

Initial Study/ Mitigated Negative Declaration

Hakone Estate & Gardens Master Plan

**City of Saratoga
March 2016**



Prepared for:
City of Saratoga
13777 Fruitvale Avenue
Saratoga, CA 95070



Prepared by:
DD&A
947 Cass Street, Suite 5
Monterey, CA 93940

Table of Contents

Chapter 1. Project Information.....	1
Chapter 2. Project Description	3
Chapter 3. Environmental Evaluation.....	23
A. Aesthetics.....	25
B. Agricultural and Forest Resources.....	26
C. Air Quality.....	27
D. Biological Resources	30
E. Cultural Resources.....	38
F. Geology and Soils.....	41
G. Greenhouse Gas Emissions.....	43
H. Hazards and Hazardous Materials	44
I. Hydrology and Water Quality	46
J. Land Use.....	51
K. Mineral Resources	52
L. Noise.....	53
M. Population and Housing.....	56
N. Public Services	57
O. Recreation.....	57
P. Transportation.....	58
Q. Utilities & Service Systems	60
R. Mandatory Findings of Significance	62
Chapter 4. References	65

List of Tables

Table 1. Estimated Grading for Hakone Improvements	7
Table 2. Master Plan Phasing.....	8
Table 3. BAAQMD Screening Size Criteria for City Park Land Use Category	29
Table 4. Hakone Historic District Contributing and Non-Contributing Features	39
Table 5. City of Saratoga Noise Ordinance Maximum Permissible Outdoor Noise Levels.....	53

List of Figures

Figure 1. Location Map.....	10
Figure 2. Aerial	11
Figure 3. Existing Site.....	12
Figure 4. Existing Conditions – Primary Study Area	13
Figure 5. Overall Site Plan.....	14
Figure 6. Garden Core Site Plan	15
Figure 7. CEC Improvements Option	16
Figure 8. Events Hall Option	17
Figure 9. Existing Asphalt Paving in relation to Proposed Improvements	18
Figure 10. Conceptual Grading Plan.....	19
Figure 11. Phasing Plan	20
Figure 12. Site Photos	21

Appendices

- A. Special Status Species
- B. Stormwater Management Memo
- C. Traffic Memo

Chapter 1. Project Information

1. **Project Title:** Hakone Estate & Gardens Master Plan
2. **Lead Agency Name and Address:** City of Saratoga, 13777 Fruitvale Avenue, Saratoga, CA 95070
3. **Project Proponent:** City of Saratoga Public Works Department
4. **Project Location:** The Hakone Estate & Gardens are located on 18 acres on the south side of Highway 9 in the City of Saratoga.
5. **Project Description:** Update of the Hakone Estate & Gardens Master Plan to improve the layout of the parking/welcoming areas, improve garden features and event spaces, and provide accessible access to the gardens.
6. **General Plan Designation:** Outdoor Recreation (OS-OR)
7. **Zoning Designation:** R-1-40,000

This page left intentionally blank.

Chapter 2. Project Description

2.1 INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resource Code §21000 et seq.

2.3 HAKONE ESTATE AND GARDENS OVERVIEW

The Hakone Estate & Gardens were originally developed in 1917 by San Francisco philanthropists Oliver and Isabel Stine to create a mountainside retreat for family, international dignitaries, and friends of the arts in the tradition of an authentic Japanese garden. The City of Saratoga purchased the property in 1966 for a city park. Hakone consists of several structures, architectural features, and gardens. The upper house was built on the slope of the Moon-viewing Hill as a place of quiet retreat. The lower house was the original Stine family summer residence. The four gardens are the focus of the park: the hill and pond garden, the tea garden, the Zen garden, and the bamboo garden. Other features on the site include koi ponds, trails, a tea pavilion, a cultural exchange center, and other traditional Japanese garden features. All of the structures on the site are identified in the National Register of Historic Places as part of the Hakone Historic District and are designated by the City of Saratoga as a City Landmark.

2.3 PROJECT LOCATION

Hakone Estate & Gardens are located on 18 acres on the south side of Highway 9 in the City of Saratoga in Santa Clara County (see Figure 1). The site is accessed by a partially split driveway that extends about 230 feet to the site from Highway 9. An aerial showing the project area is provided in Figure 2.

2.4 PROJECT DESCRIPTION

The Hakone Estate & Gardens Master Plan is the result of an eight month collaborative effort, from February through August 2015, among staff, volunteers, stakeholders, and the design team. The Master Plan outlines future measures to maintain the Gardens' historical importance while improving the functionality of the park for future visitors and staff. The primary goals of the Master Plan are as follows:

- Create a welcoming arrival experience.
- Provide accessible access to core garden.
- Create improved meeting, event, and visitor amenity spaces.
- Develop a business plan to ensure a sustainable future.

Maps showing the existing site and the primary study area are presented in Figures 3 and 4. Physical improvements are proposed within the current inner and main parking lot and the forecourt to the Mon Gate. The primary work beyond the Mon Gate is to improve accessibility to the lower and upper courtyards, improve the definition and user experience of gardens, courtyards, paths and plantings, improve the koi pond, and upgrade/repair the historic district buildings and structures. The Master Plan also proposes two options for indoor event space. Site plans showing the proposed Master Plan renovations are presented in Figures 5 and 6, and consist of the following four primary components:

1. New arrival sequence including parking lot and service drives
2. New entry courtyard and garden including accessible path
3. New garden maintenance and operations yard

4. Other smaller improvements:
 - a. Enhancements to existing gardens
 - b. Renovation and repurposing of existing garden buildings
 - c. Repurposing and renovation of indoor meeting/event hall spaces or the option to construct a new indoor event space
 - d. Immediate, short-term repairs/improvements

Arrival Road, Parking Lot, and Service Drives. The entire entry sequence, including parking and service drives will be re-graded and modified. No changes are proposed to the access road from Highway 9. Specific modifications are listed below.

- Relocate a new entry uphill and south of the existing entry.
- Eliminate former driveways and excess asphaltic concrete paving across from the existing gift shop.
- Change parking lot layout to address steep grade and safety. The lot currently has a slope between 8-15%. Re-grading the parking lot will create ADA parking spots with a slope of 2% and general parking spots with a slope of 6%.
- Reconfigure main parking lot to provide deeper parking stalls and wider aisles that meet development standards and provide better circulation.
- Maintain 77 of 78 existing parking spaces through a more efficient 90-degree orientation.
- Create a storm water bioswale in the middle of the parking area and a rain garden at the north end of the lot. These drainages will tie into the existing storm water collection and outfall system along the approach roadways.
- Modify the service access drive to the lower level of the Cultural Exchange Center (CEC) to lessen its visual presence from the Mon Gate and provide a small vehicle hammerhead turnaround.
- Enhance the existing service drive and connect to the south end of the revised parking lot, leading uphill along the edge of the Bamboo Garden.

Entry Courtyard, New Garden, and Buildings. The Master Plan calls for the creation of a new entry courtyard that consolidates visitor services and better organizes the entry. The new visitor facilities, gardens, and garden operations (yard and buildings) are located within the footprint of the existing upper parking lot (refer to Figures 5 and 6). The Master Plan will create an entry courtyard that passes through existing heritage valley oaks from the new parking lot. Three new buildings and a new garden will define the new courtyard: restrooms, combination retail/ticketing, and the tea pavilion. The materials and scale of the new buildings reference historic structures to be appropriate for the contemporary context. Details of the new courtyard and garden are listed below.

- Create a new visitor arrival and entry sequence as follows:
 - Provide a new structure to define the western edge of new entry courtyard that includes new restrooms, ticketing and retail uses on the south, and a new tea room on the north.
 - The new tea building includes indoor and outdoor seating oriented toward the new garden space.
- The new gateway formed by restroom/ticketing/retail building and the teahouse will allow glimpses uphill toward the existing Moon Viewing House.
- Create a wall and garden overlook on the northern edge of the courtyard.

- Provide a new central garden directly north of the entry courtyard and west of the existing residence and proposed bonsai garden.
- Eliminate existing public garden entrances from existing upper parking lot.
- Remove northwestern gate and path; convert the southwestern gate and path to garden service only.
- Remodel the existing buildings to expand their functions as follows:
 - Convert and remodel existing residence into the administration building.
 - Remodel the pump house to include orientation exhibits and space for docents.
 - Provide interpretive features that focus on the legacy of Hakone and information about upcoming events.
 - Access from the courtyard to the retail/ticketing building to provide easy access from the courtyard for ticketing and encourage visitors to browse the gift shop as they exit the garden.
 - Locate the support building (for maintenance of the koi) near the koi pond for maximum efficiency.

Mon Forecourt, Lower & Upper Courtyard, Koi Pond, Hill Garden. Two changes are proposed for the core garden: 1) accessible pathways, and 2) garden enhancements to frame sightlines and control views through better edge definition.

New Accessible Garden Pathways. The new pathways will be linked to provide a route that all visitors can access to the core garden experiences as further described below:

- **Mon Forecourt:** Create a new ramp leading up the forecourt. Re-grading and gravel fill will raise the eastern end of the forecourt so that it meets accessible slope requirements and creates an improved view of the historic Mon Gate.
- **Path to Lower Courtyard:** A series of ramps are proposed to take visitors from the Mon forecourt up to the Lower Courtyard.
- **Path to Upper Courtyard:** Another series of ramps connects the lower courtyard to the upper courtyard and the cultural exchange building and Zen garden.
- **Path around Pond:** Re-grading the path around the koi pond and hill garden will provide access and views of the bridge, island, hill garden, and upper house. As visitors make the loop, they will have expanded views back to the lower house, Mon Gate, and cultural exchange building.

Enhancements to Existing Garden Spaces. Changes to the existing gardens are proposed to create more distinct spaces with unfolding views across the gardens. Specific enhancements to the gardens are listed below.

- **Lower Courtyard:** The courtyard will be made smaller by adding planting depth and strengthening the gravel edge on the south side. This will create a tighter experience and control the views toward the Zen Garden and back to the Mon Gate. A glimpse of the upper house and bridge entices visitors to move forward along the path where the koi pond and hill garden are only then revealed.
- **Zen Garden:** A planting screen will be added along the eastern edge of the Zen garden to improve views from the lower courtyard.

- **Pond:** The newly accessible pathway around the pond will run along the lower slope, creating a loop.
- **Wisteria Pavilion:** The pavilion will be rebuilt to provide a space at the pond's edge. From the vantage of the pavilion, you can look across to views of the koi pond, hill garden, and upper house beyond.
- **Upper Courtyard:** A fence and trellis will be added between the CEC and the Lower (Zen) House. The fence will establish the west edge of the Upper Courtyard and also help to absorb sound during events.

Indoor Event Space (Two Options). One of the goals of the Master Plan is to create more indoor event and meeting space. Two options are considered in the Master Plan to address this as described below and shown in Figures 7 and 8:

1. Renegotiate the apartment lease at the CEC and convert the space to public use and event support. The future event capacity of this space is not yet determined (it is currently 60), but would not exceed 160.
2. Create a new building referred to as the event hall, south of the CEC. The hall is proposed along the east edge of the upper courtyard. It includes an elevator connecting the lower and upper courtyards, making them both ADA accessible. The hall would have an event capacity of 148 people.

With either option, the Master Plan maintains and enhances meeting and interpretive space within the tea garden house (lower house) by providing code upgrades to the kitchen.

Garden Operations. The Master Plan provides new space and buildings for garden operations, offices, and maintenance. Details include the following:

- A new garden operations yard and structures at southwest corner of parking lot adjacent to the bamboo garden.
- Remodel of the existing barn as maintenance storage.
- Construction of new garden offices at east end of yard with potential second floor storage or a caretaker's residence.
- Repurposing the existing gift shop/garage as garden operations and storage.

Grading. Implementation of the Master Plan improvements will require grading of the parking lot and garden pathway and other areas to improve access and meet ADA requirements. The majority of the improvements will occur in areas of existing asphalt paving, as shown in Figure 9. The estimated grading for the project is presented in Table 1 below, and a conceptual grading plan is presented in Figure 10.

Table 1	
Estimated Grading for Hakone Improvements	
Phase	Earthwork (Cut/Fill/Recontouring) in Cubic Yards (CY)
Phase I	1,000 CY
Phase 2	None
Phase 3	2,200 CY
Phase 4	3,600 CY
<i>Total Grading</i>	<i>6,800 CY</i>

Attendance & Staffing. Hakone Estate & Gardens attendance is projected to increase from the current 35,000 per year to 75,000 per year after the implementation of all phases of the Master Plan. In addition, the Gardens are projected to increase employment from 11 to 23 employees to maintain and operate the improved facilities (Runyan Associates, 2015).

Events. Hakone Estate & Gardens currently provides an event venue for weddings, business meetings, and other functions. The outdoor reception area, located just south of the CEC, can seat up to 100 guests. The CEC is available for indoor events, and has a seating capacity of up to 60. The lower house (Zen garden house) is also available for indoor events, and has seating capacity of up to 40. Morning wedding ceremonies are allowed on the weekends from 10 AM - 11 AM. Following morning ceremonies, luncheon receptions may be held inside the lower house or CEC. Outdoor receptions are only available in the evening between 5 PM - 10 PM. Weddings typically occur 35 times per year. No multiple events are conducted during the evening; however, multiple events can occur during daytime hours.

Implementation of the Master Plan is projected to modestly increase the number of events but does not propose to increase the maximum number of people allowed on the site for weddings and other events, which is 180 people. Based on projections compiled for the Master Plan (Runyan Associates, 2015), implementation of the Master Plan would increase the number of events at Hakone from 225 events per year in 2015 to 260 events after implementation of all phases of the Master Plan. Many of these events are relatively small, such as photo sessions and meetings. The average attendance at events ranges from seven to 100 people. Weddings with receptions are the largest events and are projected to increase from 35 to 40 per year upon full implementation of the Master Plan. The alternative Master Plan scenario to include a new approximately 5,000 square foot event hall in lieu of renovating the CEC would not increase the number of guests or events at Hakone Gardens. Operations at the Hakone Estate & Gardens will be conducted so as not to cause, produce, or allow to be produced noise that exceeds the City’s noise standards in the Municipal Code (Section 7-30.040) at any point outside its property boundary (refer to Table 5 in Section L. Noise). Noise levels from the incremental increase in events under the Master Plan must not exceed the City’s noise standards.

During events, the Hakone Foundation restricts the number of vehicles that can park on the site. During large special events, the party sponsoring the event must arrange for shuttle service to the site. This is typically accomplished by hiring a shuttle service to use shuttle vans to transport guests to/from Hakone from West Valley College, where there is ample space for guests to park.

2.5 PROJECT OBJECTIVES

The objectives of the Hakone Estate & Gardens Master Plan are as follows:

- Connect to the community.
- Restore the legacy of the gardens, buildings, and structures to make this the best Japanese garden outside of Japan.
- Expand interpretive and educational opportunities.
- Enhance the visitor entry and arrival sequence.
- Provide adequate space for staff.
- Improve visitor services and amenities.
- Create a sustainable organization.

2.6 PROJECT SCHEDULE

The Master Plan will be implemented over four phases. The phases divide the long-term improvements into discreet steps to allow for budgetary sequencing, fundraising, and ongoing operations. The actions proposed within each of the four phases are summarized in Table 2 below. Development of the improvements would begin once funds become available. A schematic showing the areas of the four phases of Master Plan development is presented in Figure 11.

Table 2 Master Plan Phasing	
Phase	Improvements
Phase 1	Rebuild existing wisteria pavilion Koi pond water systems building Sitework and utilities
Phase 2	Renovate existing upper house Renovate existing Zen house Renovate tea waiting pavilion Renovate wisteria upper pavilion Renovate Cultural Exchange Center Interpretive additions
Phase 3	Renovate existing caretaker's house for administration Renovate Mon gate New gate at forecourt entry Tea room Retail & restroom building Renovate existing pumphouse for interpretation Renovate existing restrooms Sitework and utilities
Phase 4	Re-grade and re-pave parking lot Renovate existing barn for garden storage Renovate existing retail building for garden storage Renovate existing Moon Viewing Pavilion Renovate existing Shogetsu Machai New garden operation buildings Sitework and utilities

2.7 PROJECT APPROVALS

The project will require the following approvals:

- City of Saratoga – Grading, Building
- San Francisco Bay Regional Water Quality Control Board – Stormwater Pollution Prevention Plan

Figure 1 Location Map

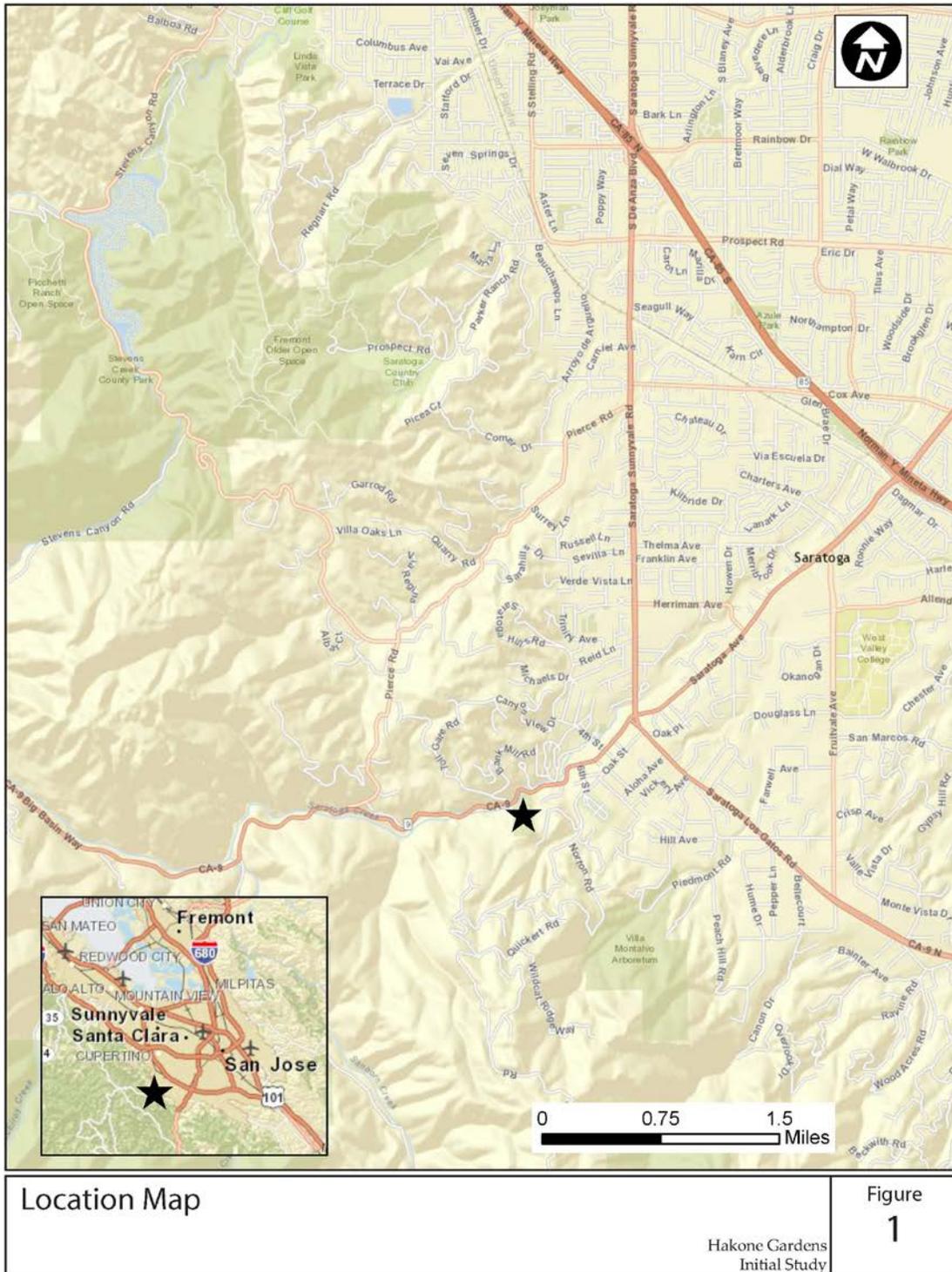
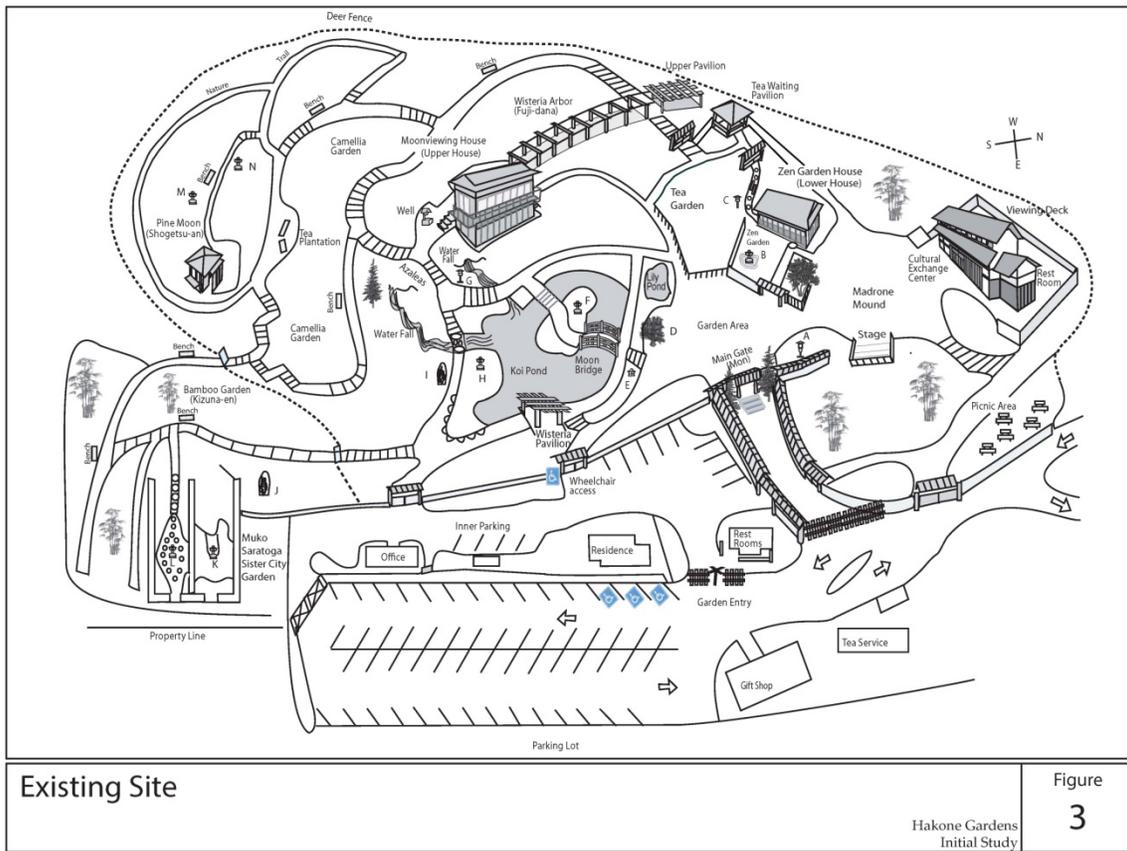


Figure 2 Aerial



Figure 3 Existing Conditions



Existing Site

Hakone Gardens
Initial Study

Figure
3

Figure 4 Existing Conditions Primary Study Area

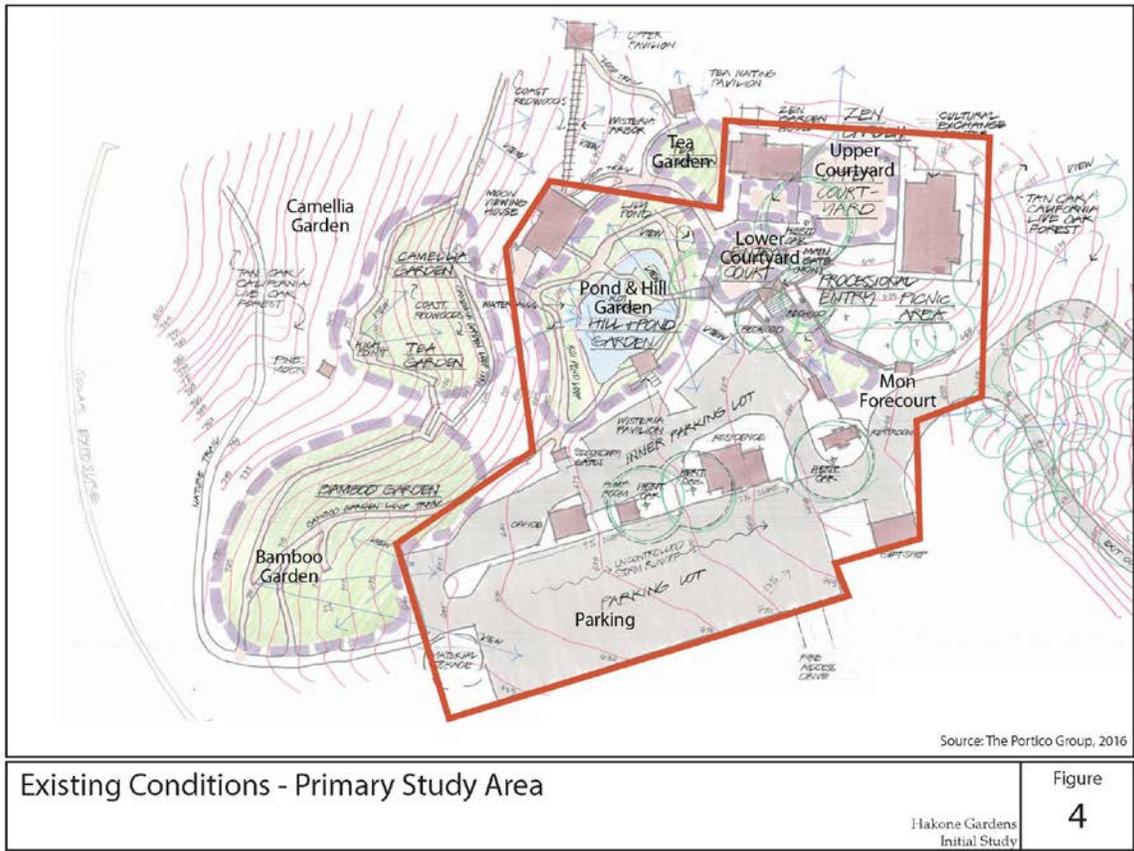


Figure 5 Overall Site Plan

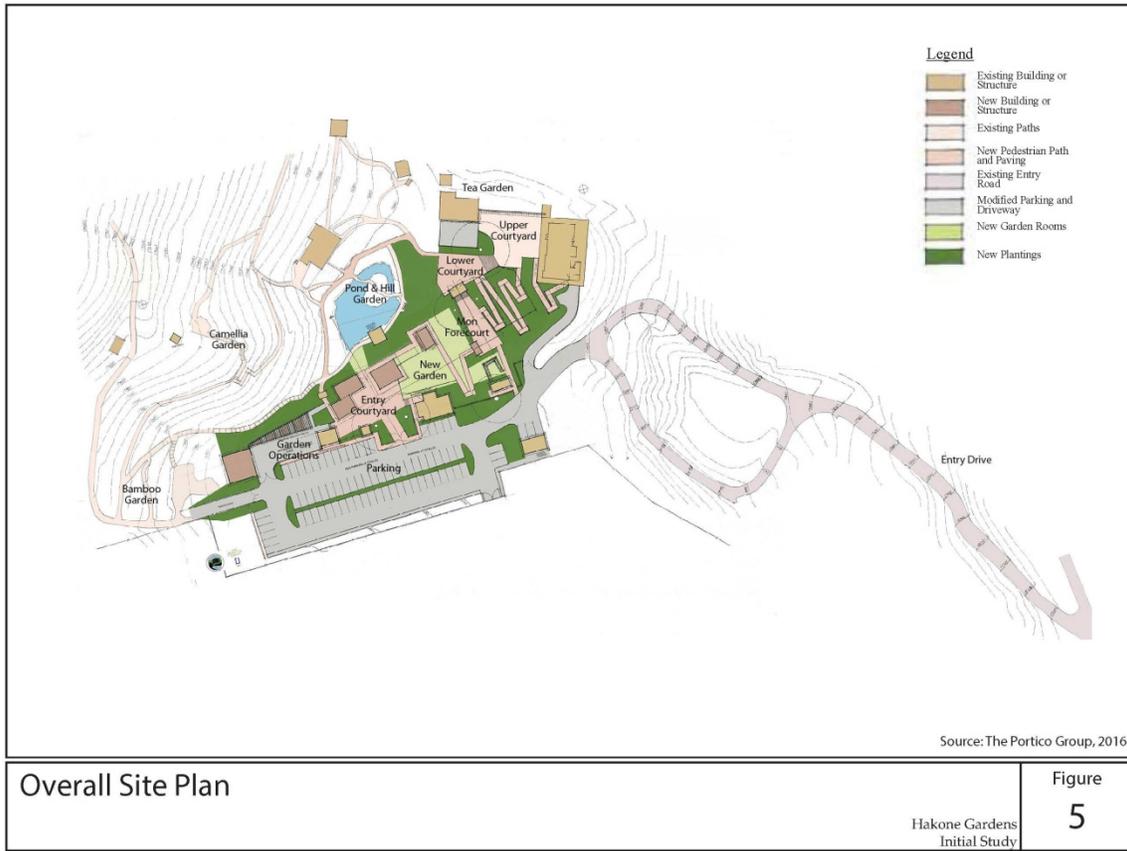


Figure 6 Garden Core Site Plan



Garden Core Site Plan

Hakone Gardens
Initial Study

Figure
6

Figure 7 CEC Improvements Option

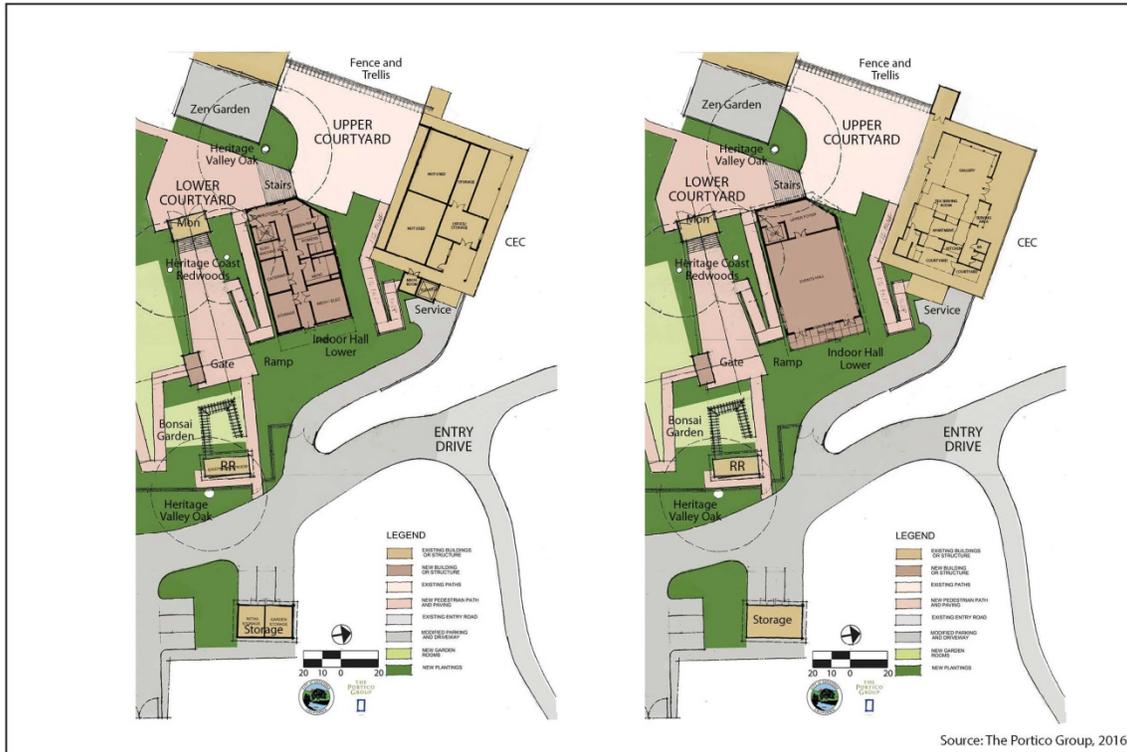


CEC Improvements Option

Hakone Gardens Initial Study

Figure 7

Figure 8 Event Hall Option



Source: The Portico Group, 2016

Event Hall Option

Hakone Gardens Initial Study

Figure 8

Figure 10 Conceptual Grading Plan

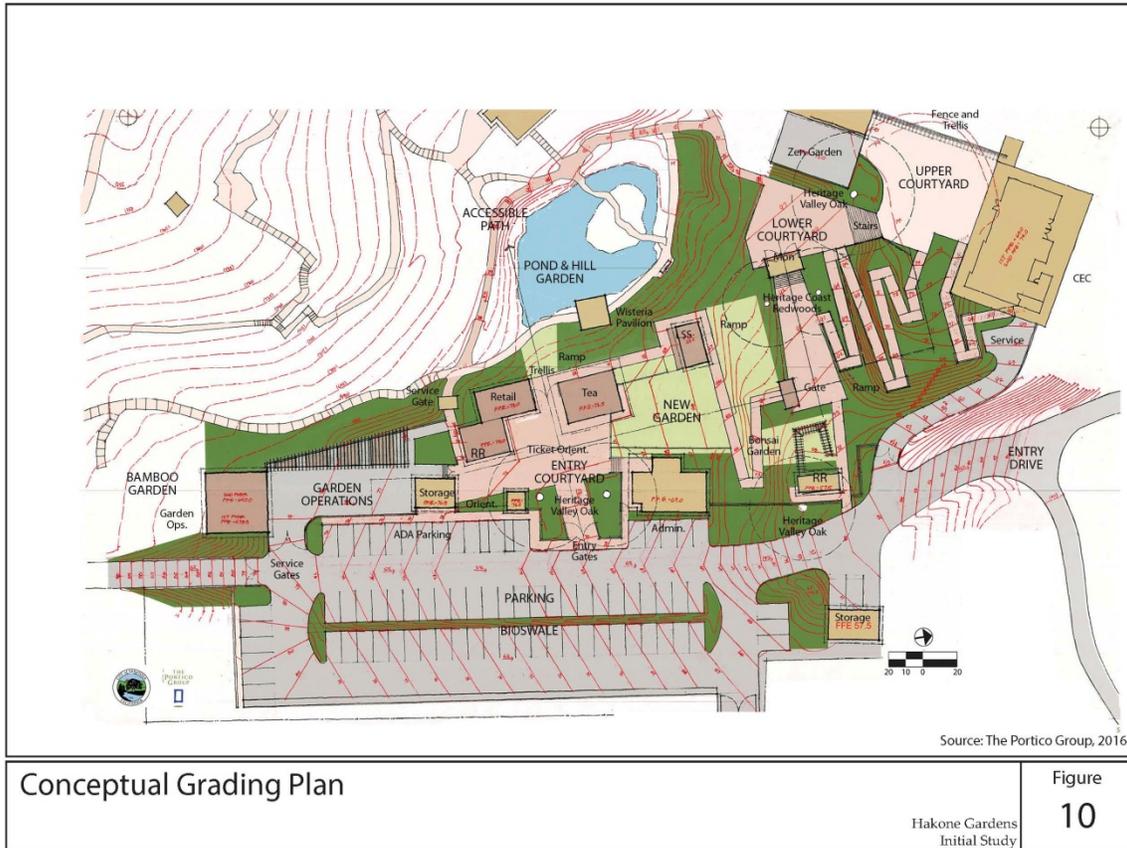
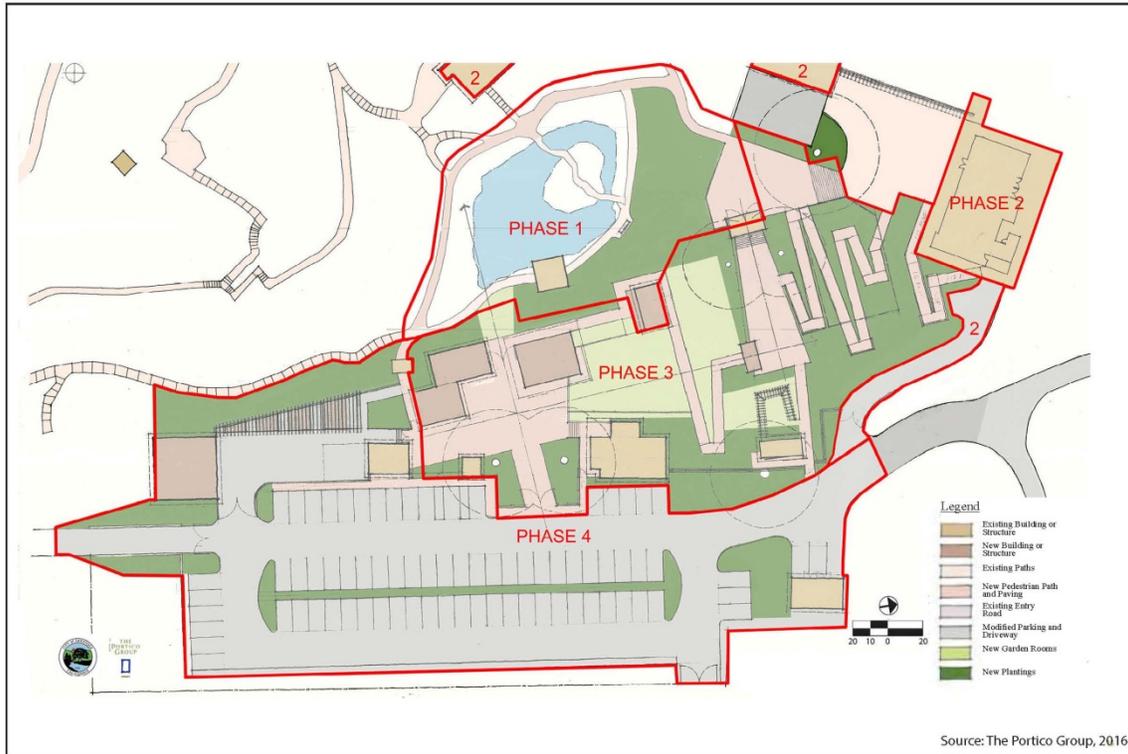


Figure 11 Phase Plan



Phasing Plan

Hakone Gardens
Initial Study

Figure
11

Figure 12A Site Photos



Figure 12B Site Photos



Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors identified below are discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in parenthesis after each discussion, and are listed in Chapter 4. References.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

March 19, 2016
date

Leianne Humble, DD&A (consultant)
Printed Name

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL SETTING AND IMPACTS

This Initial Study is based on the most current CEQA Environmental Checklist Form (Appendix G of the CEQA Guidelines, 2015). The sources of information numbered in the last column of the checklist are cited in Chapter 4 References.

A. AESTHETICS

Setting

The project site is located approximately ½ mile southwest of Saratoga Village, on a hillside above Highway 9. The project site is bordered by Highway 9 and residential development to the north, low density residential development to the east and south, and open hillsides to the west. The portion of Highway 9 located adjacent to the project site is designated as an official State scenic highway by the California Scenic Highway Mapping System. With the exception of the access road and signage, the project site is not visible from Highway 9 due to the intervening hillside.

The aesthetic character of the project site is that of a traditional Japanese Garden, with paths, discrete garden areas, small event, cultural, and office spaces, a koi pond, and parking area. Site photos of the site are presented in Figures 12A and 12B.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. AESTHETICS. Would the project:					
a) Have a substantial adverse effect on a scenic vista?				X	1, 2
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 2
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X	1, 2

Explanation

- a) **No Impact.** Views of the project site are only available from adjacent residential properties, and those views are obstructed by vegetation and terrain. The only portions of the Gardens visible from Highway 9 are the access driveway and sign. The project is improvement of the existing Hakone Gardens and will not have an adverse effect on a scenic vista.
- b) **Less Than Significant Impact.** Highway 9 is designated by the California Scenic Highway Mapping System as an official State scenic highway from the Santa Cruz County line to the Los

Gatos city limit. This means that the portion of Highway 9 adjacent to the project site is designated as an official State scenic highway. However, the project site (with the exception of the driveway access and signage) is not visible from Highway 9 due to intervening steep hillside. The project is renovation of the existing Hakone Gardens and will not affect the scenic resources along the adjacent scenic highway. In addition, the access road to the Gardens from Highway 9 will not be altered. Thus, the project will have a less-than-significant impact on resources within a state scenic highway.

- c) **Less Than Significant Impact.** The visual/aesthetic character of the project site is that of a historic authentic Japanese estate and gardens. The project is proposed to improve the aesthetic quality of the gardens through proposed improvements and renovations and will not adversely affect the visual quality of the project site or area.
- d) **No Impact.** The Master Plan improvements do not include any new sources of light or glare.

B. AGRICULTURAL AND FOREST RESOURCES

Setting

In the State of California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, “agricultural land” is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as “other land” on the Santa Clara County Important Farmlands Map. “Other land” is described as “land not included in any other mapping category,” and can include low density rural developments, brush, timber, wetlands, and riparian areas not suitable for livestock grazing.

CEQA requires the evaluation of forest and timber resources where they are present. The site does not contain any forest land as defined in Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1,2,5

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1,2,5
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?				X	1,2
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X	1,2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X	1,2,5

Explanation

- a) **No Impact.** The project site is designated as “other land” on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance. The proposed improvements to Hakone would not affect agricultural land.
- b) **No Impact.** The project site is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses would occur.
- c) **No Impact.** No other changes to the environment would occur from the proposed improvements that would result in conversion of timberland to non-agricultural uses.
- d) **No Impact.** The project would not impact forest resources since the site does not contain any forest land as defined in Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g).
- e) **No Impact.** As per the discussion above, the project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of forest land or agricultural land.

C. AIR QUALITY

Regulatory Background

The project site is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter.

Setting

Air quality in the region is controlled by the rate of pollutant emissions and meteorological conditions. Meteorological conditions such as wind speed, atmospheric stability, and mixing height may all affect the atmosphere's ability to mix and disperse pollutants. Long-term variations in air quality typically result from changes in air pollutant emissions, while frequent, short-term variations result from changes in atmospheric conditions. The San Francisco Bay Area is considered to be one of the cleanest metropolitan areas in the country with respect to air quality. BAAQMD monitors air quality conditions at more than 30 locations throughout the Bay Area.

Sensitive receptors consist of groups of people more affected by air pollution than others. The CARB has identified the following as the most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare centers, elder care facilities, elementary schools, and parks. The nearest sensitive receptors are residences located adjacent to the site to the east and southeast.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	3
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			X		3
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X		3
d) Expose sensitive receptors to substantial pollutant concentrations?		X			3
e) Create objectionable odors affecting a substantial number of people?			X		3

Explanation

- a) **No Impact.** The BAAQMD, with assistance from the Association of Bay Area Governments and the Metropolitan Transportation Commission, has prepared and will implement specific plans to meet the applicable laws, regulations, and programs related to air quality planning. Among them are the Carbon Monoxide Maintenance Plan (1994), the 2001 Ozone Attainment Plan, and the Bay Area 2010 Clean Air Plan. The proposed Master Plan improvements would not conflict with implementation of control measures contained in the Bay Area 2010 Clean Air Plan or other clean air planning efforts.

- b) **Less Than Significant Impact.** The BAAQMD identifies screening levels for evaluation of operational, GHG, and construction-related emissions based on project size. The applicable land use category of the BAAQMD’s screening criteria tables for the project is “city park.” The screening sizes are identified in Table 3 below. The project, which consists of various improvements to an existing 18-acre park, is below the BAAQMD screening thresholds for such uses and, therefore, the project would have a less-than-significant impact related to operational GHG, and construction-related emissions. However, the project would create short-term emissions of PM₁₀ (dust) and diesel exhaust during construction, as discussed under d) below.

Table 3 BAAQMD Screening Size Criteria for City Park Land Use Category		
Operational Criteria Pollutants	Operational GHG Emissions	Construction Related Emissions
2,613 acres (ROG)	600 acres	67 acres (PM ₁₀)

- c) **Less Than Significant Impact.** The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM_{2.5}) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Act, but not the Federal Act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. The short-term construction activities would be less-than-significant with implementation best management practices identified below in d). Operation of the proposed project would not generate substantial new vehicle trips¹ or otherwise result in long-term air quality impacts that would contribute to a cumulatively considerable increase of any air pollutant.

- d) **Less Than Significant Impact with Mitigation Incorporated.**

Operation of Hakone at buildout of the Master Plan will generate additional vehicle trips associated with modest increases in gate admissions and special events. However, because the project is below the BAAQMD’s screening criteria (see Table 4), operational criteria pollutant emissions are considered less-than-significant.

Grading and other construction activities for the Master Plan improvements could result in short-term air quality impacts generated primarily by particulates (i.e., dust). Construction-related impacts will be intermittent and temporary. Construction activities will increase local PM₁₀ levels downwind and could affect sensitive residential receptors to the east and southeast. This is considered a potentially significant impact that will be reduced to a less-than-significant level with the following mitigation.

Mitigation Measures

AIR-1 The project contractor shall prepare a dust control plan prior to commencement of construction activities. The dust control plan shall include the BAAQMD Basic Control Measures listed below, to be implemented during all construction activities:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

¹ An average 62 new daily vehicles at Master Plan buildout.

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

e) **Less Than Significant Impact.** During construction, the various diesel-powered vehicles and equipment in use onsite may create localized odors that will cease upon completion of construction activities.

D. BIOLOGICAL RESOURCES

Regulatory Background

Federal Regulations

Federal Endangered Species Act

Provisions of the Endangered Species Act (ESA) of 1973 (16 USC 1532 et seq., as amended) protect federally listed threatened or endangered species and their habitats from unlawful take. Listed species include those for which proposed and final rules have been published in the Federal Register. The ESA is administered by the U.S. Fish and Wildlife Service (Service) or National Oceanic and Atmospheric Administration Marine Fisheries Service (NOAA Fisheries). In general, NOAA Fisheries is responsible for the protection of ESA-listed marine species and anadromous fish, whereas other listed species are under Service jurisdiction.

Section 9 of ESA prohibits the take of any fish or wildlife species listed under ESA as endangered or threatened. Take, as defined by ESA, is "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Harm is defined as "any act that kills or injures the fish or wildlife...including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife." In addition, Section 9 prohibits removing, digging up, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction. Section 9 does not prohibit take of federally listed plants on sites not under federal jurisdiction. If there is the potential for incidental take of a federally listed fish or wildlife species, take of listed species can be

authorized through either the Section 7 consultation process for federal actions or a Section 10 incidental take permit process for non-federal actions. Federal agency actions include activities that are on federal land, conducted by a federal agency, funded by a federal agency, or authorized by a federal agency (including issuance of federal permits).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 prohibits killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Most actions that result in taking or in permanent or temporary possession of a protected species constitute violations of the MBTA. The Service is responsible for overseeing compliance with the MBTA and implements Conventions (treaties) between the United States and four countries for the protection of migratory birds – Canada, Mexico, Japan, and Russia. The Service maintains a list of migratory bird species that are protected under the MBTA, which was updated in 2010 to: 1) correct previous mistakes, such as misspellings or removing species no longer known to occur within the United States; 2) add species, as a result of expanding the geographic scope to include Hawaii and U.S. territories and new evidence of occurrence in the United States or U.S. territories; and 3) update name changes based on new taxonomy (Service, 2010).

State Regulations

California Fish and Game Code

Birds: Section 3503 of the Fish and Game Code² states that it is “unlawful to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Section 3503.5 prohibits the killing, possession, or destruction of any birds in the orders Falconiformes or Strigiformes (birds-of-prey). Section 3511 prohibits take or possession of fully protected birds. Section 3513 prohibits the take or possession of any migratory nongame birds designated under the federal MBTA. Section 3800 prohibits take of nongame birds.

The classification of Fully Protected was the state's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish (Section 5515), mammals (Section 4700), amphibians and reptiles (Section 5050), and birds (Section 3511). Most Fully Protected species have also been listed as threatened or endangered species under the more recent endangered species laws and regulations. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

The CDFW also maintains a list of animal “species of special concern,” most of which are species whose breeding populations in California may face extirpation if current population trends continue. Although these species have no legal status, the CDFW recommends considering these species during analysis of proposed project impacts to protect declining populations and avoid the need to list them as endangered in the future.

² California Department of Fish and Game (CDFG) changed its name to California Department of Fish and Wildlife, effective January 1, 2013. Please note that although the name has changed, California Fish and Game Code was not changed.

Local Regulations

City of Saratoga Municipal Code

According to Article 15-50 (Tree Regulations) of the City of Saratoga (City) municipal code, it is unlawful for any person to remove, damage, prune, or encroach upon, or cause to be removed, damaged, pruned, or encroached upon any protected tree, located on any private or public property in the City without first having obtained a tree removal, pruning or encroachment permit issued pursuant to §15-50.050. A protected tree, as defined in §15-50.050 shall consist of any of the following:

- a) Any native tree having a diameter breast height (DBH) of six inches or greater.
- b) Any other tree having a DBH of ten inches or greater.
- c) Any street tree (§15-50.020(v)), regardless of size.
- d) Any heritage tree (§15-50.020(1)), regardless of size.
- e) Any tree required to be planted or retained as a condition of any approval granted under this Chapter 15 (Zoning Regulations) or Chapter 14 (Subdivisions) of City Code.
- f) Any tree required to be planted as a replacement (§15-50.170).

Additionally, an arborist report shall be required for any application for discretionary development approval that would require the removal of one or more trees protected by Chapter 15 and for any other projects where the Community Development Director determines it is necessary. The Community Development Director may require any arborist report (or portion thereof) to be reviewed by the City Arborist. The arborist report and any review of it by the City Arborist required by the Community Development Director shall be at the sole expense of the applicant.

Setting

Methodology

Special-status species are those plants and animals that have been formally listed or proposed for listing as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA). Listed species are afforded legal protection under the ESA and CESA. Species that meet the definition of rare or endangered under the CEQA Section 15380 are also considered special-status species. Animals on the CDFW's list of "species of special concern" (most of which are species whose breeding populations in California may face extirpation if current population trends continue) meet this definition and are typically provided management consideration through the CEQA process, although they are not legally protected under the ESA or CESA. Additionally, the CDFW also includes some animal species that are not assigned any of the other status designations in the CNDDDB "Special Animals" list. The CDFW considers the taxa on this list to be those of greatest conservation need, regardless of their legal or protection status.

Plants listed as rare under the California Native Plant Protection Act (CNPPA) or on the California Native Plant Society (CNPS) list are also treated as special-status species in accordance with CEQA Guidelines Section 15380. In general, the CDFW considers plant species on List 1 (List 1A [Plants presumed extinct in California] and List 1B [Plants rare, threatened, or endangered in California and elsewhere]), or List 2 (Plants rare, threatened, or endangered in California, but more common elsewhere) of the CNPS *Inventory of Rare and Endangered Vascular Plants of California* (CNPS, 2015) as qualifying for legal

protection under this CEQA provision.³ In addition, species of vascular plants, bryophytes, and lichens listed as having special-status by the CDFW are considered special-status plant species (CDFW, 2015a).

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The federal Migratory Bird Treaty Act (MBTA) of 1918 and California Fish and Game Code Section 3513 prohibit killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Birds of prey are protected in California under Fish and Game Code Section 3503.5. Section 3503.5 states that it is “unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto.” In addition, fully protected species under the Fish and Game Code Section 3511 (birds), Section 4700 (mammals), Section 5515 (fish), and Section 5050 (reptiles and amphibians) are also considered special-status animal species. Species with no formal special-status designation, but thought by experts to be rare or in serious decline, are also considered special-status animal species (CDFW, 2015b).

Sensitive habitats include riparian corridors, wetlands, habitats for legally protected species, areas of high biological diversity, areas supporting rare or special-status wildlife habitat, and unusual or regionally restricted habitat types. Habitat types considered sensitive include those listed on the CNDDDB’s working list of high priority and rare natural communities (i.e., those habitats that are rare or endangered within the borders of California) (CDFW, 2010), those that are occupied by species listed under ESA or are critical habitat in accordance with ESA, and those that are defined as ESHA under the CCA). Specific habitats may also be identified as sensitive in city or county general plans or ordinances. Sensitive habitats are regulated under federal regulations (such as the Clean Water Act [CWA] and Executive Order 11990 – Protection of Wetlands), state regulations (such as CEQA and the CDFW’s Streambed Alteration Program), or local ordinances or policies (such as city or county tree ordinances and general plan policies).

The primary literature and data sources reviewed in order to determine the occurrence or potential for occurrence of special-status species within the project site are as follows: current agency status information from the Service and CDFW for species listed, proposed for listing, or candidates for listing as threatened or endangered under ESA or CESA, and those considered “species of special concern” by the CDFW (2015b); the CNPS *Inventory of Rare and Endangered Vascular Plants of California* (CNPS, 2015); and CNDDDB occurrence reports (CDFW, 2015b). The Cupertino quadrangle and the eight surrounding quadrangles (Big Basin, Castle Rock Ridge, Los Gatos, Milpitas, Mindego Hill, Mountain View, Palo Alto, and San Jose West) from the CNDDDB were reviewed for documented special-status species occurrences in the vicinity of the project site.

From these resources, a list of special-status plant and wildlife species known or with the potential to occur in the vicinity of the project site was created (Appendix A). The list presents these species along with their legal status, habitat requirements, and a brief statement of the likelihood to occur.

Survey Results

Reconnaissance-level biological surveys were conducted in the project site on September 29, 2015 by DD&A Senior Environmental Scientist, Matthew Johnson. This included the garden area and adjacent parking area. Survey methods included walking the project site and using aerial maps to identify general

³ Species on CNPS List 3 (Plants about which we need more information - a review list) and List 4 (Plants of limited distribution - a watch list) may, but generally do not, qualify for protection under this provision. This analysis considers species on CNPS Lists 1 or 2 as special-status species.

habitat types and potential sensitive habitats. Concurrently, a reconnaissance-level wildlife habitat survey was conducted to identify suitable habitat and observe any special-status wildlife species.

The project site consists of the developed and landscaped Hakone Gardens, existing structures, and adjacent parking lot. Surrounding the immediate project site is mixed redwood forest. Tree species observed occupying the canopy of this habitat type include; redwood (*Sequoia sempervirens*), coast live oak, (*Quercus agrifolia*), valley oak (*Quercus lobata*), madrone (*Arbutus menziesii*), and toyon (*Heteromeles arbutifolia*). The understory is dominated by redwood needle litter and sparsely populated fern (*Polystichum* sp.) species. Within the boundaries of the Hakone Gardens, where the renovations and potential impacts are proposed, the vegetation subsists of maintained horticultural species, dominated by several species of bamboo. An aquatic resource exists within the center of the maintained Hakone Gardens. The aquatic resource is subject to the Hakone Gardens maintenance regime and is inhabited by koi (*Cyprinus carpio*) and pond slider turtles (*Trachemys scripta*).

Special-Status Species

Published occurrence data within the project site and surrounding USGS Quads were evaluated to compile a table of special-status species known to occur in the vicinity of the project site (refer to Appendix A). Each of these species was evaluated for their likelihood to occur within and immediately adjacent to the project site. The special-status species that are known to, or have been determined to have a moderate or high potential to occur within or immediately adjacent the project site are discussed below. All other species presented in Appendix A are assumed “unlikely to occur and therefore are unlikely to be impacted for the species-specific reasons presented in Appendix A.

Special-Status Plant Species

The project site was evaluated for the presence, or potential presence, of a variety of special-status plant species. A total of 57 special-status plant species have been documented within the USGS quadrangles evaluated. No special-status plant species were observed within the project site during the survey in September. None of the potential special-status plant species presented in Appendix A are expected to occur within the project site due to the landscaping/maintenance regime that eliminates the natural recruitment of vegetation within the project site. If special-status species were to occur within the project site they would be considered landscape/horticultural and would not be afforded the same protection as naturally occurring populations.

Special-Status Wildlife Species

The project site was evaluated for the presence, or potential presence, of a variety of special-status wildlife species. A total of 43 special-status wildlife species have been documented within the USGS quadrangles evaluated. No special-status wildlife species were observed within the project site during the survey in September. Six special-status wildlife species have at least a low potential to occur within the project site. A discussion of these species along with their likelihood to occur within the project site is presented below.

Western Pond Turtle

The CDFW recognizes the western pond turtle (*Emys marmorata*, WPT) as consisting of two subspecies, the northwestern pond turtle (*E. m. marmorata*), which occurs from Washington south to the San Francisco Bay area, and the southwestern pond turtle (*E. m. pallida*), which occurs from the San Francisco Bay area south to Baja California Norte, Mexico. Both subspecies have been identified as Species of Special Concern. These two subspecies have historically been distinguished by morphological

characteristics, particularly differences in neck markings and the presence or absence/reduction of inguinal plates. However, recent genetic studies have identified four geographically distinct clades. One clade is congruent with the range of the northwestern pond turtle, with the exception that the range is extended to San Luis Obispo County; however, no clade was congruent with the range of the southwestern pond turtle. As such, for the purposes of this report the western pond turtle is discussed on a species level and not at the CDFW-recognized subspecies level and both subspecies and all clades will be considered special-status and species of special concern as designated by CDFW.

The WPT ranges from west of the Cascade-Sierra crest from western Washington to northern Baja California. It occurs primarily in riparian habitat, where pools are preferred over shallow reaches. The WPT feeds on aquatic plants, such as pond lilies, beetles, aquatic invertebrates, fishes, frogs, and carrion. It requires basking sites such as partially submerged logs, rocks, mats of floating vegetation, or open mud banks, as well as underwater retreats to hide from predators and humans. Females deposit their eggs in nests in sandy banks or, in the case of foothill streams, in upland areas away from the stream. Nests have been observed in many soil types, from sandy to very hard, and have been found up to 100 m (325 feet) from the water.

The CNDDDB identifies 10 WPT occurrences within the USGS quadrangles examined. The closest CNDDDB occurrence of this species is a 2003 record, approximately 2.2 miles south of the project site at Lake Ranch Reservoir. A discussion of this species was included due to the presence of suitable aquatic and basking habitat within the project site. However the presence of pond slider turtles, the competition for basking sites, and the lack of observations at a resource that is highly available, reduces the potential for presence to low.

California Red-Legged Frog

The California red-legged (*Rana draytonii*, CRLF) is listed as a federally Threatened species and a CDFW Species of Special Concern. Critical Habitat was designated for CRLF in 2006. The CRLF is the largest native frog in California and was historically widely distributed in the central and southern portions of the state. Adults generally inhabit aquatic habitats with riparian vegetation, overhanging banks, or plunge pools for cover, especially during the breeding season. They may take refuge in small mammal burrows, leaf litter, or other moist areas during periods of inactivity or to avoid desiccation. Adults engage in straight-line breeding season movements irrespective of riparian corridors or topography and they may move up to two miles between non-breeding and breeding sites. During the non-breeding season, a wider variety of aquatic habitats are used including small pools in coastal streams, springs, water traps, and other ephemeral water bodies. CRLF may also move up to 300 feet from aquatic habitats into surrounding uplands, especially following rains, where individuals may spend days or weeks.

The CNDDDB identifies 18 CRLF occurrences within the USGS quadrangles examined. The closest known occurrence of this species is approximately 450 feet north of the project site, across Big Basin Road on Saratoga Creek. As discussed previously, the project site contains an aquatic resource; however this aquatic resource (koi pond) does not provide suitable breeding habitat for this species due to the presence of koi and the maintenance regime at Hakone Gardens. Dispersal habitat does not exist within the project site due to the development of a majority of the Hakone Gardens and lack of cover for this species. Although there is an occurrence for this species within the known distribution range and the project site is within the historic range for CRLF, due to the presence of koi within the aquatic resource and the lack of suitable dispersal habitat, there is only a low potential for this species to occur on the project site.

Raptors and Other Protected Migratory Birds

Raptors, other migratory bird species and their nests are protected under the MBTA and Department of Fish and Game Code Sections 3503 and 3503.5. All active nests are protected from take by Code Sections 3503 and 3503.5. While the life histories of these species vary, overlapping nesting similarities (approximately February to September) allows their concurrent discussion. Common raptor and other migratory bird species likely to occur (at least for foraging) within or adjacent to the project site include, but are not limited to, red-tailed hawk (*Buteo jamaicensis*), red-shoulder hawk (*B. lineatus*), great horned owl (*Bubo virginianus*), acorn woodpecker (*Melanerpes formicivorus*), varied thrush (*Ixoreus naevius*), Vaux’s swift (*Chaetura vauxi*), brown creeper (*Certhia americana*), and American kestrel (*Falco sparverius*). Special-status avian species with the potential to occur within and immediately adjacent to the project site include American peregrine falcon (*Falco peregrinus anatum*), long-eared owl (*Asio otus*), purple martin (*Progne subis*) and Cooper’s hawk (*Accipiter cooperii*). Most raptors are breeding residents throughout much of the wooded portions of the state. Raptors can be found from sea level to above 9,000 feet. Stands of live oak, riparian deciduous, or other forest habitats, as well as open grasslands, are used most frequently. Nesting also occurs in isolated stands of trees adjacent to foraging habitat. Most species nest in tree crotches 10 to 80 feet, but usually 20 to 50 feet, above ground. Breeding occurs between March and August, with peak activity from May through July. Prey for these species include small birds (especially young during the nesting season), small mammals, and some reptiles and amphibians. Many raptor species hunt in open woodland and habitat edges and often in agricultural fields.

The CNDDDB identifies 20 special-status avian species within the USGS quadrangles examined. Suitable nesting habitat for four of these species (Cooper’s hawk, purple martin, American peregrine falcon and long-eared owl) exists within the trees on and adjacent to the project site. There is a moderate potential for these special-status avian species, as well as several raptor and other avian species afforded protection by the MBTA or CDFG Code, to occur within and adjacent to the project site.

Sensitive Habitats

No sensitive habitats were observed during the project site visit and none are expected to occur. Development and maintenance associated with the Hakone Gardens prohibit the establishment of sensitive habitats.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			6

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	6
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		6
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			6
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	6

Explanation

- a) **Less Than Significant with Mitigation Incorporated.** The project could impact special status nesting bird species. Raptors and other protected migratory birds, including some special-status species have the potential to nest in the trees located within and adjacent to the project site. Construction activities associated with the implementation of the project, including ground disturbance and the use of heavy machinery, have the potential to impact these species through nest abandonment. This is considered a potentially significant impact that can be reduced to a less-than-significant level with implementation of mitigation measures identified below.

Mitigation Measures

BIO-1 To avoid impacts to nesting raptors and other migratory bird species, construction activities, including vegetation removal shall be scheduled outside of the breeding season (February 15 through August 1). If this is not possible, pre-construction surveys shall be conducted for nesting raptors and/or other migratory bird species in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the project boundary by a qualified biologist within seven days prior to the commencement of construction activities. If protected nesting bird species are identified during pre-construction surveys, an appropriate buffer will be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). The exact diameter of the buffer will dependent upon consultation with a qualified biologist and the project/site specific conditions at each nest location. A qualified biological monitor shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work may proceed within the designated buffer zone of an active nest until such time as all young are fledged, or until after August 1 (when young are assumed fledged).

- b) **No Impact.** An aquatic resource (koi pond) is identified within the project site; however the resource is isolated and is subject to the maintenance associated with the existing garden operations. The aquatic resource is not considered sensitive habitat by the CDFW. No impacts to sensitive habitats are expected as a result of the project.
- c) **No Impact.** An aquatic resource (koi pond) is identified within the project site; however the resource is isolated and is subject to the maintenance associated with the existing Hakone Gardens development. The aquatic resource is not under USACE jurisdiction. No impacts to federally protected wetlands are expected as a result of the project.
- d) **Less Than Significant Impact.** Project activities are expected to temporarily impact wildlife movement within areas that are under construction. Noise and disturbance associated with construction activities could cause species that commonly use habitats in the project site for dispersal to at least temporarily avoid dispersal through the project site. These effects would be temporary, and once construction activities are complete, wildlife movement conditions would be similar to pre-existing conditions. Therefore, this represents a less-than-significant impact.
- e) **Less Than Significant with Mitigation Incorporated.** The project may result in removal, damage, pruning, or encroachment upon trees defined as protected by City of Saratoga Municipal Code (Tree Ordinance). Although, the City's Tree Ordinance applies only to private development project, the final project design will avoid trees to the extent possible and implement the following mitigation to assure that impacts related to tree removal remain less-than-significant.

Mitigation Measures

- BIO-2 An Arborist Report will be prepared prior to the removal of trees of a size subject to City of Saratoga's Tree Ordinance.
- BIO-3 If any trees of a size subject to City of Saratoga's Tree Ordinance are proposed for removal, a Tree Removal and Protection Plan (TRPP) will be prepared. The plan will identify tree replacement requirements as well as protective measures to be implemented before, during, and, after any activity affecting one or more trees. The plan will also include requirements for future maintenance in order to preserve and protect all newly planted trees or those to be retained on the site.
- f) **No Impact.** There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans located within the project boundaries or immediate vicinity.

E. CULTURAL RESOURCES

Setting

Hakone Estate & Gardens are the oldest Japanese and Asian estate gardens in the Americas and Europe. San Francisco cultural leaders Isabel and Oliver Stine bought 18 acres to found the garden in 1915 because they were inspired by the Pan-Pacific Exhibition. Isabel visited Japan and one of her favorite places was Fuji-Hakone-Izu National Park. It became the namesake for Hakone Estate & Gardens.

From 1917 to 1929 the Stines built this summer retreat in the hills overlooking the Santa Clara Valley. Architect Tsunematsu Shintani designed the Upper “Moon Viewing” house and landscape gardener Naoharu Aihara designed the gardens. The Stines brought master artisans from Japan to build their retreat.

All of the structures on the site are part of the Hakone Historic District and are included in its formal designation listing in the National Register of Historic Places, and are locally designated by the City of Saratoga as a City Landmark. The built structures and gardens fall into one of two cultural resource evaluation categories: contributing and non-contributing. For contributing structures and gardens, the building exterior may be restored and repairs and restorations made to the interior. For non-contributing buildings, changes to the use of the building and its internal spaces are allowed provided the historic exterior is maintained, including the existing windows and doors.

Table 4 Hakone Historic District Contributing and Non-Contributing Features	
Principal contributing buildings	Upper House Tea Waiting Pavilion
Principal non-contributing buildings	Lower House
Other non-contributing buildings	Caretaker's Cottage Cultural Exchange Center (CEC) Tea Service Room Gift Shop Barn
Other contributing structures	Well Pump House Mon Gate Wisteria Pavilion Moon Bridge Upper Pavilion Wisteria Arbor
Contributing gardens	Hill and Pond Garden Tea Garden Zen Garden
Non-contributing gardens	Bamboo Garden

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?		X			1, 2
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?		X			1, 2
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1,2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d) Disturb any human remains, including those interred outside of formal cemeteries?		X			1,2

Explanation

- a) **Less Than Significant Impact with Mitigation Incorporated.** All of the structures on the site are part of the Hakone Historic District and are included in its formal designation listing in the National Register of Historic Places, and are locally designated by the City of Saratoga as a City Landmark. The built structures and gardens fall into one of two cultural resource evaluation categories: contributing and non-contributing. The contributing and non-contributing structures are listed in Table 4. The improvements and other work identified in the Master Plan are consistent with the required protection efforts for historic structures with regards to contributing and non-contributing buildings. No major exterior alterations are proposed to any of the structures. As such, the historical significance of these structures will be preserved. Adverse impacts to the Hakone Historic District will be avoided by implementation of the following mitigation; therefore, the Master Plan will not cause a significant adverse change in the historical significance of any historical resources.

Mitigation Measures

CUL-1 Any proposed work to any listed structures will be reviewed by the City of Saratoga Heritage Preservation Commission (HPC), the City entity designated by local ordinance to review potential changes to City Landmarks. Proposed work will be reviewed by the HPC to assure compliance with the applicable criteria including the Secretary of the Interior Standards and local City Landmarks Review Criteria (City Code Section 13-20.070).

- b) **Less Than Significant Impact with Mitigation Incorporated.** Although unlikely, ground disturbance associated with the proposed improvements to Hakone could encounter archaeological or paleontological resources. This represents a potentially significant impact that will be reduced to a less-than-significant level with the following mitigation.

Mitigation Measures

CUL-2 In the event that archaeological resources, paleontological resources, or unique geologic features are encountered during ground disturbance, such activity shall be immediately halted, and a qualified archaeologist/paleontologist shall inspect the site. The qualified consultant shall arrange for the removal of any resources and provide documentation of any recovered resources to the City of Saratoga, the Northwest Information Center of the California Archeological Inventory, and the local historical society.

- c) **Less Than Significant Impact with Mitigation Incorporated.** The project site is not located in an area of any known or recorded paleontological resources. Although unlikely, ground disturbance associated with the project could encounter paleontological resources, which will be reduced to a less-than-significant level with implementation of mitigation CUL-1 above.

- d) **Less Than Significant Impact with Mitigation Incorporated.** The project is not expected to encounter human remains. In the unlikely event that human remains are discovered during excavation activities, the following mitigation measure will be implemented to avoid impacts associated with disturbance to such remains.

Mitigation Measures

CUL-3 If human remains are encountered during construction that results from approval of the proposed project, work shall be temporarily halted in the vicinity of the discovered remains, workers shall avoid altering the remains and nearby materials in compliance with Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California. These regulations require that, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, the Coroner shall notify the Native American Heritage Commission to attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

F. GEOLOGY AND SOILS

Setting

The site is on the northeastern flank of the northern Santa Cruz Mountains in the City of Saratoga. The northwest-trending San Andreas Fault zone is mapped about five miles west of the Hakone Gardens site. The soils on the site are identified as Literr-Urbanland-Merbeth complex, 15 to 30 percent slopes (Natural Resources Conservation Service, USDA). The Literr series consists of very deep, well drained soils that formed in alluvium from mixed rock sources located on hills of dissected terraces. The Merbeth series consists of very deep well-drained soils that formed in old alluvium from mixed rock sources also on dissected terraces.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 2
ii) Strong seismic ground shaking?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
iii) Seismic-related ground failure, including liquefaction?			X		1, 2
iv) Landslides?		X			1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X			1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X			1, 2
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	1,2

Explanation

- ai, aii) **Less Than Significant Impact.** As indicated on the Cupertino Quadrangle Alquist-Priolo Earthquake Fault Zone Maps prepared by the California Division of Mines and Geology, the site is located in proximity (two miles) to a potentially active portion of the San Andreas Fault. The project site is not located within the special studies zone boundary of the map. Since the renovations proposed to the existing structures are minor, the visitors to the site temporary, and the location of the site is outside of the special studies boundary, the project would have a less-than-significant impact with respect to exposing people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, or strong seismic ground shaking, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map.
- aiii) **Less Than Significant Impact.** Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced, typically during seismic shaking, causing the soils to liquefy. Sands and silty sands are particularly susceptible to liquefaction, and some silts and sensitive clays also exhibit liquefaction-type strength losses. The project site is not located in a mapped area of liquefaction (California Seismic Hazards Zones Map, Cupertino Quadrangle).
- aiv) **Less Than Significant Impact with Mitigation Incorporated.** According to the Seismic Hazards Zone Map, the project site is located in an area of potential earthquake-induced landslides where "...previous occurrence of landslide movement, or local topographic geological, geotechnical, and subsurface water conditions indicate a potential for permanent ground displacement..." The Hakone Gardens have not been subject to earthquake-induced landslides in the past. New structures include restrooms, offices, gift shop, tea house, a possible event hall, and a possible caretaker's residence in the second story of the new garden operations building. A geotechnical investigation will be required prior to construction of new structures on the site in accordance with the City of Saratoga requirements as set forth in the mitigation below. With mitigation, this potential impact will be reduced to a less-than-significant level.

Mitigation Measures

GEO-1A Prior to construction of any structures on the site, a geotechnical investigation shall be performed by a qualified geologist in order to provide specific design-level recommendations to be implemented into the final design of new structures (e.g., event hall).

GEO-1B The project shall adhere to all of the provisions of Saratoga's Municipal Code Chapter 16, Article 16-17, Excavation and Grading.

- b) **Less Than Significant Impact.** Site preparation, grading, and other construction activities would disturb soil and increase erosion. The proposed Master Plan includes a stormwater management program to control runoff and minimize erosion from new impervious areas. Section 16-17.130 of the Saratoga Municipal Code contains regulations to minimize potential erosion associated with grading activities. With implementation of erosion control measures as set forth in the Municipal Code and Mitigation GEO-1B, the project would not result in substantial soil erosion or the loss of topsoil, representing a less-than-significant impact.
- c) **Less-than-Significant Impact with Mitigation.** See discussions for aiii), aiv) and b) above. With the implementation of Mitigation GEO-1A and GEO-1B the potential impacts from geotechnical hazards will be reduced to a less-than-significant level.
- d) **Less-than-Significant Impact with Mitigation.** A geotechnical investigation was not completed for the Master Plan; however, mitigation is identified above that will require a geotechnical investigation for the final design plans for structures including the offices, tea house, and possible event hall. This investigation will determine whether any expansive soils are found on the site and provide recommendations if present. With the implementation of Mitigation GEO-1A and GEO-1B the potential impacts from expansive soil will be reduced to a less-than-significant level.
- e) **No Impact.** The project consists of reservoir improvements and does not involve septic tanks or alternative wastewater disposal systems.

G. GREENHOUSE GAS EMISSIONS

Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
7. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 2, 4
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 2, 4

Explanation

- a) **Less Than Significant Impact:** The BAAQMD identifies screening levels for evaluation of operational GHG emissions based on project size. The applicable land use category of the BAAQMD’s screening criteria tables for the project is “city park.” For operational impacts from GHG emissions, the screening size is 600 acres. The project, which consists of improvements to an existing 18-acre park, is below the BAAQMD screening thresholds for such uses and, therefore, the project would have a less-than-significant impact related to operational GHG emissions. Construction emissions are short-term and GHG emissions from future construction activities would nominally contribute to GHG emissions impacts. For this reason, BAAQMD does not identify a significance threshold for construction emissions.

The City of Saratoga has not adopted a qualified GHG reduction plan. In the absence of an applicable qualified GHG reduction strategy, BAAQMD’s adopted screening criteria for development projects are applicable to the Project. As discussed in a) above, the operational GHG emissions associated with the project would not exceed BAAQMD’s screening criteria. Furthermore, statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard, California Appliance Energy Efficiency Regulations, California Building Standards (i.e., California Green Building Standards [CALGreen] Code and the 2008 Building and Energy Efficiency Standards), California Renewable Energy Portfolio Standard (33 percent RPS), changes in the Corporate Average Fuel Economy Standards (e.g., Pavley I and Pavley II), and other measures that would ensure the State is on target to achieve the GHG emissions reduction goals of Assembly Bill (AB) 32.

- b) **Less Than Significant Impact.** The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project will not substantially increase GHG emissions based on BAAQMD screening criteria and will incorporate green building policies, as described in a) above.

H. HAZARDS AND HAZARDOUS MATERIALS

Setting

The project site has been occupied by the Hakone Estate and Gardens since 1915. The site does not contain any known hazardous materials contamination, nor is any expected given the site’s location and historic use as a park and gardens.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 2
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				X	1, 2
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 2
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	1, 2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	1, 2
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X		1, 2

Explanation

- a) **Less Than Significant Impact.** The Master Plan proposes renovation of an existing park and will not involve the routine transport, use, or disposal of hazardous materials, with the exception of the storage of household amounts of fertilizers and pesticides. These items are currently, and will continue to be, stored and used in accordance with the manufacturer's specifications.
- b) **Less Than Significant Impact.** See a) above. The project would not pose a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- c) **No Impact.** The project site is not located within ¼ mile of any schools.
- d) **No Impact.** The site is not located on the referenced list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e)-f) **No Impact.** The project site is not located within two miles of any airports and the proposed improvements would not otherwise create a safety hazard for people in the project area.
- g) **No Impact.** Implementation of the proposed Master Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project is improvement to the Hakone Estate & Gardens, and will not alter existing emergency response procedures or emergency access to the property.
- h) **Less Than Significant Impact.** On the Fire Hazard Severity Zones in State Responsibilities Areas map prepared by Cal Fire, the site is shown to be in a “high” Fire Hazard Severity Zone, where the categories are moderate, high, and very high. The area adjoining the project site includes open woodland and wooded residential areas. The project does not include the addition of residential units and would not serve to increase fire risk on or off the site that could increase the risk to surrounding properties. This represents a less-than-significant impact.

I. HYDROLOGY AND WATER QUALITY

Setting

Water quality in surface and groundwater bodies is regulated by the State and Regional Water Quality Control Boards (RWQCBs). The San Francisco Bay RWQCB is responsible for implementation of State and federal water quality protection guidelines in the project area. The RWQCB implements the Water Quality Control Plan (Basin Plan), a master policy document for managing water quality in the region.

Runoff water quality is regulated by the federal National Pollution Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act). The NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. The program is administered by the California RWQCBs. The City of Saratoga is a member agency in the Santa Clara Valley Urban Runoff Pollution Prevention Program, which helps to reduce the amount of runoff pollution by incorporating regulatory, monitoring and outreach measures aimed at reducing pollution in urban runoff to the "maximum extent practicable," to improve the water quality of South San Francisco Bay and the streams of the Santa Clara Valley.

Properties within the City of Saratoga and the County of Santa Clara, must comply with all relevant stormwater permitting requirements. The three regulatory stormwater permits and their stormwater management requirements that likely apply to the site are as follows:

1. State Construction General Permit - applies if disturbed area is \geq one acre
2. Municipal Regional Stormwater Permit (MRP) Provision C.3 – applies if project adds or replaces more than 10,000 square feet impervious cover
3. Hydromodification Management (HM) – applies if project adds or replaces \geq one acre of impervious cover AND has a net total increase of impervious cover.

The project site is located in the Saratoga Creek watershed. The Saratoga Creek watershed is part of the San Tomas Aquino watershed, within the Santa Clara Basin sub watershed to the larger San Francisco Bay Watershed. The firm Biohabitats completed a preliminary stormwater management analysis for the

project (October 1, 2015) that is contained in Appendix B. The following discussion is based on this evaluation and recommendations, to be incorporated into the proposed Master Plan.

Upper Site. The Hakone Gardens lies on a steep hillside slope. The Hakone site receives stormwater runoff from the slope uphill of the gardens as well as from neighboring residential properties. The upper elevations of the property are predominantly permeable gardens with gravel or stabilized pathways. While much of the stormwater runoff infiltrates into the permeable garden areas, no formal stormwater management system is in place for the upper gardens and some stormwater runoff enters the koi pond. According to the garden’s maintenance crew (Jacob Kellner), during substantial rain events, runoff from uphill flows through the gardens and cuts gullies into the pathways.

Lower Site. Stormwater that doesn’t infiltrate in the upper gardens drains to the onsite parking lot and entry area. There are catch basin storm drains near the entry, restrooms, and at the low point where the parking lot meets the entry road (in front of the gift shop). One gated, residential road accessed through the main parking lot drains runoff from hardscape of multiple residences into the Hakone parking lot. Garden maintenance staff has indicated that combined runoff from the upper site, entry, parking lot, and neighboring residential property areas clog and flood the main catch basin drain in front of the gift shop. Surface stormwater runoff leaving the parking lot that is not drained through the catch basin system is conveyed via curb and gutter to the entry road. The City of Saratoga installed a series of newer curb cuts and catch basins along the upper exit road (the entry/exit road splits into two, one-way lanes). The catch basin system (as well as at least one other exposed culvert from residential areas and the direct road drainage) drains to a vegetated basin located between the entry and exit roads. The retention capacity of this basin is considered minimal, with most of the stormwater quickly overflowing through a culvert under the entry road. Further analysis is required to determine the functionality of this basin as well as potential retrofit opportunities to improve this function. This culvert drains to an eroding gully on a steep slope, into another culvert flowing under Highway 9/Big Basin Way and into Saratoga Creek.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?			X		1, 2
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.			X		1, 2, 7

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X		1, 2, 7
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X		1, 2, 7
f) Otherwise substantially degrade water quality?			X		1, 2
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	1, 2
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?				X	1, 2
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 2
j) Inundation by seiche, tsunami, or mudflow?			X		1, 2

Explanation

- a) **Less Than Significant.** Renovations to Hakone Gardens identified in the Master Plan will be subject to all applicable water quality standards as required by the Santa Clara Valley Urban Runoff Pollution Prevention Program and waste discharge requirements. Proposed improvements must also be implemented in accordance with all building permits from the City of Saratoga to demonstrate compliance with the provisions of the Municipal Code related to water quality and waste discharge. Since the project would disturb one acre or more of land, a Storm Water Pollution Prevention Plan (SWPPP) would be required.
- b) **No Impact.** The project would not divert water from groundwater sources or increase impervious surfaces that would prevent ground water recharge. Therefore, the proposed improvements would not deplete or otherwise adversely affect groundwater supplies or recharge.
- c) – e) **Less Than Significant Impact.** Based on Biohabitats’ initial analysis, the existing stormwater management system at Hakone Gardens appears inadequate. According to maintenance staff, storm runoff flows through pathways and into the koi pond in the upper portion of the site, creating maintenance issues, accumulated flows on the lower end of the property clog and flood catch basins, and runoff quickly overflows and drains through the vegetated collection basin between the entry driveways. Based on preliminary observation of the outfall for the property, the site is likely contributing to erosion and increased suspended solids in Saratoga Creek. Typical parking lot pollutants such as oil and metals as well as any fertilizers applied to the gardens may also be flowing from the site into Saratoga Creek. In order to address these issues, the Master Plan incorporates the recommendations of the stormwater management study to implement methods to slow, harvest, filter, and infiltrate stormwater on the site. Although the upper garden area is located outside of the current Master Plan design area, the stormwater management study recommends managing the runoff flowing into the gardens from off-site and uphill sources as follows: 1) identifying runoff patterns and areas of erosion, and 2) using on-

contour rock or vegetated swales, erosion control measures, and micro-bioretenion practices to slow, infiltrate, and direct runoff to infiltration and drainage facilities at lower elevations.

Based on preliminary calculations, the Master Plan will add/replace approximately 56,000 square feet of impervious area. Since the Limit of Disturbance (LOD) is greater than one acre, a State Construction General Permit is required. Since the new and replaced impervious cover is over 10,000 square feet, the Municipal Regional Stormwater Permit (MRP) Provision C.3 are also applicable to the project. The percent replacement of impervious cover within the LOD is greater than 50% and will be subject to the MRP stormwater management measures for all area within the LOD (not just for the new/replaced impervious area). The project is also subject to the Hydromodification Management (HM) regulations.

The State Construction General Permit will require development and implementation of a SWPPP. With some overlap in measures, the MRP will require source control, site design, and treatment. The HM requires flow duration controls such as a detention basin or similar storage facility. In order to manage stormwater on the Hakone Estate & Gardens site, the Master Plan will incorporate the following strategies recommended in the stormwater management study.

1. Account for stormwater flowing through the site from offsite sources to reduce maintenance and protect the larger Saratoga Creek and San Francisco Bay watersheds.
2. In accordance with a SWPPP, conduct erosion and sediment control and monitoring during and after construction.
3. Implement as many of the site design measures recommended by the County as possible, such as:
 - a. Minimize land disturbance
 - b. Minimize impervious surfaces
 - c. Provide minimum-impact parking lot design
 - d. Cluster structures/pavement
 - e. Use disconnected downspouts
 - f. Use pervious pavement
 - g. Incorporate green roofs
 - h. Direct runoff from impervious cover to pervious areas (planting areas or other permeable surfaces), such as:
 - Microdetention in landscape
 - Other self-treating and/or self-retaining area
 - i. Harvest and reuse rainwater
4. Implement as many of the source control measures recommended by the County as possible, such as:
 - a. Alternative (non-toxic/leaching) building materials
 - b. Wash areas, dumpsters, material storage and other pollutant contributing maintenance areas drain to sanitary sewer and are covered
 - c. Proper maintenance (pavement sweeping, catch basin cleaning, etc.)
 - d. Beneficial landscaping – minimize irrigation, runoff, pesticides & fertilizers; use of landscape area for treatment and infiltration
5. Provide treatment systems in accordance with the County's requirements for stormwater LID and biotreatment practices, as follows:

- a. Rainwater/Stormwater Harvesting and Reuse. Harvest rainwater from structures in above or below ground rainwater cisterns and/or surface stormwater at low points in underground stormwater cisterns; reuse harvested rainwater and stormwater for garden irrigation.
- b. Infiltrator/Bioinfiltration (basin, trench, or other). Soil testing in specified areas will be needed to determine the ability of existing soil to infiltrate stormwater (a key factor in sizing these practices). If soil allows sufficient infiltration, grading should direct runoff to pervious infiltration areas. These areas can be planted or gravel/rock surfaces with sub-surface media to encourage infiltration.
- c. Biotreatment/Bioretenion. If soil infiltration capacities are insufficient or harvesting and infiltration practices are infeasible, stormwater runoff may be treated and retained in bioretention areas (similar to bioinfiltration but with piped under drains and overflow strategies).
- d. Retrofit of existing vegetated detention basin. The application of the HM requirements could likely be met by retrofitting (excavating/regrading for more depth/detention capacity and revegetating with appropriate planting) the existing vegetated detention basin between the entry roads. Ideally the overflow swale flowing under Highway 9 to Saratoga Creek would be stabilized with rock work and planting to also address erosion.

The alternative Master Plan scenario to include a new 5,080 square foot event hall in lieu of renovating the CEC would result in an increase in new impervious roof area and an increase in the total impervious area. However, the regulatory implications and resulting recommendations would remain the same.

With implementation of the drainage improvements identified in the preliminary stormwater management study, included as part of the Master Plan, the project will have less-than-significant impacts on drainage and water quality.

- d) **Less Than Significant Impact.** Refer to c) above. The project would not alter the existing drainage pattern of the site or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Implementation of the proposed drainage system will improve drainage and flooding conditions.
- e) **Less Than Significant Impact.** See d) above. Implementation of the project would not create or contribute runoff that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff with implementation of the proposed drainage system.
- f) **Less Than Significant Impact.** The project would not substantially degrade water quality, as described in c) above.
- g) **No Impact.** The project does not propose the development of any housing or other habitable structures in a floodplain.
- h) **Less Than Significant Impact.** The project would not impede or redirect flood flows. Implementation of the proposed drainage system will improve drainage conditions on the site.

- i) **No Impact.** The proposed garden renovations would not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam.
- j) **Less Than Significant Impact.** The project site is not located in an area subject to significant seiche or tsunami risk. The project area is in a mountainous region subject to mudflow risks. The project would be constructed during the dry season and would be short-term to avoid mudflow risks to construction workers.

J. LAND USE

Setting

The project site is designated Outdoor Recreation (OS-OR) in the City of Saratoga General Plan (Land Use Element, June 2006). This subcategory consists of City or County parks or lands designated for those uses. Only recreational facilities (i.e. playground equipment, recreational courts, etc.) and structures necessary to support the parks or structures of particular historic value are permitted in these areas. These sites are considered to be of particular value for recreational purposes. The Land Use Element acknowledges that parks such as Hakone Gardens preserve significant vegetation features.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1,2,4
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X	1,2

Explanation

- a) **No Impact.** The proposed Master Plan improvements will not physically divide an established community.
- b) **No Impact.** The project site is designated Outdoor Recreation (OS-OR) in the City’s General Plan. This designation is applied to City or County parks or lands designated for those uses. Only recreational facilities (i.e. playground equipment, recreational courts, etc.) and structures necessary to support the parks or structures of particular historic value are permitted in these areas. These sites are considered to be of particular value for recreational purposes. The Master Plan does not propose any changes in land use of the site. The Master Plan includes improvements to the site and gardens consistent with current features on the site. The project does not propose any changes to the general plan, zoning ordinance, or other principal planning

document. The project is consistent with the City’s goals to improve and maintain Hakone Gardens. The project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

- c) **No Impact.** The project site is located outside the boundaries of the SCVHCP. Refer to Section D. Biological Resources of this IS for further discussion.

K. MINERAL RESOURCES

Setting

The California Department of Conservation, Geological Survey (CGS) classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the state of California into their General Plans. The Saratoga General Plan, Open Space and Conservation Element, does not identify significant mineral resources within the city limits.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1,2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	1,2

Explanation

- a) **No Impact.** The project will not result in the loss of availability of a known mineral resource.
- b) **No Impact.** The project would not affect the availability of any mineral resources from mineral recovery sites.

L. NOISE

Setting

Noise is measured in decibels (dB), and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The noise descriptor DNL (day-night average sound level) is the average noise level over a 24-hour period, with sensitive nighttime hours of 10 PM – 7 AM penalized by 10 dB. The noise descriptor L_{eq} references the equivalent continuous noise level over a stated period of time.

The City of Saratoga’s updated Noise Element includes policies and implementation measures intended to promote the following goals: 1) maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise, 2) promote land-use compatibility by addressing noise exposure from existing noise sources, 3) promote land-use compatibility by addressing noise exposure from new noise sources, and 4) maintain or reduce noise levels generated by the ground transportation system. The Noise Element establishes land use compatibility guidelines for new development. The land use compatibility guidelines use the DNL descriptor and identify the “normally acceptable” noise level from open space/park uses of up to 60 dB DNL. For residential uses, the “normally acceptable” noise level is up to 60 dB DNL from single family residential use.

The City of Saratoga Municipal Code contains regulations limiting noise levels. In compliance with the Municipal Code, operations at Hakone Estate & Gardens shall not cause, produce, or allow to be produced any noise that exceeds these noise standards at any point outside its property boundary, as set forth in Section 2.5 Project Description. Table 5 below presents the permissible noise levels for residential and public park uses in the City’s Noise Ordinance (Article 7-30 of the Municipal Code).

Land Use	Daytime (7 AM to 7 PM)		Evening (7 PM to 10 PM)		Nighttime (10 PM to 7 AM)	
	Avg L_{eq}	Maximum L_{max}	Avg L_{eq}	Maximum L_{max}	Avg L_{eq}	Maximum L_{max}
Residential	55	65	45	55	40	50
Open Space/Parks	60	70	50	60	45	55
Commercial/Office	65	75	60	70	55	65
Public and Quasi-Public Facilities	60	70	55	65	50	60

Avg = average
 L_{eq} = equivalent continuous average A-weighted noise level over a stated period of time.
 L_{max} = maximum sound level over a stated period of time.

No noise measurements were taken as part of this IS evaluation; however, implementation of the Master Plan will not increase the maximum number of people allowed on the site for weddings and other events, which is 180 people (see Section 2.5 Project Description). Noise levels, therefore, will not increase over the current ambient levels. Weddings with receptions are the largest events and would generate the highest noise levels. These events are planned to increase slightly, from 35 to 40 per year. Noise sensitive receptors in the project area consist of single family residential uses to the east and southeast. Noise impacts from implementation of the Master Plan would be reduced to a less-than-significant level by precluding all events from exceeding the standards in Table 5 (see also Section 2.5 Project Description).

With regards to existing noise sources affecting Hakone Estate & Gardens, the Noise Element identifies noise levels along the Big Basin Way segment of Highway 9 adjacent to the project site at 68 dB DNL at

a setback of 50 feet from the roadway. Due to the distance of Hakone Estate & Gardens from Highway 9 (over 200 feet), the existing noise levels on the site from highway noise are expected to be relatively low and less-than-significant.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. NOISE. Would the project result in					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?			X		1, 2, 4
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X		1, 2
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 2, 4
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 2, 4
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	1, 2
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	1, 2

Explanation

a) **Less Than Significant Impact.** Implementation of the proposed project could have noise-related effects as follows:

1. Residents surrounding the project site could be exposed to short-term construction-related noise; however, construction noise will be temporary and periodic, and is addressed in d) below.
2. Residents surrounding the project site could be exposed to an increase in the number of weddings with receptions from 35 to 40, which are the largest events at the site and generate the highest noise levels. However, as described in above and in Section 2.5 Project Description, all future events must comply with the City’s Municipal Code noise limits.

Based on facility improvements, the marketing program, and demographics, annual attendance at Hakone is expected to increase from 35,000 to 75,000 upon buildout of the Master Plan (Runyan Associates, 2015). However, the average size of events will not increase, remaining at an average of 100 persons for the largest events (i.e., wedding with reception), with a maximum of 180 guests (see Section 2.5 Project Description). The number of events per year is expected to modestly increase from 225 to 260 per year upon buildout of the Master Plan. This includes an increase in weddings with receptions from 35 to 40 per year upon full implementation of the

Master Plan. The alternative Master Plan scenario to include a new approximately 5,000 square foot event hall in lieu of renovating the CEC would not increase the number of guests or events at Hakone beyond those described above. The increase in weddings with receptions is projected to increase by five events per year and attendance is projected to increase by up to 110 people per day on average at buildout of the Master Plan.

The Hakone Foundation limits noise levels on the site during events and these limitations will continue with implementation of the Master Plan. Sound levels generated in the gardens, the CED, or anywhere else on the site cannot exceed the maximum permissible outdoor noise levels at property boundaries in accordance with the City of Saratoga Municipal Code (Section 7-30.040). In addition, all music arrangements of any form must be approved by the Hakone Foundation in advance.

With the project, the Hakone Estate & Gardens will be slightly busier than under current conditions. However, activities and events are already occurring on the project site and the Master Plan does not introduce any new uses on the property. The modest increase in visitation and the number of large events will not be allowed to increase the noise levels generated on the project site and measurable at the property boundaries or in the project vicinity compared with existing conditions. The existing noise levels will not substantially increase from the additional weddings since all events must comply with Municipal Code noise limits. In conclusion, other than the short-term construction noise, implementation of the Master Plan will not expose sensitive receptors or generate noise levels in excess of the limits set forth in City's Municipal Code or substantially increase existing ambient noise levels in the project vicinity, thus representing a less-than-significant impact.

- b) **Less Than Significant Impact.** The project does not propose any equipment that will increase ground borne vibration levels. Some vibration could occur during construction activities, but this would be minor and intermittent. No pile driving or other heavy vibration equipment will be required for construction. The project, therefore, will not expose persons to or generate excessive ground borne vibration or ground borne noise levels.
- c) **Less Than Significant Impact.** The project would not result in substantial permanent increase in ambient noise levels in the project vicinity. See a) above.
- d) **Less Than Significant Impact with Mitigation Incorporated.** Temporary or periodic increases in ambient noise levels in the project vicinity resulting from events would be less-than-significant as described in a) above.

Construction activities associated with the development of the Master Plan facilities will result in short-term increases in noise. Noise impacts from construction activities depend on the type of construction equipment, the timing and length of activities, the distance between the noise generating construction activities and receptors, and shielding.

The nearest noise sensitive receptors to the project site are existing residences located adjacent to the east and southeast. Most of the construction activities would occur in the core garden area, about 100 feet from the nearest residences. However, grading for the parking lot would occur as close as 20 feet from the nearest residences along the east property line. Typical hourly average construction generated noise levels would range from about 77 to 89 dBA during busy construction periods, measured at a distance of 50 feet from the center of the construction site. These noise levels would have temporary significant impact on the nearest sensitive uses

(residences to the east). Proposed implementation of mitigation identified below during construction will reduce this impact to a less-than-significant level.

Mitigation Measures

NOI-1 Construction activities shall be limited to specific times pursuant to Saratoga Municipal Code 7-30.060, which limits construction activities to 7:30 a.m. to 6:00 p.m., Monday through Friday, and prohibits construction noise on weekends or legal holidays.

- e) **No Impact.** The project is not located within an airport land use plan or near any public airports.
- f) **No Impact.** The project is not located near any private airstrips.

M. POPULATION AND HOUSING

Setting

The proposed project does not include development of housing or a significant increase in employment that would affect population or housing characteristics.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1,2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1,2

Explanation

- a) **No Impact.** The improvements to Hakone, a public garden and park, will not directly or indirectly facilitate growth.
- b) **No Impact.** The improvements to Hakone will occur entirely within the existing site boundaries and will not displace any existing housing, necessitating the construction of replacement housing.
- c) **No Impact.** The project will not displace any housing or people.

N. PUBLIC SERVICES

Setting

Hakone Gardens is owned by the City of Saratoga and operated and maintained by The Hakone Foundation. Police protection service to the site is provided by the Saratoga Police Department. Fire protection service is provided by the Santa Clara County Fire Department.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?				X	1,2
b) Police protection?				X	1,2
c) Schools?				X	1,2
d) Parks?				X	1,2
e) Other public facilities?				X	1,2

Explanation

a)–e) **No Impact.** The proposed project consists of improvements to Hakone Estate & Gardens, an existing City park. The project will not impact fire, police, school, park, or other public services such that new or physically altered governmental facilities would be required to meet adequate service levels. Hakone Estate & Gardens will continue to be operated and maintained by The Hakone Foundation.

O. RECREATION

Setting

Implementation of the proposed Master Plan is intended to improve existing facilities at Hakone to enhance the visitor experience, provide ADA accessibility, and improve meeting and event spaces.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1,2
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	1,2

Explanation

- a) **No Impact:** Implementation of the proposed Master Plan is intended to improve existing facilities at Hakone to enhance the visitor experience. However, the proposed improvements would not create additional demand such that the onsite park amenities would be substantially deteriorated. On the contrary, implementation of the proposed project would improve the park facilities and accessibility to those facilities.
- b) **No Impact:** Implementation of the proposed Master Plan would improve the existing gardens and park facilities at Hakone Estate & Gardens. Based on the analysis in this IS/MND, the project would not have a significant adverse impact on the environment with implementation of identified mitigation

P. TRANSPORTATION

Setting

Hexagon Transportation Consultants, Inc. has completed a traffic assessment of the proposed Hakone Master Plan (November 21, 2015). This memo is contained in Appendix C. The purpose of this assessment was to determine if the Master Plan would substantially increase traffic to and from the site. Hakone Gardens is located on Highway 9 about one-half mile west of downtown Saratoga. Access to the site is provided by a single driveway that connects to Highway 9. The site currently provides 78 parking spaces.

Attendance at Hakone Gardens comprises gate admissions (regular visitors) and special events. Special events include weddings, photo shoots, student groups, and business meetings. Current annual attendance is estimated at 35,000 with 23,000 consisting of gate admissions and 12,000 consisting of special events. Hakone is open every day. Dividing 35,000 by 365 yields an average daily attendance of 96 people, although this number can vary considerably depending on special events.

During events, the Hakone Foundation restricts the number of vehicles that can park on the site. During large special events, the party sponsoring the event must arrange for shuttle service to the site. This is typically accomplished by hiring a private shuttle service to use shuttle vans to transport guests to/from Hakone Gardens from West Valley College, where there is ample space for guests to park.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
15. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 2, 8
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 2, 8
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 2
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?			X		1, 2
e) Result in inadequate emergency access?			X		1, 2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The Master Plan proposes to upgrade the gardens and buildings at Hakone, improve disabled accessibility, and regrade/reconfigure the parking lot. The current driveway off Highway 9 would remain unchanged. The parking lot would provide 77 spaces compared to the existing 78 spaces. Based on facility improvements, the marketing program, and demographics, annual attendance at Hakone is expected to increase to 75,000 upon buildout of the Master Plan (Runyan Associates, 2015). This includes 60,000 gate admissions and 15,000 for special events. Also, the number of onsite employees is expected to increase from 11 to 23. The size of events is not expected to increase, remaining at an average of 100 persons, but the number of events is expected to increase from 225 to 260 per year, with the largest of these (wedding with reception) increasing from 35 to 40 events annually.

The Master Plan is projecting an increase in annual attendance from 35,000 (existing) to 75,000 (future). This includes gate admissions and special events. Typical visitors to the gardens, weddings, and other special events would arrive with an auto occupancy of two or more. Hexagon has determined that auto occupancy for special events typically averages around three persons per vehicle. It is logical to assume that most people would visit the gardens as part of a group or with at least one other person. Therefore, an assumed auto occupancy of two is reasonably conservative for gate admissions. Assuming two persons per vehicle for gate admissions and three per vehicle for special events yields an average of about 2.25 visitors per

vehicle on an annualized basis. An increase in attendance of 40,000 per year represents about 17,800 additional vehicles per year, or about 50 vehicles per day. The increase in employment will add another 12 vehicles per day. This represents a total increase of 62 vehicles per day on average.

Traffic studies typically focus on the busiest hours of the week to determine if the road system has sufficient capacity to accommodate projected traffic increases. The busiest hours are typically during the morning and evening commute periods.⁴ Studies have shown that peak hour traffic increases of 100 vehicles per hour or more are likely to change operating conditions on roadways and at intersections, including the entrance/exit intersection at Hakone Estate & Gardens. The increase in attendance at Hakone is projected to increase traffic, on average, by less than 100 vehicles per *day*, which is far below 100 vehicles per *hour*. Therefore, the impact to existing traffic operations will be less-than-significant.

In conclusion, the project will not adversely affect the performance of the circulation (roadway) system or conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

- b) **Less-than-Significant Impact.** See a) above.
- c) **No Impact.** The project will not result in any changes to air traffic patterns.
- d) **No Impact.** The project will not substantially increase hazards due to a design feature or incompatible uses.
- e) **No Impact.** The project will not result in inadequate emergency access. The Master Plan improvements to the parking area and service drives will be designed and constructed in compliance with City of Saratoga safety requirements.
- f) **No Impact.** The proposed renovations to Hakone will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No modifications are proposed to the access road from Highway 9.

Q. UTILITIES AND SERVICE SYSTEMS

Setting

Utilities are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San Jose/Santa Clara Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of Saratoga
- Water Service: San Jose Water Company
- Storm Drainage: City of Saratoga
- Solid Waste: West Valley Solid Waste Management
- Natural Gas & Electricity: PG&E

⁴ The peak traffic hours are typically from 7 – 9 AM and 4-6 PM.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1, 2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects?			X		1, 2
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		1, 2
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	1, 2
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	1, 2
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X		1, 2

Explanation

- a) **No Impact.** The proposed project will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b) **Less Than Significant Impact.** The improvements at Hakone include a new restroom facility. Improvements to the gardens could increase water demand; however, sustainability measures including the use of rain harvesting methods are proposed as part of the Master Plan. Although the proposed improvements may incrementally increase water demands and wastewater generation, this minor increase would not require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Less Than Significant Impact.** The project will maintain the connections to the City's storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems. A storm water management plan will be implemented as part of the Master Plan development to improve existing drainage conditions on the project site compared to existing conditions and reduce the quantity and improve the quality of runoff flows.
- d) **Less Than Significant Impact.** See b) above. Sufficient water supplies are available to serve the project from existing entitlements and resources.

- e) **Less Than Significant Impact.** See items a) and b) above. The project will not impact wastewater treatment services.
- f) **Less Than Significant Impact.** The project will not generate substantial solid waste that would adversely affect any landfills. The designated solid waste disposal site for trash collected in the City of Saratoga is the Guadalupe Landfill in San Jose. The solid waste facility permit for the landfill indicates an estimated closure date of the facility to be 2028. See also g) below.
- g) **Less Than Significant Impact.** The proposed park improvements and increase in future attendance would not generate substantial solid waste that would adversely affect the Guadalupe Landfill. Please note that for special events, the Hakone Foundation requires that caterers and/or the event sponsor remove trash and recycling from the property. The project will comply with all federal, state, and local statutes and regulations related to solid waste.

R. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			all
b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)			X		all
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		all

Explanation

- a) **Less Than Significant Impact with Mitigation Incorporated.** Based on the analysis provided in this Initial Study, the proposed project will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Mitigation is identified in the body of this Initial Study to avoid impacts associated with potential disturbance of nesting birds and possible disturbance of buried archaeological resources.

- b) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, the proposed project would not have significant cumulative impacts. All potential impacts of the proposed project would be less-than-significant or reduced to a less-than-significant level with incorporation of mitigation measures. Furthermore, potential impacts of the proposed project are limited to temporary construction activities that would be resolved upon completion of the project.

- c) **Less Than Significant Impact.** As identified in this Initial Study, implementation of the proposed project would not result in substantial adverse effects on human beings, either directly or indirectly.

This page left intentionally blank

Chapter 4. References

LEAD AGENCY

City of Saratoga

John Charbone, Director of Public Works
Mainini Cabute, Project Manager, Public Works

REPORT PREPARATION

Denise Duffy & Associates, Inc.

Environmental Consultant

Leianne Humble, Senior Planner/Project Manager
Matt Johnson, Associate Environmental Scientist
Robyn Simpson, Administration

PERSONS CONTACTED

Gary Black, Hexagon Transportation Consultants
Dennis Meyer, The Portico Group
Dean Runyan, Runyan Associates
Paul Sorensen, The Portico Group
Ken Tadashi, University of Washington

REFERENCES

Bay Area Air Quality Management District, 2011. *BAAQMD CEQA Guidelines*.

Bay Area Air Quality Management District, *Clean Air Plan*, March 2010.

Biohabitats, "Hakone Estate & Gardens Stormwater Management," memo dated October 1, 2015.

Bulger, J.B., N.J. Scott Jr., and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frog *Rana aurora draytonii* in coastal forests and grasslands. *Biological Conservation*, Vol. 110. Pp. 85-95.

CNPS, Rare Plant Program. 2015. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website <http://www.rareplants.cnps.org> [accessed 30 July 2015].

California Department of Fish and Wildlife. CDFW. 2010. List of California terrestrial natural communities recognized by the Natural Diversity Database.

CDFW. 2015a. California Natural Diversity Database Special Animals List. Available online at: <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/SPAnimals.pdf> (July 2015).

CDFW. 2015b. California Natural Diversity DataBase Rare Find Report (May & July 2015).

Ernst, C.H. and R.W. Barbour. 1972. *Turtles of the United States*. University Kentucky Press, Lexington, KY. 347 pp.

- Jennings, M.R. and M.P. Hayes. 1988. Habitat correlates of distribution of the California red-legged frog (*Rana draytonii*) and the foothill yellow-legged frog (*Rana boylei*): implications for management. Proceedings from Management of Amphibians, Reptiles and Small Mammals in North America Symposium 1988.
- Jennings, M.R. and M.P. Hayes. 1994. Amphibian and reptile species of special concern in California. Final report to the California Department of Fish and Wildlife, Inland Fisheries Division. 255 pp.
- Rathbun, G.B., M.R. Jennings, T.G. Murphey, and N.R. Siepel. 1993. Status and ecology of sensitive aquatic vertebrates in lower San Simeon and Pico Creeks, San Luis Obispo County, California. Unpublished report, National Ecology Research Center, Pederast Blancas Research Station, San Simeon, California. 103 pp.
- Saratoga, City of, General Plan Land Use Element. June 6, 2007.
- Saratoga, City of, General Plan Open Space and Conservation Element. June 6, 2007.
- Saratoga, City of, Updated Noise Element of the General Plan. March 5, 2014.
- Spinks, P.Q. and Shaffer, B. 2005. Range-wide molecular analysis of the western pond turtle (*Emys marmorata*): cryptic variation, isolation by distance, and their conservation implications. Molecular Ecology Vol. 14. Pp. 2047–2064.
- The Portico Group, Hakone Estate & Gardens Master Plan Report, October 20, 2015.
- U.S. Fish and Wildlife Service (Service). 2010. Birds Protected by the Migratory Bird Treaty Act. Available online at: <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtintro.html>
- Service. 2015. Listed, Proposed, and Candidate Species Which May Occur in Santa Clara County. Available online at: <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/SPAnimals.pdf> (September 2015).

CHECKLIST SOURCES

1. CEQA Guidelines and professional expertise of consultant
2. Project Plan and Site Review
3. BAAQMD CEQA Guidelines
4. City of Saratoga General Plan
5. Important Farmlands Map
6. Biological Investigation, 2015
7. Stormwater Management Study, 2015
8. Traffic Memo, 2015

