

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Santa Clara

110 West Tasman Dr, 1st Floor

San Jose, CA 95134

From: (Public Agency): West Valley Sanitation District
100 E Sunnyside Ave
Campbell, CA 95008-6608

(Address)

Project Title: Congress Hall Sewer Pipe Stabilization Project

Project Applicant: West Valley Sanitation District

Project Location - Specific:

21756 Congress Hall Lane in the City of Saratoga, Santa Clara County (APN 503-75-010)

Project Location - City: Saratoga

Project Location - County: Santa Clara

Description of Nature, Purpose and Beneficiaries of Project:

Stabilization of the ground in the vicinity of an existing sanitary sewer by installation of shear pin wall (approximately 130 feet long) on the downhill side of the existing sewer.

Name of Public Agency Approving Project: West Valley Sanitation District

Name of Person or Agency Carrying Out Project: West Valley Sanitation District

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☒ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project is an emergency repair because sewer service is essential to public health, safety, and welfare (see attached Supporting Memo for Statutory Exemption).

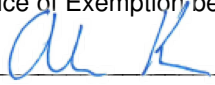
Lead Agency

Contact Person: Alan Kam

Area Code/Telephone/Extension: (408)385-3030

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature:  Date: 11/18/2025 Title: Sr Civil Engineer

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



MEMORANDUM

To: Alan Kam, P.E., Senior Civil Engineer, West Valley Sanitation District
From: Kate Elliott, Project Director/Manager, and William Halligan, Esq., Senior Environmental Counsel
RE: WVSD Congress Hall Sewer Pipe Stabilization Project – Supporting Memo for Statutory Exemption
Date: November 18, 2025

The West Valley Sanitation District (WVSD) is the lead agency and proponent for the 21756 Congress Hall Sewer Pipe Stabilization Project (project), located in the WVSD service area. The purpose of the project is to stabilize the failing slope and protect the sewer line located downslope of residential structures.

This memo provides supporting documentation for the WVSD's determination that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines §15269 (California Code of Regulations, Title 14, Section 15269), and includes the following sections.

- Project Location
- Project Description
- Qualifications for Statutory Exemption

Project Location

The project site is located at 21756 Congress Hall Lane in the City of Saratoga, Santa Clara County, California (**Figure 1**, Regional Location). The project site is a 3-acre residential property, APN 503-75-010 (**Figure 2**, Project Site). The residential structures are situated on the top, central portion of the property, which slopes downward to the east and south. The slope stabilization work will occur east and downslope of the residential structures.

Project Description

There is an underground WVSD sewer line extending around the residential property on the north, east and south sides (as shown in green on **Figure 2**). The slope on the east side of the property is failing, damage to the sewer line is imminent, and the risk to public health and the environment is considered an emergency. Therefore, WVSD plans to stabilize the slope by installing a shear pin wall below the sewer line (as shown in red on **Figure 2**).

Background

WVSD believes slope failure and thus damage to the sewer line is imminent based on the following conditions and events that occurred the last few years.

- During the wet season 2 years ago, WVSD had an emergency repair of the sewer line due to slope failure.
- The following season (1 year ago), there was evidence that the slope area between the iron fence and sewer line was slipping. There were cracks in the ground showing earth movement approximately 1 foot vertical (down) and 6 inches lateral, but no apparent damage to the sewer line.

- WVSD is concerned that the slope will continue to slip and possibly fail with the next heavy rain, resulting in damage to the sewer pipe.
- Risks associated with slope failure and sewer pipe damage include: 1) Raw sewage would flow into the environment, possibly into the unnamed creek (seasonal drainage) located further downslope; 2) Residents (approximately 8 properties) would be without sewer service, which would have sanitary health implications; and 3) Residential structures would also ultimately be at risk of collapsing.

Project Design

The draft design plan is described below. Also refer to **Figure 2** and **Figure 3**, Draft Site Plans.

- The project includes constructing a shear pin and tie beam wall (approximately 200 linear feet) downslope of the underground sewer pipe and the aboveground iron property fence, embedding the wall below the active landslide. The project also includes installing a new support wall about 10 feet below the iron fence.
- There are existing trees on the slope that are being compromised by the failing slope. The project design team plans to find a wall alignment that avoids removal of existing healthy mature trees (with 12" Diameter at Breast Height or greater) and, if tree removal is required, remove dead, dying or immature trees.
- Construction staging and access will be on disturbed portions of the residential property, including the Congress Hall Lane roadway and vineyard on the west side of the residential structures, and the dirt paths extending around the west and south sides of the pool and artificial turf.
- The construction contractor will install a temporary silt fence (black geotextile sheet with stakes and waddles) on the east side of the property below the new wall to prevent debris from flowing downhill towards the seasonal drainage, which is located approximately 150 feet to the east, as well as the west side of the property below the vineyard area. The silt fence will be maintained throughout the project.
- At project completion, all construction-related disturbed slope areas shall be treated with erosion control measures consisting of native vegetation planting, exclusive of any drip or other irrigation techniques.

Construction

The construction duration is anticipated to be eight weeks. Construction activities are planned to occur between the hours of 8:00 AM and 5:00 PM, Monday through Friday, which is consistent with the City of Saratoga Construction Work Hours Noise Ordinance¹. Residents will be notified of the work at least two working days prior to commencing work, or if work has been suspended for a period of more than 24 hours.

In addition to the tree protection and temporary silt fence described above, the construction contractor will implement best management practices (BMPs) and measures to protect the residents and natural environment during construction.

- Comply with local rules and regulations to provide prevention, control, and abatement of water pollution to streams, waterways, and other bodies of water. Contractor shall coordinate pollution control work with all other work done on the contract.
- Prevent dust nuisance caused by operations, excavation, backfilling, demolition or other activities. Control dust by sprinkling with water or by other means acceptable to local agencies.
- At the end of each working day, securely cover the tops of all open excavations and provide temporary fencing as necessary to replace the existing removed fence.

¹ The City of Saratoga Construction Work Hours Noise Ordinance limits construction to between the hours of 7:30 AM and 6:00 PM, Monday through Friday, and between the hours of 9:00 AM and 5:00 PM on Saturday.



- Install signs, lights, barricades and other traffic control or warning devices, including flag persons, as required by the City of Saratoga.
- Protect all property and repair/restore any damaged or changed conditions.

Project Findings in Support of a Statutory Exemption

CEQA Guidelines §15269 Emergency Projects (California Code of Regulations, Title 14, Section 15269) states the following emergency projects are exempt from the requirements of CEQA.

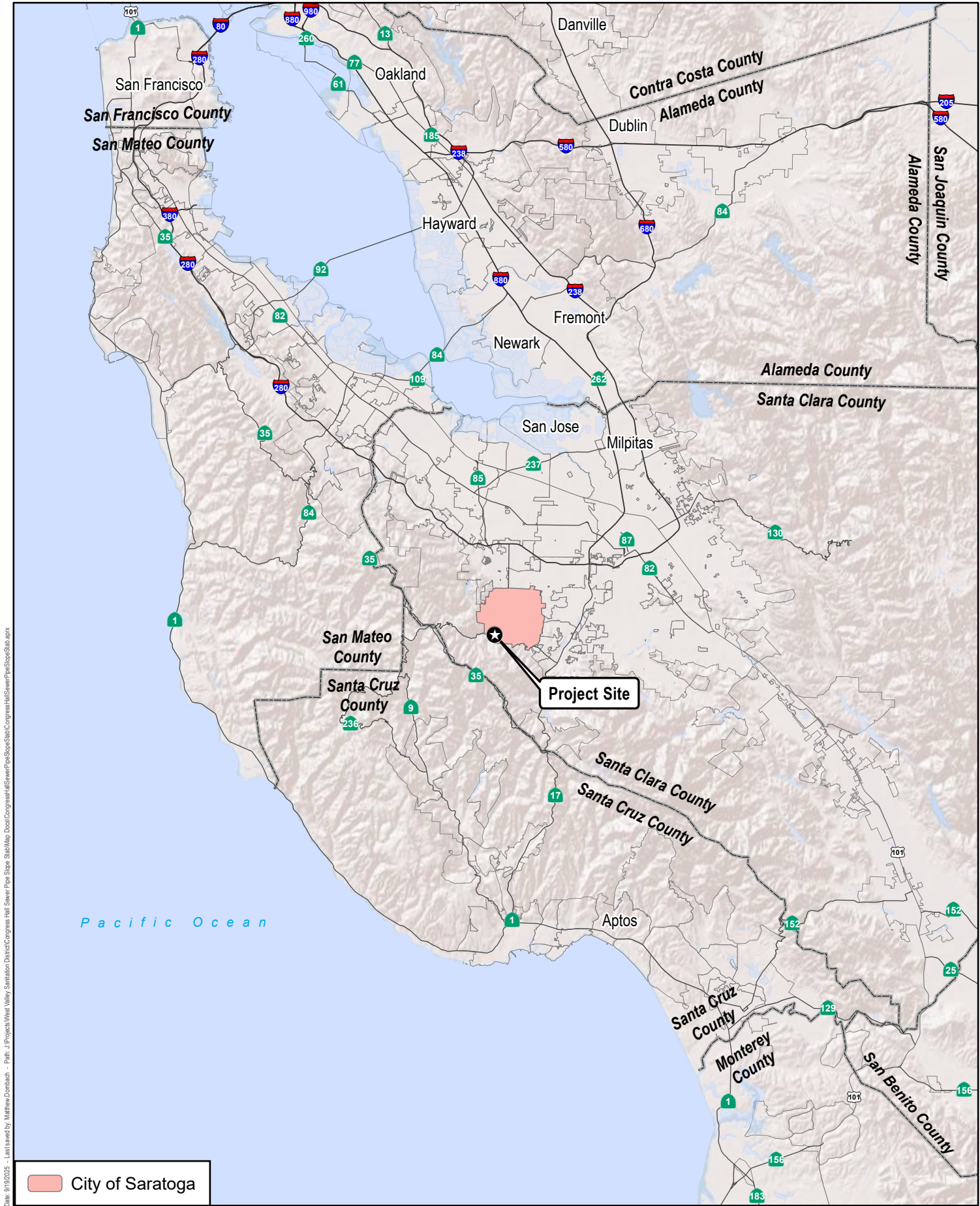
(b) “Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.”

(c) “Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion doesn’t apply if (i) the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.”

The project qualifies for this exemption for the following reasons.

- The project is an emergency repair because sewer service is essential to public health, safety, and welfare.
- The project is necessary to prevent an emergency, which has a high probability of occurring.
- As described in the Background section above, slope failure and thus damage to the sewer pipe is imminent with heavy rains, which could occur as soon as the next wet season begins this fall 2025.
- Risks to public health and the environment from slope failure and sewer pipe damage include the following and constitute an emergency.
 - Raw sewage would flow into the environment, possibly into the unnamed creek (seasonal drainage) located further downslope.
 - Residents (approximately 8 properties) would be without sewer service, which would have sanitary health implications.
 - Residential structures would also ultimately be at risk of collapsing.

In summary, for the reasons stated above, the project meets all conditions required for a Statutory Exemption pursuant to CEQA Guidelines §15269 Emergency Projects (California Code of Regulations, Title 14, Section 15269).



Date: 9/15/2025 - Last saved by: Matthew Donohue - Path: J:\Projects\West Valley Sanitation District Congress Hall Sewer Pipe Slope Stabilization\Docs\Congress Hall Sewer Pipe Slope Stabilization\Map\RegionalLocationMap.mxd

Source: Maxar Imagery, 2023.



Harris & Associates

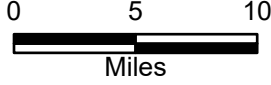
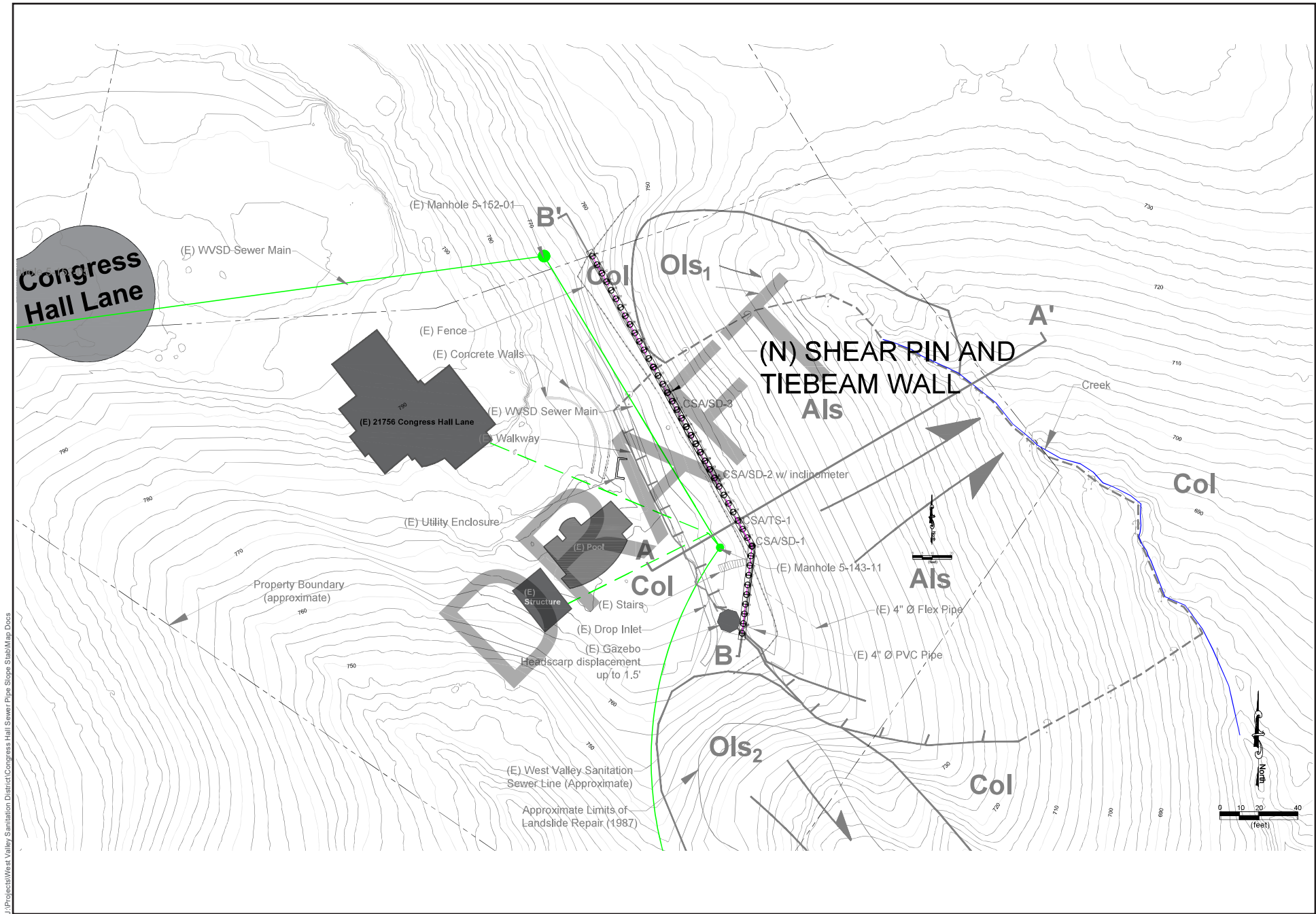


Figure 1
Regional Location

West Valley Sanitation District Congress Hall Sewer Pipe Stabilization Project



Source: Cotton, Shires, & Associates, Inc., 2025.



Harris & Associates

Figure 3

Draft Site Plan

West Valley Sanitation District Congress Hall Sewer Pipe Stabilization Project