ≤	LTS =
Impact TRANS-4: Emergency access	SU	NI <	SU ≤	SU ≤
Cumulative impacts	SU (VMT and evacuation in the project vicinity)	NI <	SU (VMT and evacuation in the project vicinity) ≤	SU (VMT and evacuation in the project vicinity) ≤
Section 3.16: Tribal Cultural Resources				
Impact TCR-1: Listed or eligible Tribal Cultural Resources	LTSM	NI <	LTSM ≤	LTSM ≤
Impact TCR-2: Lead Agency determined Tribal Cultural Resources	LTSM	NI <	LTSM ≤	LTSM ≤
Cumulative Impacts	LTS	NI <	LTS ≤	LTS ≤
Section 3.17: Utilities and Service Systems				
Impact UTIL-1: Water or wastewater treatment facilities	LTSM	NI <	LTSM ≤	LTSM ≤
Impact UTIL-2: Water supplies	LTS	NI <	LTS ≤	LTS ≤
Impact UTIL-3: Wastewater treatment capacity	LTS	NI <	LTS ≤	LTS ≤
Impact UTIL-4: Attainment of solid waste reduction goals	LTS	NI <	LTS ≤	LTS ≤
Impact UTIL-5: Solid waste regulations	LTS	NI ≤	LTS ≤	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤	LTS ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Consistency with Land Use and Zoning Alternative	Alternative 3: Riparian Preservation Alternative
Section 3.18: Wildfire				
Impact WILD-1: Emergency response/evacuation plan consistency	SU	NI <	SU ≤	SU ≤
Impact WILD-2: Expose project occupants to pollutant concentrations from wildfire	SU	NI <	SU ≤	SU ≤
Impact WILD-3: Infrastructure that exacerbates wildfire risk	LTS	NI <	LTS ≤	LTS ≤
Impact WILD-4: Flooding and landslide hazards due to post-fire slope instability/drainage changes	LTSM	NI <	LTS ≤	LTS ≤
Cumulative impacts	SU (Emergency Response/Evacuation Plan Consistency)	NI <	SU ≤ (Emergency Response/Evacuation Plan Consistency)	SU ≤ (Emergency Response/Evacuation Plan Consistency)

Notes:
NI = No impact
LTS = Less than significant impact
LTSM = Less than significant with mitigation incorporated
SU = Significant and unavoidable
< Impacts would be reduced compared to the proposed project.
≤ Impacts would be similar to, but slightly reduced, compared to the proposed project.
> Impacts would be greater than the proposed project.
≥ Impacts would be similar to, but slightly increased, compared to the proposed project.
= Impacts would be the same as the proposed project.
Source: FirstCarbon Solutions (FCS). 2025.

As shown in Table 6-1, the No Project Alternative would result in reduced impacts compared to the project under all impact areas, and thus would be the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the Draft EIR must also identify an environmentally superior alternative from among the other alternatives.

Alternative 2, the Land Use and Zoning Consistency Alternative, would have lesser impacts compared to the proposed project in all impact areas. VMT, emergency access, conflicts with emergency response plans or evacuation plans, wildfire hazards, and exposure of project occupants to pollutant concentrations from wildfire would be significant and unavoidable with no feasible mitigation, similar to but slightly less than the proposed project.

Although impacts related to VMT would remain significant and unavoidable, they would be less than the proposed project. Reduction in impacts are a result of reduced development and associated

reduction in population. Furthermore, Alternative 2 would eliminate the proposed project's significant and unavoidable impacts related to land use and planning as this alternative would be consistent with the land use and zoning designations for the site.

As described previously, Alternative 2 does not meet the objective related to the provision of affordable housing consistent with State law, including the Housing Accountability Act, Density Bonus Law, Senate Bill (SB) 330, and Permit Streamlining Act. However, all other project objectives would be met. Overall, Alternative 2 would reduce all environmental impacts while meeting the majority of the project objectives.

Alternative 3 would result in similar but less impacts to all impact areas. Although impacts related to land use and planning, VMT, emergency access, conflicts with emergency response plans or evacuation plans, wildfire hazards, and exposure of project occupants to pollutant concentrations from wildfire would remain significant and unavoidable, they would be less than the proposed project. Alternative 3 does not meet the objective related to the provision of affordable housing consistent with State law. However, all other project objectives would be met. Alternative 3 would reduce all environmental impacts while meeting the majority of the project objectives. The significant and unavoidable impacts to land use and planning, VMT, emergency access, conflicts with emergency response plans or evacuation plans, and wildfire under the proposed project would also remain, but to a lesser degree.

As such, the environmentally superior alternative would be Alternative 2, as it would meet all but one of the project objectives and reduce impacts compared to the proposed project, including reducing the proposed project's significant and unavoidable impact to land use and planning to no impact and slightly reducing the significant and unavoidable impact to VMT, emergency access, conflicts with emergency response plans or evacuation plans, wildfire hazards, and exposure of project occupants to pollutant concentrations from wildfire.

6.6 - Alternatives Rejected From Further Consideration

6.6.1 - Alternative Location Alternative

CEQA Guidelines Section 15126.6(f)(2) sets forth considerations to be used in evaluating an alternative location. The section states that the "key question" is whether any of the significant effects of the proposed project would be avoided or substantially lessened by relocating the project. The CEQA Guidelines identify the following factors that may be taken into account when addressing the feasibility of an alternative location:

1) Site suitability
2) Economic viability
3) Availability of infrastructure
4) General Plan consistency
5) Other plans or regulatory limitations
6) Jurisdictional boundaries
7) Whether the project applicant can reasonably acquire, control, or otherwise have access to the alternative site

The CEQA Guidelines establishes that only locations that would accomplish this objective should be considered as alternative locations for the project.

During the alternatives review process, the City conducted a review of available land within the City limits that could support a project similar in size and type as the proposed project and that had an appropriate General Plan land use designation and zoning classification to allow for a residential development in the size and scope as the proposed project. CEQA confirms that whether a proponent can reasonably acquire, control, or otherwise have access to an alternative site is a key factor in determining whether an off-site alternative is potentially feasible (State CEQA Guidelines § 15126.6(f)). The City, as Lead Agency, is therefore not required to select an alternative site for the proposed project. Based on CEQA Guidelines Section 15126.6, a potential alternative location was rejected as infeasible.

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