Appendix A:
EIR Noticing and Public Involvement

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A.1 - Notice of Preparation

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City of Saratoga
Notice of Preparation of
Draft Environmental Impact Report

Project Name	Masson Estates
Project Location	West of Pierce Road and Saratoga Heights Drive (APN 503-46-005)
Applicant Name	Chateau Masson, LLC
Public Scoping Meeting	May 29, 2024

The City of Saratoga (City) intends to prepare a Draft Environmental Impact Report (Draft EIR) for the proposed Masson Estates (proposed project). The proposed project would consist of the construction of 25 single-family homes and associated improvements totaling approximately 118,670 of gross building square feet on a 72.45-acre site. Development would be focused on the northern approximate 18-acre portion of the parcel (Development Area); the southern approximate 54-acre portion would remain undeveloped with the exception of an emergency access road. Homes would consist of 2- to 3-stories.

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 2,375-square-foot single-family homes with four bedrooms, two baths, and 2-car garages; 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, four baths, and 3 to 4-car garages. The proposed project would also include improvements to an existing emergency access road.

Tree removal and landscaping would be located in areas directly adjacent to the proposed residences, roadways, and stormwater detention ponds. A total of 367 trees are proposed for removal. 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. Additionally, shrubs and ground cover along proposed roadways and driveways would be planted for erosion control.

As required by the California Environmental Quality Act (CEQA), the City has prepared this Notice of Preparation (NOP). The purpose of the NOP is to inform recipients that the City is beginning the preparation of the Draft EIR and to solicit comments concerning the scope and content of the environmental review. This NOP includes an introduction to the proposed project and a description of the proposed project and its location as discussed above, and a summary of potential project impacts and information on how to provide comments to the City listed below.

The Draft EIR will evaluate whether the proposed project may potentially result in one or more significant environmental effects, which will be evaluated in the relevant sections listed below.

- 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

Unless specific comments are received during the NOP public comment period that indicate a potential for the proposed project to result in significant impacts, the following issue will be addressed in the Effects Found not to be Significant section of the Draft EIR:

- Agriculture and Forestry Resources: The project site is not located in an area designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and it is not zoned for agricultural use or timber production. No impact would occur.

The City is holding a public scoping meeting to provide an opportunity for the public to learn about the project and to share any concerns or comments they may have.

Participant Information:
The public meeting will be held at the Joan Pisani Community Center, Multi-purpose Room, located at 19655 Allendale Avenue, Saratoga, CA 95070.

- Date: Wednesday, May 29, 2024
- Time: 6:00 p.m.

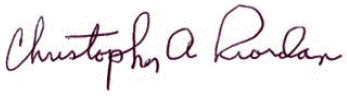
Meeting participants can also participate in the meeting by teleconference:

- Using the Zoom website, please click the link below to join the webinar: https://us02web.zoom.us/j/86878856216?pwd=dHlJOG5ldjE3Zms0NER6bXRNR2dQdz09
- Passcode: 150758
- Using the Zoom App: Webinar ID: 868 7885 6216
- Calling 1.408.638.0968 or 1.669.900.6833

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

The public comment period is from May 10, 2024 to June 9, 2024. All scoping comments must be received by June 9, 2024 by 5:00 p.m. Send written comments to City of Saratoga, Christopher Riordan, Senior Planner, 13777 Fruitvale Avenue, Saratoga, CA 95070. Comments may also be sent via email to criordan@saratoga.ca.us with a subject line that states "Masson Estates."

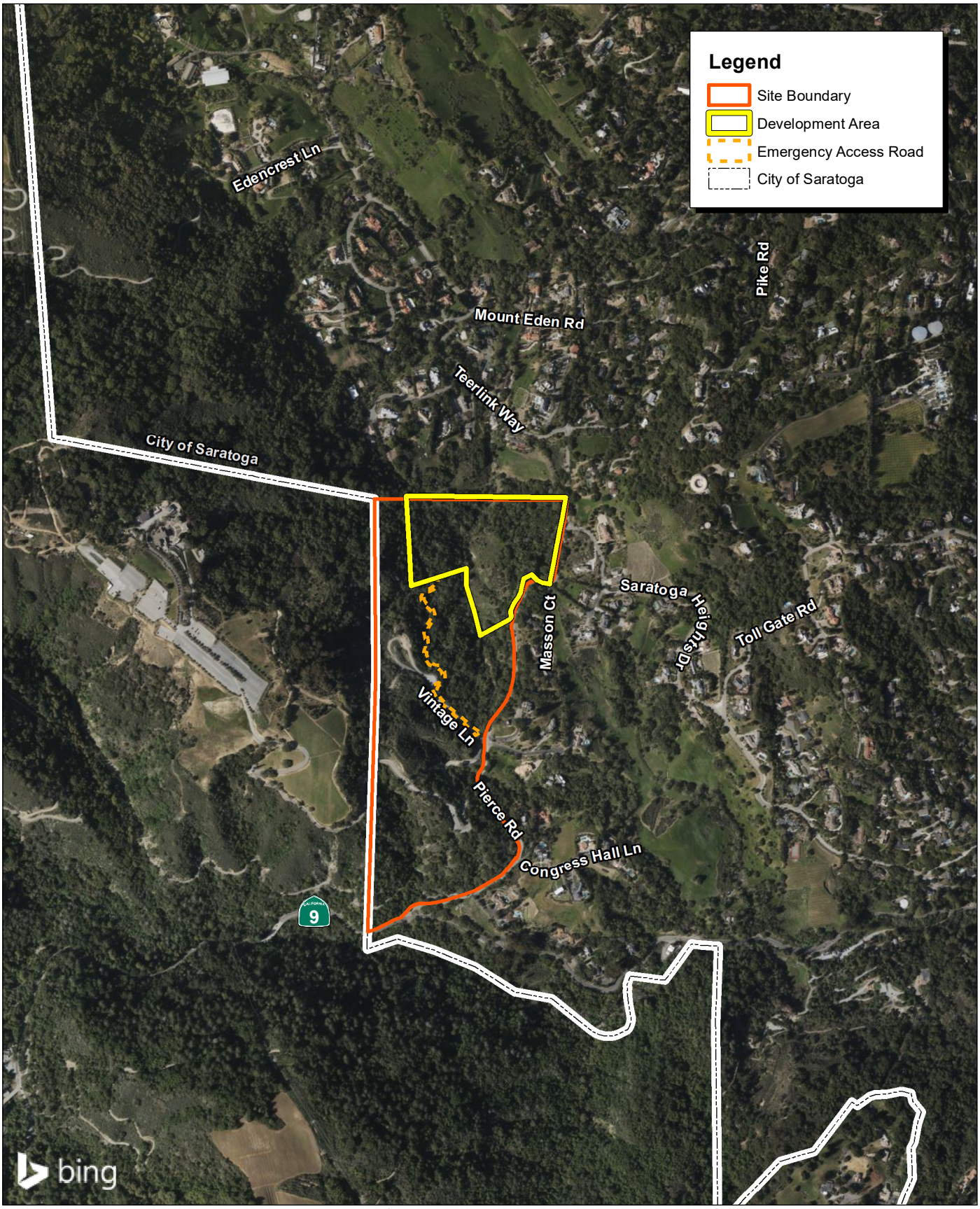
Christopher Riordan, Senior Planner



5/7/24

Signature ***Date***

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

FIRSTCARBON SOLUTIONS™

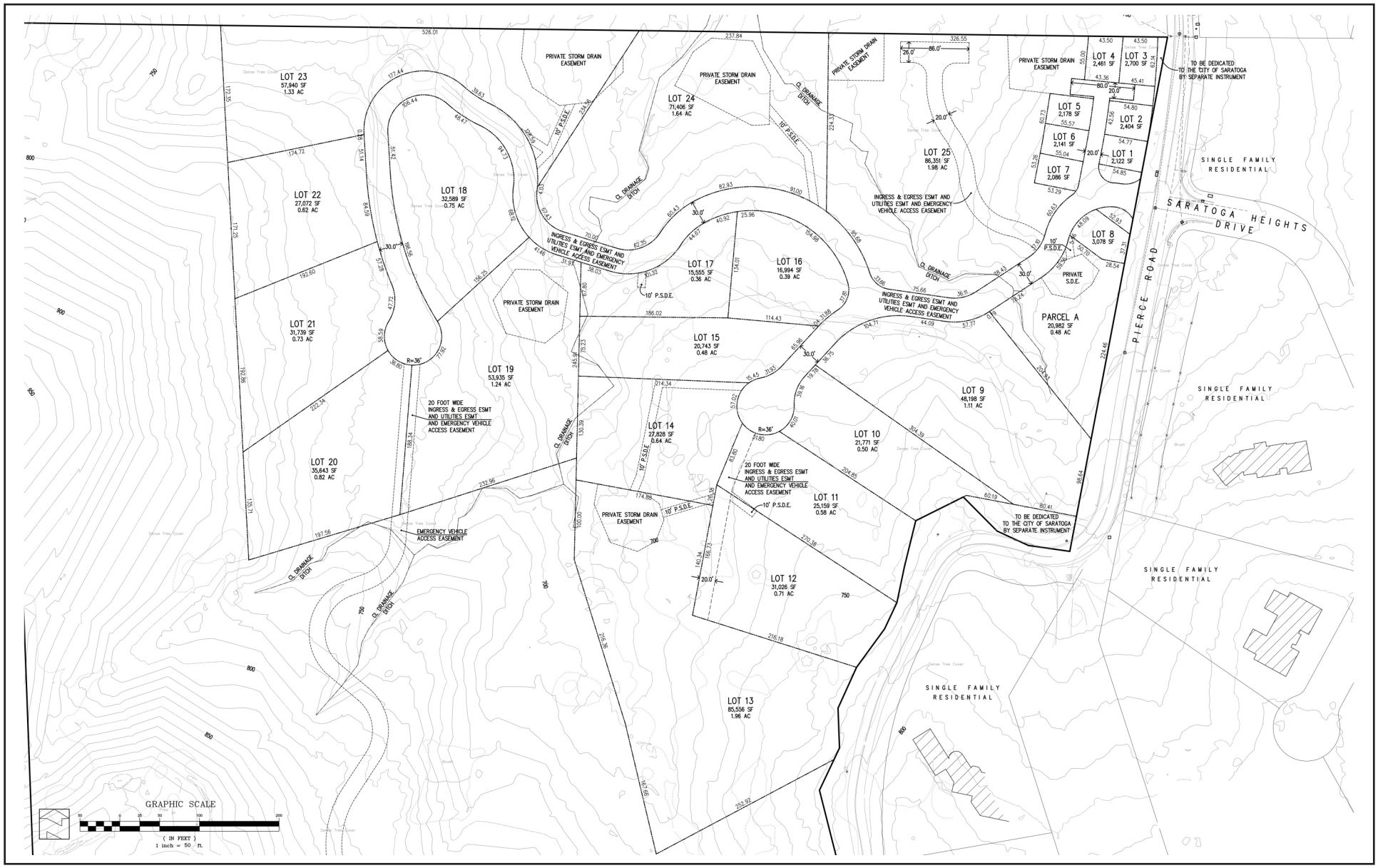
1,000 500 0 1,000 Feet

Exhibit 1
Local Vicinity Map

19660002 • 03/2024 | 1_local_vicinity.mxd

CITY OF SARATOGA
MASSON ESTATES
NOTICE OF PREPARATION

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Source: Hanna-Brunetti. 12/2023.

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Exhibit 2
Site Plan

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A.2 - Public Comments

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Masson Estates, Pierce Road and Saratoga Heights Drive, APN 503-46-005
EIR Scoping meeting: May 29, 2024
Comments

Thank you for the opportunity to provide comments on the proposed housing project at Pierce Road and Saratoga Heights Drive.

My name is Glenda Aune. I have lived on Pierce Road in the Saratoga Hillsides for over forty years. Our hillsides are very special – rural in nature, beautiful, a place for wildlife to live and roam, so close but so far away from the busy streets of our cities. I want to preserve our hillsides, but we are destroying this place I have loved and called home for a long time with more and more development and fences and traffic.

Based on my current understanding of this project, I am greatly concerned about six things:

1/ Increased traffic on Pierce Road

Pierce Road is a winding rural road with many blind spots. It was NEVER designed to support the significant traffic we deal with today. As development has increased in our hillsides, the traffic has increased on Pierce Road, and people drive faster and faster. In fact, it is dangerous to cross the road to get my mail. And, the bicycles and people walking along the road add to the safety concerns. This proposed development will add 25 - 50 or more cars on this rural road every day.

AND, this is only one of five Builder's Remedy projects proposed for this area that will add traffic to Pierce Road:

* Pierce Road and Saratoga Heights Drive (this project) - 25 housing units

* Pierce Road and Chadwick Heights - 85 housing units

* Pike Road - 31 housing units

* Mt Eden - 19 single-family homes and two duet homes ... and 65 parking spaces within garages

* Mountain Winery - 230 housing units and an 80-room hotel (There may be an alternate road built for this development, but some traffic will still pour onto Pierce Road and/or downtown Saratoga.)

If all of these are developed, we will add a <u>minimum</u> of 200 – 300 cars on Pierce Road every day. All of these developments must be considered when evaluating the traffic.

How will this traffic be managed?

Please ensure the EIR includes traffic analysis and fully explains how the analysis was done and the results.

Please ensure the EIR includes traffic analysis for an emergency evacuation and fully explains how the analysis was done and the results.

And, please do not tell us in the EIR that the increased traffic on Pierce Road from these projects will have no effect on residents including emergency evacuations. (This was a major flaw in the EIR prepared for the Mountain Winery Annexation with a 300-room hotel.)

2/ Blind spots on Pierce Road

Is the access road or the fire exit road for this proposed development in a blind spot on Pierce Road?

Is the access road on a very steep hillside requiring residents to stop at the top of the hill before entering Pierce?

Will this access be managed by a simple stop sign or will a traffic light be required?

3/ Emergency evacuation of our hillsides

Pierce Road is a major access road for our hillsides. And this is a very high fire area. In an emergency evacuation such as wild fire, will residents who rely on Pierce Road be able to safely evacuate the area especially if all of the Builder Remedy projects are completed (200 – 300+ additional cars) and evacuation traffic is very, very heavy?

4/ Development density

While a significant amount of the 73.5 acres will be left vacant (approximately 54 acres that cannot be developed), the housing will be clustered in one small area (approximately 18 acres). Does this higher density increase the risk for residents during an emergency evacuation such as a wild fire?

5/ Fire insurance

Will those who buy the new homes be able to get fire insurance in this high fire area? Will this development possibly impact fire insurance policies of current residents?

6/ Notification of hillside residents

Who was notified of this scoping meeting? All Saratoga hillside residents should be notified of these developments especially the residents who are dependent upon Pierce Road to access their homes. This impacts all of us. Only notifying the few residents who live near this location may meet the letter of the CEQA regulation but does not meet the spirit of the regulation.

Thank you,

Glenda Aune
(408) 507-4452

Preserve our Saratoga Hillsides

From:	Glenda Aune
To:	Christopher Riordan; Bryan Swanson
Subject:	Masson Estates - EIR Comments and Inputs (updated) - Glenda Aune
Date:	Sunday, June 9, 2024 4:37:35 PM
Attachments:	Masson Estates - EIR Inputs - Glenda Aune - June 9, 2024.pdf

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

Hi Christopher,

Attached are my comments and inputs for the Masson Estates EIR. These REPLACE my original comments I submitted on May 28 for the scoping meeting.

Please let me know if you have any questions.

Thanks!

Glenda Aune
Pierce Road Resident
(408) 507-4452

Masson Estates, Pierce Road and Saratoga Heights Drive, APN 503-46-005
EIR Scoping – Comments
June 9, 2024

Thank you for the opportunity to provide comments for the EIR that will be created for the proposed housing project, Masson Estates, at Pierce Road and Saratoga Heights Drive.

My name is Glenda Aune. I have lived on Pierce Road in the Saratoga Hillsides for over forty years. Our hillsides are very special – rural in nature, beautiful, a place for wildlife to live and roam, so close yet so far away from the hubbub of our cities. I want to preserve our hillsides, but we are destroying this place I have loved and called home for a long time with more and more development and fences and traffic.

Based on my understanding of this project, I am greatly concerned about fourteen (14) things:

1/ Increased traffic on Pierce Road

Pierce Road is a winding rural road with many blind spots. It was NEVER designed to support the traffic we deal with today. As development has increased in our hillsides, the traffic has increased on Pierce Road, and people drive faster and faster. In fact, it is dangerous to cross the road to get my mail. And, the bicycles and people walking along the road add to the safety concerns. This proposed development will add 25 - 50 or more cars on this rural road every day.

AND, this is only one of eight (8) Builder's Remedy projects proposed for this area that will add traffic to Pierce Road:

Inside Saratoga city limits (http://www.saratoga.ca.us/603/Builders-Remedy-Projects):

- Masson Estates at Pierce Road and Saratoga Heights Drive (this project) - 25 housing units
- Chadwick Heights and Pierce Road - 85 housing units
- Pike Road - 31 housing units
- Mt Eden - 19 single-family homes and two duet homes ... and 65 parking spaces within garages
- 22200 Mt. Eden Road (lot split) – 8 single-family homes and 1 duet home
- 13460 Saraview Drive (lot split) – 5 single-family homes and 2 ADUs
- 13605 Sury Lane (lot split) – 6 single-family homes and 2 ADUs

Santa Clara County (https://plandev.sccgov.org/sb330-housing-development-project)

- Mountain Winery - 230 housing units and an 80-room hotel (There may be an alternate road built for this development, but some traffic will still pour onto Pierce Road.)

There will also be lot splits for more housing (e.g., 21537 Saratoga Heights Road across from Masson Estates) and ADUs developed in the Hillsides. If all of these are developed, we will add a minimum of 200 – 300 cars on Pierce Road every day. All of these developments must be considered when evaluating the traffic.

Study the traffic flow – cars and bicycles – on Pierce Road every day including weekends for a couple of weeks (to understand the typical scenarios) at key entry/exit points on Pierce Road – Pierce Road at Saratoga-Sunnyvale Road, Pierce Road at Saratoga Heights Drive, and Pierce Road at Highway 9. When is

the traffic at free flow (< 12 vehicles per mile per lane), stable flow (12-30 vehicles per mile per lane), maximum flow (31-67 vehicles per mile per lane), or breakdown flow (> 67 vehicles per mile per lane)? See https://en.wikipedia.org/wiki/Traffic_flow and https://www.fhwa.dot.gov/publications/research/operations/tft/index.cfm

What can we expect in an emergency when there are hundreds of cars trying to exit at these intersections? What is the impact of adding more cars to the current flow?

How will this traffic be managed?

Please ensure the EIR includes traffic analysis and fully explains how the analysis was done and the results.

Please ensure the EIR includes traffic analysis of diverse scenarios for emergency evacuations and fully explains how the analysis was done and the results. *What are the bottlenecks for traffic during an evacuation of hundreds of cars and how can we mitigate the risks? What happens if the access road and/or the emergency exit road to Masson Estates is/are not accessible due to fire or fallen trees or other road blocks? How can the risks be mitigated?*

And, please do not tell us in the EIR that the increased traffic on Pierce Road from these projects will have no effect or no "substantial adverse effect" on residents including emergency evacuations. (This was a major flaw in the EIR prepared for the Mountain Winery Annexation with a 300-room hotel.)

2/ Blind spots on Pierce Road

Is the access road or the emergency exit road for this proposed development in a blind spot on Pierce Road? I believe Vintage Lane which will be used for the emergency exit road is in a blind spot.

Is the access road on a very steep hillside requiring residents to stop at the top of the hill before entering Pierce?

Will this access be managed by a simple stop sign or will a traffic light be required?

3/ Emergency evacuation of our hillsides

Pierce Road is a major access road for our hillsides. And this is a very high fire area.

In an emergency evacuation such as wild fire, will residents who rely on Pierce Road be able to safely evacuate the area especially if all of the Builder Remedy projects are completed (200 – 300+ additional cars) and evacuation traffic is very, very heavy?

Will the traffic impede the Fire Department's access to the Hillsides in case of a wild fire? Is it possible that the Fire Department could determine it is not safe for their personnel to enter the area via Pierce Road due to the high traffic?

Again - Please ensure the EIR includes traffic analysis of diverse scenarios for emergency evacuations and fully explains how the analysis was done and the results. *What are the bottlenecks for traffic during an evacuation of hundreds of cars and how can we mitigate the risks? What happens if the access road and/or the emergency exit road to Masson Estates is/are not accessible due to fire or fallen trees or other road blocks? How can the risks be mitigated?*

4/ Development density

While a significant amount of the 73.5 acres will be left vacant (approximately 54 acres that cannot be developed), the housing will be clustered in one small area (approximately 18 acres).

Does this higher density increase the risk for residents – both those exiting the property and those who are dependent on Pierce Road – during an emergency evacuation such as a wild fire?

A study by Berkley Researchers who considered different approaches to development in the wildfire areas showed that "clustered, defensible housing in high-risk areas offers the most potential for economic growth but also placed people in harm's way." The researchers concluded that "reducing density should be a primary goal." (Study was referenced in Mercury News article on June 10, 2021.)

5/ Trees

An estimated 367 trees will be removed for this project. It will take years for newly planted trees to mature.

What is the impact of the tree removal on carbon emissions? What is the carbon footprint of each tree that will be cut? How was this determined?

What is the impact of the tree removal on wildlife? (See questions below.)

How will newly planted trees be watered especially in a drought when residents are asked to conserve water?

Will each protected tree (diameter > 10 inches) and each native tree (diameter > 6 inches) be replaced by a Coast Live Oak tree? While the western redbud trees are fire resistant, this may not meet the Saratoga regulations for tree removal and replacement. https://www.saratoga.ca.us/171/Trees and https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH15ZORE_ART15-50TRRE

How will the developer ensure that construction will NOT impact tree roots of the remaining protected trees?

Does the tree cutting and replacement affect Saratoga's "Tree City USA" status? https://en.wikipedia.org/wiki/List_of_Tree_Cities_USA

6/ Wildlife and Birds

Saratoga Hillsides are the home for many animals – deer, bobcat, fox, rabbits, squirrels, opossums, hawks, turkeys, birds of all kinds, coyotes, and even an occasional mountain lion.

Cutting 367 trees and developing buildings and roads across 72 acres of land will surely impact the wildlife and degrade the size and quality of their environment.

Please study wildlife movements across this property and create a plan to mitigate the impact of cutting the trees and developing the property.

When planning for the trees to be cut and the animal habitat to be modified and/or "destroyed" …

How will the developer ensure that birds are not building nests for new eggs or incubating eggs in a tree?

How will the developer ensure that newborn birds or chicks are not living in a nest? (NOTE: Some birds lay eggs 2+ times a year.)

How will the developer ensure that squirrels are not building nests for new births or newborn squirrels are not living in a nest?

How will the developer ensure that there are no litters of newborn rabbits or bobcat or fox or other animals who are living on the property that will be impacted by the tree removal and/or the construction including the noise?

How will the developer ensure that any deer or bobcats or fox or other animals that consider this property a safe place to rest/sleep are not impacted by the tree removal and/or construction including the noise? Again, study the wildlife's movements across the property to determine how to mitigate the impact of tree removal and development.

How will the developer ensure that a fence or fences will not be constructed across the paths of wildlife per the Saratoga City Ordinance 15-29.020 - No *fence* shall unreasonably impede the movement of *wildlife* animals utilizing an established trail or migratory route which crosses the site. https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH15ZORE_ART15-29FE_15-29.020FEWIHIDI

7/ Landslides

The hillsides have landslide areas. Are there any hillside(s) on this property that could potentially be a landslide area?

Please inspect the hillsides – take core soil samples across the hillsides and analyze the soil plasticity to determine areas that could slide.

Could a landslide on one of these hillsides block the access road and/or the emergency access road making it literally impossible to enter or exit the property? If so, how will this be mitigated (e.g., build peers so many feet deep and so many feet apart)?

8/ Earthquakes

Are there any signs however small of seismic activity on this property (e.g., crack in a roadway) especially on the access road and/or emergency access road that would make the land unstable? How was this determined? And, if there are signs, how will this be mitigated?

9/ Sewer and Water services

Is the project within the Cupertino Sanitary District? If not, will the area be added to the district? If not, can the soil adequately support septic tanks?

Is the project within the San Jose Water District? If not, will the area be added to the district?

10/ Hazardous Materials

Are there any hazardous materials at this site? How was this determined?

11/ Construction noise and traffic

Construction in this residential zone will take months if not years to complete. We can expect very large trucks hauling materials to and from the construction site. And we can expect a lot of noise.

How will noise be mitigated during this time?

How will the transport trucks impact traffic on Pierce Road? Can this be mitigated?

Will trucks haul 100s of large, cut trees (trunks) from the site or will a chipper be used?

12/ Water drainage

Removing trees and developing the property will alter rain water runoff and drainage and ground absorption.

During rain and especially a heavy storm, how will rain water be captured/drained in order to prevent flooding?

13/ Fire insurance

Will those who buy the new homes be able to get fire insurance in this high fire area? Will this development possibly impact fire insurance policies of current residents?

14/ Notification of hillside residents

Who was notified of the EIR scoping period? All Saratoga hillside residents should be notified of these developments especially the residents who are dependent upon Pierce Road to access their homes. This impacts all of us. Only notifying the few residents who live near this location may meet the letter of the CEQA regulation but does not meet the spirit of the regulation.

Thank you,

Glenda Aune
Pierce Road Resident
(408) 507-4452

From: Comcast
To: Christopher Riordan
Subject: Masson Estates, Pierce Road and Saratoga Heights Drive, APN 503-46...
Date: Sunday, June 9, 2024 11:53:45 PM

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

Masson Estates, Pierce Road and Saratoga Heights Drive, APN 503-46-005
EIR Scoping - Comments
June 9, 2024
Thank you for the opportunity to provide comments for the EIR that will be created for the proposed housing project, Masson Estates, at Pierce Road and Saratoga Heights Drive.

My name is Mohini Balakrishnan and I have been a proud resident of saratoga since 1988 - over 34 years! The city of Saratoga has been unique in its treatment and preservation of the beautiful hills and that surround our lovely city. Saratoga has always been a haven and tranquil escape to those wanting a break from the city life.
I'm very concerned by this project and will be outlining my concerns, which pertain to other such builders remedy projects that have also been slated for evaluation. These concerns encompass all these proposed projects and how they will negatively impact our fragile hillsides and residential communities forever.

1. The paramount concern in evaluating this project is wildfire threat. With intensification of hillsides by developers and proposed developments, we are placing our residential communities at significant risk. The recent California wildfires have shown us the terrible impacts that wildfire can cause to a hillside community. We have to be wiser by learning from these disasters and prudently prevent any such potential hazards for residents. We all know hillside fires spread to outlying flatlands and vice versa.
2. Landslides - these projects are planned on steep hill slopes placing severe load on the hillsides with potential for landslides and natural disasters
3. Does the fire department prepare its own safety evaluation report? And how they could provide evacuation in an emergency?
4. Evacuation. It is necessary for us to know what the city's plan would be with respect to evacuation during a natural disaster or wildfire. With several homes slated this places added stress on the fire department and emergency services In such an event.
5. This project cannot be evaluated in isolation as Mountain Winery adjacent is proposing 230 housing units and an 80-room which compounds the environmental ramifications with this high density development.
6. Pierce Road is a single lane winding country road that already being stressed with residential use and public use by mountain winery, bikers etc. Residents are challenged driving on this road past recreational bikers, construction vehicles and public unfamiliar with the terrain. This construction, along with the other builders remedy projects, will place an immense additional load on this already compromised road which is badly in need of repair.
7. Home insurance - Residence have been denied home insurance by carriers that we have been insured by for several years. We are all out, looking for companies to provide us insurance. Insurance companies are extremely cautious about insuring in the hillsides due to wildfire risks. More homes to an area that cannot get insurance easily does not

seem to be a wise option. Do these developers intend to provide their own private insurance to future homeowners?

8. Construction noise and safety hazards posed by related large vehicular traffic - cement trucks etc
9. Environmental impact from clearing trees required to create space for construction
10. Environmental impact to native wildlife species
11. Notification of hillside residents - Who was notified of the EIR scoping period? All Saratoga hillside residents, in fact all residents of Saratoga should be notified of these developments especially the residents who are dependent upon Pierce Road to access their homes. This impacts all of us especially when residents are made vulnerable to threats of wildfire and landslide from intensification of use. Notifying the few residents who live near this location may meet the letter of the CEQA regulation but does not meet the spirit of the regulation.

Mohini Balakrishnan
Villa Oaks
Saratoga

From: Nancy Boesenberg
To: Christopher Riordan
Subject: Paul Masson Estates
Date: Sunday, June 9, 2024 4:20:48 PM

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

My name is Nancy Boesenberg, 13936 Albar Ct.
I am against building “affordable” housing to suburban zoned areas. Not only is it not a good idea because of traffic density , (everyone has two cars). water supply, and fire protection, but it is unlawful! Since when do you crowd
up suburban areas with town homes in an area zoned for free standing houses!?
Please stop this intrusion!
Nancy Boesenberg.
Sent from my iPhone

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Pauma-Yuima Band of Luiseño Indians

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Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

May 10, 2024

Christopher Riordan
City of Saratoga
1377 Fruitvale Avenue
Saratoga CA 95070

Re: 2024050461, Masson Estates Project, Santa Clara County

Dear Mr. Riordan:

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

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

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

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

AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 7, 2024

Christopher Riordan, Senior Planner
City of Saratoga
13777 Fruitvale Avenue
Saratoga, CA 95070
Criordan@saratoga.ca.us

Subject: Masson Estates, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2024050461, City of Saratoga, Santa Clara County

Dear Mr. Riordan:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) from the City of Saratoga (City) for the Masson Estates Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project may result in "take" as defined by state law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements.

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Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species

Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: white-tailed kite (*Elanus leucurus*).

Project activities described in the draft EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

Take is for necessary scientific research;

- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or

- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (See Fish & G. Code §2081.15.).

CDFW also recommends the draft EIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the Project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Saratoga

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Objective: The proposed project would consist of the construction of 25 single-family homes and associated improvements totaling approximately 118,670 of gross building square feet on a 72.45-acre site. Development would be focused on the northern approximate 18-acre portion of the parcel (Development Area); the southern approximate 54-acre portion would remain undeveloped with the exception of an emergency access road. Tree removal and landscaping would be located in areas directly adjacent to the proposed residences, roadways, and stormwater detention ponds. A total of 367 trees are proposed for removal.

Location: Intersection of Pierce Road and Saratoga Heights Drive, City of Saratoga, Santa Clara County (County). The coordinates for the approximate center of the Project are 37°15'29.0"N latitude 122°03'26.0"W longitude (NAD 83 or WGS 84).

Timeframe: Not included in NOP.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project (CEQA Guidelines, §§15063 & 15360). CDFW recommends that a full list or table is included in the updated Biological Resources Section of the draft EIR that notes species common name, scientific name, state and federal listing status (as applicable), habitat type preference and determination on presence, for all special-status species with the potential to occur within the Project area.

CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project area (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City or County may require.

CDFW recommends that the California Natural Diversity Database (CNDDB), as well as previous studies performed in the area, be consulted to assess the potential presence

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of sensitive species and habitats. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (See *Data Use Guidelines* on the CDFW webpage https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDB Field Survey Forms be completed and submitted to CNDDB to document survey results. Online forms can be obtained and submitted at: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. Please note that CDFW's CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, state and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species with potential to occur on-site include but are not limited to those listed in Attachment 1.

IMPACT ANALYSIS AND MITIGATION MEASURES

The draft EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);

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- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and

- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The draft EIR should also identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Mitigation Measures for Project Impacts to Biological Resources

The draft EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends the environmental documentation provide scientifically supported discussions regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

COMMENT 1: Bats (Biological Resources, page 15)

The Project includes the removal of 367 trees. In order to determine the extent to which impacts may occur to bats and determine where habitat loss may occur from the removal of trees, the draft EIR should propose measures to conduct a bat habitat assessment of suitable bat roosting habitat.

The habitat assessment shall include a visual inspection of features within the work area for potential roosting features including trees, crevices, portholes, expansion joints and hollow areas (bats need not be present). include a visual inspection of features within 200 feet of the work area for potential roosting features including trees, crevices, portholes, expansion joints and hollow areas (bats need not be present). The draft EIR

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should also include a section that discusses the results of the suitable habitat assessment and if any bats or signs of bats (feces or staining at entry/exit points) are discovered. The surveys should occur at least two seasons in advance of Project initiation. The draft EIR should include:

- Bat Habitat Monitoring by a qualified biologist of suitable habitat from March 1 to April 1 or August 31 to October 15 prior to construction activities. If the focused survey reveals the presence of roosting bats, then the appropriate exclusionary or avoidance measures will be implemented prior to construction during the period between March 1 to April 15 or August 31 to October 15.

- Bat Project Avoidance: If active bat roosts are observed during environmental assessments or during construction, at any time, all Project activities should stop until the qualified biologist develops a bat avoidance plan to be implemented at the Project site. The bat avoidance plan should utilize seasonal avoidance, phased construction as well as temporary and permanent bat housing structures developed in coordination with CDFW.

COMMENT 2: Nesting Birds

The Project includes the removal of 367 trees. In order to determine the extent to which impacts may occur to nesting birds and determine where habitat loss may occur from the removal of trees, the draft EIR should propose measures to conduct nesting bird surveys and develop buffers, as needed. CDFW encourages Project implementation outside of the bird nesting season, which extends from February through early September. However, if anthropogenic structure work activities, ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the City is responsible for ensuring that implementation of the Project does not result in violation of the MBTA or Fish and Game Code.

To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures, and that these measures be made conditions of approval for the Project:

- **Nesting Bird Surveys:** A qualified biologist should conduct pre-activity surveys for active nests no more than seven (7) days prior to the start of ground or vegetation disturbance and every fourteen (14) days during Project activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of ground or vegetation disturbance, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project

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activities begin, CDFW recommends having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

- **Nesting Bird Buffers**: 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. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

COMMENT 3: Sensitive Natural Plant Communities

A total of 367 trees are proposed for removal. The NOP notes that removed trees would be replaced primarily by coast live oak (*Quercus agrifolia*) but may be replaced by western redbud (*Cercis occidentalis*). The Project will impact coast live oak woodland and forest. The coast live oak woodland and forest natural community (alliance code 71.060.00) includes nine associations that are designated as sensitive natural communities (rank G3S3 or rarer). The importance of oak woodlands is further supported through the Oak Woodlands Conservation Act (Fish & G. Code §1360–1372). A temporal loss also exists for regaining the specific habitat that oak trees provide such as trunk and branch cavities, downed woody debris, and snags.

To evaluate and avoid for potential impacts to sensitive natural plant communities, CDFW recommends incorporating the following mitigation measures, and that these measures be made conditions of approval for the Project:

- **Natural Community Survey and Mapping:** Survey and mapping of natural communities should be conducted for all impact areas by a qualified biologist that has been trained in natural community identification. Natural communities should be identified to the alliance and association level, including oak woodland, scrub, and other communities within the Project area.

- **Compensatory Mitigation and Revegetation:** Compensatory mitigation for loss of sensitive natural communities (e.g., oak woodland and scrub) should be based on species and size of trees to be impacted and at a minimum 5:1 replacement ratio. Appropriate compensatory mitigation should be through preservation and protection in perpetuity of equal or higher quality habitat, or through creation, enhancement, and/or restoration. A mitigation and monitoring plan should be developed and include success criteria to be met at the end of the monitoring period. If success criteria are not met, the mitigation plan should include adaptive

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management actions along with additional years of monitoring as well as additional mitigation for the temporal loss.

COMMENT 4: Wildlife Movement and Connectivity

The Project is located at the eastern edge of core and patch habitat for movement of species across the Santa Cruz Mountain Range. Implementation of the proposed Project could prevent, decline, or otherwise alter use of existing wildlife movement corridors for a number of species. The Project area is an important linkage for badger, mountain lion, dusky-footed woodrat, long-eared Myotis, pallid bat, and white-tailed kite (BIOS Connectivity Modeling for the California Bay Area Linkage Network [ds854, ds864, ds863, ds879, ds865, ds860]). Maintaining connectivity though these linkages is critical to ensure current and future wildlife populations' abilities to move and adapt to a changing climate and habitat conditions.

CDFW recommends that on-site features that contribute to habitat connectivity should be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should be identified, and addressed in the draft EIR. CDFW recommends the Project avoid developing and encroaching onto wildlife corridors, essential connectivity blocks, critical wildlife passage areas, or potential linkage areas. Where not feasible, CDFW recommends mitigation for wildlife movement impacts, including, but not limited to a 1) wildlife movement study of existing use of wildlife corridors within the Project area before and after construction, 2) on-site or off-site compensatory mitigation, such as the development or enhancement of a local wildlife movement corridor.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is

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required in order for the underlying project approval to be operative, vested, and final. (See: Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Marcus Griswold, Senior Environmental Scientist (Specialist), at (707) 815-6451 or Marcus.Griswold@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species and Commercially/Recreationally Important Species

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024050461)
Craig Weightman, Bay Delta Region – Craig.Weightman@wildlife.ca.gov
Jason Faridi, Bay Delta Region – Jason.Faridi@wildlife.ca.gov

REFERENCES

California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed April 25, 2024.

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ATTACHMENT 1: Special-Status Species

Species	Status
Fish and Invertebrates	
Crotch's bumble bee (*Bombus crotchii*)	State candidate (SC)
Birds	
Cooper's hawk (*Accipiter cooperii*)	State Watch List
white-tailed kite (*Elanus leucurus*)	State Fully Protected (FP)
Mammals	
American badger (*Taxidea taxus*)	Species of Special Concern (SSC)
mountain lion (*Felis concolor*)	SC
pallid bat (*Antrozous pallidus*)	SSC
ringtail (*Bassariscus astutus raptor*)	FP
San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*)	SSC
Townsend's big-eared bat (*Corynorhinus townsendii*)	SSC
Reptiles and Amphibians	
California giant salamander (*Dicamptodon ensatus*)	SSC
California red-legged frog (*Rana draytonii*)	Federally listed as threatened (FT), SSC
Santa Cruz black salamander (*Aneides niger*)	SSC
western pond turtle (*Emys marmorata*)	Proposed FT, SSC
Plants	
arcuate bush-mallow (*Malacothamnus arcuatus*)	S3, 2B.2
Loma Prieta hoita (*Hoita strobilina*)	S2, 1B.1

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Species	Status
Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*)	S3, 4.3
woodland woollythreads (*Monolopia gracilens*)	S3, 1B.2

From:	Bill Giannini
To:	Christopher Riordan
Subject:	Mason Estates
Date:	Sunday, June 9, 2024 1:21:13 PM

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To whom it may concern:

I am extremely concerned regards the Mountain Winery's proposed developments. Traffic and emergency vehicle access and emergency exits are all an issue. Pierce Road was not designed to accommodate the existing use particularly when there is an event at the Mountain Winery. The additional traffic created with construction, new residences and additional visitors would have a substantial negative impact on the area and it's residents safety.

Also please consider potential geotechnical issues. As I am sure you are aware, the earth in this area is very unstable and there have been destructive slides in the past.

Lastly and possibly the most important concern is any negative impact on the environment. We live in a very scenic mountain/rural setting with many forms of animal and plant life in existence, Certainly any further development will have a negative impact on the existing wildlife.

Please advise of any upcoming hearings, meetings, etc.

Thank you,

Bill Giannini
21670 Palomino Way
Saratoga, Calif 95070
Tel: 408-472-9412
bill@saratoga-springs.com

From:	manoj goel
To:	Bryan Swanson; Christopher Riordan
Subject:	Masson Estates project
Date:	Monday, June 10, 2024 2:23:59 AM

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Hello Chris and Bryan,

I live at 21537 Saratoga Hts Dr (at corner of Pierce) and have these concerns for this project.

1) Excessive tree removal at site. I noticed that the area has been cleared of many trees already, many of which are protected trees. Please look into this if those trees were done with City permits.

2) Lack of bike lanes at Pierce Road. Bikers that connect from Mt. Eden to Saratoga Heights Dr, and Highway 9 are sharing narrow car lane on Pierce. Often the driver has to cross the yellow line on this curvy windy hilly road.

3) Infrastructure at Pierce Road for car traffic. Any additional group of residential/ commercial/ hotel project calls for widening of Pierce Road. Often there are wide trucks and buses going to Mt. Winery, driving over yellow center lines. With all the cumulative projects proposed on Pierce Rd (25 unit approx at Masson Estates, 250 residence/hotel at Mt Winery, proposed project on Pike Road) there will be about 600 extra cars (at average 2 car each for 300+ new homes) that calls for widening of Pierce Road. With residents crossing on foot to pick their mailbox it is dangerous. With the and trash/ recycling cans taking space on Pierce Rd, I often have to cross the yellow line to avoid hitting the cans on Sunday night and Monday mornings.

4) Land Slide area. The corner of Saratoga Hts Dr and Pierce (one of the entry road to this project) has historical landslides recorded that are dormant and can be triggered in case of earthquake and excessive rainfall. A full feasibility study should be required for the Geological aspect to allow any development at this junction.

5) Fire Risk / Evacuation. This area is being denied by most insurance companies to renew fire policies, as they are seeing an increase in fire hazard in this part of Saratoga. Adding another several projects with cumulative ask of 300+ units will be a nightmare to evacuate in case of a fire (as happened in other communities in past few years - like Oakland Hills, Santa Rosa, Santa Cruz - where several homes were lost to fast moving fires)

Regards,

Manoj Goel
mgoel@yahoo.com

408 799 5900

From: Glenn Hendricks
To: Christopher Riordan; Bryan Swanson
Subject: Masson Estates NOP
Date: Thursday, May 30, 2024 11:25:45 AM

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Hello Chris,

My name is Glenn Hendricks. I was one of the speakers at the NOP meeting last night. It was nice to meet you.

1) If the applicant is going through the NOP process. This must mean they have submitted a Final Application. Will the Final Application be made available on the City website or does someone have to come down to City Hall to view the material?
Even if the applicant does not want the plans posted online, the City Builders Remedy website should be updated to at least include a paragraph that the Final Application was submitted on xxxx date. And that the way to view it is: to come down to City Hall. Without this information, most residents will not understand the full picture of what is happening with the project.
It would be nice if each project included a chart with high-level milestones/meeting with dates or TBD. It is hard for average residents to get a sense of the big picture of the steps the project will be going through.

2) Comments for the NOP. I think you asked for people to follow-up with written comments to make sure all our ideas are captured.

My neighbors and I, are very concerned about Construction Traffic from this project(s) on Pierce Road and ways to mitigate the safety issues, this traffic will cause.

The NOP Scoping Document listed Transportation and Traffic, but it should be clarified to also specifically look at Construction Traffic. Construction will go on for a significant period of time. It is going to involve the movement of a lot of dirt. The building of a lot of infrastructure (sidewalks, streets, sewers, clean water, electricity, gas, internet), let alone structures. There will be a lot of construction "Material" that will need to be delivered. Much of this will be done with "large" trucks. Let alone the mass of construction pick-ups that will bring in all the daily workers.

Pierce Road is already a "Safety Traffic Impacted" road. How do we know this? There are four speed bumps or humps that are already installed on this road. And one of those was installed in the last 12 months. There are no sidewalks and no bike lanes. Pierce Road is heavily used by pedestrians and Bicyclists. The road already has markings on the road that Bicycles can/should use the full lane.

There are also many drive ways and roads that intersect with Pierce Road and not all of them have appropriate safety vision triangles.
There are no street lights on this road, when we get to the winter time. How will storms impact safety on the road?

The EIR needs to accurately assess the impact to the following groups of users on Pierce Road, as well as define measurable and implementable mitigations to these impacts. There needs to be reporting on these mitigations and significant penalties if the developer does not meet the criteria.

- Pedestrians
- Bicyclists
- Motorcyclists
- Cars
- Large Trucks
- Driveways
- Intersecting roads
- Vegetation
- Fire Safety Evacuation Routes

The EIR also needs to include all the potential projects (in the next several years) that will impact Pierce Road, not just this one project.
Any any mitigation rules and penalties should be applied to all projects that will impact Pierce Road.

How will will construction traffic turning in to and out of the project on to Pierce Road be managed?

It should also look at the impact to vegetation and trees. The road is narrow and vegetation leans in on the edges of the road and tree canopy hangs over the road. What will be the impact of large trucks coming in contact with this vegetation?

3) During the presentation (I am not sure if the woman was from City staff or the consultant), one of her slides indicated the City would be making a decision about the Project. I would like some clarification. Will the Council be making a decision about the Project or about the EIR? I thought this was an SB330 project. Could you please clarify the Councils role in approving an SB330 project and how the EIR works in that process?

Glenn Hendricks
Saratoga Resident than lives off Pierce Road
hendricks40@yahoo.com
408 242 8384 - Cell

From: Mona Kaur-Freedland
To: Christopher Riordan; Bryan Swanson; Nicole Johnson
Subject: Masson Estates - Comments
Date: Sunday, June 9, 2024 4:49:08 PM

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Hello,

Here are my comments for the public scoping for the Masson Estates on Pierce Road. Could you please let me know a response to them in the EIR?

1. Since the project affects so many people on Pierce road and surrounding areas, how do you intend to apply not the letter of the law (500 feet notification) but the spirit of the law (send out a wider notification so affected citizens can participate)?

2. How does this increase the fire danger for the neighbors in a very high wildfire zone? Please study the prior, current and future effects.

3. What is the plan for fire evacuation for such a heavy volumes of homes in such a small area due to immense wildfire danger? Please study the prior, current and future effects.

4. How do we access the fire department report on the project?

5. Is the city taking into consideration that the same person (Bill Hirschmann) is the owner of Mountain Winery and they have a Builders Remedy project in front of the county which is proposing 300+ home and a 80 room hotel + club house? The Pierce road project cannot be taken in isolation without the compounded implication of the other massive project this person is going to build and affect the hillsides with. Please study the prior, current and future effects.

6. Please study what is the plan to handle the immense traffic that will be the outcome from both these projects? Please study the prior, current and future effects.

7. Please study when there is a sold-out concert. Please include cumulative impact of other new projects that are proposed in the area e.g. Mountain Winery housing project. Please study the prior, current and future effects.

8. Does the builder propose to do anything to improve the quality of Pierce road so it can withstand the hundreds of new traffic that will be the result of these projects? Please study the structure and strength of Pierce Road to withstand additional traffic from this project and the Mountain Winery project. Please study the prior, current and future effects.

9. What about cyclists and bikers and the danger to them? Neighbors who cross the street to get their mail? It’s a very precarious situation already. Please study the dangers and corrective measures proposed to pedestrians, walkers, bikers and cyclists. Please study the prior, current and future effects.

10. What about the effect on wildlife and protected species? Any rare or protected animal habitats on the property? Please study the prior, current and future effects on this.

11. The project is on steep incline land. How will such a dense buildup affect the geological strength of the hillside and its neighboring homes? Please study the prior, current and future effects on the geological safety.

12. Please study the seismic safety and the effect of these and Mountain Winery homes on that. Please study the prior, current and future effects.

13. This is immense landslide danger area too. With the hundreds of homes that are being proposed on the top of this hill at Mountain Winery, this really endangers our homes below with landslides. How will the land / soil be fortified? Please study past and future landslide danger. What is the evacuation plan for landslides? How will we be compensated for this increased danger? Please study the prior, current and future effects.

14. Where will all the sewage go? Water pipes? Can we see the sewage and water departments report? Please study the prior, current and future effects.

15. It has already become impossible to get new home owners insurance here. Many of our homes have been dropped from the insurance companies and the others are paying through their nose with massive premiums. Unabated development due to builders remedy loophole will only make things worse. Does the city take this into consideration? How has the developers proposed to address this with their customers? Please study the effect on current, prior and future homeowner and fire insurance non availability / untenable pricing.

16. How does this affect the law and order / safety aspect of our neighborhood? Please study the prior, current and future law and order impact.

Thank you,

Mona

21771 Heber Way, Saratoga

From: Jon Kwong
To: Christopher Riordan; Bryan Swanson
Cc: Jon Kwong
Subject: Masson Estates
Date: Sunday, June 9, 2024 4:42:07 PM

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TO: Christopher Riordan
Bryan Swanson

From: Jon Kwong

Re. Masson Estates Preparation of Draft EIR public comment

Saratoga is a desirable location.
It's no surprise that builders want to develop their projects here.

While the value of their projects benefits from the location, the environment, the infrastructure of Saratoga, it is only reasonable and proper that the builders contribute and make improvement to the environment and infrastructure, the very things the builders are profiting from.

Although the number of dwellings in this particular development is less than 30, the totality of all the proposed, planned developments in this area numbers in the several hundreds.

Therefore, a meaningful EIR study must quantify the impact, in terms of impact on the environment and infrastructure per additional vehicle, or each additional dwelling.

Previous EIRs' hand waving approach tended to treat that impact number as zero.
Namely, impact per additional dwelling being zero; implying that 1000 x 0 = 0,
leading to the unreasonable, absurd conclusion that the impact of additional 400, 500, or 1000 dwellings is zero.

1) Pierce is a narrow, two-lane, solid yellow double-lined road throughout.
Motorists on Pierce are constantly forced to violate the double lines due to bicyclists, pedestrians, and garbage bins strewn about. A head on collision in the making.

A meaningful EIR study, instead of counting cars on a Sunday morning, should count the number of double yellow lines violations in the course of a month, and the impact on that count due to each additional vehicle on Pierce.

Of course, cameras would be needed, and the software to extract information from the camera data; the data on the impact of additional vehicles can be statistically inferred from different data sets of more traffic and less traffic.

Otherwise, the exercise of counting cars during some low traffic hours would just be a waste of resources.

Again, what is the frequency of the double yellow line violation, and what is the impact on that

frequency for each additional vehicle.

2) The risks of head on collision on Pierce is no small matter when one considers Pierce is the main wildfire evacuation route for many residents.

All it takes is one impatient wildfire escapee motorist to cause a collision on Pierce, and block off the road.
When more escaping vehicles get blocked and pile up on Pierce, they would be trapped, not able to go forward or turn around.
The lesson from the Maui wildfire is that wildfire can travel rapidly.

When all the hundreds of proposed dwellings are built, there can potentially be hundreds of escaping vehicles dumped
on Pierce instantly in an emergency.

What is the impact on Pierce being a fire evacuation route per additional dwelling?

3) To mitigate (2), at which locations can Pierce be widened to accommodate turn arounds, in order to mitigate the risks of Pierce being rendered impassible in the event of an emergency?

4) In past EIR, studies were not focused on the local residents. The impact on local residents was not considered.
For example, those EIRs failed to mention, or were not even aware, that mailboxes are located on only one side of Pierce.
Half the residents near Pierce have to cross the road to retrieve their mail.

The concerns for the residents' safety when retrieving mail has prompted the City in the past to install speed bumps on parts of Pierce.

Naturally, those EIRs failed to address the impact on residents' safety retrieving mail per additional vehicle, or additional dwelling.

Can this EIR address those concerns?

5) To alleviate (4), can this EIR study where strategically Pierce can be widened to accommodate mailbox clusters on both sides of the road, so no residents have to cross the road to retrieve mail?

6) Some of the past California wildfires were started by failed PG&E equipment.
The power transmission on Pierce is overhead, not underground.
What is the additional fire risks per each additional dwelling?

7) To compensate (6), where on Pierce can PG&E electrical lines and equipment be undergrounded, to reduce fire risks in order to offset the increased risks due to the additional dwelling?

8) what impact if undergrounding the PG&E lines and equipment from Pike to the Mountain Winery?

9) The Pierce Road hillside is a place full of wild lives.

Some make their home here, some pass through here.
Deer, coyotes, mountain lions pass through here on their way to find water by the creeks.

A wildlife habitat study can measure the types and number of wildlife impacted by this development.

10) A wildlife movement study can measure the impact on wildlife that pass through this area.

From: John Page
To: Christopher Riordan
Subject: Masson Estates
Date: Tuesday, May 21, 2024 1:45:04 PM

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Dr Chris Riordan,
I have comments concerning the Draft EIR for the Masson Estates project.

1. Pierce Road is already dangerous.
It needs to be widened to allow a paved shoulder on both sides to allow safe walking and biking. This really needs to be done over its entire length. However, even if it is done in stages, it permits stretches of road where vehicles can safely pass pedestrians and cyclists.

I therefore request that the project provides the shoulder space and possibly the shoulder itself over the length of the project frontage on Pierce. The grading and paving stage of the project would be an efficient time to do this at minimal extra cost.

2. Saratoga has unreliable and dangerous power utilities.
This is due to a century of under-investment in the overhead power system. I would like to see every power line in the city undergrounded. This plays into the above request too, since future widening of Pierce Road would require removing power poles.

I therefore request that the project underground the power lines along Pierce Road along the project frontage. This is not as onerous as it may sound since about half the job was already done by the Saratoga Heights developer back in the 80's. This will add safety and beautify the section. Ideally it would be great if it was done to the winery entrance too.

Respectfully,

John Page
21530 Saratoga Heights Drive
(408) 608 5352

From:	Andrew Quan
To:	Christopher Riordan
Cc:	Lisa Brancatelli
Subject:	Valley Water Comments re: NOP of DEIR for Proposed Masson Estates Project in Saratoga
Date:	Tuesday, June 4, 2024 4:36:22 PM
Attachments:	image001.png

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Afternoon Christopher Riordan,

Valley Water has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Masson Estates development project west of Pierce Road and Saratoga Heights Drive in Saratoga, received on May 9, 2024.
Per our review, we have the following comments:

1. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0218H, effective on May 18, 2019, the project site is located in Zone X, an area with a 0.2% annual chance flood hazard.

2. According to Valley Water's records, the subject property is located within the Santa Clara Plain Recharge Area of the Santa Clara Groundwater Subbasin. Please include this as a comment in the DEIR. The DEIR should consider potential impacts to groundwater recharge resulting from this project and include potential measures to minimize the impacts.

3. According to Valley Water's records, there are no wells within the property boundary. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit form Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

4. 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.

When the DEIR is available, Valley Water would appreciate the opportunity to review and provide comments. Please let me know if you have any questions. You may reach me at AQuan@valleywater.org or at 408-630-1667. Please reference File 35082 on any future correspondence regarding this project.

Thank you,

ANDREW QUAN
ASSISTANT ENGINEER II - CIVIL
Community Projects Review Unit
Tel. (408) 630-1667

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

VALLEY WATER
5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Koti Reddy
To: Bryan Swanson; Christopher Riordan
Subject: Masson Estates Public Comments
Date: Sunday, June 9, 2024 9:02:10 PM

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Dear City Planning Committee,
I would like the following aspects to be studied to understand the impact of Masson Estate project on Pierce Rd.

1. Traffic Impact and Safety: Please Study when there is a sold-out concert. Please include cumulative impact of other new projects that are proposed in the area e.g. Mountain Winery housing project

2. Traffic Impact and Safety: Please study for all days of the week and at all times of the day. Please include cumulative impact of other new projects that are proposed in the area e.g. Mountain Winery housing project

3. Geo-technical: Please study land slide possibilities if there is once in a100 yr rainfall and once in a 500 yr rainfall

4. Flood Zone changes: Based on the latest developments are there any changes to flood zones?

5. Plant and Biology: Are there any rare or protected plant species. Any rare or portected animal habitats on the property?

6. Environmental Phase 2: Please do Phase 2 studies to see any surface or sub-surface contamination because of past bottling and other operations done in the vicinity.

Thanks !
Koti Reddy
Resident of
21764 Congress Hall Lane,
Saratoga, CA 95070